



# County of Erie

**Mark Poloncarz**

County Executive

Jesse L. Burnette  
Director

Division of Equal Employment Opportunity

## **Title VI/Nondiscrimination Civil Rights Policy Statement**

### **I. POLICY STATEMENT**

As a recipient of federal and state funds, the County of Erie is subject to the requirements and provisions of Title VI of the Civil Rights Act of 1964, as amended. It is the policy of the County of Erie to prevent and eliminate discrimination in all of its operations and services whether federally funded or not. All County of Erie Departments, Divisions, Offices, Bureaus and Regions shall plan, develop and implement their programs, services and activities so that no person is subjected to unlawful discrimination based on race, color, national origin, sex, religion, age, disability, genetic information, sexual orientation, gender identity or reprisal.

This policy fully incorporates throughout all of County of Erie's operations the requirements of applicable State and Federal laws and executive orders to prohibit any discriminatory practices, procedures and policies. All administrators, managers, supervisors and employees are directed to comply with these laws and orders.

County of Erie's Civil Rights Policy reflects the County Executive's firm commitment to achieving equal opportunity in all programs, services and activities for which County of Erie has direct and oversight responsibilities. The County's Director of Equal Employment Opportunity is charged with monitoring Title VI compliance as well as the continued development and implementation of County of Erie's external Civil Rights program for achieving our agency's goal to ensure equal opportunity for all. The Director of Equal Employment Opportunity reports directly to the County Executive on all matters regarding Title VI compliance and enforcement.

The Title VI/Nondiscrimination program shall have the full support of agency staff and managers. Additionally, all of County of Erie's partners, contractors and consultants, subrecipients, community based organizations, faith based organizations and advocacy groups are urged to give County of Erie their full support and cooperation.

## II. POLICY SCOPE AND GUIDANCE

County of Erie Civil Rights Policy Statement directs that the requirements of Articles 15-A of New York State Executive Law, Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as well as the Americans with Disabilities act, and all other relevant laws and executive orders are fully integrated into all of County of Erie's and subrecipient' activities. State and Federal nondiscrimination laws are the cornerstones of County of Erie strategy to ensure equal opportunity and fair and equitable programs and services to the public.

All employees must assist in the prevention and elimination of any discriminatory practices and are encouraged to report allegations of discrimination to County of Erie Title VI Coordinator for review and appropriate action.

## III. AUTHORITATIVE SOURCES

**Civil Rights Act of 1964** – Prevents discrimination in federally assisted programs; provides relief against discrimination in public accommodations; protects constitutional rights in public facilities and public education; enforces the constitutional rights to vote. Title VI – Prohibits discrimination on the grounds of race, color or national origin in programs and activities receiving federal financial assistance. Title VI as amended by the Equal Employment Opportunity Act of 1972 – Makes it unlawful to discriminate in employment practices on the basis of race, color, religion, sex or national origin.

**Section 504 of the Rehabilitation Act of 1973** – Prohibits discrimination on the basis of physical or mental disability in every federally assisted program or activity in the country.

**Civil Rights Restoration Act of 1987** – Broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not.

**Civil Rights Restoration Act of 1988** – Specifies that recipients of federal funds must comply with civil rights laws in all areas, not just in a particular program or activity that receives federal funding. It applies to all federal laws.

**Americans with Disabilities Act (ADA) of 1990** – Prohibits discrimination against people with disabilities in employment, public access to services, transportation, public accommodations and telecommunications services.

**Executive Order No. 12898** – Requires federal agencies to make achieving environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations and low-income populations.

**Executive Order No. 13166** – Requires each federal agency to examine the services it provides and to develop and to implement a system by which persons with limited English proficiency (LEP) can meaningfully access those services; and work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

#### **IV. PUBLIC NOTIFICATION**

##### **Title VI Information Dissemination**

This policy shall be conspicuously placed on County of Erie bulletin boards, websites and made available to all organizations and entities doing business with the County of Erie. A copy shall be provided to contractors at County of Erie's pre-construction and scope of service meetings. Additionally, information relating to the County's nondiscrimination policies and obligations can be obtained by contacting the Director of Equal Employment Opportunity or his/her designee.

#### **V. COMMUNITY OUTREACH**

As an agency receiving federal financial assistance, the County of Erie makes the following community outreach efforts:

1. The public is invited to attend and participate in the legislative process.
2. Title VI statements are posted in all County facilities for public viewing.  
(Appendix A)
3. The County of Erie has a user friendly website to enhance community relation efforts. The County's Title VI plan will be available to the community on the website at [www.erie.gov](http://www.erie.gov).

#### **VI. LIMITED ENGLISH PROFICIENCY (LEP)**

LEP is a term that defines any individual not proficient in the use of the English language. The establishment and operation of an LEP program meets objectives set forth in Title VI of the Civil Rights Act and Executive Order 13116, Improving Access to Services for Persons with Limited English Proficiency (LEP). This Executive Order requires federal agencies receiving financial assistance to address the needs of non-English speaking persons. The Executive Order also establishes compliance standards to ensure that the programs and activities that are provided by a transportation provider in English are accessible to LEP communities. This includes providing meaningful access to individuals who are limited in their use of English.

LEP persons can be a significant market for County services and activities, and reaching out to these individuals can help increase their utilization of services. Therefore, it also makes good business sense to translate vital information into languages that the larger LEP populations in the community can understand.

The County of Erie is committed to ensuring meaningful access to its programs and activities by LEP persons. A “four-factor” analysis, developed by the federal government, is used to help determine how to ensure reasonable and meaningful access to the County’s activities, including:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.
2. The frequency with which LEP persons come into contact with the program.
3. The nature and importance of the program, activity or service provided by the program to people’s lives.
4. The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.

### **Providing Notice to LEP Persons**

LEP persons are notified of the availability of language assistance through the following approaches:

- Following our Title VI policy statement included on our vital documents and on our website.
- Signs posted in our vehicles and in our administrative offices.
- LEP individuals can use Google Translate to translate information posted on the County’s website.
- Avoiding the use of text signs when possible in favor of symbol-type signs to limit the need for bilingual signing.

This program will be updated on a periodic basis based on feedback, updated demographic data, and resource availability.

### **VII. TITLE VI/DISCRIMINATION COMPLAINT PROCEDURE**

If you believe you have been excluded from participation in, been denied the benefits of, or been subjected to discrimination under any County of Erie service, program or activity, you may file a Title VI complaint with the Title VI Coordinator (Director, Division of Equal Employment Opportunity). The following steps describe the procedures to file a complaint:

1. The complaint must be submitted to the Division of EEO no later than 180 days after the date of the alleged discrimination.
2. A Title VI Complaint Form can be obtained by calling 716-858-6169 or by downloading the form from our website by clicking the link to file an EEO complaint at: [www2.erie.gov/eoo](http://www2.erie.gov/eoo). (Appendix B)
3. The following information is required on the complaint form or you may submit a signed written statement that contains all of the following written information.

- Your name, address and how to contact you (phone number, email address etc.)
- The basis of the alleged discrimination complaint (race, color or national origin).
- A statement that describes how, why, when and where you believe you were excluded from participation in, were denied the benefits of, or were subjected to discrimination.
- Include the location, names and contact information of any witnesses.
- You or your designee must sign your letter of complaint.

If you as the complainant are unable to write a complaint, the Title VI Coordinator will assist you with the complaint. The County of Erie is committed to providing open access to its services to persons with limited ability to speak or understand English; if requested by the complainant, the Title VI Coordinator will provide language translation services.

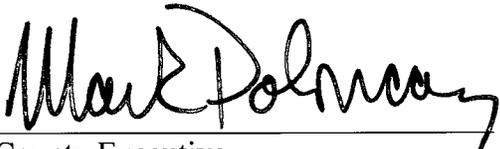
4. Send your signed and dated complaint to the following address:  
 Division of Equal Employment Opportunity  
 Attn: Director  
 95 Franklin Street  
 Buffalo, New York 14202
5. All complaints will be investigated promptly. Reasonable measures will be taken to preserve any information that is confidential. The Title VI Coordinator will review every complaint and, when necessary, begin the investigation process. At a minimum, the investigation will:
  - Identify and review all relevant documents, practices and procedures.
  - Identify and interview persons with knowledge of the alleged discrimination—for example, the person making the complaint, witnesses, or anyone identified by the Complainant, anyone who may have been subject to similar activity, or anyone with relevant information.
6. Upon completion of the investigation, the Title VI Coordinator will prepare a final report for the County Executive or their designee. The investigation process and final report should be completed within 90 days of receipt of the complaint. If a Title VI violation is found to exist corrective action will be taken immediately. The complainant and respondent will receive a copy of the final report with all required corrective actions.

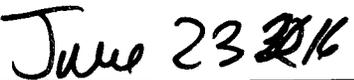
Name of Title VI Coordinator:  
 Director, Division of Equal Employment Opportunity

95 Franklin Street  
Buffalo, New York 14202  
Telephone: (716) 858 – 6169

This policy directive shall be reviewed on or before December 31, 2019.

**APPROVED:**

  
\_\_\_\_\_  
County Executive

  
\_\_\_\_\_  
Date

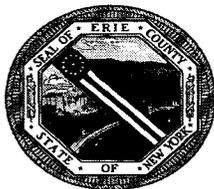
## APPENDIX A

### Sample of Narrative to be displayed in County of Erie 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. §2000(d))

The County of Erie is committed to ensuring that no person is excluded from participation in, or denied the benefits of its activities and services on the basis of race, color, or national origin. **If you feel you are being denied participation in, or being denied benefits of County of Erie services or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, you may contact our office at the address below.**

The County of Erie  
Attn: Director of Equal Employment Opportunity  
95 Franklin Street  
Buffalo, NY 14202



## COUNTY OF ERIE

Mark C. Poloncarz  
County Executive

### 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.

1. Complainant's Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
City, State and Zip Code \_\_\_\_\_

2. Telephone Number  
(Home) \_\_\_\_\_ (Business) \_\_\_\_\_ (Cell) \_\_\_\_\_

3. Person discriminated against (if someone other than the complainant)  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State and Zip Code \_\_\_\_\_

4. Which of the following best describes the reason you believe the discrimination took place? (check all that apply)  
a. Race/Color \_\_\_\_\_ c. Age \_\_\_\_\_  
b. National Origin \_\_\_\_\_ d. Disability \_\_\_\_\_

5. What date did the alleged discrimination take place and the location?  
\_\_\_\_\_

6. Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Please list witnesses' names and phone numbers.

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

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

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date