

# Title VI Implementation Plan 2016

Pulaski County, Indiana

**ORIGINAL PREPARATION: June 29, 2016**

**APPROVED BY COUNTY COMMISSIONERS: August 15, 2016**

Prepared by:

Sheri Gaillard

Jeff Johnston

Resolution 007-2016

A RESOLUTION ADOPTING DOCUMENTS PERTAINING TO PULASKI COUNTY'S COMPLIANCE WITH THE TITLE VI PROVISIONS OF THE CIVIL RIGHTS ACT OF 1964.

WHEREAS, Pulaski County has been the recipient of federal financial assistance from the U.S. Department of Transportation; and

WHEREAS, in receiving such financial assistance Pulaski County is mandated to comply with the provisions of Title VI of the Civil Rights Act of 1964; and

WHEREAS, the Indiana Department of Transportation has directed Pulaski County to adopt certain documents and put certain programs into place in order to comply with Title VI of the Civil Rights Act of 1964; and

WHEREAS, in order to continue receiving federal financial assistance from the U.S. Department of Transportation the adoption of certain documents and establishment of certain programs is necessary.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Pulaski County that;

1. The Pulaski County Auditor is hereby designated as the Title VI Coordinator for Pulaski County.
2. The Pulaski County Title VI Plan is hereby adopted and that the President of the Board of Commissioners and the Title VI Coordinator are authorized to sign said plan where required.
3. The Standard DOT Title VI Assurances are hereby adopted and that the President of the Board of Commissioners is authorized to sign said document where required.
4. The Title VI Notice to the Public is hereby adopted and shall be posted where other public notices are displayed in the Pulaski County Courthouse. Furthermore, said notice shall be placed on the County's official website.
5. The Title VI Coordinator is authorized to take any other actions necessary and/or recommended by the Indiana Department of Transportation, U.S. Department of Transportation, or other designated authority to comply with the provisions of Title VI of the Civil Rights Act of 1964

PASSED AND APPROVED this 15 day of AUGUST, 2016.

Signed:

Jerry L. Young

Attest:

Shelby H. Guling

[Signature]

Bud H. H. [Signature]

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## **I. Introduction**

This plan is part of Pulaski County's continual and ongoing effort to comply with civil rights regulations. This document communicates the County's intent to proactively meet and exceed minimum compliance requirements established under Title VI of the Civil Rights Act of 1964 (Title VI), 49 CFR § 26, and the related anti-discrimination statutes and regulations. Pulaski County strives to provide continued transparency, clarity, and technical guidance for internal and external constituents regarding its Title VI program.

## **II. Pulaski County Title VI Mission Statement**

Pulaski County will implement compliance with Title VI 49 CFR § 26; and its related statutes and regulations to ensure that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation (DOT) on the grounds of race, color, or national origin.

## **III. Pulaski County Non-Discrimination Statement**

Pulaski County values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this county. As a recipient of federal funds, Pulaski County is required to conform to Title VI and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the DOT on the grounds of race, color, age, sex, disability, national origin, or income status.

## **IV. Title VI Assurances**

These are standard U.S. DOT assurances that outline the County's guarantee for compliance with Title VI of the Civil Rights Act of 1964 as a recipient of federal financial assistance. The executed assurances are included in the following pages.

## **Pulaski County, Indiana Title VI Assurances**

Pulaski County (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation and the Federal Highway Administration, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations (CFR), Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation- Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures (hereinafter referred to as the "Regulations") and other pertinent nondiscrimination authorities and directives, to the end that in accordance with the Act, Regulations, and other pertinent nondiscrimination authorities and directives, no person in the United States shall, on the grounds of race, color, national origin, sex (23 USC 324), age (42 USC 6101), disability, (29 USC 790), religion, low income status (Executive Order 12898), sexual orientation, or limited English proficiency (Executive Order 13166) 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 the Department of Transportation, including the Indiana Department of Transportation (INDOT), and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Title 49 Code of Federal Regulations, subsection 21.7(a)(1) and Title 23 Code of Federal Regulations, section 200.9(a) (1) of the Regulations, copies of which are attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal Aid Transportation Program:

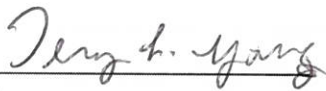
1. That the Recipient agrees that each "program" and each "facility" as defined in 49 CFR subsections 21.23(e) and (b) and 23 CFR 200.5(k) and (g) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Transportation Program and, in adapted form in all proposals for negotiated

\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

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

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the Federal Aid Transportation Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Transportation Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the recipient:

By:  Dated: 8-15-16  
Commissioner President



appropriate, and shall set forth what efforts it has made to obtain the information.

- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, Pulaski County shall impose such contract sanctions as it, INDOT, or the FHWA may determine to be appropriate, including, but not limited to:

(a.) withholding of payments to the contractor under the contract until the contractor complies, and/or

(b.) cancellation, termination or suspension of the contract, in whole or in part.

- (6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as Pulaski County, INDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request Pulaski County to enter into such litigation to protect the interests of Pulaski County and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.



and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of -the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation- Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes - Implementation and Review Procedures, and as said Regulations may be amended, and (3) that in the event of breach of any of the above- mentioned nondiscrimination conditions, the Pulaski County shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of Pulaski County 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 effectuate the purposes of Title VI of the Civil Rights Act of 1964.

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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, national origin, sex, age, disability, religion, low income status, sexual orientation, or limited English proficiency shall 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, national origin, sex, age, disability, religion, low income status, sexual orientation, or limited English proficiency shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation- Effectuation of Title VI of the Civil Rights Act of 1964), Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above nondiscrimination covenants, Pulaski County shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]

That in the event of breach of any of the above nondiscrimination covenants, Pulaski County shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Pulaski County and its assigns.

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\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

## **V. Title VI Compliance Responsibilities**

### **A. Title VI Coordinator & ADA Coordinator**

The Title VI Coordinator and ADA Coordinator work together to oversee the coordination of Pulaski County's compliance with Title VI and Section 504 statutes, regulations, and directives. These coordinators report directly to the County Commissioners. Responsibilities include, but are not limited to:

- x Implementing Pulaski County's Title VI and Americans with Disability Act (ADA) Transition Plans
  - x Assisting with the development of processes and procedures for the investigation of complaints filed under Title VI and ADA
- x Coordinating Title VI and ADA program development with Title VI/ADA Liaisons
  - x Preparing required reports as necessary
- x Participating in the design, development, and dissemination of Title VI and ADA information to the public; and
- x Updating Pulaski County's Title VI Implementation Plan and ADA Transition Plan as required

### **B. Title VI/ADA Liaisons**

This interdisciplinary team is composed of department heads from each department in Pulaski County. They are responsible for the following:

- x Ensure compliance with Title VI and related nondiscrimination laws
- x Remove programmatic and architectural barriers from programs and activities in accordance with relevant nondiscrimination laws
- x Ensure meaningful access to County services and programs to minorities, persons with limited English proficiencies and low-income persons; and
  - x Provide input in the development and review of the Title VI and ADA implementation plans



### C. Coordinator & Liaison Contact Information

All concerns should be directed to the Title VI or ADA Coordinator; however, additional contacts for each department are listed below.

DEPARTMENT	CONTACT	PHONE	EMAIL
<b>Title VI Coordinator</b>	Shelia Garling	574-946-3653	<a href="mailto:auditorsoffice@pulaskicounty.in.gov">auditorsoffice@pulaskicounty.in.gov</a>
<b>ADA Coordinator</b>	Sheri Gaillard	574-946-6391	<a href="mailto:pulaskiema@pulaskicounty.in.gov">pulaskiema@pulaskicounty.in.gov</a>
<b>Assessor</b>	Holly VanDerAa	574-946-3845	<a href="mailto:Assessorsoffice@pulaskicounty.in.gov">Assessorsoffice@pulaskicounty.in.gov</a>

<b>Auditor</b>	Shelia Garling	574-946-3653	<a href="mailto:auditorsoffice@pulaskicounty.in.gov">auditorsoffice@pulaskicounty.in.gov</a>
<b>Building / Plan Commission</b>	Doug Hoover	574-946-7858	<a href="mailto:buildinginspector@pulaskicounty.in.gov">buildinginspector@pulaskicounty.in.gov</a>
<b>Circuit Court</b>	Michael Shurn	574-946-3851	<a href="mailto:Judge66@pulaskicounty.in.gov">Judge66@pulaskicounty.in.gov</a>
<b>Clerk</b>	Christi Hoffa	574-946-3313	<a href="mailto:clerksoffice@pulaskicounty.in.gov">clerksoffice@pulaskicounty.in.gov</a>
<b>Communications / 911</b>	David Kain	574-946-6655	
<b>Emergency Management</b>	Sheri Gaillard	574-946-6391	<a href="mailto:pulaskiema@pulaskicounty.in.gov">pulaskiema@pulaskicounty.in.gov</a>
<b>EMS</b>	Nikki Lowry	574-946-0360	<a href="mailto:nikkilowry@pulaskicounty.in.gov">nikkilowry@pulaskicounty.in.gov</a>
<b>Health</b>	Terri Hansen	574-946-6080	<a href="mailto:thansen@localhealth.IN.gov">thansen@localhealth.IN.gov</a>
<b>Highway</b>	Terry Ruff	574-946-3942	<a href="mailto:superintendent@pulaskicounty.in.gov">superintendent@pulaskicounty.in.gov</a>
<b>IT</b>	R.B. Walters	574-242-9120	<a href="mailto:itdept@pulaskicounty.in.gov">itdept@pulaskicounty.in.gov</a>
<b>Probation</b>	Holly Schultz	574-946-6558	<a href="mailto:probationoffice@pulaskicounty.in.gov">probationoffice@pulaskicounty.in.gov</a>
<b>Prosecuting Attorney</b>	Daniel Murphy	574-946-6858	<a href="mailto:sdemoss@pulaskicounty.in.gov">sdemoss@pulaskicounty.in.gov</a>
<b>Maintenance</b>	Jeff Johnston	574-946-6875	<a href="mailto:maintdirector@pulaskicounty.in.gov">maintdirector@pulaskicounty.in.gov</a>



<b>Purdue Extension</b>	Sue Rosenbaum	574-946-3680 <a href="mailto:srosenba@purdue.edu">srosenba@purdue.edu</a>
<b>Recorder</b>	Sue Fox	574-946-3844 <a href="mailto:recordersoffice@pulaskicounty.in.gov">recordersoffice@pulaskicounty.in.gov</a>
<b>Sheriff</b>	Jeff Richwine	574-946-6655 <a href="mailto:jrichwine@pulaskicounty.in.gov">jrichwine@pulaskicounty.in.gov</a>
<b>Superior Court</b>	Patti Holliday	<a href="mailto:superiorcourt@pulaskicounty.in.gov">superiorcourt@pulaskicounty.in.gov</a>
<b>Surveyor</b>	Jenny Keller	574-946-3253 <a href="mailto:surveyoroffice@pulaskicounty.in.gov">surveyoroffice@pulaskicounty.in.gov</a>
<b>Treasurer</b>	Lynn Wilder	574-946-3632 <a href="mailto:treasurersoffice@pulaskicounty.in.gov">treasurersoffice@pulaskicounty.in.gov</a>
<b>Veteran's Affairs</b>	Ed Flurey	574-946-3571 <a href="mailto:veteransoffice@pulaskicounty.in.gov">veteransoffice@pulaskicounty.in.gov</a>

## **VI. Title VI Compliance Review Process**

Once formally adopted, Pulaski County will provide an internal assessment of its Title VI compliance efforts.

## **VII. External Complaint Process**

Pulaski County will promptly investigate all properly submitted complaints of alleged discrimination. Pulaski County will also attempt to resolve such complaints and take corrective action upon a finding of a substantiated complaint.

### **A. Complaint Investigation Procedures**

The Title VI and ADA Coordinators will make a determination to accept, reject, or refer to the appropriate agency a complaint within seven working days of its receipt. Pulaski County will determine whether the person or entity purportedly engaged in the alleged discriminatory act as a sub-recipient of federal funds. If the complaint does not specifically mention that the alleged discriminatory actor is a sub-recipient of federal funds, Pulaski County may presume so in deciding whether to accept the complaint for further processing.

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 and its related statutes, regulations and directives; the Americans with Disability Act of 1990, as amended; and Section 504 of the Vocational Rehabilitation Act of 1973. These procedures do not affect 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 that does not provide for remedies that include punitive damages or compensatory remuneration for the Complainant.

Pulaski County will make every effort to facilitate a voluntary early resolution of complaints at the lowest level possible. The County may exercise the option of informal resolution at any stage of the process.

### **B. Who May File a Complaint**

Any person who believes that he or she has been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any Pulaski County service, program, or activity whether federally funded or not, based on their race, color, national origin, gender, age, disability, religion, ancestry, income status, or Limited English Proficiency may file a complaint. A complainant's representative may also file a complaint on the behalf of such a person.

### **C. Timeliness of Complaints**

For a complaint to be considered timely, it must be filed within 180 calendar days after the alleged incident has occurred. The file date of a complaint is the earlier of the postmark or date received by Pulaski County.

## **D. Location/Availability of Complaint Forms**

Pulaski County will make complaint forms available online via the County website. Additionally, persons may contact the Title VI or ADA Coordinator to request a copy of the complaint form via email, facsimile, or United States mail. Copies of complaint forms in alternative formats are available upon request.

## **E. How to File a Complaint**

A complainant may file his or her complaint by mail, facsimile, or email. Any person with a disability may request to file his or her complaint using an alternative format. Pulaski County will acknowledge complaints received by fax or email and will process them once the County establishes the identity of the complainant. Complainants must mail a signed, original copy of the fax or email transmittal to the County to begin the complaint process. Pulaski County does not require a complainant to use the County complaint form for submitting his or her complaint.

### **Direct Title VI Complaints to:**

Shelia Garling  
Title VI Coordinator  
112 E. Main St.  
Winamac, IN 46996  
574-946-3653  
[auditorsoffice@pulaskicounty.in.gov](mailto:auditorsoffice@pulaskicounty.in.gov)

### **Direct ADA Complaints to:**

Sheri Gaillard  
ADA Coordinator  
112 E. Main St.  
Winamac, IN 46996  
574-946-6391  
[pulaskiema@pulaskicounty.in.gov](mailto:pulaskiema@pulaskicounty.in.gov)

## **F. Elements of a Complete Complaint**

A complete complaint is written and signed. Verbal complaints must be reduced to writing and provided to the complainant for confirmation, review, and signature before processing. The complaint form is available in the appendix of this report and on the county website.

Additionally, a complete complaint is filed within 180 calendar days of the alleged discriminatory act(s) and includes at minimum the following information:

- x The full name and address of the complainant
- x The full name and address of the respondent, the individual, agency, department, or program that allegedly discriminated against complainant; and
- x A description of the alleged discriminatory act(s) that violated the Title VI (i.e., an act of intentional discrimination or one that has the effect of discriminating on the basis of race, color, national origin, sex, age, or disability) and the date of occurrence.

The following items are not acceptable as a complete complaint:



- x Anonymous complaints x      Inquiries seeking advice or information x      Newspaper articles x      Courtesy copies of court pleadings x      Courtesy copies of complaints addressed to other agencies x      Courtesy copies of internal grievances x      Oral complaints

The Title VI or ADA coordinator shall notify the complainant in writing if his or her complaint is incomplete and allot 15 calendar days for the complainant to respond and provide the supplemental information needed to complete the complaint.

### **G.      Processing Complaints**

The Title VI and ADA Coordinator will process all complaints and will:

- x Maintain a log of all complaints
- x Acknowledge receipt of a complaint and inform the complainant of the action taken or proposed action to be taken to process the complaint
- x Inform respondent of allegations and request a position statement and response to all aspects of the complainant's allegations
- x Coordinate investigation and assign a staff member to the case
- x Contact the complainant at the conclusion of the investigation

### **H.      Corrective Action**

If Pulaski County recommends corrective action, the County will give the respondent 30 calendar days to inform the County of the actions taken for compliance. The Title VI or ADA coordinator shall monitor the respondent's corrective action compliance.

Corrective action may include actions that the respondent will complete at a future date of the initial 30 days and must include project time in which the respondent will complete the action.

If the respondent has not taken the recommended corrective action within the 30-day period allowed, Pulaski County will for the respondent to be in noncompliance with Title VI and its implementing regulations. Noncompliance not corrected by informal means as described above may be subject to sanctions as per 49 CFR § 21.13.

### **I.      Pre-Investigative/Administrative Closures**

It is the general practice of Pulaski County to investigate all complete complaints; however, the County may administratively close a complaint at its discretion. The types of complaints that may be administratively closed and will not be investigated include, but are not limited to, the following:



- x Complaints that fail to state a claim or provide any substantial or coherent claim
  - x Complaints that are outside the scope of Pulaski County's Title VI jurisdiction
    - x Untimely complaints filed more than 180 days after the alleged discriminatory acts
    - x Complaints voluntarily withdrawn by the complainant
- x Complaints in which the investigation has been impaired by the County's ability to locate the complainant
- x Complaints that are a continuation of a pattern of previously filed complaints involving the same or similar allegations against the same recipient or other recipients that repeatedly have been found factually or legally unsubstantiated by Pulaski County
- x Complaints containing the same allegations and issues that have been addressed in a recently closed complaint or compliance review conducted by the County
- x Complaints containing allegations that are foreclosed by previous decisions by the Federal courts, Department of Justice, or County policy determinations
- x Complaints filed for complainants or parties who refuse to cooperate with the investigation and whose lack of cooperation substantially impairs the completion of the investigation
- x Complaints transferred to another agency for investigation; and
- x Complaints where the death of a complainant makes it impossible to investigate the allegations fully

Pulaski County shall notify complainant in writing when a determination is made to administratively close a case without further investigation. The notification shall include an explanation of the basis for administrative close.

#### **J. Confidentiality**

In accordance with DOT Order 1000.12, Pulaski County shall keep all complainants' identities confidential except to the extent necessary for carrying out an investigation. If an investigator determines that it is necessary to disclose the complainant's identity to the responder or a third party, the investigator must first obtain complainant's written permission.

#### **K. Records**

Pulaski County shall maintain all records of an investigation in a confidential area for three years after the completion of the investigation.

#### **L. Summary of Complaints Received**

No complaints have been filed within the reporting period.

## **VIII. Public Involvement and Outreach**

### **A. Website**

Pulaski County will be adding the Title VI and ADA Policy's and complaint forms to its official website.

### **B. Data Collection**

Pulaski County plans to utilize a voluntary public involvement survey to collect information regarding persons affected by proposed projects. The survey permits respondents to remain anonymous, while voluntarily answering questions regarding their gender, ethnicity, race, age, disability status, and household income.

Pulaski County plans to make this survey available at all public hearings and meetings. Completed surveys shall be retained for a period of three years from the date of the meeting and/or completion of the related project, if applicable.

## **IX. Manuals, Directives, and Guidance**

Pulaski County plans to incorporate Title VI policy and mission statements into its employee handbook for the next revision.

### **Pulaski County Title VI Policy Statement**

*Pulaski County values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this county. As a recipient of federal funds, Pulaski County is required to conform to Title VI and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the DOT on the grounds of race, color, age, sex, disability, national origin, or income status.*

### **Pulaski County Title VI Mission Statement**

*Pulaski County will implement compliance with Title VI 49 CFR § 26; and its related statutes and regulations to ensure that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation (DOT) on the grounds of race, color, or national origin.*

Pulaski County will continue to develop additional manuals and directives as needed to provide guidance regarding Title VI and ADA compliance and will be made available where appropriate.

## X. Limited English Proficiency

On August 11, 2000, President William J. Clinton signed an executive order, *Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency*, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

Pulaski County strives to serve its population to the best of its ability. According to the U.S. Census Bureau, the percentage of LEP population in Pulaski County recorded during the time period of 2007-2011 is approximately 1.3 percent. To accommodate these individuals, Pulaski County provides, upon request, services to assist the LEP population including translation of vital documents, interpretation services, and alternative public outreach media. Progress is still being made to fully serve the entire Pulaski County community.

## XI. Accomplishments

This section shall be updated annually to provide an update on the status of the previous year's work plan.

## XII. Annual Work Plan

This section outlines annual goals set forth by the County to comply with Title VI and ADA requirements and statutes. This list is not exhaustive and will be continually monitored for updates and additions.

GOAL	TARGET COMPLETION DATE
Develop Title VI Implementation Plan and distribute internally and externally via website and county offices	September 2016
Ensure that assurances are being used in contracts for federal projects	September 2016
Attend Title VI training for all relevant staff	September 2016
Collect public involvement data	Ongoing

### **XIII. Appendix**

- A. Sample Title VI Complaint Log
- B. Sample Title VI Complaint Procedure
- C. External Complaint of Discrimination Form
- D. Complaint Consent Release Form
- E. Voluntary Title VI Public Involvement Survey



# **Appendix A**

## **Sample Title VI Complaint Log**

## 2016

[illegible]

## TITLE VI COMPLAINT PROCEDURE

Any person who believes that he or she as a member of a protected class, has been discriminated against based on race, color, national origin, gender, age, disability, religion, low income status, sexual orientation, or Limited English Proficiency in violation of Title VI of the Civil Rights Act of 1964, as amended and its related statutes, regulations and directives, Section 504 of the Vocational Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, as amended, the Civil Rights Restoration Act of 1987, as amended, and any other Federal nondiscrimination statute may submit a complaint. A complaint may also be submitted by a representative on behalf of such a person.

It is the policy of Pulaski County, Indiana, to conduct a prompt and impartial investigation of all allegations of discrimination and to take prompt effective corrective action when a claim of discrimination is substantiated.

No one may intimidate, threaten, coerce or engage in other discriminatory conduct against anyone because they have taken action or participated in an action to secure rights protected by the civil rights laws. Any individual alleging such harassment or intimidation may submit a complaint by following the procedure printed below.

Any individual who feels that he or she has been discriminated against may submit a written or verbal complaint. The complaint must be submitted within 180 days of the alleged discrimination. Complaint forms may be found on Pulaski County's website, or at the Commissioner's Office. Individuals are not required to use Pulaski County's complaint form and may submit a complaint in any format that includes the name, address and telephone number of the individual complaining and brief description of the alleged discriminatory conduct including the date of harm. An individual submitting a complaint alleging discrimination may include relevant evidence, including the names of witnesses and supporting documentation. A complaint must be signed by the complainant.

Generally a complaint should include the name, address and telephone number of the individual complaining (complainant) and a brief description of the alleged discriminatory conduct including the date of harm. An individual submitting a complaint alleging discrimination may include any relevant evidence, including the names of witnesses and supporting documentation.

Complaints should be directed to:

Shelia Garling  
Title VI Coordinator  
112 E. Main St.  
Room # 200  
Winamac, IN 46996  
574-946-3653



Within 60 days of the receipt of the complaint Pulaski County will conduct an investigation of the allegation based on the information provided and issue a written report of its findings to the complainant. Pulaski County will try to obtain an informal voluntary resolution to all complaints at the lowest level possible.

A complainant's identity shall be kept confidential except to the extent necessary to conduct an investigation. All complaints shall be kept confidential.

These procedures do not deny the right of any individual to file a formal complaint with any government agency or affect an individual's right to seek private counsel for any complaint alleging discrimination.

Complaints may also be filed with the following government agencies:

Indianapolis District EEOC Office  
101 West Ohio Street, Ste 1900  
Indianapolis, IN 46204  
Phone: (800) 669-4000  
Fax: (317) 226-7953  
TTY: 1 (800) 669-6820

Indiana Civil Rights Commission  
100 N. Senate Ave., Room N103  
Indianapolis, IN 46204  
Toll Free: 1 (800) 628-2909  
Phone: (317) 232-2600  
Fax: (317) 232-6560  
Hearing Impaired: 1 (800) 743-3336

## INSTRUCTIONS:

*The purpose of this form is to help any person interested in filing a discrimination complaint with Pulaski County. Pulaski County's Title VI Program Manager will forward it to the appropriate federal agency for investigation.*

*You are not required to use this form. You may write a letter with the same information, sign it and return it to the address printed above.*

*All items in bold must be completed for your complaint to be investigated. Failure to provide complete information may impair the investigation of your complaint.*

*Title VI of the Civil Rights Act of 1964, as amended and its related statutes and regulations (Title VI) prohibit discrimination on the basis of race, color, national origin, sex, age, disability, religion, low income status, sexual orientation, or limited English proficiency in connection with programs or activities receiving federal financial assistance from the United States Department of Transportation, Federal Highway Administration, Federal Transit Administration and/or Indiana Department of Transportation. These prohibitions extend to Pulaski County as a direct recipient of federal financial assistance and to its sub-recipients, consultants, and contractors, whether federally funded or not.*

*Pulaski County is also required to implement measures to ensure that persons with limited English proficiency and persons with disabilities have meaningful access to the services, benefits, and information of all its programs and activities under Executive Order 13166 and the Americans with Disabilities Act of 1990, as amended.*

*Upon request, assistance will be provided if you are an individual with a disability or have limited English proficiency. Complaints may also be filed using alternative formats, such as computer disk, audiotape, or Braille. For TTY customers, dial 711 to reach the Indiana relay service.*

*You also have the right to file a complaint with other state or federal agencies that provide federal financial assistance to Pulaski County. Additionally, you have a right to seek private counsel.*

*Pulaski County and its sub recipients, consultants, and contractors are prohibited from retaliating against any individual because he or she opposed an unlawful policy or practice, filed charges, testified, or participated in any complaint action under Title VI or other nondiscrimination authorities.*

*Please make a copy of your complaint form for your personal records. Do not send your original documents as they will not be returned. Mail the original complaint form along with any copies of documents or records relevant to your complaint to the address above.*

*Complaints of discrimination must be filed within 180 days of the date of the alleged discriminatory act. If the alleged act of discrimination occurred more than 180 days ago, please explain your delay in filing this complaint.*

***\*\*Your complaint cannot be processed without your signature.***

COMPLAINANT INFORMATION
Name (first, middle, last)







Name (first, middle, and last)	Telephone number (   )   -
Address (number and street, city, state, and ZIP code)	
Case number(s) (if known)	
<p>I have read the Title VI Notice of Complainant and Interviewee Rights provided by Pulaski County. As a complainant, I understand that during an investigation it may become necessary for Pulaski County to reveal my identity to individuals outside of Pulaski County in the course of verifying information or gathering facts and evidence to develop a basis for making a civil rights compliance determination. I understand that it may be necessary for Pulaski County to share information, including personal details collected as part of its complaint investigation. In addition, I understand that as a complainant I am protected by Title VI of the Civil Rights Act of 1964, as amended, and as its related statutes and regulations prohibiting intimidation or retaliation for taking action or participating in an action to secure rights protected by the non-discrimination statutes enforced by Pulaski County.</p>	
<p>Please read both paragraphs below, check your choice of <i>CONSENT</i> or <i>CONSENT DENIED</i> and sign below (Please mark one.)</p> <p><input type="checkbox"/> <b>Consent</b></p> <p>I have read and understand the above information and authorize Pulaski County to disclose my identity to individuals as needed during the course of the investigation for the purpose of verifying information or gathering facts and evidence relevant to the investigation of my complaint. I authorize Pulaski County to receive, review and discuss material and information about me relevant to the investigation of my complaint. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release and volunteer to do so.</p> <p><input type="checkbox"/> <b>Consent Denied</b></p> <p>I have read and understand the above information and do not want Pulaski County to disclose my identity to any individual during the course of the investigation. I understand this choice could delay the investigation of my complaint and may, in some circumstances, result in an administrative closure of the investigation of my complaint without Pulaski County making a determination in my case.</p>	
Signature	Date (month, day, year)

## **PULASKI COUNTY OF COMPLAINANT AND INTERVIEWEE RIGHTS**

Complainants and individuals who cooperate in an external complaint of discrimination investigation or other proceeding conducted by the Pulaski County have certain rights and protections.

The following is a brief explanation of these rights and protections.

- A recipient of federal funds cannot force an individual to be represented by its lawyer. A recipient cannot intimidate, threaten or discriminate against any individual who refuses to tell the recipient what occurred during an interview with Pulaski County. An individual has the right to be represented during an interview with Pulaski County. The representative can be the recipient's lawyer, the individual's private lawyer or any other person the individual has authorized to be present.
- The laws and regulations that govern Pulaski County's compliance and enforcement authority provide that no recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual because he or she has filed a complaint, testified, assisted, or participated in any manner in a review, investigation or other proceeding conducted under Pulaski County's jurisdiction or has asserted rights protected by any statutes, regulations or directives Pulaski County enforces.
- Pulaski County is required to investigate complaints of discrimination on the basis of race, color, national origin, sex, disability, age, and in some instances religion against recipients of federal financial assistance. Pulaski County also is authorized to conduct reviews of contractors and sub-contractors to assess their compliance with civil rights laws.
- Information that Pulaski County collects is analyzed by authorized personnel within the agency. This information may include personnel records or other personal information. Pulaski County staff may need to reveal certain information to persons outside the agency in the course of verifying facts or gathering new facts to develop a basis for making a civil rights compliance determination.
- Pulaski County will use personal information such as an individual's telephone number or address, only for the specific purpose for which it was submitted, that is, for authorized civil rights compliance and enforcement activities.
- Except in the instances defined in the United States Department of Transportation regulations at 49 CFR 10 and Indiana Code §5-14-3-4, Pulaski County will not release information to any other agency or individual unless the person who supplied the information submits a written consent.
- No law requires a complainant to give personal information to Pulaski County, and Pulaski County will not impose sanctions on complainants or other individuals who refuse Pulaski County's request. However, if Pulaski County fails to obtain information



needed to investigate allegations of discrimination, it may be necessary to close the investigation.

- Pulaski County will not reveal the name or other identifying information of a complainant to the respondent or any other third party except to the extent necessary to conduct an investigation or other authorized civil rights compliance or enforcement activities.
- Pulaski County will under no circumstances provide a copy of the complaint to the respondent or other third party without prior written consent from the complainant unless disclosure is otherwise required by law.
- Pulaski County generally is not required to release documents during an investigation or enforcement proceedings if the release could have an adverse effect on the ability of Pulaski County to perform authorized civil rights compliance and enforcement activities.

## VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY

Pulaski County is required to develop a procedure for gathering statistical data regarding participants and beneficiaries of its programs and activities (23 CFR §200.9(b)(4)). Pulaski County is distributing this voluntary survey to fulfill that requirement to gather information about the populations affected by a proposed project.

You are not required to complete this survey. Submittal of this information is voluntary. This form is a public document that Pulaski County will use to monitor its programs and activities for compliance with Title VI of the Civil Rights Act of 1964, as amended, and its related statutes and regulations.

If you have any questions regarding Pulaski County's responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact

**SHELIA GARLING, TITLE VI COORDINATOR**

**112 E. MAIN ST. ROOM 200**

**WINAMAC, IN 46996**

**574-946-3653 |**

[auditorsoffice@pulaskicounty.in.gov](mailto:auditorsoffice@pulaskicounty.in.gov)

You may return the survey by folding it and placing it on the registration table (if you received it at a public hearing or meeting) or by mailing it to the address above.

Date (month, day, year)		
Project Name		
Proposed Project Location		
Gender: <input type="checkbox"/> Female <input type="checkbox"/> Male	Ethnicity: <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino	
Race (Check one or more)		
<input type="checkbox"/> American Indian or Alaska Native	<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> Black or African-American
<input type="checkbox"/> Native Hawaiian or other Pacific Islander	<input type="checkbox"/> White	<input type="checkbox"/> Multiracial
Age: <input type="checkbox"/> 1-21 <input type="checkbox"/> 22-40 <input type="checkbox"/> 41-65 <input type="checkbox"/> 65+	Disability: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Household Income:		
<input type="checkbox"/> \$0 - \$12,000	<input type="checkbox"/> \$12,001 - \$24,000	<input type="checkbox"/> \$24,001 - \$36,000
<input type="checkbox"/> \$36,001 - \$48,000	<input type="checkbox"/> \$48,001 - \$60,000	<input type="checkbox"/> \$60,001 +

Available in alternative format upon request