



**TOWN OF NORTH GREENBUSH**

**TITLE VI PLAN  
NON-DISCRIMINATION**

**Prepared by: Anthony J. Germano, Title VI Coordinator**

# Town of North Greenbush Title VI Plan

Title VI/ Nondiscrimination Policy Statement .....

Authorities.....

Title VI Reporting Relationships .....

Organization and Staffing - General.....

Program Administration and Title VI Coordinator’s Responsibilities .....

Complaint Procedures and Complaint Form .....

Special Emphasis Program Areas .....

Planning and Program Development.....

Consultant Services/Environmental .....

Engineering Services .....

Right-of-Way .....

Contract Compliance .....

Attachment 1 -- Title VI Notice to Public .....

Attachment 2 -- Title VI Assurances .....

Appendix 3 -- For Contractors, Subcontractors, Suppliers, and Manufacturers.....

Appendix A.....

Appendix B.....

Appendix C.....

Appendix D.....

Appendix E.....

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

The Town of North Greenbush assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, 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. The Town of North Greenbush further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event that the Town of North Greenbush distributes federal aid funds to another governmental entity, the Town of North Greenbush will include Title VI language in all written agreements and will monitor for compliance. The Town of North Greenbush Contract Compliance Office is responsible for initiating and monitoring Title VI activities, preparing required reports and other Town of North Greenbush responsibilities as required by 23 CFR 200 and 49 CFR 21.

### **Authorities**

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, 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 (please refer to 23 CFR 200.9 and 49 CFR 21).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

### **Additional Authorities and Citations Include:**

Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3; EO 13166.

## **Title VI Reporting**

The Town of North Greenbush has appointed Anthony J. Germano, as the Town of North Greenbush Title VI Coordinator.

The Town of North Greenbush is required to appoint a Title VI Coordinator who will have easy access to the agency's Chief Executive Officer.

The contact information for the Town of North Greenbush Title VI Coordinator is as follows:

**Name**

Anthony J. Germano, Title VI Coordinator  
2 Douglas Street, Wynantskill, NY 12198  
Telephone Number (518) 283-3525 x 19  
Fax (518) 283-5010  
Email address [agermano@northgreenbush.org](mailto:agermano@northgreenbush.org)

### **Special Emphasis Program Areas**

#### ***Appointment of Title VI Program Specialists***

The Town of North Greenbush Title VI Coordinator, Anthony J. Germano has also been proactively appointed as Title VI Program Specialist to annually monitor the Town of North Greenbush emphasis program areas. The emphasis program areas are: Planning, Environmental Services, Design, Right-of-Way, Construction, Maintenance, Safety, and Research. See above contact information for Anthony J. Germano, Town Title VI Coordinator for each Title VI Program listed below:

**Planning:**  
**Environmental Services**  
**Design**  
**Right of Way**

**Construction**  
**Maintenance**  
**Traffic Safety**  
**Research**

## Limited English Proficiency Strategies

Strategies to provide meaningful access to LEP persons to ensure that they can communicate effectively will be achieved by measures including but not limited to:

- Applying the “four factor analysis” process provided as a guideline from the U.S. Department of Justice to determine LEP needs. This process includes determining the number and proportion of LEP individuals within the population, the frequency with which LEP individuals will come in contact with the program, the nature and importance of the program to people’s lives, and the resources available to provide translation services. The results of this analysis will be used to outreach and engage LEP persons in the transportation planning process.
- Developing a demographic assessment for the impacted area to determine if there is a 5% or more minority population requiring special language assistance, and address the needs.
- Developing a written policy to ensure the implementation of LEP measures that identify and assess the language needs of its LEP population. Provide for a range of language assistance options, including notices to LEP persons in a language they can understand regarding their right to free language assistance.
- Training to ensure that staff are knowledgeable and aware of LEP policies and procedures, and are trained to work effectively in the facilitation of the process.
- Providing translation services for public documents and competent interpreters at public hearings.
- Increasing opportunities for public involvement, particularly by historically underserved populations including LEP individuals by advertising in local and local minority newspapers.
- Monitoring the program to ensure that LEP persons have meaningful access to the transportation planning and implementation process.
- *See also* the Town of North Greenbush *Language Access Plan*, available on the Town of North Greenbush website.

### **Title VI Responsibilities**

- Monitor compliance with Title VI requirements in all aspects of the environmental process, including Environmental Justice and Limited English Proficiency requirements.
- Conduct meetings to review the project impact.
- Disseminate to the public their right to call or write the department to view plans and discuss environmental problems.
- Ensure DBE goal attainment.
- Coordinate the gathering of environmental information for the Annual Title VI Update Report including awards to DBE firms.
- Notify protected group residents of public meetings or hearings regarding a proposed project. Ensure time and location for public meetings or hearings is accessible.

- Maintain mechanisms to identify population affected by a project.
- Ensure participation of all segments of the impacted population in the location selection process.
- Ensure that all federally funded consultant contracts administered by this section have the appropriate Title VI Appendix enclosed.
- Review guidelines and procedures to ensure Title VI compliance.
- Maintain and update necessary data and documentation, including demographic data mapping ethnicity by area as required for completion of the department's internal annual Title VI Annual Report.

## **Title VI Coordinator's Responsibilities**

As authorized by the Town of North Greenbush Town Supervisor Louis J. Desso, the Title VI Coordinator and Title VI Program Specialists are responsible for initiating, monitoring, and ensuring the Town of North Greenbush compliance with Title VI requirements as follows:

1. Process, review and investigate Title VI complaints received by the Town of North Greenbush in accordance with the Town of North Greenbush Complaint Procedures. If any individual believes they or any other program beneficiaries have been subject to unequal treatment or discrimination as to the receipts of benefits and/or services, or on the grounds of race, color, national origin, or gender, they may file a complaint with the Town of North Greenbush. It is the goal of the Town of North Greenbush to resolve complaints informally at the lowest managerial level.
2. Collect statistical data (race, color, income, gender, and national origin) of participants in and beneficiaries of, Town of North Greenbush highway programs (i.e., relocatee's, impacted citizens, and affected communities). Each of the Title VI special emphasis program area will maintain data to be incorporated in the Title VI updates. Procedures will be reviewed regularly to ensure the data is sufficient in meeting the Title VI program administration requirements.
3. Review special emphasis program areas to determine the effectiveness of program area activities at all levels. In addition to the day-to-day monitoring, all special emphasis program areas will be reviewed annually to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator and Title VI Program Specialists will coordinate efforts to ensure equal participation in their program areas and activities at all levels.
4. Conduct Title VI reviews when necessary of contractors and other recipients of federal aid highway funds.
5. Work with special emphasis program staff to ensure the fundamental principles of Environmental Justice outlined below:

-Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.

-Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.

-Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

6. Develop Title VI and Limited English Proficiency information for Public Dissemination. Ensure dissemination to the general public and, where appropriate, in languages other than English. The City will disseminate Title VI Program information to City employees, contractors, subcontractors, consultants, and sub consultants as well as the general public. Public dissemination will include posting of public statements and inclusion of Title VI language in contracts. The Title VI/Nondiscrimination Policy Statement will be published in newspapers having a general circulation in the vicinity of proposed projects and announcements of hearings and meetings in minority publications.
7. Prepare an Annual Title VI Update Report. The update will report on any accomplishments and changes to the program occurring during the preceding year. The update will include goals and objectives for the upcoming year.
8. Schedule training for Title VI related statutes for Town of North Greenbush employees. The training will provide comprehensive information on Title VI provisions, its application to program operations, identification of Title VI issues and resolution of complaints. All directives providing operational guidelines to all subrecipients, and special emphasis program areas will be reviewed annually to include Title VI language and provisions and related requirements, where applicable.
9. Identify and eliminate discrimination when found to exist. Work with all Town of North Greenbush Offices and Departments to establish procedures for promptly resolving deficiencies. Procedures will be implemented to identify and eliminate discrimination when found to exist, including, but not limited to utilization of disadvantaged business enterprises, public involvement and property acquisition.
10. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary within a period of 90 days. The Town of North Greenbush will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When irregularities occur in the administration of the program's operation, procedures will be implemented to resolve Title VI issues, and reducing to writing remedial action agreed necessary within a period of 90 days.

Subrecipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies.

The Town of North Greenbush will seek the cooperation of the subrecipient in correcting deficiencies found during the Title VI compliance reviews. The Town of North Greenbush

will also provide the technical assistance and guidance needed to aid the subrecipient to comply voluntarily.

When a subrecipient fails or refuses to voluntarily comply with requirements within the allotted time frame, the Town of North Greenbush will submit a copy of the case file to NYSDOT's Office of Civil Rights or the FHWA and a recommendation that the subrecipient be found in noncompliance.

A follow-up review will be conducted within 180 days of the initial review to ensure that the subrecipient has complied with the Title VI Program requirements in correcting deficiencies previously identified.

11. Maintain updated legislative and procedural information regarding the Town of North Greenbush Title VI Program. This will include federal laws, rules and regulations, NYSDOT guidelines, the Town of North Greenbush Plan and updates, and other resource information pertaining to Title VI issues.

## **Title VI Complaint Procedures**

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, (including its Disadvantaged Business Enterprises (DBE)), Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any transportation or Public Works program or activity administered by the City, as well as to subrecipients, consultants, and contractors. These procedures apply to complaints filed against a program or activity funded by either the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) or the Federal Aviation Administration (FAA).

Intimidation or retaliation of any kind is prohibited per Title 49, Code of Federal Regulations, Part 21.11(e).

The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination.

These procedures are part of an administrative process, which does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. Every effort will be made to obtain early resolution of complaints at the lowest managerial/administrative level possible. The option of informal mediation meeting(s) between the affected parties and the investigator may be used for resolution, at any stage of the process. The investigator will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.



## Procedures

Any person who believes that they or any specific class of persons has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities prohibited under Title VI based upon race, color, sex, age, national origin or disability may file a written complaint with the Town of North Greenbush.

### Time Limits for Filing

A formal complaint must be filed within 180 days after:

- The date of the alleged act of discrimination; or
- The date when the person became aware of the alleged discrimination; or
- There has been a continuing or the latest instance of the discriminatory conduct.

### Form of Complaints

A formal complaint must meet the following requirements:

- Must be in writing and signed by the person or their representative and include the complainant's name, address and telephone number. A formal complaint of discrimination will also be acknowledged and processed if received by fax or e-mail. A formal complaint of discrimination received by telephone will be written down and provided to the complainant for confirmation or revision before processing.
- Must provide a detailed description of the issues including names, dates, and job titles of witnesses or those individuals perceived as parties in the complained of incident.

Upon receipt of the complaint, the Town of North Greenbush will determine its jurisdiction, acceptability, need for additional information and the investigative merit of the complaint. In cases where the complaint is against one of the Town of North Greenbush subrecipients of federal highway funds, the Town of North Greenbush will assume jurisdiction and will investigate and adjudicate the case. Complaints against the Town of North Greenbush will be referred to the New York State Department of Transportation's Office of Civil Rights for proper disposition. In special situations warranting intervention to ensure equity, the NYSDOT Office of Civil Rights may assume jurisdiction and either complete or obtain services to review or investigate matters.

### Acceptance of a complaint will be determined by

- Whether the complaint is timely filed;
- Whether the allegations involve a covered basis such as race, color, national origin, gender, disability or retaliation;
- Whether the allegations involve a program or activity of a Federal-aid recipient, subrecipient, or contractor; or, in the case of ADA allegations, an entity open to the public;
- The complainant(s) acceptance of reasonable resolution based on the Department's administrative authority;

### A complaint may be dismissed for the following reasons

- The complainant requests the withdrawal of the complaint;

- The complainant fails to respond to repeated requests for additional information needed to process complaint;
- The complainant cannot be located after reasonable attempts.

The Town of North Greenbush has sole authority for accepting complaints for investigation. Once the Town of North Greenbush decides to proceed with the investigation, the complainant and the respondent will be notified in writing of the determination within ten (10) calendar days. The complaint will receive a case number and be logged into the Town of North Greenbush records identifying its basis, alleged harm, the race, color, national origin and gender of the complainant(s).

In cases where the Town of North Greenbush assumes investigation of the complaint, the Town of North Greenbush will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days from the date of the Town of North Greenbush written notification of acceptance of the complaint to furnish their response to the allegations.

Within 40 calendar days of the acceptance of the complaint, the Town of North Greenbush or NYSDOT investigator will prepare an investigative report for the Town of North Greenbush Title VI Coordinator and Louis J. Desso Town of North Greenbush Supervisor. The report will include a narrative description of the incident, identification of persons interviewed, findings and recommendations

for disposition. The Town of North Greenbush Title VI Coordinator and Town Supervisor will have 10 calendar days to review and provide comments to the investigator.

Once the investigator addresses any comments to the preliminary investigative report, the report and its findings will be forwarded to the Town of North Greenbush Law Department for review. The Law Department attorneys will review the report and associated documentation and will provide input within 10 calendar days.

Any comments or recommendations from the Town of North Greenbush Law Department will be reviewed by the Town Supervisor. There will be a period of 10 calendar days for the Town Supervisor to discuss the report and any recommendations with the Town of North Greenbush Title VI Coordinator, and to have the Title VI Coordinator address any modifications before the report's release to the corresponding United States Department of Transportation (USDOT) modality (FHWA, FTA, FAA).

The Town of North Greenbush final investigative report and a copy of the complaint will be forwarded to either NYSDOT, FHWA, FTA, or FAA, within 60 calendar days of the acceptance of the complaint.

The Town of North Greenbush will notify the parties of its preliminary findings which are subject to the corresponding USDOT modality's concurrence.

The corresponding USDOT modality will issue the final decision to the Town of North Greenbush based on the investigative report.

USDOT will analyze the facts of the case and will issue its conclusion to the complainant according to their procedures. Once the corresponding USDOT modality issues its final decision, the Town of North Greenbush will notify all parties involved about such determination. USDOT's final determination is not subject to an appeal.

## **Department of Transportation Procedures for Filing a Complaint**

### **Purpose**

Complaints under this part are limited to allegations of violation of the provisions of Title VI of the Civil Rights Act of 1964 (and related statutes as identified in Section 1-2) and Title II of the Americans with Disabilities Act of 1990 and/or Section 504 of the Rehabilitation Act of 1973. The procedures are designed to provide due process for complainants and respondents relating to discrimination in federally funded programs and services.

### **Nondiscrimination Statutes**

- **Title VI of the Civil Rights Act of 1964**, 42 U.S.C. 2000d, provides: 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.
- **Section 504 of the Rehabilitation Act of 1973**, 42 U.S.C. 794, et seq., provides: No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.
- **Age Discrimination Act of 1975**, 42 U.S.C. 6101, provides: 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.
- **Federal Aid Highway Act of 1973**, 23 U.S.C. 324, provides: 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.
- **The Civil Rights Restoration Act of 1987**, P.L. 100-209, provides: Clarification of the original intent of Congress in Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation

Act of 1973. The Act restores the broad, institution-wide scope and coverage of the nondiscrimination statutes to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not.

- **Title II of the Americans with Disabilities Act of 1990**, 42 U.S.C. 12131, et seq., provides: No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a State or local government.

### **Complaint Policy and Procedure**

It is the Policy of the Department of Transportation to never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by Title VI of the Civil Rights Act of 1964 (Title VI) and related statutes, Section 504 of the Rehabilitation Act of 1973 (Section 504), or Title II of the Americans with Disabilities Act of 1990 (ADA). Any person by themselves or by a representative, that believes they have been subjected to prohibited discrimination or retaliation prohibited may file a complaint.

Further, in administering the Disadvantaged Business Enterprise program pursuant to 49 CFR 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs, the Department shall not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to certified firms. Any person/s who believe they have been subjected to unlawful discrimination by being denied the benefits of, access to, or participation in the programs and activities, or services of NYSDOT or organizations funded through NYSDOT may file a complaint. The complaint may be filed by the individual or his/her representative.

### **Timeframe for Filing Complaints**

Complaints must be filed within 180 days of the last date of the alleged discrimination, unless the time for filing is extended. An extension may be granted under any of the following circumstances:

- a. The complainant could not reasonably be expected to know the act was discriminatory within the 180-day period, and the complaint was filed within 60 days after the complainant became aware of the alleged discrimination;
- b. The complainant was unable to file a complaint because of incapacitating illness or other incapacitating circumstances during the 180-day period, and the complaint was filed within 60 days after the period of incapacitation ended;
- c. The complainant filed a complaint alleging the same discriminatory conduct within the 180-day period with another Federal, State or local civil rights enforcement agency, and filed a complaint

- with DOT within 60 days after the other agency had completed its investigation or notified the complainant that it would take no further action;
- d. The complainant filed, within the 180-day period, an internal grievance alleging the same discriminatory conduct that is the subject of the DOT complaint, and the complaint is filed no later than 60 days after the internal grievance is concluded;
  - e. Unique circumstances generated by NYSDOT action have adversely affected the complainant;
  - f. The discriminatory act is of a continuing nature; or
  - g. Some complaints will be referred to NYSDOT by other agencies. In the event the referring agency has possessed the complaint for an inordinately long period of time and the complainant filed his or her complaint with that agency within the 180-day timeframe NYSDOT will automatically grant an informal extension. In these cases, staff does not need to notify the complainant of the extension.

### **Processing Complaints**

The Department will follow the protocol below for reviewing a complaint:

1. Acknowledge receipt of the complaint.
2. Determine if the Department has jurisdiction to review the complaint.
3. Schedule an interview, if deemed necessary.
4. Determine if other public or private entities are or should be involved
5. Determine if meetings with affected party or other interested parties are needed.
6. Issue a preliminary review finding.
7. Issue a final review finding.
8. Issue corrective action recommendations.
9. Issue sanction recommendations

Complaints filed under Title VI with NYSDOT in which NYSDOT is named as the respondent will be forwarded to The Federal Highway Administration Headquarters Office of Civil Rights or the Federal Transit Administration for investigation.

Title VI complaints filed directly with NYSDOT its sub-recipients, vendors or contractors will be processed by NYSDOT in accordance with the approved complaint procedures as required under 23 CFR 200.9(b)(3).

Complaints filed under the Section 504/ADA with NYSDOT can be investigated by NYSDOT in accordance with 49 CFR 27.13(b).

Reviews of alleged violations commence within thirty (30) days of a complaint being received by the Department to determine whether it contains all necessary information required for acceptance.

If the complaint is complete and no additional information is needed, the complainant will be sent a letter of acceptance.

If the complaint is incomplete, the complainant will be contacted in writing or by telephone to obtain the additional information. The complainant will be given 15 calendar days to respond to the request for additional information.

If it becomes clear that NYSDOT lacks jurisdiction over a complaint, the complaint will be referred to the appropriate agency. A referral letter will be sent to the agency along with the complaint and other documents. A letter will also be sent to the complainant stating that the complaint has been referred to another agency and that NYSDOT has closed the complaint.

The Department will strive to come to a complaint resolution within 90 days of receipt of the initial complaint.

### **Dismissals**

A complaint may be dismissed for the following reasons:

1. The complaint is untimely filed;
2. The complainant fails to respond to repeated requests for additional information needed to process the complaint;
3. The complainant cannot be located after reasonable attempts;
4. There is no statutory or alleged basis for the complaint, NYSDOT lacks jurisdiction in the matter, or the complainant does not allege any harm with regard to current programs or statutes;
5. The complaint has been investigated by another agency and the resolution of the complaint meets USDOT/FHWA regulatory standards; e.g., all allegations were investigated, appropriate legal standards were applied, and any remedies secured meet USDOT's standards;
6. The NYSDOT obtains credible information at any time indicating that the allegations raised by the complainant have been resolved, or are moot and there are no class-wide allegations or implications. In such a case, NYSDOT will attempt to ascertain the apparent resolution. If NYSDOT determines that there are no current allegations appropriate for further complaint resolution, the complaint will be closed;
7. The complainant decides to withdraw the complaint. If the complaint included class allegations, the NYSDOT may close out the entire complaint, pursue resolution of the class allegations, or use the information to target future compliance review activity;
8. The same complaint allegations have been filed with another Federal, State, or local agency, or through a respondent's internal grievance procedures, including due process proceedings, and NYSDOT anticipates that the respondent will provide the complainant with a comparable resolution process under comparable legal standards; e.g., all allegations were investigated, appropriate legal standards were applied, and any remedies secured meet USDOT's standards;
9. The NYSDOT refers a complaint over which USDOT has jurisdiction to another agency that also has jurisdiction but may be better suited to conduct the investigation;

10. A complaint, because of its scope, may require extraordinary resources. In such instances, NYSDOT may consider treating such a complaint as a compliance review. Similarly, a compliance review may be the most effective means of addressing multiple individual complaints against the same respondent; or,
11. If NYSDOT selects this option, it should discuss the decision with the complainant(s), close the complaint, and initiate the review as soon as possible. The NYSDOT should provide the complainant(s) with a copy of the resolution documents upon completion of the compliance review.

# Department of Transportation Complaint Form

## General Instructions for Completing the Application

Unless otherwise indicated, applicants are required to complete all required fields as they appear in the application.

## **PART A: Complainant Contact Information**

### **Complainant Contact Information:**

First Name      Last Name:

Title:

Address 1:

Address 2:

City:              State:          Zip Code:

Phone #:

E-mail:

## **PART B: Complaint**

Name of the Entity/individual against which this complaint is being filed:

Location of incident:

Address 1:

Address 2:

City:              State:          Zip Code:

Phone #: (    )



## PART C: Complaint Details

Please place an 'X' on the appropriate line(s). Select the phrase that best represents what occurred.

### \_\_\_ DISCRIMINATION

- i. I received negative comments, racial slurs, or other unwelcome remarks, or questions because of my: (Place an 'X' next to all that apply)

Age	
Gender	
National Origin	
Race	
Religion	
Other	

- ii. I was denied equal access to: (place an 'X' next to all that apply)

Contracting Opportunities	
Information	
Programs	
Public Transportation	
Services	
Training	
Other	

**PART C: Complaint Details- continued**

because of my: (place an 'X' next to all that apply)

Age	<input type="checkbox"/>
Disability	<input type="checkbox"/>
Gender	<input type="checkbox"/>
Limited English Lang. Proficiency	<input type="checkbox"/>
National Origin	<input type="checkbox"/>
Race	<input type="checkbox"/>
Religion	<input type="checkbox"/>
Other	<input type="checkbox"/>

In the space below, provide any other details regarding your complaint that you would like considered that have not already been addressed in this form.

**PART C: Complaint Details- continued**

**HARASSMENT**

i. I was: (place an 'X' next to all that apply)

Harassed	
Subjected to unfair worksite policies and practices	
Subjected to unfair bidding practices	
Other	

ii. I was sexually harassed because I: (place an 'X' next to all that apply)

Was subjected to unwelcome sexual advances and/or sexually charged comments	
Am/was exposed to sexually explicit pictures/posters posted in common and/or public areas	
Other	

In the space below, provide any other details regarding your complaint that you would like considered that have not already been addressed in this form.

### PART C: Complaint Details- continued

Regarding barriers to equal access, select all that apply to your experience: (place an 'X' next to all that apply)

Written information related to instructions, directions, or vital information was not available in my native language.	
Translation services I requested were not made available to me for live or recorded events, presentations, or trainings.	
I was denied an accommodation to enter a building, or to access a facility or room in the building.	
There were no signs conspicuously posted notifying me of wheelchair accessibility.	
Readers and/or interpreters for the blind and/or hearing impaired I requested were not provided to me.	

In the space below, provide any other details regarding your complaint that you would like considered that have not already been addressed in this form.

**PART C: Complaint Details- continued**

\_\_\_ **ADA**

I could not access public transportation, a public facility, or public right of way because: (place an 'X' next to all that apply)

Of physical barriers (e.g. Improper ramps, lack of equipment or crossing aids, etc.)	
The bus did not have chair lifts or there was no bus-lowering mechanism.	
The sidewalks, roadways or public facility was not maintained to allow access.	
The paratransit bus schedule does not accommodate my activities of daily living.	
The bus routes do not sufficiently deviate from routes to accommodate me.	
The vehicles, shelters, and/or other facilities are not accessible to me.	

In the space below, provide any other details regarding your complaint that you would like considered that have not already been addressed in this form.

**PART C: Complaint Details- continued**

**FRAUD**

- i. I witnessed a disadvantaged business enterprise (DBE), a minority or women owned (M/WBE), or a service disabled veteran owned (SDVOB) firm not performing the contractual commercially useful function (CUF) on a NYSDOT contract.

The firm is: \_\_\_\_\_

Contractual services that were to be performed include: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_ Place an 'X' on the line to attach any documents or photos that substantiate your complaint.

- ii. I have not been paid promptly for the work I have performed as follows: (place an 'X' next to one)

I have not received any payments	<input type="checkbox"/>
I have received some and/or partial payments	<input type="checkbox"/>
I received full payments, but they are late	<input type="checkbox"/>
I received partial payments and they are late	<input type="checkbox"/>

**PART C: Complaint Details- continued**

iii. My payment is \_\_\_\_\_ days late. Attach the following documentation to this complaint:

Place an 'X' in the next box to attach the signed contract/agreement between your firm and the Prime Contractor that outlines the scope of services and payment or reimbursement schedules for services or supplies.	
Place an 'X' in the next box to attach documentation to support that your firm fulfilled its obligations in the project, e.g. signed delivery slips, payroll reports, etc.	
Place an 'X' in the next box to attach documentation or communications from the Prime Contractor regarding any payment issues or reasons why you have not been compensated.	
If you received partial payments, place an 'X' in the next box to attach a listing of the payment dates and amounts received.	

iv. My firm was negatively affected by a removal or substitution for an approved item of work for project: \_\_\_\_\_ Location: \_\_\_\_\_  
(Project No.)

Attach the following documentation to this complaint:

Place an 'X' in the next box to attach documentation to support the original scope of the project.	
Place an 'X' in the next box to attach documentation or communications from the Prime Contractor regarding why your firm's scope of work was being removed from the project or why your firm was being replaced with another firm.	

**PART C: Complaint Details- continued**

- v. A Prime Contractor did not negotiate a bid with me/my firm in good faith.

Place an 'X' in the next box to attach any documents or other information that substantiates your complaint.	
--	--

In the space below, provide any other details regarding your complaint that you would like considered that have not already been addressed in this form.



**PART D: Additional Information**

- i. Were there any witnesses to the action or inaction leading to your complaint? (Place an 'X' in the box next to your response)

Yes	
No	
Unknown	

Please provide the name(s) and contact information for any witnesses: (if any)

- ii. Was this complaint filed with another agency? (Place an 'X' in the box next to your response)

Yes	
No	

Filed with: (Place an 'X' in the box next to your response)

Local Entity	
Private Entity	
Human Rights Commission	
Department of Justice	
USDOT-FTA	

## PART D: Additional Information

- iii. Were you the recipient of intimidation or retaliatory actions because you filed a complaint?  
(Place an 'X' in the box next to your response)

Yes	
No	

## **PART E: Complaint Submission**

**Signature:** \_\_\_\_\_

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

**Completed forms may be submitted to:**

[Civilrights@dot.ny.gov](mailto:Civilrights@dot.ny.gov)

or

Department of Transportation

Office of Civil Rights

50 Wolf Road

Albany, NY 12232

## Attachment 1

### Title VI Notice to Public

The Town of North Greenbush hereby gives public notice that it is Town of North Greenbush policy 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. Title VI requires that no person in the United States of America shall, on the grounds of race, color, gender, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Town of North Greenbush receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the Town of North Greenbush. Any such complaint must be in writing and filed with the City Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from this office at no cost to the complainant on our website at [www.townofng.com](http://www.townofng.com) or by calling (518) 283-3525 x 19 or by emailing [agermano@northgreenbush.org](mailto:agermano@northgreenbush.org).

## Attachment 2

### Standard Title VI/Non-Discrimination Assurances

The Town of North Greenbush (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the *New York State Department of Transportation (NYSDOT)*, is subject to and will comply with the following:

#### Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.P.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.P.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964 );

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

#### General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure 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 otherwise subjected to discrimination under any program or activity, "for which the Recipient receives Federal financial assistance from DOT, including the NYSDOT.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

### **Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted US Route 4 (from Rt. 43 to Troy Boundary) Vehicular and Pedestrian Intersection and Sidewalk Improvements.

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all US Route 4 (from Rt. 43 to Troy Boundary) Vehicular and Pedestrian Intersection and Sidewalk Improvements and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The Town of North Greenbush, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US. C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

- a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
- b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or

b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, Town of North Greenbush also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA or NYS DOT access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA or NYS DOT. You must keep records, reports, and submit the material for review upon request to FHWA or NYS DOT, or its designee in a timely, complete, and accurate way.

Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

*The Town of North Greenbush* gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the US Route 4 (from Rt. 43 to Troy Boundary) Vehicular and Pedestrian Intersection and Sidewalk Improvements. This ASSURANCE is binding on the State of *New York*, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the US Route 4 (from Rt. 43 to Troy Boundary) Vehicular and Pedestrian Intersection



and Sidewalk Improvements. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Town of North Greenbush

by 

*(Signature of Authorized Official)*

DATED 2/28/19

## APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA or NYS DOT to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FHWA or NYS DOT, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA or NYS DOT may determine to be appropriate, including, but not limited to:

- a. withholding payments to the contractor under the contract until the contractor complies; and/or
- b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FHWA or NYS DOT may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Town of North Greenbush will accept title to the lands and maintain the project constructed thereon in accordance with New York State Laws, the Regulations for the Administration of US Route 4 (from Rt. 43 to Troy Boundary) Vehicular and Pedestrian Intersection and Sidewalk Improvements *Project*, and the policies and procedures prescribed by the FHWA of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the

Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Town of North Greenbush all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### (HABENDUM CLAUSE)

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

The Town of North Greenbush, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that ( 1) no person will on the

grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the Town of North Greenbush will use the lands and interests in lands and interests

in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

## APPENDIX C

### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Town of North Greenbush pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Town of North Greenbush will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Town of North Greenbush will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Town of North Greenbush and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## APPENDIX D

### CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Town of North Greenbush pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that ( 1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants Town of North Greenbush will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Town of North Greenbush will there upon revert to and vest in and become the absolute property of Town of North Greenbush and its assigns.\*

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

### APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

#### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, ( 49 USC § 4 71, Section 47123 ), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);



- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.P.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

## **Town of North Greenbush**

### **Title VI Non-Discrimination Policy Statement**

It is the policy of the Town of North Greenbush to prevent and eliminate discrimination in all of its operations and services as well as all aspects of employment. All Department, Divisions, Offices, and Bureaus will plan, develop and implement their programs and activities so that no person is subjected to unlawful discrimination based on race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status, or Vietnam era veteran status.

This policy fully incorporates throughout all of the Town of North Greenbush 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.

Town of North Greenbush is committed to maintaining an agency which recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding, and mutual respect among its members; and encourages each individual to strive to reach their own potential.

This policy will be placed on all Town of North Greenbush bulletin boards and made available to all organizations and entities doing business with the Town of North Greenbush. Any complaints involving allegations of discrimination should be sent to: Town of North Greenbush, Anthony J. Germano *Title VI Coordinator*, 2 Douglas Street, Wynantskill, NY 12198.

#### **RELATED POLICY AND AUTHORITATIVE SOURCES**

##### **New York State Laws**

**New York State Human Rights Law Article 15 (1945)** – Guarantees nondiscrimination in the State of New York on the basis of race, creed, color, national origin, sex, marital status, age, disability and or sexual orientation.

**New York State Law Article 15-A (1988)** - An act to amend the executive law and the state Finance law, in relation to participation by minority group members and women with respect to state contracts.

**New York State Law Article 17-B (2014)** – An Act to amend the executive law, in relation to expanding opportunities for service-disabled veteran-owned business enterprises.

**Sexual Orientation Non-Discrimination Act (2003)** – This Act amends the Executive Law to include sexual orientation.

### **New York State Executive Orders**

On January 1, 2011, Governor Cuomo issued Executive Order 2 that authorized the continuation of certain prior Executive Orders related to equal opportunity and nondiscrimination in all State programs.

**Executive Order No. 6 (Governor Cuomo, 1983)** – Insures equal employment opportunities for minorities, women, disabled persons and Vietnam era Veterans in State government. The order clarifies and expands the power of the President of the Civil Service Commission and the Governor’s Executive Committee for Affirmative Action to ensure that agencies develop and implement effective affirmative action plans.

### **Federal Laws and Executive Orders**

**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 right to vote. Title VI – Prohibits discrimination on the grounds of race, color or national origin in programs and activities receiving federal financial assistance. Title VII 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 503 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.

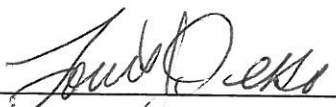
**Age Discrimination Act of 1975** – Prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

**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** – Federal Law prohibiting discrimination against people with disabilities in employment, public access to services, transportation, public accommodations, and telecommunications services.

**Civil Rights Act of 1991** – Provides appropriate remedies for intentional discrimination and unlawful harassment in the workplace; codifies the concepts of “business necessity” and “job related”, confirms statutory authority and provide statutory guidelines for the adjudication of disparate impact suits under Title VII of the Civil Rights Act of 1964; expands the scope of relevant civil rights statutes in order to provide adequate protection to victims of discrimination. The Act provides for compensatory and punitive damages and jury trials in cases of sex, religious, and disability bias.

**Executive Order No. 11246** – Prohibits employers doing business with the Federal Government from discriminating in employment because of race, color, religion, sex or national origin. Employers are required to take affirmative action in employment activities including hiring, promotion, transfers, training and minorities and women.

  
\_\_\_\_\_  
Chief Executive Officer

2/28/19  
\_\_\_\_\_  
Date

# **Town of North Greenbush**

## **Title VI Non-Discrimination**

### **Notice To The Public**

The Town of North Greenbush gives public notice of its policy to assure full compliance with Title VI of the Civil Rights Act of 1944 as amended, the Civil Rights Restoration Act of 1987, Executive Order 12898, Executive Order 13166 and related statutes and regulations in all Town of North Greenbush programs and activities.

Title VI of the Civil Rights Act of 1964 and related statutes and regulation, as amended, require that no person in the United States shall, on the grounds of race, color, sex, national origin, age, or disability be excluded from participation in, be denied the benefits of, or be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Town of North Greenbush receives Federal financial assistance.

If you believe you have been discriminated against because of your race, color, national origin, age, disability or other unlawful basis, you may file a complaint with the Town of North Greenbush or with the Federal Highway Administration (FHWA). A complaint must be filed within 180 days from the date of the alleged act of discrimination.

For more information, to obtain a Title VI Complaint Form, and instruction on how to file a discrimination complaint, please contact:

Town of North Greenbush  
Anthony J. Germano, Title VI Coordinator  
2 Douglas Street, Wynantskill, NY 12198  
518-283-3525 x 19 (office)  
518-283-5010 (fax)  
[agermano@northgreenbush.org](mailto:agermano@northgreenbush.org)

**Town of North Greenbush website Complaint Form Information**

**Town of North Greenbush**  
**Title VI Complaint Procedures**

**Title VI Complaint Procedures**

49 CFR 21.1, 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 otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation."

**Who may file a Title VI complaint?**

A complaint may be filed by any person who believes they or any specific class of persons has been subjected to discrimination.

In order to comply with Title VI and all of the regulations of 49 CFR Part 21, the Town of North Greenbush, provides the following complaint procedures for those persons who believe that they have been subjected to discrimination under any program or activity receiving Federal financial assistance from the United States Department of Transportation. These procedures do not deny the right of the complainant to file a formal complaint with other State or Federal agencies or to seek private counsel for complaints alleging discrimination.

**How and where is a discrimination complaint filed?**

A complaint must be in writing, signed by the person(s) or their representative(s) and must include the complainant(s) name, address and telephone number. Attached is a Discrimination Complaint Form that may be used, however, a complaint may also be filed by sending the complaint by facsimile or electronic mail.

**How long will it take for my complaint to be resolved?**

The complaint will be reviewed by Anthony J. Germano, Title VI Coordinator. Where practicable, the complainant shall be notified, in writing, of the findings and remedial action, if any, within a period not to exceed 60 days.

A signed written complaint must be filed within 180 days of the date of the alleged discrimination. The signed complaint must be sent to:

**Contact Person for Title VI/Discrimination Complaints**

**Town of North Greenbush**

**Anthony J. Germano**

**2 Douglas Street, Wynantskill, NY 12198**

**518-283-3525 x 19 (office)**

**518-283-5010 (fax)**

**[agermano@northgreenbush.org](mailto:agermano@northgreenbush.org)**



# TOWN OF NORTH GREENBUSH

## TITLE VI DATA COLLECTION AND ANALYSIS POLICY

### I. POLICY STATEMENT

In accordance with Federal Title VI/Nondiscrimination regulations, the Department is required to have a policy in place to collect and analyze statistical Title VI data on participants and beneficiaries of its programs. Specifically, Title VI data includes information on Environmental Justice (EJ), Limited English Proficiency (LEP) and the Americans with Disabilities Act (ADA).

The Department must collect and analyze Title VI data for the purpose of:

- Measuring and monitoring the Department's delivery of programs consistent with Title VI;
- Aiding in community outreach as part of the transportation planning and project development process;
- Analyzing programmatic trends and impacts; and
- Identifying opportunities to avoid and mitigate unlawful discrimination in project planning, project design and project construction.

### II. POLICY SCOPE AND GUIDANCE

Title VI of the Civil Rights Act of 1964 and subsequent statutes, regulations and executive orders require recipients of Federal financial assistance to ensure that no person shall be excluded from participation in, denied the benefits of, or be subject to unlawful discrimination in, the operation, implementation, access and use of the recipients' programs, activities and facilities based on race, color, national origin, sex, age, disability, or low income or limited-English proficiency.

The purpose of this Policy is to inform Department staff, whose primary responsibilities include public outreach during the different phases of project development (i.e., planning, scoping, design, and construction), to be aware of how their projects comply with Title VI (nondiscrimination) regulations.

The program areas primarily responsible for collecting and analyzing Title VI Data are the Policy and Planning Division, Engineering Division (Office of Construction, Office of Design, Office of Environment, and Office of Structures), the Operating Division, and the Office of Right of Way. The OCR will provide policy direction, oversight and coordination and will be responsible for and evaluating the performance of program areas and regions based on collected information. The Department's demonstrated use of Title VI data is an important component of its annual Title VI Plan report to Federal Highway Administration (FHWA) and the Federal Transit Agency (FTA).



The type and extent of Title VI data collected and utilized may differ depending on the special emphasis program area. Nonetheless, the Department is mandated to, at a minimum, collect and analyze Title VI data to understand community demographics and facilitate the equitable distribution of the beneficial effects of transportation planning and project development activities, and minimize the adverse impacts.

The following table as well as Appendix A (page 5) summarizes the types of Title VI data required (not all data types may be required) by special emphasis program areas for analytical purposes:

Statistical Data	Analysis of:
Population	<ul style="list-style-type: none"> <li>• Regional population and growth rates</li> <li>• Regional ethnic composition</li> <li>• Age distribution by race</li> <li>• Number of households by income group</li> <li>• Median household by income</li> <li>•<sup>P</sup> Percent of persons below poverty line</li> <li>• Percent of persons by age group with mobility limitations</li> <li>• Percent of elderly persons</li> <li>• Language(s) spoken</li> <li>• Percent of disabled by types of disability</li> </ul>
Mode Choice	<ul style="list-style-type: none"> <li>• Number of trips per capita</li> <li>• Percent of households with no automobiles</li> <li>• Percent of households by income groups using various modes of transportation (e.g., bus, carpool, automobile, etc.)</li> </ul>
Transportation Systems	<ul style="list-style-type: none"> <li>• Transportation system congestion</li> <li>• Delay as percentage of travel time</li> <li>• Travel time</li> <li>• Exposure to transportation hazards (environmental, safety, crime)</li> <li>• Access to jobs, churches, synagogues, mosques, medical care, schools, emergency services, grocery stores, family</li> </ul>
Employment	<ul style="list-style-type: none"> <li>• Present and future location of jobs</li> </ul>

	<ul style="list-style-type: none"> <li>• Present and future location of housing</li> <li>• Present and future location of low-income communities</li> </ul>
Other	<ul style="list-style-type: none"> <li>• Public investment per capita (federal, state, and local)</li> </ul>

Potential sources of data and analysis tools include but are not limited to:

1. Census Data
2. School Districts
3. Transit Ridership Surveys
4. Management Systems (Pavement and Congestion)
5. Land Use Plans
6. Geographic Information Systems
7. Transportation Models
8. Metropolitan Planning Organization Committees (e.g., Citizen Advisory Committees)

The data collected should be refreshed as new and updated data becomes available from data sources and used to support the Department's policies, programs and activities. At a minimum, data should be updated yearly.

Additional tools such as demographic maps and charts may be necessary or appropriate to better understand and apply the considerations above to everyday program activities.

### **III. RELATED POLICY AND AUTHORITATIVE SOURCES**

- **NYSDOT Policy 1.1-4 (Civil Rights Policy Statement)**
- **NYSDOT Official Order 1715**
- **NYSDOT Public Involvement for Transportation Manual**
- **NYSDOT Project Development Manual (PDM)**
- **NYSDOT Title VI Plan and Accomplishments Report**
- **NYSDOT ADA Management Plan/ADA Transition Plan**
- **NYSDOT LEP Plan/NYSDOT LEP Guide**
- **Civil Rights Act of 1964**
- **Americans with Disabilities Act (ADA) of 1990**
- **Executive Order No. 12898 (Environmental Justice)**
- **Executive Order No. 13166 (Limited English Proficiency)**
- **FHWA Title VI Regulations (23 CFR Part 200)**

- NYS Executive Order # 26

## VI. APPENDICES

### Appendix A – Title VI Data Definitions

### Appendix B – Title VI Data Resources

#### Appendix A - Title VI Data Definitions

For the purposes of this policy, Title VI data includes data and information captured on any of the eight protected groups associated with Title VI/Nondiscrimination. The protected groups include:

- 1. Race:** Generally refers to broad division of people based on their biological characteristics such as color of skin, color of hair and their facial features. The Federal government requires five minimum categories: White, Black or African American, American Indian or Alaska Native, Asian, and Native Hawaiian or Other Pacific Islander
- 2. Color:** Refers to a person's pigmentation, complexion, or skin shade or tone. Thus, color discrimination occurs when a person is discriminated against based on the lightness, darkness, or other color characteristic of the person.
- 3. National Origin:** Relates to person's birthplace, ancestry, culture or language.
- 4. Sex:** Refers to a person's biological sex.
- 5. Age:** Defined by the Census Bureau as the length of time in completed years that a person has lived.
- 6. Disability:** A condition that involves a physical or mental impairment which substantially limits a person's major life activity.
- 7. Low Income Population** - 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 would be similarly affected by a proposed FHWA program, policy, or activity. **Low Income:** The Federal Highway Administration has defined "low-income" as a family of four whose household income is at or below the Department of Health and Human Services poverty guidelines (i.e., currently \$23,550 for a family of four).

**8. Limited English Proficiency:** An individual who does not speak English as a primary language and has a limited ability to read, speak, write or understand English is considered Limited English Proficient, or LEP. In the census, this is defined as any person who does not speak English "Very Well", and includes people who speak English "Well, Not Well, or Not At All". In accordance with Federal and State mandates, the Department must work to ensure LEP populations have meaningful access to programs and services, which may include the translation of vital documents/materials and providing interpreter services when necessary.

**Environmental Justice (EJ):** Includes efforts to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of programs, policies and activities on minority populations and low-income populations. The Department and FHWA (see V. Related Policy and Authoritative Sources) define five (5) minority groups including Black; Hispanic or Latino; Asian American; American Indian and Alaskan Native; and Native Hawaiian or Other Pacific Islander.

### **Appendix B – Title VI Data Resources**

There are a variety of resources that can be utilized to gather Title VI-related data. When gathering data it is best to leverage many resources and to always work with the relevant stakeholder groups to gather and validate the information to the degree possible.

**US Census Data:** Serves as the largest and most comprehensive set of data resources, to include demographic and community data. The census is conducted every ten years.

<http://www.census.gov/>

**American Community Survey (ACS):** The ACS is a continuous survey (samples taken every year) unlike the census data which is collected once every ten years. ACS data has a much smaller sample size than census data, creating larger margins of error. However, the ACS contains additional and more current information. The 2007-11 ACS Disability data will be the first data in 11 years on the subject when it is published, due to a change in the ACS.

**School District Data:** The NYS Department of Education has Limited English Proficiency data available for each school district and charter school by county. Whereas the census data is self-reported, the NYS Department of Education data is acquired through examination. This means students are given a test to determine how well they speak English rather than census participants reporting for themselves how well they speak English. However, School District data may not reflect actual residence, particularly in NYC, and caution must be exercised.

<https://reportcards.nysed.gov/index.php>

**Government/ Community Partner Information:** Information from other agencies, planning bodies (e.g. MPOs) and community groups.

**Opinion Surveys:** Used to assess how a person or group feels about a particular issue/project.

**Questionnaires:** That ask specific questions about a given topic can be effective way to reach a large number of people or a geographically diverse group.

**Case Studies:** That detail experiences and characteristics of selected persons utilizing a particular program, service, or activity.

**Group Interviews:** With small group responses, opinions and views.

**Information abstracted:** From records, files or receipts.

**Ideas and viewpoints:** From selected persons from Advisory Committees and/or Advocate teams.

**Web Blogs:** Blogs provided for the public to post comments during the public comment period for project reviews.

## TOWN OF NORTH GREENBUSH

### AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN

#### ADA Transition Plan

This ADA Transition Plan reflects Town of North Greenbush long-term commitment to ADA compliance, and details the stages of Town of North Greenbush plan and timeline for: (1) evaluating accessibility by identifying any structural barriers associated with public facilities; (2) identifying accommodations and/or modifications that can be provided to make programs and services accessible; and (3) prioritizing the remediation of any deficiencies and formulating a budget and schedule for those improvements.

This Draft ADA Transition Plan will be revised and updated as the steps of the Plan are completed.

#### INTRODUCTION

ADA regulations prohibit discrimination against individuals on the basis of disability and require state and local governments to make their programs and services accessible to persons with disabilities. These requirements focus on providing accessibility by addressing and eliminating structural barriers associated with public facilities.

As detailed below, Town of North Greenbush has made a significant and long-term commitment to improving the accessibility of its public facilities. The purpose of this Plan is to ensure that Town of North Greenbush identifies prohibited structural barriers to its public facilities, and, where structurally feasible, schedules and implements ADA-required improvements in order to remove those barriers.

The ADA requires that the Transition Plan include the following components:

- 1) Identification of physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
- 2) Identification of the methods to be used to remove any barriers limiting accessibility;
- 3) A schedule for completion of the necessary steps to achieve accessibility in public facilities; and
- 4) The name of the public entity's ADA Coordinator.

## **STEP 1: IDENTIFICATION OF PHYSICAL BARRIERS IN NAME OF AGENCY'S FACILITIES**

The first phase of the ADA Transition Plan is to evaluate the Town of North Greenbush public facilities for accessibility. Officials from Planning, Public Works, and Human Resources Departments will coordinate to conduct accessibility evaluations of the following facilities:

- Sidewalks, crosswalks, and curb ramps
- Publicly accessible buildings
- Parking lots serving publicly accessible buildings

For each facility evaluated, a Survey of Town of North Greenbush Public Facilities ("the Survey") will be completed. Any deficiencies, suggested improvements, and observations relating to structural feasibility of improvements will be noted and recorded on the Survey. An Inventory of Public Facilities ("the Inventory") will also be created, and will serve as the central database for identified structural barriers, suggested improvements, and comments relating to structural feasibility of improvements.

### Evaluation of Sidewalks, Crosswalks, and Curb Ramps

The Survey will contain the following ratings to assess the condition of each Town of North Greenbush sidewalk, crosswalk, and curb ramp:

**Rating 1** – Not Applicable: A facility not considered to require accessibility, for example, limited-access highways.

**Rating 2** – Not Accessible: Significant discontinuity such as steps, no ramps, more than 100 feet of unpaved walkway, heaving, vertical displacement, other severe distress, flooding, etc.

**Rating 3** – Partially Accessible: Not designed to current standards, problems with geometry of sidewalks, ramps and landings, no detectable warnings, handrails, etc.

**Rating 4** – Accessible: May need additional improvements, for example circuitous routes, insufficient width, etc.

**Rating 5** – Fully Accessible: Designed to current standards, but reasonable accommodations may still be required for individual cases.

### Evaluation of Parking Lots and Publicly Accessible Buildings

For the evaluation of publicly accessible buildings and the parking lots serving those buildings, the Survey will incorporate relevant portions of the ADA Checklist for Existing Facilities (based on the 2010 ADA Standards for Accessible Design), produced by the Institute for Human Centered Design.

## Schedule for Completion

Town of North Greenbush officials from its Planning, Public Works, and Human Resources Departments will be coordinating over the next several months to evaluate public buildings, parking lots, sidewalks, crosswalks, and curb ramps. Numerous facilities will be subject to this evaluation, and consequently this will be a substantial undertaking for the reviewing officials. The evaluations will be scheduled so as to evaluate outdoor facilities prior to the winter months (to avoid snow cover that may impede a thorough review), with any remaining evaluations of outdoor facilities to be completed in July 2019. Evaluations of indoor facilities will continue during the winter months. Therefore, it is estimated that Step 1 will be completed by July 2019.

## **STEP 2: IDENTIFICATION OF METHODS TO REMOVE BARRIERS**

The second phase of the Town of North Greenbush ADA Transition Plan is to develop a method to remove barriers. This includes identification of the nature of needed improvements and a determination regarding structural feasibility of improvements under the ADA standards, and prioritization of necessary improvements.

Once the necessary improvements have been identified and prioritized, this information, along with a list of any improvements determined to be physically unfeasible, will be presented at a public meeting of the Town of North Greenbush Compliance Committee. It is the Town of North Greenbush practice to provide public notice of the dates and agendas of Compliance Committee meetings on the Town of North Greenbush website. This will provide the public with an opportunity to participate in the formulation of the ADA Transition Plan.

### **A. Nature of Improvements and Structural Feasibility**

The nature of necessary improvements will be determined during Step 1 – the accessibility evaluation of Town of North Greenbush facilities – and will be incorporated into the ADA Transition Plan after completion of Step 1. Any improvements that Town of North Greenbush officials determine are not structurally feasible, based on ADA regulations, will also be incorporated into the Plan.

### **B. Priority of Improvements**

#### Sidewalks; Crosswalks; Curb Ramps

With respect to sidewalks, crosswalks and curb ramps, the primary focus of this ADA Transition Plan is to address all ADA noncompliant facilities, defined as those locations that have a rating of “2” and “3” on the scale discussed above.



The priority of improvements to these facilities will be as follows:

- 1) Those serving publicly accessible Town of North Greenbush facilities;
- 2) Those serving commercial and employment centers; and
- 3) Those serving other areas.

#### Parking Lots and Publicly Accessible Buildings

The priority of improvements to parking lots and publicly accessible spaces in Town of North Greenbush buildings will be based on the severity of the accessibility barrier and the frequency of public presence at the facility. Notably, the general assessment of the Town of North Greenbush Code Enforcement Officer is that Town of North Greenbush facilities where public meetings take place are in substantial compliance with the ADA. All new construction or renovations to existing facilities have complied with ADA standards. As such, the Town of North Greenbush does not expect that its publicly accessible buildings and parking lots will require major structural improvements.

### **STEP 3: SCHEDULE FOR COMPLETION OF NECESSARY IMPROVEMENTS**

Once the Inventory of Public Facilities has been completed, and necessary improvements have been prioritized as provided above, the Town of North Greenbush will formulate an estimated budget for the improvements. The schedule for improvements will depend heavily upon the number and severity of the deficiencies identified during the accessibility evaluation, and the costs associated with the improvements. The Town of North Greenbush however, reiterates its commitment to making its public facilities accessible to all persons, regardless of disability. The Town of North Greenbush ADA Transition Plan will outline a specific schedule for improvements after Completion of Step 2, and this schedule will reflect the Town of North Greenbush commitment to ADA compliance.

### **ADA COORDINATOR**

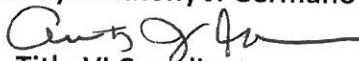
The Town of North Greenbush ADA Coordinator is Anthony J. Germano, Comptroller, 2 Douglas Street, Wynantskill, NY 12198; 518-283-3525 x19 (office); 518-2835010 (fax); [agermano@northgreenbush.org](mailto:agermano@northgreenbush.org)

# Limited English Proficiency (LEP) Plan

## Town of North Greenbush



Signed by: Anthony J. Germano

  
Title VI Coordinator

Date: 2/28/19

E-Mail Address: [agermano@northgreenbush.org](mailto:agermano@northgreenbush.org)

Telephone Number: 518-283-3525 x 19

## INTRODUCTION

This *Limited English Proficiency Plan Template* has been prepared to address the **Town of North Greenbush** responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency. The Plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, which states that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, states that differing treatment based upon a person's inability to speak, read, write or understands English is a type of national origin discrimination which is covered under Title VI. It directs each agency (e.g., FHWA) to publish guidance for its respective recipients (e.g., NYSDOT) clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies that receive federal funds and extends to its sub recipients.

### Plan Summary

The **Town of North Greenbush** has developed this *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and notification to LEP persons regarding the availability of assistance. For detailed guidance regarding LEP, see NYSDOT's LEP Plan at:

[https://www.dot.ny.gov/divisions/policy-and-strategy/public-trans-respository/Attachment%20D-1%20LEP Plan.pdf](https://www.dot.ny.gov/divisions/policy-and-strategy/public-trans-respository/Attachment%20D-1%20LEP%20Plan.pdf).

In order to prepare this plan, the **Town of North Greenbush** used the Federal Highway Administration (FHWA) Four-Factor LEP analysis:

1. The number or proportion of LEP persons in the service area who may be served by the **Town of North Greenbush**.
2. The frequency with which LEP persons come in contact with **Town of North Greenbush** services.
3. The nature and importance of services provided by the **Town of North Greenbush** to the LEP population.
4. The interpretation services available to the **Town of North Greenbush** and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is found in the following section.

## MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

### 1. The number or proportion of LEP persons in the service area who may be served or are likely to require Town of North Greenbush services

The **Town of North Greenbush** staff reviewed the American Community Survey 5-Year Estimates for New York State Town of North Greenbush and determined that for a population of 12,075 (2010 Census):

- a. 103 individuals in **Town of North Greenbush** service area comprising 0.89% (of the population) speak a language other than English;
- b. Of those, 15 individuals have limited English proficiency; that is, they speak English less than "very well" or "not at all." This is only 0.12 % of the overall population in the service area;
- c. In **Town of North Greenbush** service area, of those persons with limited English proficiency:
  - \_\_\_\_% speak German
  - 0.2% speak Spanish
  - 0.11% speak African languages
  - \_\_\_\_% speak Chinese
  - \_\_\_\_% speak Serbo-Croatian
  - \_\_\_\_% speak Scandinavian
  - \_\_\_\_% speak Japanese
  - \_\_\_\_% speak Russian
  - \_\_\_\_% speak other Indic languages
  - \_\_\_\_% speak Vietnamese
  - \_\_\_\_% speak French
  - \_\_\_\_% speak Tagalog
  - \_\_\_\_% speak other Slavic languages
  - \_\_\_\_% speak Arabic, Indo-European languages
  - \_\_\_\_% speak Native North American Languages
  - 0.12% speak all other language

### 2. The frequency with which LEP persons come in contact with Town of North Greenbush services

The **Town of North Greenbush** reviewed the frequency with which their staff have, or potentially have, contact with LEP persons. This includes documenting phone inquiries or office visits.

- a. To date, the **Town of North Greenbush** has had 0 requests for interpreters and 0 requests for translated program documents as follows: [provide details here] OR
- b. the **Town of North Greenbush** other staff have had very little contact with LEP persons.

### 3. The nature and importance of services provided by the Town of North Greenbush to the LEP population

There is no large geographic concentration of any type of LEP individuals in the service area for

the **Town of North Greenbush**. The overwhelming majority of the population, 96.8%, speaks only English. As a result, there are few social, service, or professional and leadership organizations within the **Town of North Greenbush** service area that focuses on outreach to LEP individuals. The **Town of North Greenbush** staff is most likely to encounter LEP individuals through office visits, phone conversations, notifications from department staff regarding the results of service delivery, and attendance and participation at public meetings.

#### 4. The resources available to the Town of North Greenbush, and overall cost to provide LEP assistance

The **Town of North Greenbush** reviewed its available resources that could be used to provide LEP assistance and inventoried its documents to determine which are suitable for translation if the need arises.

The **Town of North Greenbush** contacted local citizens and organizations willing to provide voluntary language translation and interpretation services if needed within a reasonable time period. Other language translation options could be provided by bilingual staff or by telephone from a professional interpretation service for which the **Town of North Greenbush** would pay a fee.

### LANGUAGE ASSISTANCE

A person who does not speak English as her primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be eligible to language assistance with respect **Town of North Greenbush** services. Language assistance can include interpretation (that means oral or spoken transfer of a message from one language into another language) and translation (that means the written transfer of a message from one language into another language).

How the **Town of North Greenbush** staff can identify an LEP person in need of language assistance:

- Post notices of the LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- Providing **Town of North Greenbush** staff with language identification cards to assist in identifying the language interpretation services needed if the occasion arises.
- Periodically surveying **Town of North Greenbush** staff regarding their interaction with LEP persons during the previous period (e.g., quarterly, semi-annually, and annually).
- Greeting participants at the **Town of North Greenbush** sponsored informational meeting or event. Conversational interaction with participants can help determine LEP needs for future events.

## Language Assistance Measures

Although there is a very low percentage of LEP individuals in the **Town of North Greenbush** service area, (i.e., persons who speak English less than “very well” or “not at all”,) the **Town of North Greenbush** will take the following actions:

1. The **Town of North Greenbush** staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. The following resources will be available to accommodate LEP persons:
  - Volunteer Spanish language interpreters will be provided within a reasonable time period.
  - Language interpretation services for all other languages will be accessed through a professional telephone interpretation service.

## **STAFF TRAINING**

The information below will be disseminated to staff. Training opportunities on these topics also will be provided:

- Title VI Policy and LEP responsibilities
- Description of language assistance services offered to the public
- Proper use of interpreter service provider’s language identification cards
- Documentation of language assistance requests
- Handling of Title VI/LEP complaints

All contractors or subcontractors performing work for the **Town of North Greenbush** are required to follow the Title VI/LEP guidelines.

## **TRANSLATION OF DOCUMENTS**

The **Town of North Greenbush** weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating documents, the likelihood of frequent changes in documents and other relevant factors, the **Town of North Greenbush** has determined that it is an unreasonable burden to translate documents at this time.

Due to the very small LEP population, the **Town of North Greenbush** does not have a formal outreach procedure in place as of [Enter year here]. Translation resources have been identified and are limited in this region. However, if the need arises to conduct outreach to LEP individuals, the **Town of North Greenbush** will consider the following options:

- When staff prepares documents or schedules public meeting whose audience is expected to include LEP individuals, the **Town of North Greenbush** will provide meeting notices, flyers, and agendas in the appropriate non-English language(s).

- **Town of North Greenbush** will assess requests for the translation of documents based on the potential effect and known LEP population.

## MONITORING

Monitoring and Updating the LEP Plan – The **Town of North Greenbush** will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when recent data from the U.S. Census and the American Community Survey is available, or when it is clear that higher concentrations of LEP individuals are present in the **Town of North Greenbush** service area. Updates to the LEP Plan will include the following:

- The number of documented LEP contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area (census data, surveys, information from community-based organizations, and other sources).
- Determination as to whether the need for translation services has changed.
- Determination of the effectiveness of language assistance efforts
- Determination of the adequacy of the **Town of North Greenbush** financial resources to fund language assistance resources.
- Determination of the **Town of North Greenbush** full compliance with the goals of the LEP Plan.
- Determination of the **Town of North Greenbush** processing of LEP complaints

## DISSEMINATION OF THE **Town of North Greenbush** LEP PLAN

Choose from below the actions that **Town of North Greenbush** will take:

- Post signs in **Town of North Greenbush** public areas informing LEP persons of the LEP Plan and how to access language services.
- On **Town of North Greenbush** website, post the LEP Plan and procedure to access language services and provide the Town Library with all LEP postings.



**Town of North Greenbush**

**Employee Training Plan**

**Title VI of the Civil Rights Act of 1964**

Prepared by: Anthony J. Germano, Title VI Coordinator  
Date: February 27, 2019  
E-Mail Address: [agermano@northgreenbush.org](mailto:agermano@northgreenbush.org)  
Telephone Number: 518-283-3525 x 19



## Table of Contents

<b>Introduction</b> .....	<b>3</b>
<b>Title VI and ADA Non-discrimination Statement</b> .....	<b>3</b>
<b>Education and Training</b> .....	<b>3</b>
<b>Appendix A: Title VI Complaint Procedure</b> .....	<b>4</b>

## **Introduction**

Title VI of the 1964 Civil Rights Act 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 (Sec. 601)."

The Civil Rights Restoration Act of 1987 amended Title VI to specify that entire institutions receiving Federal funds, whether schools, colleges, government entities, or private employers must comply with Federal civil rights laws, rather than just the particular programs or activities that receive federal funds.

This Title VI Employee Training Plan has been prepared to address the Town of North Greenbush responsibility to provide Title VI training to all of its current employees.

## **Title VI and ADA Nondiscrimination Statement**

The Town of North Greenbush adheres to the Title VI of the Civil Rights Act of 1964 Compliance Plan. The Town of North Greenbush carries out its transportation planning processes without regard to race, color, or national origin. For more information or to file a complaint or concern, please contact the Town of North Greenbush (Anthony J. Germano) Title VI Civil Rights Coordinator, at (518) 283-3525 x 19.

The Town of North Greenbush also follows the New York State Department of Transportation's Americans with Disabilities Act Grievance Procedure. The Town of North Greenbush hosts its public meetings and open houses in facilities allowing access for those who may be mobility impaired, sight impaired, hearing impaired or mentally impaired. The Town of North Greenbush will accommodate anyone who may need special requests with adequate notification, preferably 48 hours before a scheduled meeting or open house.

The Town of North Greenbush is committed to a policy of non-discrimination in conducting its business, including its Title VI responsibilities. The Town of North Greenbush recognizes its

responsibilities to the citizens for whom it carries out its transportation planning processes and to the society it serves.

### **Education and Training**

The Title VI Coordinator and the Town Supervisor shall be responsible for advising the Town of North Greenbush staff about available training in support of Title VI. It is the responsibility of the Title VI Coordinator to schedule training in such a way that appropriate notices and announcements are made to Town of North Greenbush staff. All employees are encouraged to participate in professional development training within and outside of the Town of North Greenbush.

Internally, the Town of North Greenbush offers a Title VI training put on by the Title VI Coordinator in accordance to Title VI and ADA requirements. This training has also been video recorded to allow for any staff to watch and review Title VI and ADA requirements. This training is reviewed and updated as necessary by the Title VI Coordinator. It is also a requirement for current Town of North Greenbush staff to participate and refresh themselves in the Title VI training annually. The Title VI training can be put on by the Title VI Coordinator or the Title VI training can be accomplished by watching a Title VI training video. It is a requirement for new employees to participate in the Title VI training or watch the training video within 60 days of hire with the Town of North Greenbush.

In an effort to continuously improve the Town of North Greenbush overall Title VI compliance requirement, nondiscrimination training will be coordinated with the New York State Department of Transportation (NYSDOT), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The training will be made available to Town of North Greenbush staff on an ongoing basis to ensure up to date knowledge of Title VI and other nondiscrimination statues.

### **Appendix A: Title VI Complaint Procedure**

The Complaint Procedure meets the requirements of the Civil Rights Act of 1964 and its amendments. It may be used by anyone who wishes to file

a complaint alleging discrimination on the basis of race, color, or national origin in the provision of services, activities, programs, or benefits by the Town of North Greenbush. Complaints regarding transit-related concerns are governed by special requirements from the FTA. If you are unsure about the appropriate office to address a complaint to or if you need assistance navigating procedures, complaints of any type can be filed with the New York State Human Rights Commission.

Should a citizen have a complaint about access to public services, they should complete the attached complaint form and submit it to the Town of North Greenbush Title VI Coordinator. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant, location, date, and description of the problem. The attached form provides spaces for all necessary information.

The complaint should be submitted by the complainant or their designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Title VI Coordinator:  
Anthony J. Germano  
Town of North Greenbush,  
2 Douglas Street,  
Wynantskill, NY 12198

Within 30 calendar days after receipt of the complaint, the Title VI Coordinator or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days of the meeting, the Title VI Coordinator or their designee, in consultation with the Town of North Greenbush Legal Office, will respond in writing. The response will explain the position of the Coordinator and other options for substantive resolution of the complaint.

If the response by the Title VI Coordinator or their designee does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision within 15 calendar days after receipt of the response to the Town of North Greenbush Town's Title VI Appeals Committee. The appeal should take the form of a written letter describing the initial complaint, the initial response, and the ways in which the initial response does not satisfactorily address the complaint. The appeal should be sent to the

same address the initial complaint was delivered to.

The Title VI Appeals Committee will consist of representatives from three departments not involved in the complaint. The departments will be chosen at random. The three representatives will choose one individual among them to serve as chair of the committee. The Legal Office will serve to advise the committee.

Within 30 calendar days after receipt of the appeal, the Town of North Greenbush Title VI Appeals Committee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town of North Greenbush Title VI Appeals Committee will respond in writing.

All complaints received by the Title VI Coordinator or their, appeals to Title VI Appeals Committee, and responses from these two offices will be retained by the City Clerk's Office for at least five years.

Title VI of the 1964 Civil Rights Act  
Discrimination Complaint Form

Instructions: Please fill out this form in black ink or type. Sign and return to the Address on the next page. Alternate means of filing a complaint, such as a personal interview or audio recording, will be made available upon request.

Home phone: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

Person Filing Complaint: \_\_\_\_\_  
(if other than complainant)

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

City, State, & Zip: \_\_\_\_\_

Home phone: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

Agency Department/Departments you believe have discriminated.

\_\_\_\_\_

Where did the alleged discrimination take place?

\_\_\_\_\_

When did the alleged discrimination occur? (Date/Time) \_\_\_\_\_

Describe the acts of discrimination providing the name(s) where possible of the individuals who allegedly discriminated (if applicable) or services in violation of the 1964 Civil Rights Act or its amendments. Attach additional pages if necessary

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Has the complaint been filed with another bureau of the Department of Justice or any other Federal, State, or local civil rights agency or court?

Yes      No

If yes, with what agency or court?

\_\_\_\_\_

Contact Person: \_\_\_\_\_

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

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

Telephone Number: \_\_\_\_\_

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

Do you intend to file with another agency or court? \_\_\_\_\_

Yes      No

Agency or Court: \_\_\_\_\_

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

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

Telephone Number: \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Return To:

**Town of North Greenbush  
Title VI Civil Rights  
Attn: Anthony J. Germano  
2 Douglas Street  
Wynantskill, NY 12198**