

ADMINISTRATIVE POLICIES & PROCEDURES MANUAL	DATE: April 13, 2016
	NO. 1204
Title VI and Nondiscrimination Policy and Plan	ORG. AGENCY Department of Human Resources and Workforce Development

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1204.01 STATEMENT OF POLICY

The City of Tallahassee values the diversity of all citizens in the community and welcomes participation from all interested parties in its programs, services, and activities, regardless of cultural identity or background. As a recipient of federal financial assistance, the City is committed to promoting the comprehensive realization of equal opportunity and equal access to all of its programs, services, and activities regardless of race, color, national origin, sex, religion, age, disability, marital or family status, sexual orientation, gender identity, or any other characteristic protected by law. The City will not tolerate any form of proscribed discrimination in any of its programs, services, or activities. Further, the City will not tolerate any form of retaliation directed against an individual who complains of discrimination pursuant to this policy or who participates in any investigation concerning discrimination pursuant to this policy.

1204.02 AUTHORITY

Authority for this policy resides in (1) the City's good-faith efforts to comply with Title VI of the Civil Rights Act of 1964 and related laws and regulations, including the Civil Rights Act of 1987; the Age Discrimination Act of 1975, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act of 1990, as amended; and the Americans with Disabilities Amendments Act of 2008; and (2) City Commission policies prohibiting discrimination based on sexual orientation, gender identity, or any other characteristic protected by law.

1204.03 SCOPE AND APPLICABILITY

This policy applies to all residents and employees of the City of Tallahassee, as well as all recipients of and participants in all City programs, services, and activities.

1204.04 DEFINITIONS

- A. DISCRIMINATION:** For the purposes of this policy, “discrimination” is any adverse action denying full and equal participation in or access to any program, service, or activity of the City based on one or more of the protected characteristics set forth in this policy.
- B. PROTECTED CHARACTERISTIC:** For the purposes of this policy, “protected characteristic” refers to an individual’s race, color, national origin, sex, religion, age, disability, marital or family status, sexual orientation, gender identity, or any other characteristic protected by law.

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C. RETALIATION: For the purposes of this policy, “retaliation” refers to taking an adverse action against an individual who has complained of discrimination under this policy or participated in the investigation of a complaint of discrimination under this policy.

1204.05 COMPLAINT PROCEDURE

1. The City of Tallahassee takes complaints of discrimination seriously and will promptly investigate all complaints of discrimination made under this policy. Any individual who believes he or she has been subjected to discrimination in or denied access to the City’s programs, services, or activities based on one or more of the protected characteristics defined in this policy may file a complaint with the City’s Title VI Coordinator in the Department of Human Resources and Workforce Development (HRWD) within 30 days of the alleged discrimination. Complaints may be submitted as follows:

a. Complaints may be made verbally or in writing to:

Kathleen Wright, Title VI Coordinator
City of Tallahassee
Department of Human Resources and Workforce Development
300 S. Adams Street, Box A-14
Tallahassee, Florida 32301
(850) 891-8266 (phone)
(850) 891-0833 (fax)
(850) 891-8169 or 711 (TTY/TDD)

b. Complaints may be filed electronically via e-mail to Kathleen.Wright@talgov.com.

2. If possible, the complaint should be submitted in writing and contain the identity of the complainant, the basis for the allegations (i.e., race, color, national origin, sex, religion, age, disability, marital or family status, sexual orientation, or gender identity), and a description of the alleged discrimination with the date of the incident. The Title VI Complaint Form can be found on the City’s website (www.talgov.com) or obtained from HRWD; however, any written correspondence containing the information outlined in the complaint form will be accepted as a complaint.

3. HRWD will investigate all Title VI complaints promptly and will make every effort to conclude Title VI investigations within 60 days of receipt of a complaint. Once

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received, the complaint will be recorded in the HRWD case management database and assigned for investigation. If additional information is needed from the complainant, HRWD will contact the complainant in writing. Failure of the complainant to provide the requested information in a timely manner may result in the administrative closure of the complaint or in a delay in complaint resolution.

4. Upon completion of its investigation, HRWD shall issue an investigative report with findings as to the nature and substance of the allegations to the complainant and the affected Department Director. If there are substantiated findings of discrimination, the Department Director, the applicable Assistance City Manager, the Director of Human Resources and Workforce Development, and the Office of the City Attorney will determine any corrective action to be taken as a result of the report's findings.

5. The findings of HRWD shall be final. Should the City be unable to satisfactorily resolve the complaint, the complaint and investigative report will be forwarded to one of the following:
 - a. Florida Department of Transportation
 Equal Opportunity Office
 ATTN: Title VI Complaint Processing
 605 Suwannee Street, MS 65
 Tallahassee, FL 32399

 - b. Florida Department of Transportation
 District 3 Title VI Coordinator
 ATTN: Title VI Complaint
 P.O. Box 607
 Chipley, FL 32428-0607

6. If a complainant is unable or unwilling to file a complaint with the City, he or she may file directly with the Florida Department of Transportation (FDOT). FDOT will forward the complaint to the appropriate state or federal agency. Complaints should be sent to:

Florida Department of Transportation
 Equal Opportunity Office
 ATTN: Title VI Complaint Processing
 605 Suwannee Street, MS 65
 Tallahassee, FL 32399

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1204.06 RETALIATION PROHIBITED

Retaliation against any individual for filing a discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal under federal law and is prohibited by this policy.

1204.07 ADA/SECTION 504 STATEMENT

Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA), as amended, and related federal and state laws and regulations prohibit discrimination against persons with disabilities. These laws require recipients of federal financial assistance and other government entities to take affirmative steps to reasonably accommodate persons with disabilities and ensure that their needs are equitably represented in the City’s programs, services, and activities.

The City will make every effort to ensure that its programs, services, and activities are accessible to persons with disabilities. Furthermore, the City will make every effort to ensure that its advisory committees, public involvement activities, and all other programs, services, and activities include representation by the disabled community and disability service groups.

The City encourages the public to report any facility, program, service, or activity that appears inaccessible to those who are disabled. The City will provide reasonable accommodation to persons with disabilities who wish to participate in public involvement events or who require special assistance to access facilities, programs, services, or activities. Because providing reasonable accommodation may require outside assistance, organization, or resources, the City asks that requests be made at least 14 calendar days prior to the need for accommodation.

Questions, concerns, comments, or requests for accommodation should be made to:

Kathleen Wright, ADA Coordinator
City of Tallahassee
Department of Human Resources and Workforce Development
300 S. Adams Street, Box A-14
Tallahassee, Florida 32301
(850) 891-8266 (phone)
(850) 891-0833 (fax)
(850) 891-8169 or 711 (TTY/TDD)

1204.08 LIMITED ENGLISH PROFICIENCY (LEP) GUIDANCE

Title VI of the Civil Rights Act of 1964, Executive Order 13166, and various directives from the U.S. Departments of Justice and Transportation require recipients of federal financial assistance, including the City of Tallahassee, to take reasonable steps to ensure meaningful access to programs, services, and activities by those who do not speak English proficiently. LEP individuals are those who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. To determine the extent to which LEP services are required and in which languages, the law requires the analysis of four factors:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the City’s programs, services, or activities;
- The frequency with which LEP persons come in contact with these programs, services, or activities;
- The nature and importance of the program, service, or activity to people’s lives;
- The resources available to the City and the overall cost to provide LEP services.

Department of Transportation policy guidance gives recipients of federal funds substantial flexibility in determining the appropriate language assistance based on a local assessment of the four factors listed above. The following is a self-assessment of the need for LEP assistance in the City based on these four factors:

1. The U.S. Census Bureau’s American Community Survey (ACS) data is reported based on categories of English-speaking ability: very well, or less than very well. Persons who speak English less than “very well” are limited English proficient. The table below is derived from the 2008-2012 ACS for Leon County, Florida. It shows the number of and percentage of persons age five years and older, in total and by primary language.

**Table 1
Languages Spoken at Home – Leon County, Florida**

Population 5 years and older	261,441	100%
Speak only English	236,048	90.3%
Language other than English	25,393	9.7%
Speak English less than “very well”	6,571	2.5%
Speak Spanish	10,960	4.2%
Speak English less than “very well”	2,514	1.0%
Speak Other Indo-European languages	7,946	3.0%
Speak English less than “very well”	1,829	0.7%
Speak Asian/Pacific languages	4,868	1.9%
Speak English less than “very well”	1,921	0.7%
Speak other languages	1,619	0.6%
Speak English less than “very well”	307	0.1%

Based on the 2008-2012 ACS data, approximately 9.7% of the residents of Leon County, which is comprised primarily of the City of Tallahassee, spoke a language other than English at home. Of these, only 2.5% indicated that they spoke English less than “very well.” Spanish comprised the largest non-English-speaking language group, and approximately 1.0% of Spanish-speakers responded that they spoke English less than “very well.”

2. The four factor analysis identified Spanish as the most commonly spoken language by the Tallahassee/Leon County LEP population. The size of the LEP population in this region, at less than 5%, is relatively small. HRWD surveyed all City departments and found that the City has not received any requests for translation or interpretation of its programs, services, or activities into Spanish or any other language. It is expected that City staff will come into contact with LEP persons very infrequently; however, we will continue to monitor all departments for requests for language assistance.
3. The City believes that police and fire services, emergency management, public transportation, utility services, and solid waste collection are of critical importance to City residents. The City responds to requests for assistance for LEP persons in these critical areas as described in item 4 below.
4. Although the percentage of LEP persons in Tallahassee/Leon County, at less than 5%, is not significant enough to trigger a responsibility to provide services in languages other than English, the City is committed to the principles of Title VI and will provide, with reasonable notice, interpreter and translation services when needed upon request. The City maintains a list of employees who are competent to serve as interpreters and translators in Spanish and other languages, including American Sign Language (ASL). This list is distributed to all staff that regularly has contact with the public. Language assistance is also available through the Language Line service (www.language.com) and the foreign language departments at local universities.

In addition, the City will post this policy and LEP plan on its website so that the public is aware of its nondiscrimination and public involvement policies. Persons requiring special language services or assistance should contact the City’s Title VI Coordinator.

The City understands that its community profile is changing and that the four factor analysis may reveal the need for more or varied LEP services in the future. As such, it will annually examine its LEP plan to ensure that it remains reflective of the community’s needs.

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1204.09 PUBLIC INVOLVEMENT

The City strongly encourages the participation and input of all residents and holds a number of meetings, workshops, and other events designed to gather public input about project planning and construction. Further, the City attends and participates in other community events to promote its services to the public. Finally, the City is constantly seeking ways of measuring the effectiveness of its public involvement.

Persons wishing to request special presentations by the City, volunteer in any of its activities, or offer suggestions for improvement of City public involvement may contact:

Kathleen Wright, Title VI Coordinator
City of Tallahassee
Department of Human Resources and Workforce Development
300 S. Adams Street, Box A-14
Tallahassee, FL 32301
(850) 891-8266 (phone)
(850) 891-0833 (fax)
(850) 891-8169 or 711 (TTY/TDD)

1204.10 DATA COLLECTION

Federal regulations require recipients of federal financial assistance to collect racial, ethnic, and other similar demographic data about beneficiaries of or those affected by transportation programs, services, and activities. The City accomplishes this through the use of U.S. Census data, American Community Survey reports, StarMetro driver and ridership surveys, and other methods. The City may periodically find it necessary to request voluntary identification of certain racial, ethnic, or similar demographic data from those who participate in its programs, services, or activities. This information assists the City with improving its targeted outreach and measures of effectiveness. Self-identification of personal data to the City will always be voluntary and anonymous. Moreover, the City will not release or otherwise use this data in any manner inconsistent with federal regulations.

1204.11 ASSURANCES

Every three years, or commensurate with the year in which the City's executive leadership changes, the City must certify to FHWA and FDOT that its programs, services, and activities are being conducted in a nondiscriminatory manner. These

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certifications, or “assurances,” serve (1) to document the City’s commitment to nondiscrimination and equitable service to the community; and (2) as a legally enforceable agreement by which the City may be held liable for breach. The public may view the annual assurance on the City’s website or by visiting any City building.

1204.12 NOTIFICATION TO BENEFICIARIES OF PROTECTION UNDER TITLE VI

The City will post its Title VI and Nondiscrimination Policy, along with its Title VI assurance, in the Department of Human Resources and Workforce Development at City Hall, on bulletin boards in the public areas of all City buildings, and on its website (www.talgov.com) to inform the public of the protections provided by Title VI.