CHAPTER

CIVIL RIGHTS PROGRAM

Title II of the American with Disabilities Act Policies and Procedures

Title VI of the Civil Rights Act of 1964 Policies and Procedures

Limited English Proficiency Initiative

INTRODUCTION

The Osceola County Board of County Commissioners is committed to protecting the rights of all people in Osceola County to ensure their ability to live, work and enjoy equal access to facilities open to the public in an environment free of unlawful discrimination, harassment, intimidation, and retaliation. Osceola County values diversity and welcomes input from all interested parties regardless of cultural identity, background or income level. The County does not tolerate discrimination in any of its programs services or activities. As such, Osceola County shall not exclude participation in, deny benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion or familial status.

Title II- Americans With Disabilities Act

Policy

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA) of 1990, (42 U.S.C. 12131 et. seq.) Osceola County does not discriminate on the basis of disability in the admission, access, or operations of its programs, services, activities or facilities. It is the policy of the Osceola County Board of County Commissioners to ensure that, Osceola County government shall not exclude or discriminate against a qualified individual with a disability, from participation in or be denied the benefits of the services, programs, or activities of Osceola County simply because that person has a disability.

Accessibility: Osceola County shall operate programs so that, when viewed in their entirety, are readily accessible to and usable by individuals with disabilities. The County shall not use unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy services, programs or activities.

Effective Communication: Osceola County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified individuals with disabilities so they can participate equally in the County’s programs, services and activities, including

Modifications to Policies and Procedures: Osceola County will make reasonable modifications to its policies, practices and programs to ensure that individuals with disabilities have an equal opportunity to enjoy all the County has to offer. For example, individuals with service animals are welcomed in County offices where pets are generally prohibited.

The County will not place a surcharge on a particular individual with a disability to cover the cost of providing auxiliary aids and services or reasonable modifications of policy, such as
retrieving items from locations that are open to the public, but not accessible to persons who use wheelchairs.

The ADA does not require the County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

The Customer Resources Manager has been designated to ensure the coordination of Osceola County’s compliance with the ADA, including the investigation of any complaint alleging Title II discrimination.

Grievance Procedure for County Services, Programs, Activities or Facilities

The following internal procedure is established to provide for the prompt and equitable resolution of complaints alleging discrimination on the basis of disability in the provision of programs, services, activities or benefits by the County. Any individual who believes that he or she is a victim of discrimination prohibited by Title II of the ADA, may file a complaint. Complaints on behalf of classes of individuals are also permitted. This procedure is established pursuant to the regulations implementing Title II of the Americans with Disability Act 28 C.F.R. Section 35.107

Complaints related to County programs, services, activities, or facilities, should be addressed to:

Brooke Stearns

Human Resources Manager / Civil Rights Program Coordinator

Osceola County Board of County Commissioners

1 Courthouse Square, Suite 4700

Kissimmee, Florida 34741

407-742-1200, or TTD 800-955-8771

Grievance Procedure – This Grievance procedure shall be construed to protect the substantive rights of interested persons and to assure that the County meets the spirit and guidelines of the Americans with Disabilities Act (ADA). Alternative means of filing complaints, such as a personal interview, or a tape recorded complaint, will be made available for persons with disabilities upon request.

1) All complaints shall include:

a. The name, address, and telephone number of the person making the complaint;

b. The names, addresses, and telephone numbers of witnesses;

c. A narrative and/or statement describing the alleged violation of the ADA, including date and time of the alleged violation and County program where the alleged violation occurred;
d. A narrative and/or statement identifying the recommended corrective actions to solve the alleged violation(s); and

e. Other supporting documentation to more fully explain or identify the alleged violation.

2) A complaint should be filed as soon as an individual becomes aware of the alleged violation. All complaints shall be filed no later than 30 days after the complainant becomes aware of an alleged violation.

3) Within 15 calendar days after receipt of the complaint, the Customer Resources Manager will make contact with and if necessary meet with the Complainant to give them the opportunity to explain the details of the alleged discriminatory action/incident, and the possible resolutions.

4) Within 30 calendar days of the meeting or conversation, the Customer Resources Manager will respond in writing, and where appropriate in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the County and offer options for substantive resolution of the complaint.

5) If the Complainant believes that the response does not satisfactorily resolve the issue the complainant and/or his designee may appeal the decision within 15 calendar days after receipt of the response to the Division Administrator whose is responsible for overseeing the subject matter, program or project at issue. The request must be submitted in writing where appropriate.

Title VI- of the Civil Rights Act of 1964

Osceola County assures that no person shall on the grounds of race, color, sex, age, disability or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. (Title VI of the Civil Rights Act of 1964, as amended; the Civil Rights Restoration Act of 1987; Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; Age Discrimination in Employment Act of 1967). The County further assures every effort will be made to ensure nondiscrimination in all of its program activities, whether those programs and activities are federally funded or not.

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

Civil Rights Program Coordinator

The Civil Rights Program Coordinator is charged with the responsibility for implementing, monitoring and ensuring the County’s compliance with the Title VI regulations. The Coordinator’s responsibilities are:

1) Initiating and monitoring Title VI activities, preparing required reports, and other County responsibilities as required by 23 Code of Federal Regulation (CFR) 200, and 49 Code of Federal Regulation 21;
2) Process the disposition of Title VI complaints received by the County; 3) Collect statistical data (race, color, sex, age, disability, or national origin) of participants in and beneficiaries of state highway programs, i.e., relocatees, affected citizens, and impacted communities;

4) Conduct annual Title VI reviews of special emphasis program areas (right of way planning, design, etc.) to determine the effectiveness of program activities at all levels;

5) Conduct Title VI reviews of construction contractors, consultant contractors, suppliers, and other recipients of federal-aid highway fund contracts administered through the County;

6) Review County program directives in coordination with Title VI liaisons for special emphasis;

7) Coordinate training programs on Title VI and other related statutes for County employees and recipients of federal highway funds;

8) Prepare a yearly report of Title VI accomplishments and goals, as required;

9) Develop Title VI information for dissemination to the general public and where appropriate, in languages other than English;

10) Conduct post-grant approval reviews of County programs and applicants (i.e.: highway location, design and relocation, and persons seeking contracts with the County), for compliance with Title VI requirements;

11) Identify and eliminate discrimination;

12) Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 90 days.

Title VI Program Administration Generally

A. Complaints

If any individual believes that s/he or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits and/or services, or on the grounds of race, color, national origin, sex disability or age, s/he may exercise their right to file a complaint with the County. Every effort will be made to resolve complaints informally at the County and contractor level.

B. Data Collection

Statistical data on race, color, national origin and sex of participants in, and beneficiaries of federally funded program (i.e., relocatees, impacted citizens, and affected communities), will be gathered and maintained by the Civil Rights Program Coordinator. Each of the Title VI special emphasis program areas will maintain data to be incorporated in the Title VI Annual Update. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program administration.
C. Title VI Program Reviews

The County's Title VI Program reviews will be overseen by the Civil Rights Coordinator to assess the administrative procedures, staffing, and resources available for Title VI compliance. The Civil Rights Program Coordinator and program representatives will coordinate efforts to ensure that the requirements of Title VI are met throughout the entire contracting process. The Civil Rights Program Coordinator will conduct reviews of contractors, sub contractors, consultants, suppliers and all other sub recipients of FDOT's federal funds to ensure compliance with Title VI provisions.

D. Operational Guidelines/Program Directives

All operational guidelines to regions, contractors, sub-recipients, and special emphasis program areas will be reviewed annually to include Title VI language and provisions and related requirements, where applicable.

E. Training Program

Title VI training will be made available at least annually to employees, contractors, sub-recipients, and special emphasis program area liaisons. The training will provide comprehensive information on Title VI provisions, application to program operations, and identification of Title VI issues and resolution of complaints. A summary of the training conducted will be reported in the annual update.

F. Annual Reports

An annual executive summary will be submitted to the County Manager reviewing Title VI accomplishments achieved during the year. Annual reports will be required for each of the special emphasis program areas. The Civil Rights Program Coordinator will be responsible for coordination and preparation of the report.

G. Title VI Plan Update

A Title VI Plan Update will be submitted to the County Manager or their designee for review by October 1 biennially. The update will report on accomplishments and changes to the program occurring during the preceding year, and will also include goals and objectives for the upcoming year.

H. Public Dissemination

The Civil Rights Program Coordinator will disseminate Title VI Program information to County employees, sub-recipients, contractors, and beneficiaries as well as the general public. Public dissemination will include the posting of public statements, inclusion of Title VI language in contracts, and publishing annually the Title VI Policy Statement in newspapers having a general circulation in the vicinity of proposed projects and announcements of hearings and meetings in minority publications.

I. Post-grant Reviews
Review post-grant approval procedures (e.g. highway location design, relocation and individuals seeking contracts, etc.) to ensure compliance with Title VI requirements.

J. Elimination of Discrimination

Implement procedures to identify and eliminate discrimination when found to exist, related to Minority/Women/Veteran Disadvantaged Business Enterprises (DBE) contractors, public involvement, and property acquisition.

K. Remedial Action

The County 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, corrective action will be taken to resolve Title VI issues, and reducing to writing a remedial action agreed upon to be necessary, all within a period not to exceed 90 days.

1) Sub-recipients 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.

2) The County will seek the cooperation of the sub-recipient in correcting deficiencies found during the review. The County will also provide the technical assistance and guidance needed to aid the sub-recipient to comply voluntarily.

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

4) When a sub-recipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the County will submit to FDOT's External Civil Rights Office or the FHWA two copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

L. Procedures Manual

Administration of the Title VI Program will be incorporated in a Procedures Manual that will be updated regularly by the Civil Rights Program Coordinator. Changes in the procedures, and/or designation of responsibilities shall not take effect until the procedures manual has been updated and the changes have been communicated and disseminated throughout the County organization and to the public.

Limited English Proficiency (LEP) Guidance

Osceola County welcomes diversity and recognizes that due to our proximity to famous tourist attractions, visitors from all over the world often visit the County. Osceola County has taken steps to insure that those who come to the County may participate in and enjoy to the fullest everything our County has to offer.

In adherence with Federal regulations, Osceola County will make reasonable efforts to ensure its programs, services and activities are meaningfully accessible to those who do not speak English
The County will utilize its bilingual employees, State and Local Transportation partners, faith based organizations, colleges and universities, community groups, and other language services to provide oral interpretation and translation of program documents, as required. To determine if or when alternate language usage is required for meaningful access, Osceola County will assess the program, service or activity using the following four factors:

1. The number of proportion of LEP persons eligible to be served or likely to be encountered by the County’s programs, services, or activities;

2. The frequency with which LEP individuals come in contact with these programs, services or activities;

3. The nature and importance of the program, service or activity to people’s lives; and

4. The resources available to the County and costs of implementation.

Persons requiring special language services should contact the County’s Human Resources Department -

Brooke Stearns

Human Resources / Civil Rights Program Coordinator

Osceola County Board of County Commissioners

1 Courthouse Square, Suite 4700

Kissimmee, Florida 34741

407-742-1200 or TTD 800-955-8771

LEP Complaint Procedure

Osceola County has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discriminatory action. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability or family status may file a complaint to the Civil Rights Program Coordinator.

If possible, the complaint will be submitted in writing and contain the identity of the complainant; the basis of for the allegations (i.e. race, color, national origin, sex, religion, age, occurrence). If the complaint cannot be submitted in writing, the complainant should contact the Civil Rights Program Coordinator.

The Civil Rights Program Coordinator will respond to the complaint within (30) days and will take reasonable steps to resolve the matter. Should the County be unable to satisfactorily resolve the complaint, the Civil Rights Program Coordinator will forward the complaint, along with a record of its disposition, to the Florida Department of Transportation, Equal Opportunity Office, Statewide Title VI Coordinator. FDOT will assume jurisdiction over the complaint for continuing processing.
Dissemination of Osceola County’s Civil Rights Program

In order to implement its policy of nondiscrimination the County’s Plan will be disseminated and communicated to employees, as well as to the community at large. Dissemination of this information will be accomplished through the following actions:

Internal Dissemination

1. Meetings will be held with managers and supervisors in order to explain the Civil Rights program policies, procedures and philosophy and to communicate responsibilities and expectations of the attendees under those policies.

2. Title VI and Title II training opportunities will be offered for County employees, contractors, and sub-recipients, as appropriate, at least annually, to discuss the County’s policies and philosophy, and to explain the various employee responsibilities under them.

3. The policies will be publicized, as appropriate, in official publications for Osceola County Government employees under the supervision of the Public Information Officer.

4. The Policies will be prominently discussed and explained in the appropriate in-service training activities for County employees, and be accessible to all County employees via the County’s Intranet Website, “Inside Osceola.”

External Communication

1. As deemed appropriate by the Public Information Office the Civil Rights Program plan will communicated to appropriate newspaper, radio and television stations and other media, particularly focusing on those that directly serve minorities or other protected classes.

2. Public dissemination will include the posting of public statements, inclusion of language in contracts, and publishing annually the Title VI Policy Statement in newspapers having a general circulation in the vicinity of proposed projects and announcements of hearings and meetings in minority publications.

3. The policies will be accessible to the general public via the County’s Internet Website, www.Osceola.org.

History – 09/13/10, Res #10-107R, created un-numbered Chapter;