

Fulton County Government

2013 Title VI Plan



Protecting Your Civil Rights is Good Business



Fulton County Title VI Program Plan

Fulton County Government Title VI Program Plan

Table of Contents

SECTION 1 – PROGRAM OVERVIEW

A. Title VI Policy Statement	2
B. Introduction.....	3
C. Authorities.....	5
D. Definitions.....	7

SECTION 2 – ORGANIZATION, STAFFING AND RESPONSIBILITIES

A. Title VI Organization and Staffing	10
B. Title VI Coordinator Responsibilities	10
C. Supporting Department Responsibilities.....	12
1. Office of Equal Employment Opportunities and Disability Affairs	
2. Department of Purchasing & Contract Compliance	
3. Office of Communications	
D. Title VI Liaison Responsibilities	12
E. Title VI Organizational Chart	13

SECTION 3 – GENERAL ADMINISTRATION

A. Complaints.....	14
B. Data Collection	14
C. Title VI Reviews.....	14
D. Annual Reviews.....	14
E. Fulton County Nondiscrimination Complaint Procedures	18
F. Title VI Complaint Form.....	21
Appendices	23
Appendix 1 – Title VI Assurances.....	23
Appendix 2 – Contract Provisions.....	24
Appendix 3 – Notice to the Public.....	25
Appendix 4 – Environmental Justice Demographics Profile	26

Fulton County Title VI Program Plan

TITLE VI POLICY STATEMENT

The Fulton County Board of Commissioners is committed to compliance with Title VI of the Civil Rights Act of 1964 as amended and all related regulations and directives. In this regard, Fulton County assures that no person shall on the basis of race, color or national origin, as provided by Title VI of the Civil Rights Act of 1964, as amended and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. Fulton County further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether or not those programs and activities are federally funded. In addition, Fulton County will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

When Fulton County distributes federal aid funds to another entity, the County will include Title VI language in all written agreements and will monitor them for compliance.

Fulton County Office of Internal Audit is responsible for initiating and monitoring Title VI activities, preparing required reports and other Fulton County responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.

John Eaves, Chairman
Fulton County Board of Commission

Date

Fulton County Title VI Program Plan

INTRODUCTION

The provisions of this Title VI Plan apply to all departments, agencies, programs, as well as, contractors and subcontractors under contract with Fulton County Government (“County”) as a recipient to receive federal assistance through Fulton County.

As a recipient of federal financial assistance, the County is required to comply with various non-discrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 which provides 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 assistance under this title or carried out under this title.”

Title VI was amended by The Civil Rights Restoration Act of 1987, which added section 606, expanding the definition of the terms “programs or activities” to include all programs or activities of federal-aid recipients, subrecipients, and contractors, whether or not such programs and activities are federally-assisted.

Title VI was further defined in 1994. Executive Order 12898 - Environmental Justice (EJ), directed federal agencies to identify and address the effects of all programs, policies, and activities on “minority populations and low-income populations.” In 2000, Executive Order 13166 - Limited English Proficiency (LEP), was also signed into effect requiring federal agencies to assess and address the needs of otherwise eligible limited English proficient persons seeking access to the programs and activities of recipients of federal financial assistance.

Fulton County will provide the following language services to inform LEP persons of free services that are available. This information will be provided in a notice in a language that LEP persons will understand:

- Posting signs in areas where the public is likely to read them. These signs will be posted at the front-desk reception area to notify LEP individuals of available services and how to obtain these services.
- Stating in outreach documents (brochures, booklets, pamphlets, and flyers) that language services are available.
- Working with community-based organizations to inform LEP persons of the language assistance availability.
- Including notices in local newspapers in languages other than English.
- Providing notices in non-English language radio and television stations about the availability of language assistance services for important events.
- Presentations and/or notices at schools and religious organizations for important events or where community involvement is critical.
- Using a telephone voice mail menu (if available) in the most common languages

Fulton County Title VI Program Plan

encountered.

The vital documents that need to be translated are public involvement, financial information, public information and local assistance. The county will also consider these other vital documents that may require translation/interpretation:

- Violation or deficiency notices.
- Emergency transportation information.
- Notices of proposed public hearings regarding proposed transportation plans, projects, or changes.
- Notices of reduction, denial, or termination of services or benefits.
- Signs in reception areas and other points of initial entry.
- Notices advising LEP persons of free language assistance.
- Statements about the services available and the right to free language assistance services in brochures, booklets, outreach and recruitment information and other materials routinely disseminated to the public.
- Written tests that do not assess English-language competency, but test competency for a particular license, job or skill for which knowing English is not required.
- Applications or instructions on how to participate in a program or activity or to receive benefits or services.
- Consent forms.

Under Title VI, the County's efforts to prevent such discrimination addresses, but is not limited to, its program's impacts, access, benefits, participation, treatment, services, contracting opportunities, training opportunities, investigation of complaints, allocation of funds, prioritization of projects, and the functions of Planning and Consultant Design, Construction, Planning, Environment/Location, Bridge Design, Airport Design, and Right of Way. The County's Title VI Program Plan focuses on those functional areas with significant public contact responsibilities and provides the policy direction necessary to ensure compliance with Title VI of the Civil Rights Act of 1964.

Simply stated, the County is to ensure that none of its activities or programs treats any part of the community any differently than another. The County expects every manager, supervisor, employee, and subrecipient of Federal-aid funds administered by the County to be aware of and apply the intent of Title VI of the Civil Rights Act of 1964 in performing assigned duties.

Fulton County Title VI Program Plan

AUTHORITIES

Fulton County Government recognizes that compliance with Title VI of the 1964 Civil Rights Act requires full compliance with all Federal and State statutory laws and policies related to the non-discrimination as a recipient of federally funded projects.

1. **Title VI of the 1964 Civil Rights Act** Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin (including Limited English Proficiency), or sex, 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 (implementation through 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, low income, and disability. The Civil Rights Restoration Act of 1987 also 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, subrecipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100- 259 [S. 557] March 22, 1988).
2. **Section 162(a) of the Federal-Aid Highway Act of 1973** (Section 324, Title 23 U.S.C.) No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.
3. **Section 504 of the Rehabilitation Act of 1973** No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.
4. **The Age Discrimination Act of 1975** (Section 6101-6107, Title 42 U.S.C.) 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 financial assistance.
5. **The Civil Rights Restoration Act of 1987, P.L. 100-209**—provides clarification of the original intent of Congress in Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. (Restores the broad, institution-wide scope and coverage of the non-discrimination statutes to include all programs and activities of federal-aid recipients, subrecipients and contractors, whether such programs and activities are federally assisted or not)
6. **Americans With Disabilities Act of 1990 PL 101-336:** No qualified individual with a disability shall, by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination by a

Fulton County Title VI Program Plan

department, agency, special purpose district, or other instrumentality of a state or a local government.

7. **USDOT Order 1050.2:** Standard Title VI Assurances.
8. **Executive Order 12898** (issued February 11, 1994) addresses Environmental Justice regarding minority and low-income populations.
9. **Executive Order 13166** (issued August 16, 2000) improves access to services for persons with limited English proficiency.
10. **28 CFR 50.3:** Guidelines for the enforcement of Title VI, Civil Rights Act of 1964.
11. **Executive Order 13166:** Improving Access to Services for Persons with Limited English Proficiency.

Fulton County Title VI Program Plan

DEFINITIONS

Definitions as used in Title 23 of the Code of Federal Regulations, Highways, Part 200.5

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to:

- Bodily impairment, infirmity, illness or death
- Air, noise, and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or a community's economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of persons, businesses, farms, or non-profit organizations
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of Federally funded programs, policies, or activities

Affirmative Action – a good faith effort to eliminate past and present discrimination in all federally assisted programs, and to ensure future nondiscriminatory practices.

Beneficiary – any person or group of persons (other than States) entitled to receive benefits directly or indirectly, from any federally assisted program, i.e., relocates, impacted citizens, communities, etc.

Citizen Participation – an open process in which the rights of the community to be informed, to provide comments to the government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals.

Compliance – a satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

Deficiency Status – the interim period during which the recipient state has been notified of deficiencies, has not voluntarily complied with Title VI Program guidelines, but has not been declared in noncompliance by the Secretary of Transportation.

Discrimination – that act or action whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national

Fulton County Title VI Program Plan

origin, has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from Federal Agencies/Programs.

Federal Assistance – includes: Grants and loans of Federal funds; the grant or donation of Federal property and interests in property, the detail of Federal personnel, the sale and lease of, and the permission to use (on other than a casual or transient basis), 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 recipient, or in recognition of the public interest to be served by such sale or lease to the recipient and Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

Limited English Proficiency – Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by Federal Agencies/Programs.

Low-Income – is a person whose median household income is at, or below the Department of Health and Human Services poverty guidelines. (<http://aspe.os.dhhs.gov/pverty/poverty.htm>)

Low-Income Population – is any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed federal program, policy, or activity.

Minority – A person who is:

- Black – a person having origins in any of the black racial groups of Africa;
- Hispanic – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- Asian American – a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or
- American Indian and Alaskan Native – a person having origins in any of the original people of North American and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population – is any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed federal program, policy or activity.

Noncompliance – a recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort implementing all of the Title VI requirements.

Fulton County Title VI Program Plan

Persons – where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native.” Additional subcategories based on national origin or primary language spoken may be used where appropriate, on either a national or a regional basis.

Program – includes any project or activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, transportation or other services, whether provided directly by the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipients.

Program Area Officials – are the officials in federal agencies who are responsible for carrying out technical program responsibilities.

Recipient – means any State, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision or instrumentality thereof, or 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 assistance is extended, either directly or through another recipient (subrecipient), for any program. Recipient includes any successor, assignee, or transferee thereof.

Significant Adverse Effects on Minority and Low-Income Populations – An adverse affect that:

- Is predominately borne by a minority population and/or a low-income population, or
- Will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the nonminority population and/or non-low-income population.

Sub-recipient – Is an agency such as a council of governments, regional planning agency, educational institution, for example, that receives Federal funds through the State agencies or programs and not directly from the Federal agencies. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

Title VI Program – the system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this part to Title VI requirements and regulations shall not be limited to only Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other Federal related statutes to the extent that they prohibit discrimination on the grounds of race, color, national origin, sex, disability or age in programs receiving Federal financial assistance.

Fulton County Title VI Program Plan

TITLE VI ORGANIZATION AND STAFFING

The County Manager is responsible for ensuring the implementation of the County's Title VI programs. The Director of Internal Audit, on behalf of the County Manager, is responsible for the overall management of the Title VI programs. The day-to-day administration of the program lies with the Title VI Coordinator under the direct supervision of the Director of Internal Audit.

- Title VI Organizational Chart – Figure 1, Page 13

TITLE VI COORDINATOR RESPONSIBILITIES

The Title VI Coordinator is responsible for implementing, monitoring, technical assistance and ensuring the County's compliance with Title VI regulations. The Title VI Coordinator's responsibilities include but are not limited to the following:

1. Administering the Title VI program and coordinate implementation of the Plan. Ensure compliance with the assurances, policy and program objectives.
2. Perform Title VI program reviews, to assess administrative procedures, staffing and resources; provide recommendations as required to the Director of Internal Audit.
3. Process the disposition of Title VI complaints reviewed by the County. The County's EEO Officer will support the Title VI implementation by providing guidance and technical assistance with the discrimination complaint process and Title VI policy interpretation and application.
4. Collect statistical data (race, color, sex, age, disability or national origin) of participants in and beneficiaries of County funded programs.
5. Conduct annual Title VI reviews of special emphasis program areas (right of way, planning, design, etc.) to determine the effectiveness of program activities at all levels.
6. Conduct Title VI reviews of program and construction contractors, consultants, suppliers, and other recipients of federally fund programs and contracts administered through the County.
7. Review County program directives in coordination with Title VI liaisons for special emphasis program areas. Where applicable, include Title VI language and related requirements.

Fulton County Title VI Program Plan

8. Conduct or facilitate training programs on Title VI and other related statutes for County and recipients of federal funds.
9. Prepare a yearly report of Title VI accomplishments and goals as well as objectives for the upcoming year.
10. Maintain and update all information pertaining to the implementation and administration of the County's current Title VI program, Federal laws, rules and regulations.
11. Develop and distribute Title VI program information to staff, recipients, sub-recipients, including contractors, sub-contractors, consultants and sub-consultants and beneficiaries, as well as to the general public. Public distribution may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and annual publication of the County's Title VI Policy Statement in announcements or notices of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching affected communities.
12. Develop Title VI information for dissemination to the general public and, where appropriate utilize available minority publications or other media, in languages other than English.
13. Conduct post-grant approval reviews of County programs and applicants (e.g., highway location, design and relocation, and persons seeking contracts with the County), for compliance with Title VI requirements and to determine the effectiveness of program activities at all levels.
14. Identify and eliminate discrimination.
15. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 90 days.
16. The Title VI Coordinator will meet as needed with all Title VI Liaisons to discuss issues regarding program implementation and compliance monitoring within the County. Each Department that is a recipient of federal funds shall designate a Title VI Liaison.

Fulton County Title VI Program Plan

SUPPORTING DEPARTMENT RESPONSIBILITIES

The supporting departments will assist the Title VI Coordinator in their specific areas of responsibilities in order to ensure compliance with the Title VI Program requirements. The Office of Equal Employment Opportunity and Disability Affairs, the Department of Purchasing & Contract Compliance, and the Office of Communications responsibilities include but are limited to the following:

Office of Equal Employment Opportunity and Disability Affairs Responsibilities

To maintain and update Fulton County's Non-Discrimination Title VI policy as well as establish and implement discrimination complaint procedures associated with Title VI of the Civil Rights Act of 1964, as amended.

Department of Purchasing & Contract Compliance Responsibilities

To ensure that the required Title VI and Notice to the Public language is included in all solicitations and contracts; monitoring of projects; providing outreach to Disadvantaged Business Enterprises ("DBEs"); providing contractor/vendor/subcontractor training; handling contractor/subcontractor complaints.

Office of Communications Responsibilities

To assist the Title VI Coordinator with the dissemination of Title VI Program information to County employees, sub-recipients, contractors and the general public. Public dissemination will include the posting of public statements, publishing the Title VI Policy statement in newspapers, notices to the public, announcement of hearings and meetings.

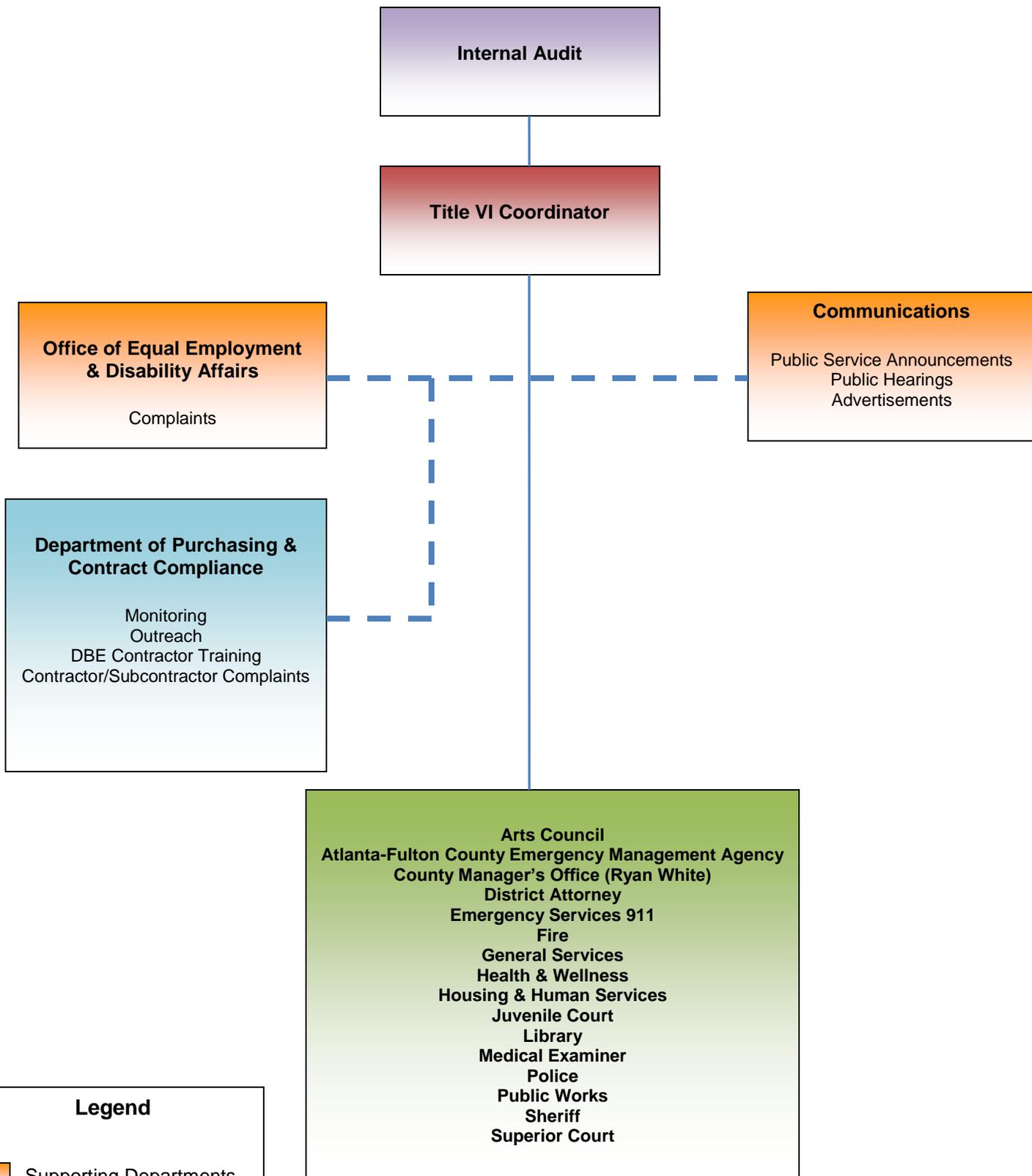
TITLE VI LIAISON RESPONSIBILITIES

Grant Recipient Departments are responsible for designating a Title VI Liaison. The Title VI Liaison(s) responsibilities include but are not limited to the following:

1. Ensuring compliance, program monitoring, reporting and education within their respective programs.
2. Attending regularly scheduled meetings with the Title VI Coordinator to discuss issues regarding program implementation and compliance monitoring within the County.
3. Assists the Title VI Coordinator, the Office Equal Employment and Disability Affairs, and the Department of Purchasing & Contract Compliance with ensuring compliance, program monitoring, reporting and education within their respective Departments, as appropriate.

Fulton County Title VI Program Plan

Title VI Organizational Chart



Legend

 Supporting Departments

 Title VI Liaisons

Fulton County Title VI Program Plan

COMPLIANTS

If any individual believes that s/he or any other program beneficiaries have been subjected to unequal treatment or discrimination on the grounds of race, color, national origin, or gender, s/he may exercise their right to file a complaint with Fulton County. Every effort will be made to resolve complaints informally at the region/branch, sub-recipient, and contractor's level (see "Discrimination Complaint Procedure", page 14).

DATA COLLECTION

Statistical data on race and gender of participants in, and beneficiaries of, Fulton County Federal Funded program (e.g., relocates, affected populations, and participants) will be gathered and maintained by the Department. Each of the Title VI special emphasis program areas will maintain data to be incorporated in the Title VI Annual Update Report. Data gathering procedures will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of Title VI program administration.

TITLE VI REVIEWS

Title VI Program Reviews will be performed by the Title VI Coordinator under the direction of the Office of Internal Audit, as necessary, to assess administrative procedures, staffing and resources available for the Title VI compliance.

ANNUAL REVIEWS

All federal funded programs will be reviewed by the Title VI Coordinator under the direction of the Office of Internal Audit, annually to assure effectiveness in compliance with Title VI provisions. This is in addition to the monitoring and review of sub-recipients. The Title VI Coordinator and Departmental Title VI Liaisons will jointly work on correcting identified problem areas.

FULTON COUNTY NONDISCRIMINATION COMPLAINT PROCEDURES

I. Purpose and Scope of the Procedure:

A. Purpose

The purpose of the Discrimination Complaint Procedure ("Procedure") is to promote equal opportunity and access to Fulton County Government employment, contracts, services and benefits by providing a means for the internal resolution of complaints alleging discrimination on the basis of race/ethnicity, gender, color, religion, national origin, age (40 and over), disability, sexual identity or genetic information as prohibited by applicable federal and state law and/or County regulations.

Fulton County Title VI Program Plan

B. Use of the Procedure

The procedure may be used by any Fulton County employee, applicant for employment, former employee, contractor, subcontractor or citizen, as appropriate who believes that he/she has been discriminated against as defined in the Procedure.

C. Use of Other Internal Complaint Procedures and External Discrimination Complaint Procedures

This procedure affords the *exclusive* method for internal resolution of discrimination complaints and may, in appropriate instances, be used in conjunction with other internal discrimination complaint or grievance procedures. This procedure may be used in conjunction with external (i.e. State or Federal) discrimination complaint procedures including but not limited to the United States Equal Employment Opportunity Commission, United States Department of Justice, Georgia State Department of Transportation etc. Any complaint pending under this procedure may be suspended or withdrawn upon written request (by the Complainant/Charging Party) to the Office of Equal Employment Opportunity and Disability Affairs (OEEODA).

D. Applicability

This procedure applies to all Fulton County departments, agencies, contractors, consultants and elected officials

II. Definitions:

For the purpose of this procedure, the following items have the following meanings ascribed to them:

Complete Discrimination Complaint – a written statement by a specifically identified individual, group of individuals or entity: 1) alleging that he or she has suffered direct injury as a result of an action by a County official, employee, contractor or consultant which is intended to, or has the effect of, discriminating against the individual on the basis of race/ethnicity, gender, color, religion, national origin, age (40 and over), disability, sexual identity or genetic information; and 2) requesting that the Office of Equal Employment Opportunity and Disability Affairs (OEEODA) take action to investigate and resolve the alleged discrimination. Complaints filed that raise employment concerns, but which do not allege discrimination on the basis of race, gender, color, religion, national origin, citizenship, age (40 and over), disability, sexual identity or genetic information, generally will be referred to another County entity as appropriate such as the Employee Labor Relations Office (ELRO) of the Personnel Department or the Department of Purchasing and Contract Compliance for evaluation and/or resolution.

Fulton County Title VI Program Plan

Complainant/Charging Party – an individual, group of individuals or entity who file a discrimination complaint

Alleged Violator – the County official, employee, contractor or consultant named in a discrimination complaint as having taken the action which is the basis for the complaint

Respondent – generally, the appointing authority of the department or entity in which the Alleged Violator works

Director – the Director of the Office of Equal Employment Opportunity and Disability Affairs or the Director's designated representative

Administrative Procedures – internal procedures, other than the Discrimination Complaint Procedure, for resolving grievances or other adverse actions

III. Administration of the Discrimination Complaint Procedure:

A. Responsibility for Administration

The procedure will be administered by the Director, and all records resulting from use of the procedure will be maintained by the Director with the exception of medical records protected under state and federal laws, which shall be forwarded to the Personnel Department for retention in the employee's medical file. The Director is responsible for determining compliance with all aspects of this procedure and providing information concerning the procedure specifically requested by employees.

B. Time Periods

Unless specifically stated otherwise, the time periods within this procedure refer to business days.

IV. Complaint Procedure

A. Filing a Complaint

A covered individual, group of individuals, or entity under Section I B of this policy who believes he/she is experiencing or has experienced discrimination, may file an acceptable written statement with OEEODA by completing a Discrimination Complaint Form to be provided by OEEODA. OEEODA immediately will evaluate the written information provided to determine whether it has sufficient information to consider the complaint as complete.

Covered individuals choosing to utilize this procedure are responsible for providing OEEODA with any and all requested information such that OEEODA may proceed with complaint evaluation and investigation and/or resolution attempts.

Fulton County Title VI Program Plan

B. Administrative Closures

In a variety of circumstances, OEEODA may determine that a complaint should be closed administratively. (Examples of such circumstances include, among others: 1) the Complainant's/Charging Party's failure to cooperate in the processing of the evaluation, investigation and/or resolution of the complaint (e.g. refusal to provide a completed and signed Discrimination Complaint Form, refusal to meet and/or communicate with the EEO officer assigned to investigate the charge, refusal to give permission to disclose his/her identity, or refusal to provide substantive details and/or documentation sufficient to establish the basis of the complaint); 2) the Complainant's/Charging Party's decision to withdraw his/her complaint; 3) the death of the Complainant/Charging Party, makes it impossible for OEEODA to investigate the allegations fully; 4) the Complaint is a continuation of a pattern of previously filed complaints involving the same or similar allegations against the same Respondent, which repeatedly have been found factually or legally insubstantial by OEEODA; and 5) OEEODA's receipt of information at any time confirming that the allegations raised by the Complainant/Charging Party have been resolved.

C. Time for Filing a Complaint

In order to be timely, a complaint must be filed within thirty (30) business days from the date of discovery or the last date on which the action described in the complaint occurred.

The filing date of a Complaint shall be the date that is stamped on the Complaint upon receipt by OEEODA.

D. Waivers

If a Complaint is not filed in a timely manner, OEEODA will notify the Complainant of the opportunity to request a waiver. The Director may grant a waiver of the 30 day filing requirement under any of the following circumstances:

1. The Complainant/Charging Party reasonably could not be expected to know the act was discriminatory within the 30 business day period, and the complaint was filed within 10 business days after the Complainant/Charging Party became aware of the alleged discrimination;
2. The Complainant/Charging Party was unable to file a complaint because of illness or other incapacitating circumstances during the 30 business day period, and the complaint was filed within 10 business days after the period of illness or incapacitation ended;
3. Unique circumstances generated by agency/Alleged Violator action have adversely affected the Complainant/Charging Party;

Fulton County Title VI Program Plan

4. Other circumstances which, within the sole discretion of the Director, warrant granting the waiver.

E. Notification of Complaint Filing and Obligation to Respond

If the Director determines that the complaint is complete and is filed timely, the Director will notify the County Attorney (e.g. EEOC and Title VI charges only), the Respondent and the Alleged Violator. Generally, OEEODA will issue a data request letter (DRL) to the Respondent, seeking information and documents relevant to complaint resolution. Data request letters sent to Respondents involved in Title VI complaints will be sent by certified mail. The Respondent is required to respond in writing to any DRL issued by OEEODA in connection with the complaint. The written response generally must be received by the Director within five business (5) days of the Respondent's receipt of the DRL. Extensions may be granted at the OEEODA Director's discretion upon receipt of a written request from the Respondent Department. Conditions that may be considered for granting an extension include but are not limited to the following: 1) the information requested is of a complex and voluminous nature so that researching and compiling a full departmental response could not be reasonably expected within 5 business days; 2) the documents needed to develop the response in question are located in archived files off site and additional time is required for retrieval and review; 3) the person(s) responsible for compiling the requested information and submitting the departmental response is temporarily absent/on leave at the time the request is received by the Respondent Department; and/or 4) a high priority/competing department-wide and/or county-wide project or assignment, such as budget preparation, accreditation etc. renders the 5 day submission timeframe as burdensome and additional time for preparing the response is required.

F. Complaint Evaluation and Investigation

Every effort shall be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between affected parties and the OEEODA may be utilized for resolution, at any stage of the process. The OEEODA shall make every effort to pursue a resolution to the complaint. Initial interviews with the Charging Party and the Respondent will request information specifically requested relief and settlement opportunities. OEEODA shall attempt to resolve the Complainant's/Charging Party's allegations of discrimination promptly and appropriately. Complaint evaluation and investigation generally will be completed within 60 business days from the date a complaint is qualified and accepted for investigation. When additional time is required, a letter may be sent by the Director notifying the Complainant/Charging Party and Respondent of the new time frames by which OEEODA anticipates completing its evaluation and/or investigation.

Fulton County Title VI Program Plan

V. Resolution Without an Official Case Summary Report

If a complaint is resolved *during* the evaluation and investigation process, the complaint resolution letter to all parties should contain:

- ♦ the basis for the complaint (race/ethnicity, gender, color, religion, national origin, age (40 and over), disability, sexual identity or genetic information);
- ♦ a brief statement of the allegations;
- ♦ an explanation of the basis for OEEODA's determination that the complaint has been resolved; and
- ♦ a copy of any signed, written agreement that has been reached.

VI. Official Findings and/or Recommendations and Subsequent Review

Upon completion of the complaint evaluation and investigation, OEEODA shall issue an Investigative Report that containing sufficient documentation to support its findings and conclusions. All involved parties will be notified of the determination and appeal rights.

A. Appeals

If a Charging Party is not satisfied with the results of the investigation, s/he shall be advised of their rights to file the claim with external agencies as previously specified.

Where the Director finds that there is reasonable cause to believe that discrimination has occurred, s/he may determine a remedy that the department head shall implement. In the event the department head disagrees with the proposed remedy, the department head shall have the right to appeal the remedy, but not the determination, made by the Director. Such appeal shall be made in writing to the County Manager within three (3) business days of the issuance of the Investigative Report. Within ten (10) business days, the County Manager shall make a final decision regarding the remedy, based on a review of the findings and supporting documentation.

After the County Manager makes a decision, there is no further County review of the complaint.

Where the Director finds that there is reasonable cause to believe that discrimination has occurred and the Respondent is a department head, the Director may recommend a remedy to the County Manager. Within ten (10) business days, the County Manager will make a final decision regarding the remedy in the matter, based on a review of the findings and recommendations. This decision shall be issued in writing to each of the concerned parties as well as the Director.

VII. Strict Prohibition Against Retaliation

Fulton County Government strictly prohibits retaliation against: 1) any employee or citizen who opposes any act or practice they perceive to violate this policy; or 2) any

Fulton County Title VI Program Plan

employee who has made a charge, testified, cooperated, assisted or participated (in any manner) in any EEO-related investigation, proceeding or hearing. Retaliation is a separate violation, distinct from the initial, underlying discrimination allegation. Individuals engaging in retaliation shall be subject to discipline without regard to whether there has been a finding of cause in the initial complaint. Any employee who feels they have been subjected to retaliation should contact EEO immediately.

FULTON COUNTY GOVERNMENT

Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground 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.”

Note: The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please let us know. Complete and return this form to the Office of Equal Employment Opportunity and Disability Affairs, Room 5042, Atlanta, GA 30333

1. Complaint's Name _____

2. Address _____

3. City, State and Zip Code _____

4. Telephone Number (home) _____ (business) _____

5. Person discriminated against (if someone other than the complainant)

Name _____

Address _____

City, State and Zip Code _____

6. Which of the following best describes the reason you believe the discrimination took place? Was it because of your:

a. Race/Color _____

b. National Origin _____

7. What date did the alleged discrimination take place? _____

8. In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.

Fulton County Title VI Program Plan

9. Have you filed this complaint with any other federal, state, or local agency: or with any federal or state court? _____ Yes _____ No

If yes, check all that apply:

_____ Federal agency _____ Federal court _____ State agency

_____ State court _____ Local agency

10. Please provide information about a contact person at the agency/court where the complaint was filed.

Name _____

Address _____

City, State, and Zip Code _____

Telephone Number _____

11. Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

Complainant's Signature

Date

Fulton County Title VI Program Plan

APPENDIX 1

FULTON COUNTY Title VI Assurances

The FULTON COUNTY GOVERNMENT (hereinafter referred to as the “Recipient”), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d—42 USC 2000d—4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the Federal awarding agencies and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement.

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 FULTON COUNTY by the Federal awarding agencies and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal aid programs. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

John H. Eaves, Chairman
Fulton County Board of Commissioners

Fulton County Title VI Program Plan

APPENDIX 2

The text below, in its entirety, is in all contracts entered into by FULTON COUNTY. All of the text except the final section, entitled "Incorporation of Provisions," should be included in any contract entered into by any FULTON COUNTY contractor.

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

1. **Compliance with Regulations**

The Contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of, Title 49, Code of Federal Regulations, part 21, 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, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. **Solicitations for Subcontracts, Including Procurement of Materials and Equipment**

In all solicitations either by competitive bidding or negotiations made by the Contractor for work to be performed under a subcontract, including procurement 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 ground of race, color, sex, or national origin.

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 Fulton County 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 Fulton County as appropriate, and shall set forth what efforts it has made to obtain the information.

Fulton County Title VI Program Plan

5. Sanctions for Noncompliance

In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, Fulton County or The Georgia Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- Withholding of payments to the Contractor under the contract until the Contractor complies; and/or
- Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions

The Contractor shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontractor or procurement as Fulton County or The Georgia Department of Transportation may direct as a means of enforcing such provisions including sanctions for noncompliance.

Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request Fulton County enter into such litigation to protect the interests of the state and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX 3

Title VI Notice to the Public

U.S. Department of Justice regulations, 28 Code of Federal Regulations, Section 42.405, Public Dissemination of Title VI Information, require recipients of Federal financial assistance to publish or broadcast program information in the news media. Advertisements must state that the program is an equal opportunity program and/or indicate that Federal law prohibits discrimination. Additionally, reasonable steps shall be taken to publish information in languages understood by the population eligible to be served or likely to be directly affected by the program. Following is the public notice used by the Fulton County Government ("County").

Fulton County Government hereby gives public notice that it is the policy of the County to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. It is our policy that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from the participation in, be denied the benefits of or be otherwise subjected to discrimination under any of our programs or activities.

Fulton County Title VI Program Plan

Any person who believes they have been subjected to unlawful discriminatory practice under Title VI has a right to file a formal complaint. Any such complaint must be filed in writing or in person with Fulton County Government, Title VI Coordinator, within one hundred-eighty (180) days following the date of the alleged discriminatory action. Title VI Discrimination Complaint Forms may be obtained from the Equal Opportunity Division by calling (404) 612-3735.

APPENDIX 4

Title VI Environmental Justice Policy Considerations

Fulton County Government shall implement and execute Environmental Justice policies for its Transportation Program throughout the unincorporated boundaries of its jurisdictions. The demographic of communities current identified from the 2010 census shows an increase in the number of residence in Fulton County. While trends are changing with noticeable increase in the minority communities, Fulton County is committed to providing inclusion of communities affected by any project early in the decision making process. This government agency is committed to involving minority and low income populations, local advertising organs and community representatives as a part of its primary outreach efforts.

Principles of Environmental Justice

- Fulton County program policy is to avoid, minimize or mitigate any disproportionately high and adverse human health and environmental effects, including social and economic effects, caused by our programs, policies or activities on minority populations and low-income populations.
- These policies shall ensure the full and fair participation by all potentially affected communities in project decision making process.
- Prevent the denial of, reduction in or significant delay in the receipt of benefits by minority and low-income populations in affected project areas.
- Consideration with emphasis will be focused in the composition of affected areas.
- The potential for multiple or cumulative exposure will be considered early in the development stages of all activities or other local government projects.
- The interrelated cultural, social, occupational, historical, and economic factors.
- Develop effective Public Participation throughout the Planning process.
- Assure that meaningful community representation is established during the Planning and Conceptual Phase of all program activities and other local government projects.