COUNTY AGENDA REQUEST

Department:	Public Works	Presenter(s):	Phil Mallon
Meeting Date:	Thursday, September 13, 2012	Type of Request:	Consent

Wording for the Agenda:

Approval of staff's recommendation to adopt additional compliance documents that are required for Fayette County's Public Works' Title VI Program.

Background/History/Details:

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), and subsequent legislation, protects individuals from discrimination on the basis or race, color, sex, religion, national origin, disability or age in programs receiving federal financial assistance. Currently, Fayette County has two transportation projects that are scheduled for federal aid. The following actions are required by the Board of Commissioners to ensure compliance with the Title VI rules and regulations:

1. Adopt a Title VI Policy.
2. Adopt a Title VI Notice to Public.
3. Adopt a procedure for addressing external discrimination complaints (see draft Policy 404.04).

If adopted, the Policy and Notice to Public will be posted for public viewing on bulletin boards and on the County's web page. These policies and procedures will complement the County's existing Nondiscrimination Agreement (which serves as the County's Title VI Plan) and Title VI Assurances, both of which were adopted by the Board on October 13, 2011. Additionally, there are administrative standards that will be met via changes to operating procedures by the Public Works, Purchasing, and Human Resources Departments.
This issue was last discussed at the September 5, 2012 Board of Commissioners Workshop Meeting.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to adopt additional compliance documents that are required for Fayette County's Public Works' Title VI Program.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	Yes	If so, when?	Wednesday, September 5, 2012
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

TITLE VI
POLICY STATEMENT

Fayette County is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. Fayette County assures that no person shall on the grounds of race, color, national origin, 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. Fayette County further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether or not those programs and activities are federally funded. In addition, Fayette County will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

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

Fayette County's Equal Employment Opportunity (EEO) Office and Department of Public Works are responsible for initiating and monitoring Title VI activities, preparing required reports and other Fayette County responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.

_____ _____

Herbert Frady
Chairman
Fayette County Board of Commissioners

Date

TITLE VI
NOTICE TO PUBLIC

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

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

Any person who believes they have been subjected to unlawful discriminatory practice under Title VI has a right to file a formal complaint. The complaint must be filed in writing or in person with the Fayette County Equal Employment Opportunity (EEO) Office within one hundred eighty (180) days from the date of the alleged discriminatory act or upon notice of the discriminatory act.

Title VI Discrimination Complaint Forms may be obtained by going to the County's website (http://www.fayettecountyga.gov/) or contacting the EEO Office at 770-305-5418.

PURPOSE

Fayette County is committed to fully complying with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and related statutes and regulations. A Title VI Coordinator has been designated to oversee compliance.

POLICY

It is Fayette County's policy that no one shall be excluded from the participation in, or be denied the benefits of or otherwise be subjected to discrimination under any of the County's programs or activities because of their race, color, national origin, sex, age or disability.

PROCEDURE

People who feel that they as either individuals, members of any specific class or in connection with any disadvantaged business enterprise have been subject to discrimination that is prohibited by Title VI of the Civil Rights Act of 1964, as amended, may file a complaint with the Fayette County Equal Employment Opportunity (EEO) Office. A representative acting on behalf of such persons may also file a complaint.

Complaints must be submitted in writing or in person by the complainant and/or their representative no later than 180 days after the date of the alleged discrimination or in the case of a continuing course of conduct, the date when that conduct ceased. The complaint shall specify in as much detail possible the facts and circumstances regarding the alleged discrimination. The EEO Office will assist persons making verbal complaints to convert them into writing and present the written version to the complainant for their signature. Title VI Discrimination Complaint Forms may be obtained by going to the Fayette County website or by contacting the EEO Office at 770-305-5418.

The EEO Office will acknowledge receipt of the complaint within 10 days of it being submitted and inform the complainant of action taken or any possible action to process the complaint.

Within 45 days of receiving the complaint, the EEO Office will conduct an investigation and render a final determination. Informal efforts to resolve the complaint will be used whenever possible and will be included with the final determination. The complainant will be notified in writing of the final determination. For transportation related complaints the complainant will also be notified of their appeal rights with the Georgia Department of Transportation or the Federal Highway Administration in the event they are not satisfied with the final determination issued by Fayette County.