

## **Title VI Plan**

### **OCEANA COUNTY COUNCIL ON AGING**

#### **I. Plan Statement**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides 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" (42 U.S.C. Section 2000d).

*OCEANA COUNTY COUNCIL ON AGING (OCCOA)* is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B.

This plan was developed to guide the OCCOA in its administration and management of Title VI-related activities.

#### **Title VI Coordinator Contact information**

Kathleen Premer, Executive Director  
621 E Main Street  
Hart, MI 49420  
231-873-4461  
[www.OceanaCountyCouncilOnAging.com](http://www.OceanaCountyCouncilOnAging.com)

#### **II. Title VI Information Dissemination**

Title VI information posters shall be prominently and publicly displayed in the OCCOA facility and on the transit buses (see Appendix G). The name of the Title VI coordinator is available on the OCCOA'S website, at [www.OceanaCountyCouncilOnAging.com](http://www.OceanaCountyCouncilOnAging.com). Additional information relating to nondiscrimination obligation can be obtained from the OCCOA Title VI Coordinator.

Title VI information shall be disseminated to OCCOA employees annually via the Employee Education form (see Appendix A) in payroll envelopes. This form reminds employees of the OCCOA's policy statement, and of their Title VI responsibilities in their daily work and duties.

During New Employee Orientation, new employees shall be informed of the provisions of Title VI, and the OCCOA's expectations to perform their duties accordingly.

All employees shall be provided a copy of the Title VI Plan and are required to sign the Acknowledgement of Receipt (see Appendix B).

### **III. Subcontracts and Vendors**

All subcontractors and vendors who receive payments from OCCOA where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended.

Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

### **IV. Record Keeping:**

The Title VI Coordinator will maintain permanent records, which include, but are not limited to, signed acknowledgements of receipt from the employees indicating the receipt of the of OCCOA Title VI Plan, copies of Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants, and Title VI investigations.

### **V. Title VI Complaint Procedures**

#### **How to file a Title VI Complaint?**

The complainant may file a signed, written complaint up to 180 days from the date of the alleged discrimination. The complaint should include the following information:

- Your name, mailing address, and how to contact you (i.e., telephone number, email address, etc.)
- How, when, where and why you believe you were discriminated against. Include the location, names and contact information of any witnesses.
- Other information that you deem significant

The Title VI Complaint Form (see Appendix C) may be used to submit the complaint information. The complaint may be filed in writing with OCCOA at the following address:

**Oceana County Council on Aging  
621 E Main Street  
Hart, MI 49420**

NOTE: OCCOA encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. For complaints originally submitted by facsimile, an original, signed copy of the complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than 180 days from the alleged date of discrimination.

#### **What happens to the complaint after it is submitted?**

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by OCCOA will be directly addressed by OCCOA. OCCOA shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, OCCOA shall make every effort to address all complaints in an expeditious and thorough manner.

A letter of acknowledging receipt of complaint will be mailed within seven days (Appendix D). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

**How will the complainant be notified of the outcome of the complaint?**

OCCOA will send a final written response letter (see Appendix E or F) to the complainant. In the letter notifying complainant that the complaint is not substantiated (Appendix F), the complainant is also advised of his or her right to 1) appeal within seven calendar days of receipt of the final written decision from OCCOA, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the FTA. Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

In addition to the complaint process described above, a complainant may file a Title VI complaint with the following offices:

**Federal Transit Administration Office of Civil Rights  
Attention: Title VI Program Coordinator  
East Building, 5th Floor – TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590**

**VI. Transit Related Title VI Investigations, Complaints and Lawsuits**

OCCOA has not had any transit related Title VI investigations, complaints or lawsuits.

**VII. Limited English Proficiency (LEP) Plan**

The purpose of the OCCOA limited English proficiency plan is to clarify the responsibilities of recipients of federal financial assistance from the US Department of Transportation (DOT) and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. OCCOA's LEP plan was developed using the FTA's four-factor analysis.

## **Introduction**

The purpose of this limited English proficiency policy guidance is to clarify the responsibilities of recipients of federal financial assistance from the US Department of Transportation (DOT) and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It was prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C 2000d, et seq., and its implementing regulations provide 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, and;

## **Executive Order 13166**

Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its' respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons with Limited English Proficiency." (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance). Different treatment based upon a person's inability to speak, read, write or understand English may be a type of national origin discrimination.

Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies such as OCCOA Transportation (OCCOA) and governments, private and non-profit entities and sub-recipients.

## **Plan Summary**

The OCCOA has developed this Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to OCCOAT services as required by Executive Order 13166. A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write or understand English. This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available and information for future plan updates. In developing the plan while determining the OCCOA's extent of obligation to provide LEP services, the OCCOA undertook a U.S. Department of Transportation four factor LEP analysis which considers the following: 1. the number or proportion of LEP persons eligible in the OCCOAT service area who may be served or likely to encounter an OCCOA LEP Plan, OCCOA program, activity or service, 2. the frequency with which LEP individuals come in contact with OCCOA services, 3. the nature and importance of the program, activity or service provided by OCCOA to the LEP population; and, 4. the resources available to OCCOA and overall costs to provide LEP assistance. A brief description of these considerations is provided in the following section.

## **Four Factor Analysis**

### **1. The number or proportion of LEP persons eligible in the OCCOA service area that may be served or likely to encounter an OCCOA program, activity or service.**

The OCCOA examined the US Census 2010 Demographic Profile Highlights and were able to determine that approximately 13.3%, or 3,568 people within OCCOA's service area age 5 and older spoke a language other than English. OCCOA was unable to determine what percentage of the 3,568 people were elderly. There are no other major ethnic groups in Oceana County that may not speak English.

### **2. The frequency with which LEP individuals come in contact with an OCCOA program, activity or service.**

OCCOA assesses the frequency at which staff and drivers have or could possibly have contact with LEP persons. This includes documenting phone inquiries and verbally surveying drivers. Since January 2007, OCCOA has had no requests for interpreters or for translated OCCOA documents. The staff and drivers have very little contact with LEP individuals.

### **3. The nature and importance of the program, activity, or service provided by the OCCOA to the LEP community.**

There is only one large geographic concentration of any one type of LEP individuals in the OCCOA service area. The Hispanic/Latino population is 13.3% of the overall population of our service area. There is a lack of any social, service, professional and leadership organizations within the OCCOA service area that focuses on outreach or membership of LEP individuals.

### **4. The resources available to OCCOA and overall costs.**

OCCOA has no available resources budgeted that can be used for providing LEP assistance. LEP assistance that should be provided includes having a professional interpreter and translation service available. We could determine which documents would be the most valuable to be translated if and when the population supports, taking an inventory of available organizations that OCCOA could partner with for outreach and translation efforts, and what level of staff training is needed. After analyzing the four factors, OCCOA developed the plan outlined in the following section for assisting persons of limited English proficiency.

## **LIMITED ENGLISH PROFICENCY PLAN OUTLINE**

### **How to Identify an LEP Person who Needs Language Assistance**

- Examine records requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings.
- When OCCOA sponsored workshops or conferences are held, set up a sign-in table. Have a staff member greet and briefly speak to each attendee. In order to informally assess the attendee's ability to speak and understand English, ask a question that requires a full sentence reply.
- Have the Census Bureau's "I Speak Cards" at the workshop or conference sign-in table. While staff may not be able to provide translation assistance at this meeting, the cards are an excellent tool to identify language needs for future meetings. Also, have the cards available at the OCCOA center.
- Survey drivers and other front line staff on an annual basis at the beginning of each fiscal year regarding their experience on having any direct or indirect contact with LEP individuals.

### **Language Assistance Measures**

OCCOA has or will implement the following LEP procedures. The creation of these steps are based on the relatively low percentage of persons speaking other languages or not speaking English at least "well," and the lack of resources available in the OCCOA service area:

- Census Bureau's "I Speak Cards" are to be located at the Transportation Department service window, at the Oceana County Council on Aging center at all times and on all of the OCCOA vehicles
- When an interpreter is needed, in person or on the telephone, and the OCCOA staff has exhausted the above options, staff will first attempt to determine what language is required. Staff will use the telephone interpreter service – Language Line Services at <http://www.languageline.com>, on the Language Line home page the staff will select the "Need an Interpreter Now" link and follow the directions to receive and access a code
- A full time staff member is bilingual and able to provide Guest Services assistance in outreach programs and for OCCOA programs and public meetings.

### **OCCOA Staff Training**

All OCCOA staff will be provided with the LEP Plan and will be educated on procedures to follow. This information will also be part of the OCCOA staff orientation process for new hires. Training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities.
- What language assistance services the OCCOA offers.
- Use of LEP “I Speak Cards”.
- How to use the Language Line interpretation and translation services.
- Documentation of language assistance requests.
- How to handle a Title VI and/or LEP complaint.

### **Outreach Techniques**

As of the first submission of the OCCOA LEP Plan in 2009, OCCOA does not have a formal practice of outreach techniques due to the lack of LEP population and resources available in the service area.

However, the following are a few options that OCCOA will incorporate when and/or if the need arises for LEP outreach:

- If a staff member knows that they will be presenting a topic that could be of potential importance to an LEP person or if staff will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, meeting notices, fliers, advertisements and agendas will be printed in an alternative language, based on known LEP population in the area.
- When running a general public meeting notice, staff will insert the clause, based on the LEP population and when relevant, that translates into “A (insert alternative Language) translator will be available.” for example: “Un traductor del idioma español estará disponible,” this means “A Spanish translator will be available.”
- Key print materials, including but not limited to schedules, maps and brochures will be translated and made available at the OCCOA main office, on board all OCCOA vehicles and in the community when a specific and concentrated LEP population is identified.

### **Monitoring and Updating the LEP Plan**

This plan is designed to be flexible and is one that can be easily updated. Each update should examine all plan components such as:

- How many LEP persons were encountered?
- Were their needs met?
- What is the current LEP population in the OCCOA service area?

- Has there been a change in the types of languages where translation services are needed?  
Is there still a need for continued language assistance for previously identified OCCOA programs, and are there other programs that should be included?
- Have OCCOA's available resources, such as technology, staff and financial costs changed?
- Has OCCOA fulfilled the goals of the LEP Plan?
- Were any complaints received?

**Dissemination of the OCCOA Limited English Proficiency Plan**

The LEP plan will be on the OCCOA website [www.oceanacountycouncilonaging.com](http://www.oceanacountycouncilonaging.com) together with its Title IV Policy and Complaint Procedures. OCCOA's Notice of Rights under Title VI to the public will be posted at the OCCOA center, on all OCCOA vehicles and in selected printed materials. Any person, including social service, non-profit and law enforcement agencies and other community partners with internet access will be able to access the plan. Copies of the LEP Plan will be provided, on request, to any person(s) requesting the document via phone, in person, by mail or email. LEP persons may obtain copies/translations of the plan upon request. Any questions or comments regarding this plan should be directed to the OCCOA Transportation Coordinator.

**OCCOA Executive Director**

**Kathleen Premer**

Oceana County Council on Aging  
621 E Main Street  
Hart, MI 49420

Phone: 231-873-4461

Fax: 231-873-5645

Email: [premer@oceanacoa.com](mailto:premer@oceanacoa.com)

**VIII. Community Outreach**

As an agency receiving federal financial assistance, we have made the following community outreach efforts since the last Title VI program submission in 2009:

OCCOA has engaged the public in its planning and decision-making processes, as well as its marketing and outreach activities. The public was invited to participate in these activities:

Lead agency in developing the OCCOA Coordinated Public Transit-Human Services Transportation Plan (Coordinated Plan). A coordinated public transit human services



plan meeting has been held annually. Every member of the OCCOA’s Transportation Advisory Committee is invited. This committee is made up of county organizations as well as senior and disabled passengers. Other key constituents are also invited.

Board Meetings: The Board of Directors holds monthly meetings on the 2<sup>nd</sup> Tuesday and the public is invited to attend.

Transportation Advisory Committee: Meets on a quarterly basis on the 2<sup>nd</sup> Thursday of March, June, September and December to discuss transportation issues. The public is invited to attend.

Customer Complaint Process: Citizens may call our agency at 1-231-873-4461 to lodge a complaint or comment. All complaints/comments are input into a database and then distributed to the relevant manager who researches the complaint and responds back to the citizen.

General Awareness and Phone Surveys: OCCOA conducts onboard rider and general awareness surveys semi-annually.

Bilingual Outreach: A full-time staff member is bilingual and able to provide Guest Services assistance in outreach programs and for OCCOA programs and public meetings.

We submit to the Michigan Department of Transportation annually an application for funding. The application requests funding for both capital and operating assistance. Part of the annual application is a public notice, which includes a 30-day public comment period.

**IX. Membership of Non-Elected Committees**

BODY	CAUCASIAN	LATINO	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN
POPULATION	86.7%	13.3%	0%	0%	0%
LAC	100%	0%	0%	0%	0%

OCCOA makes every effort to encourage the participation of minorities on committees by posting a public notice inviting people to join the LAC.

**X. Title VI Equity Analysis**

If OCCOA constructs a facility, such as a vehicle storage facility, maintenance facility, operation center, etc:

- a. OCCOA shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color or national origin.
- b. When evaluating locations of facilities, OCCOA should give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result.

c. If OCCOA determines that the location of the project will result in a disparate impact on the basis of race, color or national origin, OCCOA may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color or national origin.

## **Appendix A Employee Annual Education Form**

### **Title VI Policy**

No person 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.

All employees of the OCCOA are expected to consider, respect, and observe this policy in their daily work and duties. If a citizen approaches you with a question or complaint, direct him or her to Kathleen Premer, Title VI Coordinator.

In all dealings with citizens, use courtesy titles (i.e. Mr., Mrs., Ms., or Miss) to address them without regard to race, color or national origin.

**Appendix B      Acknowledgement of Receipt of Title VI Plan**

I hereby acknowledge the receipt of the OCCOA’s Title VI Plan. I have read the plan and am committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B.

\_\_\_\_\_  
Your signature

\_\_\_\_\_  
Print your name

\_\_\_\_\_  
Date

**Appendix C      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.” If you feel you have been discriminated against in transit services, please provide the following information in order to assist us in processing your complaint and sent it to:

Oceana County Council on Aging  
621 E Main Street  
Hart, MI 49420

Please print clearly:

Name:

\_\_\_\_\_

Address:

\_\_\_\_\_

City, State, Zip Code:

\_\_\_\_\_

Telephone Number: \_\_\_\_\_ (home) \_\_\_\_\_ (cell) \_\_\_\_\_  
(message)

Person discriminated against: \_\_\_\_\_

Address of person discriminated against: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Please indicate why you believe the discrimination occurred:

- \_\_\_\_\_ race or color
- \_\_\_\_\_ national origin
- \_\_\_\_\_ income
- \_\_\_\_\_ other

What was the date of the alleged discrimination? \_\_\_\_\_

Where did the alleged discrimination take place? \_\_\_\_\_

Please describe the circumstances as you saw it: \_\_\_\_\_

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

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Please list any and all witnesses' names and phone numbers:

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What type of corrective action would you like to see taken?

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Please attach any documents you have which support the allegation. Then date and sign this form and send to the Title VI Coordinator at:

Kathleen Premer, Title VI Coordinator  
OCCOA  
621 E Main Street  
Hart, MI 49420

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Your signature

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Print your name

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Date

**APPENDIX D Letter Acknowledging Receipt of Complaint**

Today's Date

Ms. Jo Doe  
1234 Main St.  
Clarksville, Tennessee 37040

Dear Ms. Doe:

This letter is to acknowledge receipt of your complaint against the OCCOA alleging \_\_\_\_\_.

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning \_\_\_\_\_, or write to me at this address.

Sincerely,

Name  
Kathleen Premer  
Title VI Coordinator

**APPENDIX E      Letter Notifying Complainant that the Complaint Is Substantiated**

Today's Date

Ms. Jo Doe  
1234 Main St.  
Clarksville, Tennessee 37040

Dear Ms. Doe:

The matter referenced in your letter of \_\_\_\_\_ (date) against the OCCOA alleging Title VI violation has been investigated.

(An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. ***(If a hearing is requested, the following sentence may be appropriate.)*** You may be hearing from this office, or from federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

Name  
Kathleen Premer  
Title VI Coordinator



**APPENDIX F Letter Notifying Complainant that the Complaint Is Not Substantiated**

Today's Date

Ms. Jo Doe  
1234 Main St.  
Clarksville, Tennessee 37040

Dear Ms. Doe:

The matter referenced in your complaint of \_\_\_\_\_ (date) against the OCCOA alleging \_\_\_\_\_ has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964, had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

The OCCOA has analyzed the materials and facts pertaining to your case for evidence of the city's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

You have the right to 1) appeal within seven calendar days of receipt of this final written decision from OCCOA, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at

Federal Transit Administration Office of Civil Rights  
Attention: Title VI Program Coordinator  
East Building, 5th Floor - TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Name  
Kathleen Premer  
Title VI Coordinator

## **APPENDIX G      Samples of Narrative to be included in Posters to be Displayed in Revenue Vehicles and Facilities**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides 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" (42 U.S.C. Section 2000d).

OCCOA is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B. **If you feel you are being denied participation in or being denied benefits of the transit services provided by OCCOA, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, you may contact our office at 621 E Main Street, Hart, MI 49420, 231-873-4461.**

For more information, visit our website at [www.OceanaCountyCouncilonAging.com](http://www.OceanaCountyCouncilonAging.com)