



Board of County Commissioners Agenda Request

5A

Agenda Item #

Requested Meeting Date: 4/13/2021

Title of Item: Title VI Plan for MnDOT FHWA Subrecipient

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	Action Requested: <input checked="" type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*
Submitted by: Bobbie Danielson and John Welle		Department: HR / Highway
Presenter (Name and Title): Bobbie Danielson, HR Director, and/or John Welle, County Engineer		Estimated Time Needed: 5-10 minutes
Summary of Issue: Title VI of the Civil Rights Act of 1964, prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance. Title VI compliance is a condition of receipt of federal funds.		
Alternatives, Options, Effects on Others/Comments: 		
Recommended Action/Motion: Motion to adopt the attached Title VI Plan for MnDOT FHWA Subrecipient as proposed.		
Financial Impact: Is there a cost associated with this request? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No What is the total cost, with tax and shipping? \$ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		

Title VI Plan for MnDOT FHWA Subrecipient

Aitkin County Highway Department

April 13, 2021

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I. Non-Discrimination Policy Statement

It is the policy of Aitkin County Highway Department that no person shall on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of Aitkin County Highway Department as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

In addition, Executive Order No. 12898, 59 Fed. Reg. 7629 (Feb. 11, 1994) requires Aitkin County Highway Department to ensure fair treatment and meaningful involvement of low income populations in all programs and activities, and Executive Order No. 13166, 65 Fed. Reg. 50121 (Aug. 11, 2000) requires agency programs to incorporate access for people with limited English proficiency.

This policy applies to all operations of Aitkin County Highway Department, including its contractors and anyone who acts on behalf of Aitkin County Highway Department. This policy also applies to the operations of any department or agency to which Aitkin County Highway Department extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quality, quantity, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; Discrimination in any activities related to highway and infrastructure or facility built or repaired; and Discrimination in employment.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.* and related statutes, and the requirements of 23 C.F.R.) Part 200 and 49 C.F.R. Part 21.

II. Organization, Staffing, and Structure

The Aitkin County Engineer is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all agency employees, contractors, and agents pursuant to 23 C.F.R. Part 200 and 49 C.F.R. Part 21.

Aitkin County Highway Department's Title VI Coordinator is listed as follows:

Ms. Bobbie Danielson
Aitkin County Human Resources Director
307 Second Street Northwest
Aitkin, MN 56431
Phone (218) 927-7277
bobbie.danielson@co.aitkin.mn.us

The Title VI Coordinator is responsible for:

- Submitting a Title VI plan and annual reports on the agency's behalf;
- Ensuring relevant agency staff receive necessary Title VI training;
- Developing procedures for the prompt processing and disposition of complaints;
- Investigating complaints, compiling a complaint log, and reporting to MnDOT;
- Developing procedures for the collection and analysis of statistical data;
- Developing a program to conduct Title VI reviews of program areas;
- Conducting annual Title VI assessments of pertinent program areas;
- Developing Title VI information for dissemination;
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary.

III. Primary Program Area Descriptions & Review Procedures

The Aitkin County Highway Department engages in the following program areas:

Program Area	General Description	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
Right of Way	Issues public right of way permits for construction, transportation, business, and other activities.	Public right of way permits should not create unfair burdens for communities.	Reviewing permits to ensure nondiscrimination.
Planning	Short-term and long-term planning of transportation projects.	Using data-based analysis as part of planning process. Soliciting comprehensive public participation.	Review planning decisions to ensure nondiscrimination. Reviewing public engagement activities periodically to determine whether engagement opportunities were offered to all communities.

IV. Title VI Complaint Procedures

Federal law prohibits discrimination on the basis of race, color, national origin, age, sex, or disability in any Aitkin County Highway Department program or activity. This prohibition applies to all branches of Aitkin County Highway Department, its contractors, consultants, and anyone else who acts on behalf of Aitkin County Highway Department.

Federal law requires that Aitkin County Highway Department investigate, track, and report discrimination complaints. Complaints must be filed in writing and will be investigated within sixty (60) days of submission. If you need assistance to file your complaint or need interpretation services, please contact Ms. Bobbie Danielson, Title VI Coordinator.

Who is eligible to file a complaint?

Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any Aitkin County Highway Department program or activity because their race, color, national origin, age, sex, or disability may file a complaint. These categories are referred to as “protected classes.” The terms defined below outline ways in which you may have been denied participation in, or the benefits of, a Aitkin County Highway Department program or activity.

Discrimination includes, but is not limited to, lack of access, harassment, retaliation and disparate impacts from a program or activity.

Lack of access means being denied the opportunity to utilize eligible programs or services or being excluded from agency activities to which others have access.

Harassment includes a wide range of abusive and humiliating verbal or physical behaviors.

Retaliation includes intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they filed a complaint or otherwise participated in a discrimination investigation.

Disparate impacts are adverse outcomes for a particular protected class that others do not experience in regards to an agency program or activity, regardless of whether the adverse outcome was intentional.

How do you file a complaint?

Complaints must be filed in writing within 180 days from the last date of the alleged discrimination. However, contact Ms. Bobbie Danielson, Title VI Coordinator, if you believe your complaint may fall outside this deadline.

Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a written complaint. For assistance in filing a complaint, please contact Ms. Bobbie Danielson, Title VI Coordinator.

Complaints may be submitted via mail, email, fax or in person to:

Ms. Bobbie Danielson
Aitkin County Human Resources Director
307 Second Street Northwest
Aitkin, MN 56431
Phone (218) 927-7277
bobbie.danielson@co.aitkin.mn.us

Complaints may also be filed directly with the following agencies:

Minnesota Department of Transportation
Office of Civil Rights
395 John Ireland Blvd, Mail Stop 170
St. Paul, MN 55155
Phone: (651)-366-3073
Fax: (651)-366-3129
Online Complaint Form: <https://www.dot.state.mn.us/civilrights/titlevi-complaint.html>

Federal Highway Administration, Minnesota Division
380 Jackson Street, Suite 500
St. Paul, MN 55101
Phone: (651) 291-6100
Fax: (651) 291-6000

What happens after a complaint is filed?

Title VI complaints must be investigated within sixty (60) days. Investigating a complaint includes interviewing all parties involved and key witnesses. The investigator may also request relevant information such as books, records, electronic information, and other sources of information from all involved parties. You may specify if there is a particular individual or

individuals that you feel should not investigate your complaint due to conflict of interest or other reasons.

In some cases, complaints will be forwarded to either the Minnesota Department of Transportation or the Federal Highway Administration for investigation. If your complaint is forwarded to one of these agencies, you will be provided the name and contact information of the employee handling your complaint.

Federal law prohibits retaliation against individuals because they have filed a discrimination complaint or otherwise participated in a discrimination investigation. Any alleged retaliation should be reported in writing to the investigator.

Title VI Complaint Form

Please complete this form to the best of your ability. If you need translation or other assistance, contact _____.

Name _____
Address _____ City _____ Zip _____
Phone: Home _____ Work _____ Mobile _____
Email: _____

Basis of Complaint (circle all that apply):

- | | | | |
|-------------------------------|-------------------------------------|--|--------------------------------|
| <input type="checkbox"/> Race | <input type="checkbox"/> Color | <input type="checkbox"/> National Origin | <input type="checkbox"/> Sex |
| <input type="checkbox"/> Age | <input type="checkbox"/> Disability | <input type="checkbox"/> Retaliation | <input type="checkbox"/> Other |

Who discriminated against you?

Name _____
Name of Organization _____
Address _____ City _____ Zip _____
Telephone _____

How were you discriminated against? (Attach additional pages if more space is needed)

Where did the discrimination occur?

When did the discrimination occur?

Were there any other witnesses to the discrimination?

Name	Organization/Title	Work Telephone	Home Telephone

How would you like to see this situation resolved?

Have you filed your complaint, grievance, or lawsuit with any other agency or court?

Who _____ When _____
Status (pending, resolved, etc.) _____ Result, if known _____
Complaint or case number, if known _____

If you have an attorney in this matter, please provide their contact information:

Name _____ Phone _____
Address _____ City _____ Zip _____

Signed _____ Date _____

V. Public Participation

The Aitkin County Board of Commissioners meets twice each month to conduct the required business of Aitkin County. Each of these meetings contains a public comment period to receive comments from any member of the public on any topic.

No solicitation of public participation in response to the requirements of Title VI has been conducted.

VI. Limited English Proficiency (LEP) & Language Access

United States Census data is reviewed for limited English proficiency within Aitkin County and is used to determine language access needs. To date, language access has not been identified as a public concern. Access to written translation and oral interpretation services will be provided based on public need.

VII. Notice of Rights

The following notice is posted in the lobby of the Aitkin County Highway Department Office.

Your Rights Against Discrimination under Title VI of the Civil Rights Act of 1964

The Aitkin County Highway Department is committed to ensuring that no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination on the basis of race, color, national origin, sex, age, disability, limited English proficiency or income status in any and all programs, activities, or services administered by the department in accordance with Title VI of the Civil Rights Act of 1964 and related nondiscrimination legal authorities.

Any person who believes that they, individually, or as a member of any specific class of persons, have been subjected to discrimination on the basis of race, color, national origin, sex, age, disability, limited English proficiency, or income status may file a discrimination complaint with either agency listed below.

Ms. Bobbie Danielson
Aitkin County Human Resources Director
307 Second Street Northwest
Aitkin, MN 56431
Phone: (218) 927-7277
bobbie.danielson@co.aitkin.mn.us

Minnesota Department of Transportation
Office of Civil Rights
395 John Ireland Blvd, Mail Stop 170
St. Paul, MN 55155
Phone: (651) 366-3073
Fax (651) 366-3129