

**CAYUGA COUNTY POLICY MANUAL**  
**Section 2**

**Policy Title:** Title VI/Non-Discrimination Policy

**Effective Date:** 1-24-17

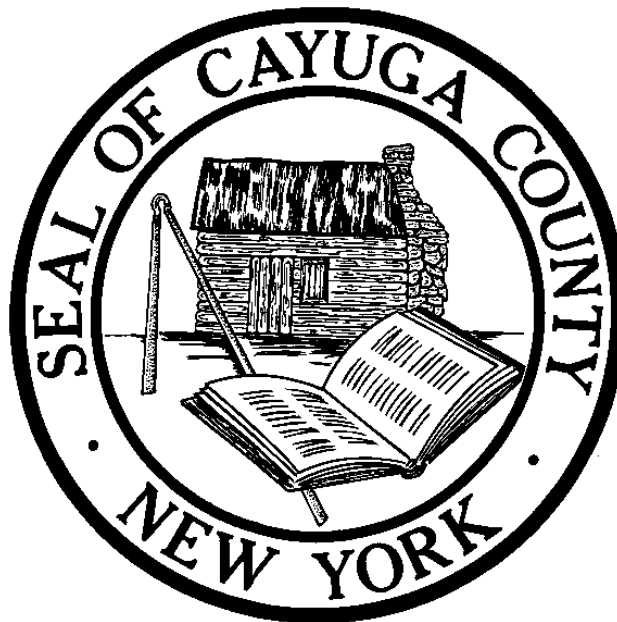
**Resolution No.** 28-17

**Objective: Title VI/Non-Discrimination Policy Statement**

It is the express policy of Cayuga County, hereinafter referred to as "the County," that no person shall on the grounds of race, color, national origin, age, disability, gender, or income as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (P.L. 100.259), Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, Executive Order 12898 (Environmental Justice (EJ)), and Executive Order 13166 (Limited English Proficiency (LEP)) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. The County further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

Cayuga County

Title VI Plan &  
Nondiscrimination Agreement  
Section 2 in County Policy  
Manual



Prepared by: Cayuga  
County HR/Civil Service  
Created 12/15/2016

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## CAYUGA COUNTY TITLE VI PLAN & NONDISCRIMINATION AGREEMENT

### Title VI/Non-Discrimination Policy Statement

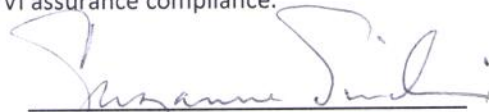
It is the express policy of Cayuga County, hereinafter referred to as "the County," that no person shall on the grounds of race, color, national origin, age, disability, gender, or income as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (P.L. 100.259), Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, Executive Order 12898 (Environmental Justice (EJ)), and Executive Order 13166 (Limited English Proficiency (LEP)) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. The County further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22, 1988.)

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the County hereby gives assurance that no qualified disabled person shall, solely by reason of their disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from Federal financial assistance.

In the event the County distributes federal aid funds to a sub-recipient, the County will include Title VI language in all written agreements and will monitor for compliance.

The County Administrator is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required for Title VI assurance compliance.

  
\_\_\_\_\_  
County Administrator or Designee

January 25, 2017  
Date

## 1. Introduction

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.” Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice Initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP),” provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a recipient of federal financial assistance, Cayuga County must provide access to individuals with limited ability to speak, write, or understand the English language. The County must not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or religion. Therefore, the primary goals and objectives of the Title VI Program are:

- A. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
- B. To ensure that people affected by the programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
- C. To prevent discrimination in programs and activities, whether those programs and activities are federally funded or not;
- D. To establish procedures for identifying impacts in any program, service, or activity that may create an illegal adverse impact on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations;
- E. To establish procedures to annually review Title VI compliance within specific program areas within the Highway Department;

- F. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in a Cayuga County Highway Department service, program or activity.

## 2. **Definitions**

As used in this Title VI Plan the following are further defined:

Affected Parties: persons protected against discrimination because of race, color, national origin, age, disability, gender, or income under Title VI and related requirements.

Applicant: person who submits an application, request, or plan required to be approved by the Secretary, or by a primary recipient, as a condition to eligibility for Federal financial assistance.

Facility: includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

Federal Assistance: shall include: 1) grants and loans of Federal funds; 2) grants or donations of Federal property and interests in property; 3) the detail of Federal personnel; 4) the sale and lease of, and the permission to use Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the County, or in recognition of the public interest to be served by such sale or lease to the County; and 5) any Federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

LEP Program: the Limited English Proficiency program established by the County to assist individuals who do not speak English as their primary language, and who therefore have limited ability to read, write, speak, or understand the English language.

Primary Recipient: any recipient that is authorized or required to extend Federal financial assistance to another recipient.

Program or Activity: all of the operations of any entity or any part of which is extended Federal financial assistance (See 49 CFR Section 21.23 for additional descriptions).

Proposed Project: a project or program that receives direct or indirect federal funds and is subject to Title VI requirements.

Public Participation Plan: A plan that outlines policies and procedures for public involvement in County Programs and Activities.

Recipient: any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance is extended, directly or through another recipient, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary.

Secretary: refers to the Secretary of a Federal Agency, i.e. Secretary of Transportation, or any person to whom this position has delegated authority in the matter concerned.

Sub-recipient: a person or entity that received federal funds from the County to be used by the entity to further the objectives of the federal funds. The County in many cases is the "Sponsor", "Contractor" or "Recipient" of the federal funds and the person or entity is a Sub-recipient of those federal funds.

Title VI Assurances: requirements imposed upon sub-recipients as a result of federal funding being directly or indirectly provided to the County.

Title VI Requirements: the non-discrimination provisions contained in Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency".

#### Discrimination under Title VI

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is "disparate treatment." Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is "disparate impact." Disparate impact discrimination occurs when a "neutral procedure or practice" results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The department's efforts to prevent such discrimination must address, but not be limited to, a program's impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching functions of planning, project development and delivery, right-of-way, construction, and research.

The Human Resources Department has developed this Title VI Plan to assure that services, programs, and activities of the department are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities.



### 3. **Title VI Program Organization and Staffing**

Pursuant to United States Code sections: 23 CFR 200 & 49 CFR 21; 24 CFR Subtitle A Part 1; 6 CFR 21.5; 10 CFR Part 1040; 44 CFR §7; 28 CFR Part 42 et al.: Cayuga County has appointed a Title VI Coordinator who is responsible for the County's Title VI Program. The Title VI Coordinator will have easy and direct access to the County's top elected/ appointed official or their designee.

#### A. **County Administrator**

The County Administrator's Office is responsible for ensuring the County's compliance with Title VI Requirements including, but not limited to, monitoring County programs, preparing reports and undertaking such responsibilities as required and outlined in Appendix A. To ensure compliance the County Administrator will appoint a Title VI Coordinator, and Department Heads will designate one or more Department Liaisons within their respective departments.

#### B. **Title VI Coordinator**

The Human Resources Administrator is the Title VI Coordinator and is responsible for the overall management of the Title VI Program including initiating and monitoring Title VI activities and preparing required reports. Cayuga County shall:

- 1) Issue a policy statement, signed by the head of the Cayuga County, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout Cayuga County's organization and to the general public. Such information shall be published where appropriate in languages other than English.
- 2) Take affirmative action to correct any deficiencies found by Federal and/ or State Agencies within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement.
- 3) Develop information regarding this Title VI Plan for dissemination to the general public and, where appropriate, use the LEP Program to ensure dissemination of the information to affected populations.
- 4) Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complainant by race, color, national origin or gender, the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the County's report of investigation, will be forwarded to the appropriate Federal and/or State Agency Civil Rights Offices within 10 days of the date the complaint was received by Cayuga County.
- 5) Collect statistical data (race, color, national origin, gender) of participants in, and beneficiaries of the programs and activities conducted by the Cayuga County.

- 6) Conduct Title VI reviews of Cayuga County and sub-recipient contractor/consultant program areas and activities {Refer to Section VII, Sub-recipient Title VI Guidance and Monitoring}. Revise where applicable, policies, procedures and directives to include Title VI requirements.
- 7) Conduct annual training programs on Title VI and related statutes.
- 8) Prepare a yearly report of Title VI accomplishments for the last year and goals for the next year.
  - a) Annual Work Plan: Outline Title VI monitoring and review activities planned for the coming year; state by which each activity will be accomplished and target date for completion.
  - b) Accomplishment Report: List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI Coordinator and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews (internal or external) conducted by the Title VI Coordinator. List any major problem(s) identified and corrective action taken. Include a listing of complaints received against sub-recipients, as well as a summary of complaint and actions taken.

#### 4. **Title VI Assurances of Compliance**

Cayuga County hereby gives the following assurances:

Pursuant to the requirements of Section 22(a) of the Federal-Aid Highway Act of 1968, the County of Cayuga, desiring to avail itself of the benefits of Chapter 1, Title 23, United States Code, and as a condition to obtaining the approval of the Secretary of Transportation of any programs for projects as provided for in Title 23, United States Code, Section 105(a), hereby gives its assurance that employment in connection with all proposed projects approved on or after Aug. 23, 1968, will be provided without regard to race, color, religion, sex, age, or national origin.

##### A. **Elimination of Discrimination**

That no person shall on the grounds of race, color, national origin, age, disability or gender, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by Cayuga County regardless of whether those programs and activities are Federally funded or not. Additionally, Cayuga County programs and activities include, but are not limited to, monitoring and reporting of Minority/ Women/ Disadvantaged Business Enterprises (MW/DBE) participation, providing translations through the LEP Program, and conducting public outreach and involvement in County projects.

##### B. **Public Dissemination of Information**

The Title VI Coordinator shall assist County staff in the creation and dissemination of Title VI Program Information to County employees, sub-recipients, contractors, affected parties, and the general public. Public dissemination efforts may include, but not be limited to: posting public statements setting forth the County's nondiscrimination policy; inclusion of Title VI assurances in County contracts and grant agreements; publishing a Title VI Policy Statement on the County's website; and including a Title VI Policy Statement in announcements of hearings and meetings.

##### C. **Departmental Responsibilities**

Each Department Head is responsible for Title VI compliance for individual federal, state and/or local funded programs, facilities or projects. Compliance activities include, but are not limited to:

1. Ensuring that each Program and each Facility as outlined in Section II- Definitions will be conducted, or will be operated in compliance with all requirements imposed by, or pursuant to the Regulations.
2. Ensuring that Cayuga County shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and, in adapted form, in all proposals for negotiated agreements:

"Cayuga County, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d4 and {Reference to Administering Administration Regulation(s) issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin, gender, age or disability in consideration for an award."

3. Ensure Cayuga County shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. Ensuring that Cayuga County shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. Ensuring where Cayuga County receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. Ensuring where Cayuga County receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. Ensuring that Cayuga County shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by Cayuga County with other parties: (a) for the subsequent transfer of real property acquired or improved; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved.
8. Ensuring that this assurance obligates Cayuga County for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates Cayuga County or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which Cayuga County retains ownership or possession of the property.
9. Ensuring Cayuga County shall provide for such methods of administration for the program as are found by the Secretary of (Name of Appropriate Administration) or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. Cayuga County agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.
11. Cayuga County will establish an equal opportunity program in furtherance of the above general assurance, which shall include a system to ascertain whether contractors and sub-contractors are complying with their equal employment opportunity contract obligations and the degree to which such compliance is producing substantial progress on the various project sites in terms of minority group employment. Cayuga County Human Resources will furnish such information and reports regarding contractor and sub-contractor compliance as may be requested by the FHWA.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to Cayuga County and is binding on it, other recipients, sub-recipients, contractors, subcontractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of Cayuga County.

\_\_\_\_\_  
Dated:

\_\_\_\_\_  
County Administrator or Designee  
Cayuga County

## 5. **Title VI Discrimination Complaint Procedures - Allegations of Discrimination in Federally Assisted Programs or Activities**

Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a Title VI complaint with the Title VI Coordinator. A complaint may also be filed by a representative on behalf of such a person.

The following procedures apply to complaints filed under Title VI, relating to any program and/or activity administered by Cayuga County, their recipients and/ or sub-recipients. These procedures do not deny the right of the complainant to file a complaint with other local, State or Federal agencies or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of Title VI complaints. The option of informal meeting(s) between the Title VI Coordinator, County staff, contractors, sub-recipients, and affected parties may be utilized for resolution at any stage of the process.

### A. **Complaint Reporting**

- 1). Any person who believes that he or she, individually, or as a coordinator of any specific group or class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, may file a complaint with the Cayuga County Administrator. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the Human Resources Administrator for review and action.
- 2). Complaints should be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know the act was discriminatory within the 180 day period, you have 60 days after you became aware to file your complaint.
- 3). Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the County Administrator or Human Resources Administrator. If necessary, the County Administrator or Human Resources Administrator will assist the complainant in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.
- 4). Within 10 days, the County Administrator or Human Resources Administrator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as the FHWA and the USDOT.
- 5). The County Administrator or Human Resources Administrator will gather the following information for complaint processing and investigation:
- 6). Names, addresses, and phone numbers of the complainants
- 7). Names and addresses of alleged discriminating officials
- 8). Basis of complaint (i.e., race, color, national origin, sex, age, disability.)

- 9). Date of alleged discriminatory act(s)
- 10). Date of complaint received by the recipient
- 11). A statement of the complaint
- 12). Other agencies (state, local or federal) where the complaint has been filed.
- 13). An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint

**B. Filing Process**

The complainant must file the complaint no later than 180 days after:

- 1). The date of alleged act of discrimination; or
- 2). Where there has been a continuing course of conduct, the date on which that conduct was discontinued.
- 3). The complainant shall complete this process by documenting the details of the complaint on the Cayuga County Title VI complaint form, which is available online at [www.cayugacounty.us](http://www.cayugacounty.us) or in the County Administrator's Office. The complaint form must be signed, mailed or returned to the County Administrator's Office at 160 Genesee Street, 6th Floor, Cayuga County Office Building, Auburn, NY 13021.

In either case, the County Title VI Coordinator may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for doing so.

**C. Receipt & Acceptance**

Upon receipt of the complaint, the County Administrator's Office will refer the complaint within five ("5") business days to the Cayuga County Human Resources Administrator for determination of whether the County has jurisdiction over the complaint, whether the complaint contains the necessary information, what additional information is needed, and whether further investigation is needed. The Cayuga County Human Resources Administrator will notify the Complainant, in writing within ten ("10") days of receipt of the complaint informing the complainant of procedures to be followed and advise of other avenues of redress available. The Title VI Compliance Officer(s) for Cayuga County are:

County Administrator  
Cayuga County Offices  
160 Genesee Street, 6th Floor  
Auburn, NY 13021  
Phone: (315) 253-1525

Cayuga County Human Resources Administrator  
160 Genesee Street, 2<sup>nd</sup> Floor  
Auburn, NY 13021  
Phone: (315) 253-1284

Jurisdiction and acceptance of the complaint must meet the following criteria:

1. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
2. The allegation(s) must involve an affected party.

3. The allegations(s) are not required to involve a Cayuga County program or activity that receives Federal financial assistance.

Cayuga County will advise the applicable local, State and/or Federal Agency within ten (10) days of receipt of the allegations. Generally, the following information will be included in every notification to the agency:

- a) Name, address, and phone number of the complainant.
- b) Name(s) and address of alleged respondent(s).
- c) Basis of complaint (race, color, national origin, gender or disability)
- d) Date of alleged discriminatory act(s).
- e) Date complaint was received by Cayuga County.
- f) A statement of the complaint.
- g) Other agencies (State, Local or Federal) where the complaint has been filed.
- h) An explanation of the actions Cayuga County has taken or proposed to take to resolve the issue raised in the complaint.

#### **D. Investigation**

Within 60 days, the Cayuga County Human Resources Administrator will have conducted an investigation of the allegation and based on the information obtained, and will render a recommendation for action in a report of findings to the Title VI Coordinator. At a minimum the investigation should include the notification to the applicable department head; notification to the respondent and complainant with an opportunity to respond, in writing, to the allegations of discrimination; conduct interviews; and collect and analyze evidence. The complaint should be resolved by informal means and at the lowest administrative level whenever possible. Such informal attempts and their results will be summarized in the report of findings.

Within 90 days of receipt of the complaint, if a Title VI violation is found to exist and Cayuga County has jurisdiction to process the complaint, remedial steps as appropriate and necessary will be taken immediately. The Cayuga County Human Resources Administrator will forward a copy of the summarized report of findings along with any remedial steps. The notification should also advise the complainant of their appeal rights with other local, State and/ or Federal agencies, if the complainant(s) are dissatisfied with the final decision rendered by Cayuga County. The Title VI Coordinator will also provide the applicable local, State and/ or Federal agency(ies) with a copy of this decision and summary of findings upon completion of the investigation.

Any complaints received against Cayuga County, sub-recipients, or hired contractors should immediately be forwarded to the applicable local, State and/ or Federal agency(ies) for investigation.

#### **E. Appeal Process**

If the affected party is not satisfied with the results of the investigation or the disposition of the complaint, the affected party may appeal the Cayuga County Human Resources Administrator's final decision to the appropriate local, State and/ or Federal agency, by filing a request for an appeal no later than 180 days after the date of the Cayuga County Human Rights Commission's final decision.



**F. Sanctions**

In the event Cayuga County fails or refuses to comply with the terms of this agreement, the applicable local, State and/ or Federal agency may take any or all of the following actions:

- 1) Cancel, terminate, or suspend this agreement in whole or in part;
- 2) Refrain from extending any further assistance to the recipient and/ or sub-recipient under the program from which the failure or refusal occurred until satisfactory assurance of future compliance has been received from Cayuga County.
- 3) Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by Cayuga County.
- 4) Refer the case to the U.S Department of Justice for appropriate legal proceedings.

**G. Retaliation**

Retaliation against any individual or group for filing a complaint, acting as a witness, or participating in an investigation is illegal, and a subsequent investigation may arise out of a retaliation claim even though the original complaint may be without merit.

Cayuga County:

Signature: \_\_\_\_\_  
County Administrator or Designee

Title: \_\_\_\_\_

Date: \_\_\_\_\_

6. **Title VI Complaint Form**

Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires that "no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." If you feel you have been discriminated against by Cayuga County, please provide the following information in order to assist us in processing your complaint and send it to:

Cayuga County Offices  
County Administrator's Office  
160 Genesee Street, Floor 2  
Auburn, NY 13021

If you have questions about how to prepare a Title VI Complaint Form, you may contact the County Administrator's Office at (315) 253-1525. More information about "How to File a Title VI Complaint" may be found on Cayuga County's website at [www.cayugacounty.us](http://www.cayugacounty.us).

Important: We cannot accept your complaint without a signature, so please sign and date on the last page of the form.

\*\*\*\*\*

**Section I**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Numbers: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

Accessible Format Requirements? Large Print \_\_\_\_\_ Audio tape \_\_\_\_\_

Other \_\_\_\_\_

**Section II**

Are you filing this complaint on your own behalf?

Yes \_\_\_\_\_ No \_\_\_\_\_ [If you answered "yes" to this question, go to *Section III*]

If not, please supply the name and relationship of the person for whom you are complaining:

\_\_\_\_\_

Please explain why you have filed for a third party: \_\_\_\_\_

\_\_\_\_\_

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.

Yes \_\_\_\_\_ No \_\_\_\_\_

### **Section III**

What is the Basis of the Complaint? Please check all that may be applicable:

- Race
- Color
- Gender
- National Origin
- Age
- Disability (ADA)
- Low-Income
- Limited English Proficiency

### **Section IV**

Who allegedly discriminated against you?

Name of Person or Agency: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Numbers: (Home) ( ) \_\_\_\_\_ (Work) ( ) \_\_\_\_\_

### **Section V**

How were you discriminated against?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Where did the alleged discrimination occur?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date(s) and time(s) discrimination occurred?

First Time: \_\_\_\_\_

Second Time: \_\_\_\_\_

Third Time: \_\_\_\_\_

Were there any witnesses to the alleged discrimination?

Name	Title	Work Telephone	Home Telephone
_____	_____	_____	_____

What can Cayuga County do to resolve the complaint?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Have you filed your complaint with any other Federal, State or local agencies?

Person or Agency Name: \_\_\_\_\_

Date: \_\_\_\_\_

Complaint Number (if known): \_\_\_\_\_

Please Sign Here: \_\_\_\_\_

Date: \_\_\_\_\_

***[Note – Cayuga County cannot accept your complaint without a signature.]***

## 7. Cayuga County Sub-Recipient Title VI Guidance and Monitoring

The following information is to be provided to any and all sub-recipients, contractors, subcontractors, transferees, successors in interest and other participants that receive federal funding assistance through Cayuga County.



Sub-Recipient Title VI Guidance and Monitoring  
Dear Cayuga County Sub-Recipient,

Congratulations on being awarded federal funding through Cayuga County!

This document outlines the Nondiscrimination Title VI requirements that are a condition of receiving federal funding through Cayuga County. The federal regulatory authority for requiring nondiscrimination has its basis in Title VI of the Civil Rights Act of 1964, Executive Order 12898 {Environmental Justice (EJ)}, and Executive Order 13166 {Limited English Proficiency (LEP)}. {Additional information on these statutes and regulations can be found in Appendix D of this document}.

### Cayuga County's Title VI Policy Statement

Cayuga County assures that no person shall on the grounds of race, color, national origin, age, disability, gender, or income as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 {P.L.100.259}, Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, Executive Order 12898 {Environmental Justice (EJ)}, and Executive Order 13166 {Limited English Proficiency (LEP)} be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. Cayuga County further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event Cayuga County distributes federal aid funds to another governmental entity, Cayuga County will include Title VI language in all written agreements and will monitor programs and activities for compliance.

### Overview of Monitoring Requirements

As per Cayuga County's Title VI Policy and federal regulations regulating Cayuga County, Title VI provisions are a standard part of all agreements between Cayuga County and sub-recipients of federally funded programs. Cayuga County's Title VI monitoring process begins at the time of Agreement execution, continues during the duration of the project, and is completed when the project wraps up and the Agreement is expired. During this time, Cayuga County monitors information provided by each sub-recipient, retaining the right to conduct an audit should Cayuga County suspect the sub-recipient is not in compliance. If Cayuga County determines that a sub-recipient is not in compliance with Title VI, the Title VI Coordinator and assigned staff will work with the sub-recipient to correct the deficiency. This may include providing technical assistance.

If the sub-recipient does not correct the deficiency, Cayuga County may take corrective action or implement other remedies as provided in the executed agreement. Specific requirements are detailed below:

- Complete a Post-Contracting Stage Title VI questionnaire at the completion of the project. Cayuga County uses the questionnaires to assess the [SUB-RECIPIENT]'s compliance with Title VI requirements.
- [SUB-RECIPIENT] shall provide Cayuga County with any additional information that Cayuga County requests in regard to Title VI compliance.
- [SUB-RECIPIENT] shall also permit Cayuga County to access its records up to and including accounting records that are pertinent to Cayuga County substantiating [SUB-RECIPIENT]'s compliance with Title VI.

#### Non-discrimination Policy, Statement, and Assurance

In order to reduce the administrative burden associated with this requirement, sub-recipients may adopt the Title VI agency/organization-wide nondiscrimination policy after the one developed by Cayuga County; however, sub-recipients that chose to adopt their own Title VI agency/ organization-wide nondiscrimination policy must provide assurances that the agency/organization will not discriminate against any person in the performance of any federally assisted program on the basis of race, color, or national origin.

#### Sub-recipient Statements of Nondiscrimination must include:

- The Statement of Nondiscrimination must state: "[SUB-RECIPIENT] assures that no person shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance."
- The Statement of Nondiscrimination may be more inclusive than the language listed above, but it cannot be more exclusive.
- Publicly post the Statement of Nondiscrimination on the County's website and in County buildings.
- If your agency/organization has not adopted the Title VI Nondiscrimination policy developed by Cayuga County and does not have an agency specific non-discrimination policy as stated in a Statement of Nondiscrimination, then [SUB-RECIPIENT] must notify Cayuga County prior to execution of the Agreement. If [SUB-RECIPIENT] does not develop and/or adopt such a policy and statement prior to the execution of the Agreement, then [SUB- RECIPIENT] must use and adhere to Cayuga County's nondiscrimination policy and statement.
- Provide a written copy of [SUB-RECIPIENT]'s Statement of Nondiscrimination to Cayuga County upon completion of the post-contracting stage questionnaire.

#### Title VI Plan and Complaint Procedures

In order to reduce the administrative burden associated with this requirement, sub-recipients may adopt the Title VI Plan and Complaint Procedures after the one developed by Cayuga County; however, sub-recipients that chose to adopt their own Title VI Plan that includes a Public Participation Plan (PPP), a Limited English Proficiency (LEP) Plan, and a Title VI Complaint Procedure. The Title VI Plan, and its attendant parts, must comply with Federal guidelines regarding such plans. Sub-recipient Title VI Plan and Complaint Procedures must include:

- Provide a copy of the Title VI Plan, including the PPP, LEP Plan, and Complaint Procedure and Complaint Form upon completion of the Post Contracting Stage Title VI Questionnaire.
- Make the Title VI Plan, including the PPP, LEP Plan, and Complaint Procedure and Complaint Form publicly available, which includes posting each of these documents to [SUB-RECIPIENT]'s website if it has one, and informing attendees at any public meetings, hearings, or other events related to the work under the Agreement of their rights under Title VI and the procedures for filing a Title VI complaint.
- If [SUB-RECIPIENT] does not have a federally compliant Title VI Plan, including the PPP, LEP Plan, and Complaint Procedure, and Complaint Form then [SUB-RECIPIENT] must notify Cayuga County of this prior to the execution of the Agreement, and [SUB-RECIPIENT] must use Cayuga County Title VI Plan, PPP, LEP Plan, and Complaint Procedure and Complaint Form.

#### Procurement - RFPs, RFQs, and Subcontracts

- If [SUB-RECIPIENT] has a federally compliant, competitive procurement process, the [SUBRECIPIENT] is required to provide a copy of the written procurement procedures to Cayuga County.
- If [SUB-RECIPIENT] does not have a federally compliant, competitive procurement process, the [SUBRECIPIENT] is required to follow Cayuga County procurement procedures.

If, as part of the Agreement, the [SUB-RECIPIENT] enters into any subcontracts, leases, or other sub-agreements regarding the work under the Agreement, [SUB-RECIPIENT] must follow the requirements listed below. Include the [SUB-RECIPIENT]'s Statement of Nondiscrimination in all procurement documents, such as Request for Proposals (RFP), Request for Qualifications (RFQ), and other procurement documents that it issues under the Agreement.

- Include the [SUB-RECIPIENT]'s Statement of Nondiscrimination in all subcontracts, including those for materials and leases that it enters into under the Agreement.
- Include the following statement in all procurement documents, such as RFPs, RFQs, subcontracts, including those for materials and leases, and other similar documents that it issues under this Agreement.
- [SUB-RECIPIENT] is prohibited from excluding any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract made under the Agreement on the basis of race, color, gender, disability or national origin.

The provisions listed in this Attachment apply to every subcontractor hired by [SUB- RECIPIENT] to perform work under the Agreement. [SUB-RECIPIENT] will ensure that all of its subcontractors are made aware of these requirements and will include these provisions as a part to any subcontract that [SUB-RECIPIENT] enters into under the Agreement.

If the Agreement does not call for subcontracted services, these requirements do not need to be followed.

### Community/Public Engagement or Outreach

If [SUB-RECIPIENT] is required to perform any public meetings, engagement, or other community outreach as part of the work under the Agreement, then [SUB-RECIPIENT] must ensure that all persons, including Limited English Proficiency (LEP) persons, are provided meaningful access, as it is defined under Title VI and related provisions, to these events.

- Ensure that the meeting location, date, and time are selected in such a way as to not exclude a person from participation on the basis of race, color, national origin, gender, or disability.
- Inform attendees of their rights under Title VI.
- Ensure that all attendees are provided the opportunity to participate without regard to their race, color, national origin, disability or LEP status.
- [SUB-RECIPIENT] shall submit to Cayuga County after every public meeting, engagement, or other community outreach a one-page summary that provides the following information:
- Description of the purpose of the event.
- Time, date, and location of the event.
- Methods used to advertise the event.
- Building, time and room where the event was held.
- Note any special accommodations that were requested prior to or during the event. How the attendees were informed of their rights under Title VI including complaint procedures.
- Number of attendees.

### Websites

If [SUB-RECIPIENT] is required to develop or create a website as part of its work under the Agreement, then [SUB-RECIPIENT] must ensure that all persons, including Limited English Proficiency (LEP) persons, are provided meaningful access, as it is defined under Title VI and related provisions, to the website.

- [SUB-RECIPIENT] must design or create any website such that it includes a translator function so that the material included on the website can be translated into other languages.
- [SUB-RECIPIENT] must design or create any website so that it is in compliance with the Rehabilitation Act, 29 U.S.C. §§ 794 et seq., as amended, and the Americans with Disabilities Act, 42 U.S.C. §§ 12101 et seq., as amended, and their implementing regulations, and that it adheres to the accessibility requirements set forth by the Federal government.
- [SUB-RECIPIENT] must design or create any website in adherence with Section 504 Standards of the Rehabilitation Act.

### Printed Materials

If [SUB-RECIPIENT] is required to develop or create printed informational materials as part of its work under the Agreement, then [SUB-RECIPIENT] must ensure that all persons, including Limited English Proficiency (LEP) persons, are provided meaningful access, as it is defined under Title VI and related provisions, to the information contained in the printed materials.

- [SUB-RECIPIENT] will be required to develop any printed materials intended for public informational purposes (i.e. brochures and other promotional items) in such a way that these documents can readily be translated into other languages and/or formats upon request.



Title VI Complaints

[SUB-RECIPIENT] must notify Cayuga County in writing if a Title VI complaint is filed against it, within five (5) business days of [SUB-RECIPIENT] being notified of such complaint. The notification must be provided to Cayuga County even if the complaint is not in regard to work that [SUB-RECIPIENT] performed under the Agreement. The notification shall include the following information:

- Date complaint was filed
- Nature of complaint
- Who was involved
- What action has been taken to date
- Any outcome(s) to date, if applicable

Sub-Recipient Deadlines

Provide the following documents to Cayuga County at the time indicated below:

Project End

Completed Post-Contracting Stage Title VI Questionnaire

If [SUB-RECIPIENT] choose to follow their own (e.g.;. Not Cayuga County's) Title VI Program and procurement process:

Statement of Nondiscrimination

Title VI Plan, including the PPP, LEP Plan, and Complaint Procedure and Complaint Form

Written procurement procedures

After Each Public Meeting or Other Public Outreach Event

Submit one-page summary with required information outlined above.

POST-CONTRACTING STAGE TITLE VI QUESTIONNAIRE

As a recipient of Federal grant funding, Cayuga County is required to ensure that all of its sub-recipients on each of its projects are in compliance with Title VI and the rules, regulations, and executive orders that govern Title VI on federally funded projects. In order to ensure that the sub-recipients receiving funding from Cayuga County are in compliance, your organization must complete the following questionnaire in its entirety. If you have any questions regarding this questionnaire, please contact Cayuga County's Title VI Coordinator at the address or phone number provided below. Please submit your completed questionnaire and all additional materials to Cayuga County's Title VI Coordinator.

County Administrator  
160 Genesee Street, 6th Floor  
Auburn, NY 13021  
Phone: (315) 253-1525

Date of Report	Name of Organization	Project Name

Please answer the following questions completely. If the question asks you to provide additional information please include it in the space provided or attach additional sheets. Attach all requested additional materials to this questionnaire.

TITLE VI/DISCRIMINATION COMPLAINTS

Describe any Title VI/Discrimination complaints filed against your organization during the course of the project.

In the space provided below, please describe for EACH complaint: the date, the nature of the complaint, who was involved, what action was taken, and the outcome. If no complaints were received please note.

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PUBLIC ENGAGEMENT / OUTREACH

Describe the public engagement process, community outreach activities, or similar public events as part of the work under the Agreement. Include attachments and supplemental information as necessary.

SUBCONTRACTING, LEASING, PURCHASING

Identify any subcontracts, leases, or other sub-agreements that were entered into regarding the work under the Agreement. Include attachments and supplemental information as necessary.

Were any of the subcontractors on the project DBEs/ MWBE? Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, did you complete and return to Cayuga County the required DBE/ MWBE Reporting Form?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If No, please attach the required reports to this questionnaire.

If any of the subcontractors on the project are/were DBEs, did your organization ensure that the DBE subcontractors were certified and registered with applicable Federal and/ or NYS agencies?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, please attach the relevant documentation to demonstrate that your organization verified the subcontractors' DBE/ MWBE status.

What was the DBE/ MWBE contract goal on the project? DBE\_\_\_\_\_MWBE\_\_\_\_\_

**SIGNATURE OF AUTHORIZED REPRESENTATIVE**

By signing below, I certify that I am authorized to sign this report and that the information contained in this report is accurate and complete.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

## 8. **Data Collection**

Cayuga County is required to develop procedures for the collection of statistical data of participants in and beneficiaries of County related programs (relocates, impacted citizens and affected communities). 49 CFR 21.9(b) requires sub-recipients to maintain records and submit to NYSDOT information necessary for NYSDOT to determine whether the sub-recipient is complying with the terms and conditions set forth in the Nondiscrimination Agreement for receiving Federal financial assistance.

Cayuga County shall collect and review relevant data and information in order to assess its implementation of and compliance with its Title VI Program. The County shall also provide data and information to federal agencies as required by federal regulations.

As requested, the County shall provide agencies from which it receives federal funding/assistance access to data and information necessary to ascertain its Title VI compliance, including access to pertinent books, records, accounts, facilities, and other sources of information. The County shall also provide data and information as required by 28 C.F.R. § 42.406 as requested in conjunction with a new application for federal funding, an application for continuance or renewal of funding with specific projects or significant changes, and at other times appropriate under the regulation.

The County shall reasonably gather, analyse, and retain statistical data on the race, color, national origin, sex, age, income, and disability status of beneficiaries of its services and programs. The County shall identify the programs and services most appropriate for analysis. The County shall analyse the data to determine whether benefits from County services are fairly distributed, especially among minority and low-income populations.

To assist the County in analysing fair distribution of benefits and burdens, each department within the County shall maintain relevant data on identified programs appropriate for analysis. Additionally, if the County extends federal funding/assistance to a sub recipient, the sub recipient shall collect, retain, and submit such data to the County in order to enable the County to carry out its civil rights compliance obligations. Data submitted by sub recipients shall also be incorporated into the County's comprehensive analysis.

*Self-Identification:* From time to time, the County may find it necessary to request voluntary identification of racial, ethnic, or other relevant information from those who participate in its public events or utilize its services. This information will assist the County in improving its targeted outreach and measures of effectiveness. Self-identification of personal information to the County will always be voluntary and anonymous. Moreover, the County will not release or otherwise use these data in any manner inconsistent with federal and state regulations.

*Race and Ethnicity Codes:* Self-identification surveys shall include the following race and ethnicity codes, in the combined format as structured by the federal Office of Management and Budget:

American Indian or Alaska Native	Multiracial or Other
Asian or Pacific Islander	Native Hawaiian or other Pacific Islander
Black or African American	White (not of Hispanic origin)
Hispanic or Latino	

- All surveys shall note that participants may include multiple responses.

## 9. **Cayuga County Limited English Proficiency (LEP) Plan**

Cayuga County's Language Assistance Plan for Limited English Proficiency (LEP) was prepared in December 2016 to address Cayuga County's responsibility as a recipient of federal financial assistance as it relates to meeting the needs of individuals with limited ability to read, write, speak, or understand the English language. This order establishes the policy and guidance for Cayuga County's Limited English Proficiency (LEP) Plan, as required by Section 2 of Executive Order 13166.

It is the County's policy to provide meaningful access to its programs and services to persons who, as a result of national origin, are limited in English proficiency. LEP persons are those whose proficiency in speaking, reading, writing, or understanding English, as a result of national origin, is such that it would deny or limit their meaningful access to programs and services provided by the County if language assistance were not provided. The County has taken a number of steps, outlined in this document, to assist LEP individuals in accessing County programs and services and is committed to improving access.

Executive Order No. 13166, "Improving Access to Services for Persons With Limited English Proficiency," was adopted to "... improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP)..."<sup>1</sup> President Bush affirmed his commitment to Executive Order 13166 through a memorandum issued on October 26, 2001, by then Assistant Attorney General for Civil Rights Ralph Boyd.<sup>2</sup>

The County will, according to section 1 of the executive order, "examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency."<sup>3</sup> The County is therefore adopting this LEP Plan to guide its efforts to improve the access the County currently provides to LEP persons.

After reviewing the 2008-2012 U.S. Census Bureau data from the American Community Survey and the 2000 U.S. Census, Cayuga County determined that the following languages are representative of persons who may identify their English-speaking ability as "not well" or "not at all" as being LEP: Spanish or Creole and other Indo-European languages.

Cayuga County uses strategic approaches to customer service by distributing documents and information in languages other than English. Employees who speak more than one language have volunteered to assist in oral communications and protocols involving languages other than English. These employees may be called upon for assistance in oral communication with visitors or callers. Their activities do not cover translation of written materials, although they may review translations. The County posts signs in both Spanish and English at high-traffic areas within the County Office Building.

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<sup>1</sup> Exec. Order 13166; 65 Fed. Reg. at 50121.

<sup>2</sup> Department of Justice, Memorandum Regarding Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency) October 26, 2001 ("DOJ Memorandum Regarding Executive Order 13166"); <http://www.usdoj.gov/crt/cor/lep/Oct26memorandum.pdf>.

<sup>3</sup> Exec. Order 13166, §1; 65 Fed. Reg. at 50121.

Cayuga County's Title VI information and compliant procedures shall be included on the Cayuga County website: [www.cayugacounty.us](http://www.cayugacounty.us). Any individual or sub-recipient with access to the internet will be able to download the plan from the website. Federal Agencies and representatives may request a copy of the plan via telephone, fax, mail, or in person and shall be provided a copy of the plan at no cost. Cayuga County will make reasonable efforts to provide a translated plan at no cost to EP persons upon request.

Any questions or comments regarding the Language Assistance Plan may be submitted to:

Human Resources Administrator  
160 Genesee Street, 2nd Floor  
Auburn, NY 13021  
Phone: (315) 253-1284  
Fax: (315) 253-1084

### **Safe Harbor Provision**

As of the date of this Title VI Plan, several federal agencies including the US HUD and US DOT have adopted the US Department of Justice's Safe Harbor Provision, which in the context of this Title VI Plan would apply to Cayuga County's efforts to comply with respect to the needed translation of vital written materials for LEP persons. The safe harbor provision does not affect the requirement to provide meaningful access for LEP individuals through competent oral interpreter where oral language services are needed and are reasonable.

For additional information regarding the Safe Harbor Provision consult:  
<http://www.lep.gov/guidance/guidance DOJ Guidance.html>

## 10. **Title VI – Non-Discrimination Training**

All new employees must review the Title VI – Non-Discrimination power point presentation located on the County Website within 60 days from date of employment.

Cayuga County's Title VI Coordinator is responsible for advising all employees regarding available training in support of Title VI. It is the responsibility of the Title VI Coordinator to schedule training in such a way that appropriate notices and announcements are made to agency staff. The training is reviewed and updated as necessary by the Title VI coordinator.

## **APPENDIX A**

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) **Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the applicable (Federal Agency, Code of Federal Regulations, Part(s), and Title) as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, gender, age, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited as outlined by relevant Federal Agency(ies) Code of Federal Regulations including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin, gender, age, and disability.
- (4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by Cayuga County or the (Name of Appropriate Administration) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to Cayuga County or the {Name of Appropriate Administration) as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, Cayuga County shall impose such contract sanctions as it or the {Name of Appropriate Administration) may determine to be appropriate, including, but not limited to:
  - a). withholding of payments to the sub-recipient under the contract until the sub-recipient complies, and/or
  - b). cancellation, termination or suspension of the contract, in whole or in part.
- (6) **Incorporation of Provisions:** The recipient shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.



The recipient shall take such action with respect to any sub-recipient or procurement as Cayuga County or the (Name of Appropriate Administration) may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a recipient becomes involved in, or is threatened with, litigation with a sub- recipient or supplier as a result of such direction, the recipient may request Cayuga County to enter into such litigation to protect the interests of Cayuga County and, in addition, the recipient may request the United States to enter into such litigation to protect the interests of the United States.

## **APPENDIX B**

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### **(GRANTING CLAUSE)**

NOW, THEREFORE, the (Name of Appropriate Administration), as authorized by law, and upon the condition that Cayuga County will accept title to the lands and maintain the project constructed thereon, in accordance with (Name of Appropriate Legislative Authority), the Regulations for the Administration of (Name of Appropriate Program) and the policies and procedures prescribed by (Name of Appropriate Administration), also in accordance with and in compliance with all requirements imposed by or pursuant to application (Reference to Title and Code of Federal Regulations) relevant to Nondiscrimination in Federally-assisted programs of the (Name of Appropriate Administration) (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 25 2; 42 U.S.C.2000d to 2000d-4}, does hereby remise, release, quitclaim and convey unto Cayuga County all the right, title and interest of the (Name of Appropriate Administration) in and to said lands described in Exhibit "A" attached hereto and made a part thereof.

### **(HABENDUM CLAUSE)**

TO HAVE AND TO HOLD said lands and interests therein unto Cayuga County and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on Cayuga County its successors and assigns.

Cayuga County, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, gender, age, and disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed, and ( 2) that Cayuga County shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to (Reference to Title and Code of Federal Regulations ) relevant to Nondiscrimination in Federally-assisted programs of the (Name of Appropriate Administration) and as said Regulations may be amended, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the (Name of Appropriate Administration) and its assigns as such interest existed prior to this instruction.\*

## **APPENDIX C**

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by Cayuga County pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on said property described in this (deed, license, lease, permit, etc.) for a purpose for which a (Name of Appropriate Administration) program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to {Reference to Title and Code of Federal Regulations } relevant to Nondiscrimination in Federally-assisted programs of the (Name of Appropriate Administration). Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes - Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.].

That in the event of breach of any of the above nondiscrimination covenants, (Name of Recipient) shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed.]\*

That in the event of breach of any of the above nondiscrimination covenants, Cayuga County shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Cayuga County and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Cayuga County pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, gender, age, and disability, shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of, race, color, or national origin, gender, age, and disability, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to {Reference to Title and Code of Federal Regulations} relevant to Nondiscrimination in Federally-assisted programs of the (Name of Appropriate Administration). Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes - Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above nondiscrimination covenants, the Cayuga County shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds].

That in the event of breach of any of the above nondiscrimination covenants, Cayuga County shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Cayuga County and its assigns.

## **APPENDIX D**

### Federal Statue and Regulations References

Title VI of the 1964 Civil Rights Act [Pub. L.88-352 (1964), codified as 42 U.S.C. §§ 2000d through 2000d-4]:

Title VI of the Civil Rights Act of 1964 and related statutes provide that no person in the United States shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, receiving federal financial assistance. The Cayuga County Highway Department, as a recipient and distributor of federal funds must take affirmative steps to ensure that discrimination, as addressed by Title VI does not occur, and must perform the following actions in order to comply with federal requirements under 23 CFR Part 200 and 49 CFR Part 21:

The Civil Rights Restoration Act of 1987 [Public Law 100259 [S. 557] March 22, 1988]:

...broadened the scope of Title VI coverage by expanding the definition of the terms "program or activity" to include all programs or activities of Federal Aid Recipients, sub-recipients, and consultants/contractors, whether such programs and activities are federally assisted or not.

Age Discrimination Act of 1975 [Pub. L.94-135 (1975), codified as 42 U.S.C. §6102]:

...provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

Americans with Disabilities Act (ADA) of 1990, Subchapter 2, Part A [Pub. L. 101-336 {1990}; codified as 42 U.S.C. §§ 12131-12134]:

...provides that no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a state or a local government.

Section 504 of the Rehabilitation Act of 1973 [Pub. L.93-112 (1973), codified as 29 U.S.C. §794]:

...provides that no qualified handicapped person, shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

Section 324 of the Federal-Aid Highway Act – Prohibits discrimination on the basis of sex

Uniform Relocation Assistance and Real Property Acquisition Act of 1970

42 USC 6101 – Prohibits Age discrimination in any program receiving federal financial assistance

49 CFR Part 21 and 23 CFR Part 200 - Describes U.S. DOT and FHWA prohibitions against discrimination

Title VII of the Civil Rights Act of 1964 – Prohibits discrimination on the basis of race, color, religion, sex, and national origin

- 23 CFR 200.9(b) (1) – Establish a civil rights unit and designate a coordinator.
- 23 CFR 200.9(b) (2) – Adequately staff the civil rights unit to effectively implement state civil rights requirements.
- 23 CFR 200.9(b)(3) – Develop procedures for prompt processing and disposition of Title VI and Title VII complaints received directly by the state and not received by FHWA, FTA, or FAA.
- 23 CFR 200.9(b)(4) – Develop procedures for the collection of statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of state highway programs, i.e., relocatees, impacted citizens and affected communities.
- 23 CFR 200.9(b)(5) – Develop a program to conduct Title VI reviews of program areas, i.e., Transportation Planning, Real Estate, Passenger Transportation, Aeronautics and Freight Services, Highway Development, Office of Business Development, etc.
- 23 CFR 200.9(b) (6) – Conduct Title VI reviews of special emphasis areas to determine the effectiveness. Some of MDOT’s special programs include, the Disadvantaged Business Enterprise (DBE), On-the-Job Training (OJT) Program, Engineering Apprenticeship Program, Student Assistant programs, etc.
- 23 CFR 200.9(b) (7) – Conduct Title VI reviews of cities, counties, consultant contractors, suppliers, universities, colleges, planning agencies, and other recipients of federal funds.
- 23 CFR 200.9(b) (8) – Review MDOT directives in coordination with state program officials and, where applicable, include Title VI and related requirements.
- 23 CFR 200.9(b) (9) – Conduct training programs on Title VI and related statutes for state program and civil rights officials.
- 23 CFR 200.9(b) (10) – Prepare a yearly report of Title VI accomplishments for the past year and goals for the next year.
- 23 CFR 200.9(b) (11) – Submit updated Title VI implementing plan to the Regional Federal Highway Administrator (FHWA) for approval or disapproval.
- 23 CFR 200.9(b) (12) – Develop Title VI information for dissemination to the general public, where appropriate, in languages other than English.
- 23 CFR 200.9(b) (13) – Establish procedures for pre-grant and post-grant approval reviews of state programs and applicants for compliance with Title VI requirements.
- 23 CFR 200.9(b) (14) – Establish procedures to identify and eliminate discrimination where found.
- 23 CFR 200.9(b) (15) – Establish procedure for promptly resolving deficiency status and reducing to writing remedial action agreed to be necessary, within a period not to exceed 90 days.

Executive Order 12898:

...regarding federal actions to address environmental justice (EJ) in minority populations and low-income populations.

Executive Order 13166:

...improving access to services for persons with Limited English Proficiency (LEP).