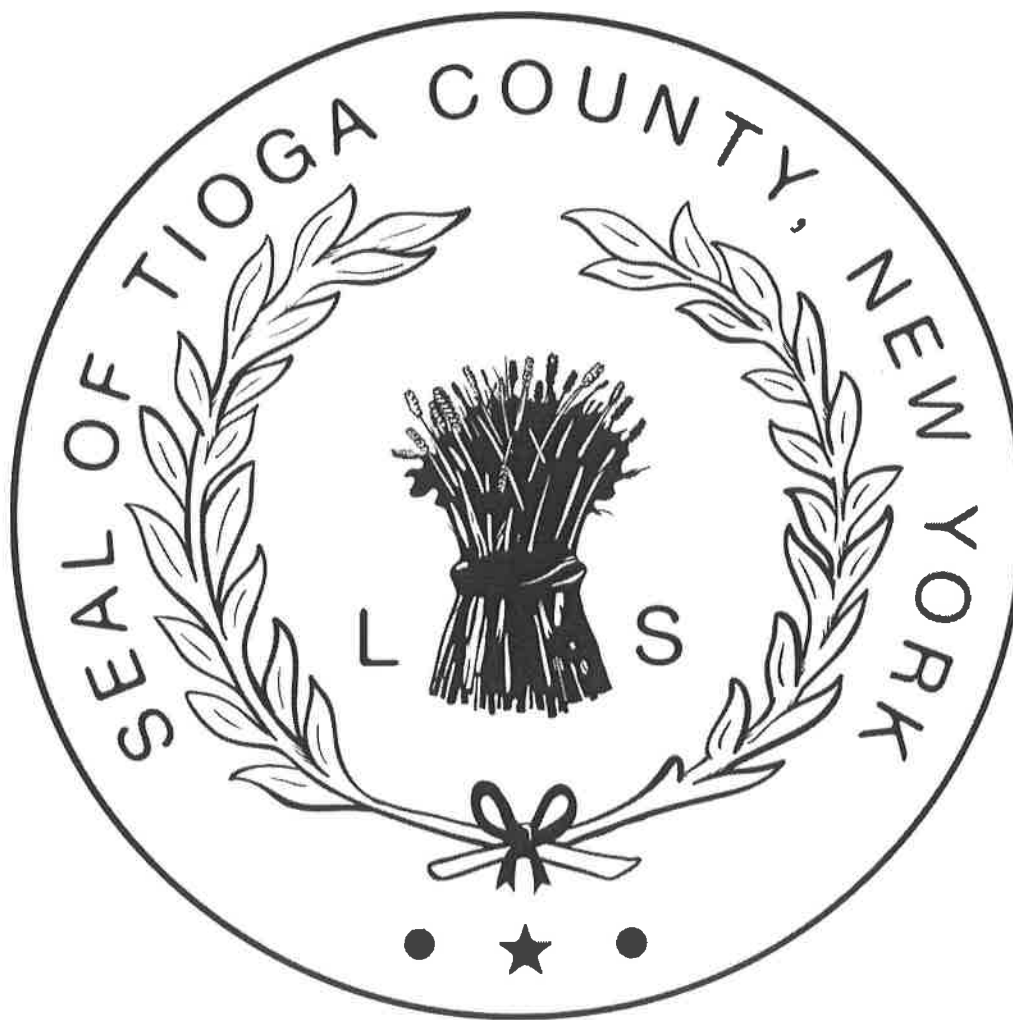


# Tioga County

## TITLE VI PLAN



Signed by:

Dated:

Adopted by Resolution: Resolution No. 193-18  
August 17, 2018

Prepared by:  
Tioga County Law Department  
56 Main Street  
Owego, New York 13827

## Title VI Plan

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

Tioga County 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. Tioga County 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 Tioga County distributes federal aid funds to another governmental entity, Tioga County will include Title VI language in all written agreements and will monitor for compliance. Tioga County's Law Department is responsible for initiating and monitoring Title VI activities, preparing required reports, and other Tioga County 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**

Tioga County has appointed **Bethany O'Rourke, Personnel Director** and **William Kenville, Safety Officer**, as the Tioga County Title VI Coordinators.

Tioga County 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 Tioga County Title VI Coordinator is as follows:

**Bethany O'Rourke, Personnel Director**

Title VI Coordinator

56 Main Street, Owego, NY 13827

(607)687-8207

[ORourkeB@co.tioga.ny.us](mailto:ORourkeB@co.tioga.ny.us)

**William Kenville, Safety Officer**

Title VI Coordinator

56 Main Street, Owego, NY 13827

(607)687-8238

[KenvilleW@co.tioga.ny.us](mailto:KenvilleW@co.tioga.ny.us)

## **Special Emphasis Program Areas**

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

In addition to appointing Title VI Coordinators, Tioga County has programs managed through various Departments monitored by Title VI Program Specialists to annually monitor Tioga County's emphasis program areas. The emphasis program areas are: Planning, Environmental Services, Design, Right-of-Way, Construction, Maintenance, Safety, and Research.

The personal contact information for each Title VI Specialist is as follows:

**Planning:**

Elaine Jardine  
Economic Development and Planning  
56 Main Street  
Owego, NY 13827

**Environmental Services, Design, Right of Way,  
Facilities, Construction and Maintenance**

Gary Hammond  
Department of Public Works  
477 Route 96  
Owego, NY 13827

**Transportation**

Gary Grant  
Department of Social Services  
1062 Route 38  
Owego, NY 13827

**Safety**

William Kenville  
Safety Officer  
56 Main Street  
Owego, NY 13827

## 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.

### 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 Tioga County Legislature, the Title VI Coordinator and Title VI Program Specialists are responsible for initiating, monitoring, and ensuring Tioga County's compliance with Title VI requirements as follows:

1. Process, review and investigate Title VI complaints received by Tioga County in accordance with Tioga County's 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 Tioga County. It is the goal of Tioga County 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, Tioga County's 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 Tioga County 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 Tioga County 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. Tioga 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, 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.

Tioga County will seek the cooperation of the subrecipient in correcting deficiencies found during the Title VI compliance reviews. Tioga County 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, Tioga County 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 Tioga County's Title VI Program. This will include federal laws, rules and regulations, NYSDOT guidelines, Tioga County's 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 Tioga County.

### **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, Tioga County 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 Tioga County's subrecipients of federal highway funds, Tioga County will assume jurisdiction and will investigate and adjudicate the case. Complaints against Tioga County 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.

Tioga County has sole authority for accepting complaints for investigation. Once Tioga County 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 Tioga County's records identifying its basis, alleged harm, the race, color, national origin and gender of the complainant(s).

In cases where Tioga County assumes investigation of the complaint, Tioga County 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 Tioga County's written notification of acceptance of the complaint to furnish their response to the allegations.

Within 40 calendar days of the acceptance of the complaint, a Tioga County or NYSDOT investigator will prepare an investigative report for Tioga County's Title VI Coordinator and the Chair of the Tioga County Legislature. The report will include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. Tioga County's Title VI Coordinator and Legislative Chair 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 Tioga County 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 Tioga County Law Department will be reviewed by the Legislative Chair. There will be a period of 10 calendar days for the Chair to discuss the report and any recommendations with Tioga County's 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).

Tioga County's 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.

Tioga County 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 Tioga County 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, Tioga County will notify all parties involved about such determination. USDOT's final determination is not subject to an appeal.

## Title VI Complaint Form

Name\_\_\_\_\_

Address\_\_\_\_\_City\_\_\_\_\_Zip\_\_\_\_\_

Telephone: Home\_\_\_\_\_Work\_\_\_\_\_Cell\_\_\_\_\_

### Basis of Complaint

Race ☐

Color ☐

Sex ☐

National Origin ☐

Age ☐

Disability (ADA) ☐

Low-Income ☐

Limited English Proficiency ☐

Who allegedly discriminated against you?

Name\_\_\_\_\_

Address\_\_\_\_\_City\_\_\_\_\_Zip\_\_\_\_\_

Telephone\_\_\_\_\_

If an organization, what is its name?

Name of Organization\_\_\_\_\_

Address\_\_\_\_\_City\_\_\_\_\_Zip\_\_\_\_\_

Telephone\_\_\_\_\_

**How were you discriminated against?**

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**Where did the alleged discrimination occur?**

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**Date/s and times discrimination occurred?**

**First time** \_\_\_\_\_

**Second time** \_\_\_\_\_

**Third time** \_\_\_\_\_

**Were there any other witnesses to the discrimination?**

Name	Title	Work Telephone	Home Telephone

**What can NYSDOT do to resolve the complaint?**

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Have you filed your complaint with anyone else?

Who \_\_\_\_\_

When \_\_\_\_\_

Complaint number, if known \_\_\_\_\_

Do you have an Attorney in this matter?

Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

When did you acquire \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

Mail to:

**Tioga County**  
**Bethany O'Rourke, Personnel Dir. or Peter DeWind, County Atty**  
**56 Main Street, Owego, New York 13827**  
**Phone: Personnel 607-687-8494 Law Dept. 607-687-8253**  
**Fax: 607-223-7074**  
**Email: tiogacountyny.com**

OR

**New York State Department of Transportation**  
**Title VI Coordinator**  
**Office of Civil Rights**  
**50 Wolf Road**  
**Albany, New York 12232**  
**Phone (518) 457-1129**  
**Email: OCR-Title VI @dot.ny.gov**

## **Attachment 1**

### **Title VI Notice to Public**

Tioga County hereby gives public notice that it is Tioga County's 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 Tioga County 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 Tioga County. Any such complaint must be in writing and filed with the Tioga County 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.tiogacountyny.com](http://www.tiogacountyny.com) or by calling (607) 687-8207.

## Attachment 2

### Standard Title VI/Non-Discrimination Assurances

Tioga County (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 programs.

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 such programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source: *"Tioga County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.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, Tioga County also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing 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 DOT or NYSDOT. You must keep records, reports, and submit the material for review upon request to DOT or NYSDOT or its designee in a timely, complete, and accurate way.

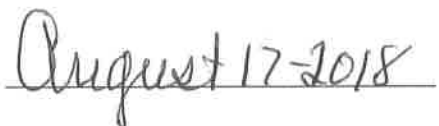
Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Tioga County 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. 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 such programs. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

**Tioga County Legislature**

by 

Marte Sauerbrey

DATED 

Chair Tioga County Legislature

**ATTACHMENT 3**  
**AUTHORIZING RESOLUTION**

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE TIOGA COUNTY LEGISLATURE  
ADOPTED 8/17/2018

REFERRED TO:

LEGAL/FINANCE

RESOLUTION NO. 193-18

ADOPTION OF TIOGA COUNTY TITLE VI PLAN, ENVIRONMENTAL JUSTICE PLAN, LIMITED ENGLISH PROFICIENCY PLAN, DATA COLLECTION PLAN, ADA TRANSITION PLAN AND EMPLOYEE TRAINING PLAN

WHEREAS: Tioga County is a recipient of financial assistance including through the New York State Department of Transportation, Federal Transit Administration and Federal Highway Administration; and

WHEREAS: As a condition of such assistance Tioga County is required to have in place a comprehensive set of plans detailing its Title VI obligations and initiatives including its Title VI Plan, ADA Transition Plan, Environmental Justice Plan, LEP Plan (Limited English Proficiency Plan) and a plan for ongoing Title VI employee training; and

WHEREAS: Tioga County has developed a set of plans and policies to ensure that it is meeting its program obligations and has drafted a Title VI Plan, ADA Transition Plan, Environmental Justice Plan, LEP Plan (Limited English Proficiency Plan) and Title VI employee training Plan for adoption by the Tioga County Legislature and appointing the Personnel Director and Safety Officer, as the Tioga County Title VI Coordinators; therefore be it

RESOLVED: That the Tioga County Legislature hereby adopts the Tioga County Title VI Plan, ADA Transition Plan, Environmental Justice Plan, LEP Plan (Limited English Proficiency Plan) and Title VI employee training Plan and authorizes the Chairperson of the County Legislature to sign the plans and such compliance documents as are required (copy of which shall be on file); and be it further

RESOLVED: That the Personnel Director and Safety Officer, are appointed to serve as the Tioga County Title VI Coordinators.

STATE OF NEW YORK)

ss.:

COUNTY OF TIOGA)

This is to certify that I, the undersigned, Clerk of the Tioga County Legislature, have compared the foregoing copy of the resolution with the original resolution now on file in the office, and which was passed by the Legislature of said County on the seventeenth day of August, 2018, a majority of all the members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the County Legislature this seventeenth day of August, 2018.



*Maureen F. Dougherty*  
Clerk of the Tioga County Legislature

## **Attachment 4**

### **Contractors, Subcontractors, Supplies and Manufacturers**

## 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 Recipient Federal Highway Administration and Federal Transportation Administration 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 Federal Highway Administration and Federal Transportation Administration, 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 Federal Highway Administration and Federal Transportation Administration 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 Federal Highway Administration and Federal Transportation Administration 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 Tioga County will accept title to the lands and maintain the project constructed thereon in accordance with *(insert name of Appropriate Legislative Authority)*, the Regulations for the Administration of *(insert name of Appropriate Program)*, and the policies and procedures prescribed by the Federal Highway Administration and Federal Transportation Administration 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 Tioga County 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 Tioga County 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 Tioga County, its successors and assignees.

Tioga County, 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 Tioga County 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 Tioga County 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, Tioga County 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, Tioga County will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will thereupon revert to and vest in and become the absolute property of Tioga County 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 Tioga County 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, Tioga County 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, Tioga County will there upon revert to and vest in and become the absolute property of Tioga County 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.F.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).

## **Title VI Nondiscrimination Policy Statement**

It is the policy of **Tioga County** 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 **Tioga County's** 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.

**Tioga County** 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 **Tioga County** bulletin boards and made available to all organizations and entities doing business with **Tioga County**.

Any complaints involving allegations of discrimination should be sent to **Bethany O'Rourke, Personnel Officer, Personnel Office, 56 Main Street, Owego, New York (607)687-8494; OR to Peter DeWind, Esq., Law Department, 56 Main Street, Owego, New York. (607)687-8253.**

### **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.

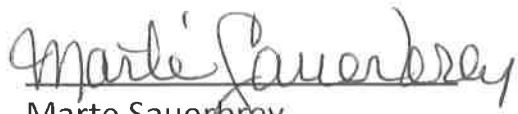
**Age Discrimination Act of 1975** – Prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

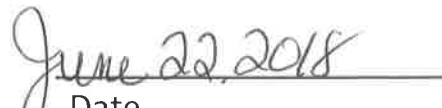
**Civil Rights Restoration Act of 1988** – Specifies that recipients of federal funds must comply with civil rights laws in all areas, not just in a particular program or activity that receives federal funding. It applies to all federal laws.

**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.

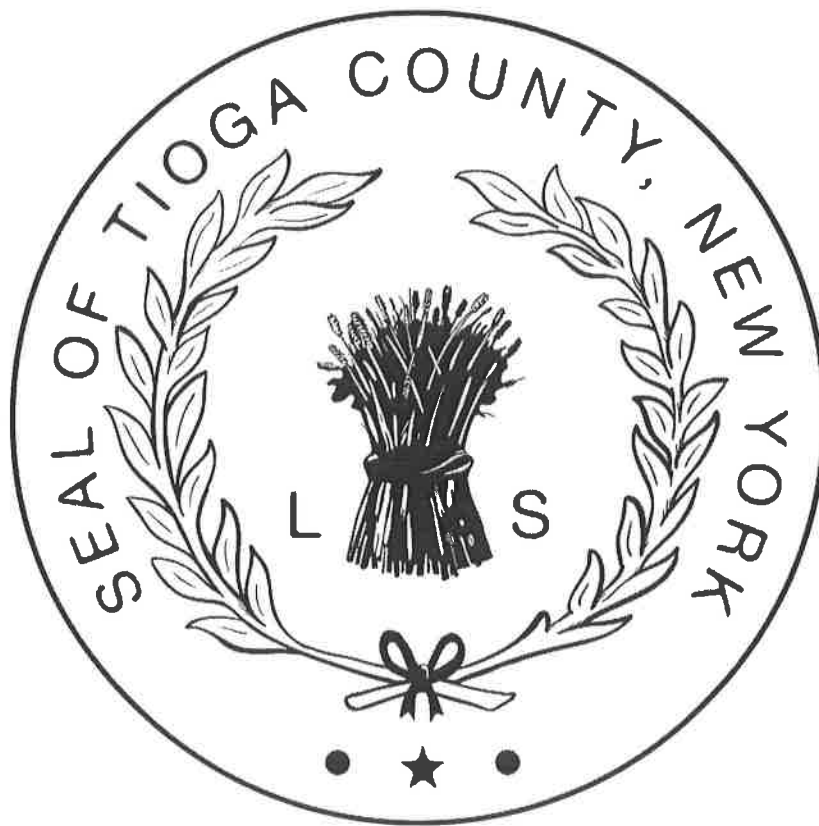
  
Marte Sauerbrey  
Chair Tioga County Legislature

  
Date



# ENVIRONMENTAL JUSTICE PLAN

## TIOGA COUNTY



Signed by:

*Marte Sauerbrey*

Marte Sauerbrey  
Tioga County Legislative Chair

Date: 8-17-18

**Introduction:** “Environmental justice” is the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, income, national origin, or educational level with respect to the development, implementation and enforcement of environmental laws, regulations and policies. For the purpose of this Tioga County Plan, fair treatment means that no population is forced to bear a disproportionate burden of the negative human health and environmental impacts, including social and economic effects, resulting from transportation decisions, programs and policies made, implemented and enforced at the Federal, State, local or tribal level.

**Guiding Principles:** The Tioga County Environmental Justice Plan is guided by the following 3 principles:

- To 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.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

**To ensure compliance with these Guiding Principles, Tioga County will:**

- Continuously monitor its programs, policies, and activities to ensure that disproportionately high and adverse effects on minority populations and low-income populations are avoided, minimized or mitigated in a manner consistent with these principles
- Actively administer and monitor its operations and decision-making to assure that nondiscrimination and the prevention of disproportionately high and adverse effects are an integral part of its programs, policies, and activities
- Train staff to identify and report incidences of observed service denial or reduction of any capacity in the day to day activities of all County departments
- Make efforts to ensure services are equally available to all populations regardless of race, age, socioeconomic status, and other factors, and indicate so on publications and our website as necessary
- Revisit the County’s Equal Employment Opportunity Policy Statement from time to time and update as necessary
- Immediately investigate and rectify any complaints received (from all populations which include minorities and those of low-income) from the public as they relate to the denial or reduction in services received.

**Identification of Minority, Low Income and handicapped Populations:**

Tioga County has compiled data to study the distribution of minority, low income and handicapped populations in an effort to identify areas requiring additional outreach and which might be affected by planning and transportation determinations. The data is attached as

# Limited English Proficiency (LEP) Plan

## TIOGA COUNTY



Signed by:

*Marte Sauerbrey*

Marte Sauerbrey

Tioga County Legislative Chair

Date: 8-17-18

## INTRODUCTION

This *Limited English Proficiency Plan Template* has been prepared to address **Tioga County's** 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 understand 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

**Tioga County** 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, **Tioga County** 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 **Tioga County**.
2. The frequency with which LEP persons come in contact with **Tioga County** services.
3. The nature and importance of services provided by **Tioga County** to the LEP population.
4. The interpretation services available to **Tioga County** 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 Tioga County services.

The **Tioga County** staff reviewed the American Community Survey 5-Year Estimates for New York State and determined that:

- a. 1,496 individuals in the **Tioga County** service area comprising 3.2% of the population speak a language other than English;
- b. Of those, 367 individuals have limited English proficiency; that is; they speak English less than “very well” or “not at all.” This is only 0.8% of the overall population in the service area;
- c. In the **Tioga County** service area, of those persons with limited English proficiency:
  - 0.2 % speak Asian and Pacific Island languages
  - 1 % speak Spanish
  - 0.1 % speak other languages
  - 1.9% speak other Indo-European languages

### 2. The frequency with which LEP persons come into contact with Tioga County services.

**Tioga County** reviewed the frequency with which their staff have, or potentially have, contact with LEP persons. This includes documenting phone inquiries or office visits.

- **Tioga County** staff members have had very little contact with LEP persons.

### 3. The nature and importance of services provided by Tioga County to the LEP population.

There is no large geographic concentration of any type of LEP individuals in the service area for **Tioga County**. 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 **Tioga County** service area that focus on outreach to LEP individuals. **Tioga County** 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 Tioga County and overall cost to provide LEP assistance.

**Tioga County** 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.

**Tioga County** 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 **Tioga County** would pay a fee.

## LANGUAGE ASSISTANCE

A person who does not speak English as his/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 for language assistance with respect to **Tioga County** 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 **Tioga County** 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 **Tioga County** staff with language identification cards to assist in identifying the language interpretation services needed if the occasion arises;
- Periodically surveying **Tioga County** staff regarding their interaction with LEP persons during the previous period (e.g., quarterly, semi-annually, and annually);
- Greeting participants at **Tioga County** sponsored informational meetings or events. 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 **Tioga County** service area, (i.e., persons who speak English less than “very well” or “not at all”), **Tioga County** will take the following actions:

1. **Tioga County** 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 will also 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 **Tioga County** are required to follow the Title VI/LEP guidelines.

### TRANSLATION OF DOCUMENTS

**Tioga County** 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, **Tioga County** has determined that it is an unreasonable burden to translate documents at this time.

Due to the very small LEP population, **Tioga County** does not have a formal outreach procedure in place. Translation resources have been identified and are limited in this region. However, if the need arises to conduct outreach to LEP individuals, **Tioga County** will consider the following options:

- When staff prepares documents or schedules public meetings whose audience is expected to include LEP individuals, **Tioga County** will provide meeting notices, flyers, and agendas in the appropriate non-English language(s).
- **Tioga County** will assess requests for the translation of documents based on the potential effect and known LEP population.

### MONITORING

Monitoring and Updating the LEP Plan – **Tioga County** 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 **Tioga County** 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 **Tioga County** financial resources to fund language assistance resources.
- Determination of **Tioga County's** full compliance with the goals of the LEP Plan.
- Determination of **Tioga County's** processing of LEP complaints.

### DISSEMINATION OF TIOGA COUNTY'S LEP PLAN

Choose from below the actions that **Tioga County** will take:

- Post signs in **Tioga County's** public areas informing LEP persons of the LEP Plan and how to access language services.
- Notify LEP persons of the availability, upon request, of documents in other languages. This should be placed on agendas and public notices and in the language that LEP persons would understand.
- On **Tioga County's** website, post the LEP Plan and procedure to access language services.
- Prepare and post Press Releases in non-English languages as necessary.
- Distribute copies of press releases to advocacy groups and other organizations serving LEP populations.



## **Title VI Notice to the Public**

Tioga County hereby gives public notice of its policy to assure full compliance with Title VI of the Civil Rights Act of 1964 as amended, the Civil Rights Restoration Act of 1987, Executive Order 12898, Executive Order 13166 and related statutes and regulations in all Tioga County programs and activities.

Title VI of the Civil Rights Act of 1964 and related statutes and regulations, 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 the participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which Tioga County receives Federal financial assistance.

If you believe you have been discriminated against because of your race, color, sex, national origin, age, disability or other unlawful basis, you may file a complaint with Tioga County 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 instructions on how to file a discrimination complaint, contact:

***Tioga County Personnel Office or Law Department***  
Bethany O'Rourke, Personnel Dir. or Peter DeWind, County Atty.  
56 Main Street, Owego, New York 13827  
Personnel 607-687-8494 Law Dept. 607-687-8253  
Personnel fax 607-223-7074  
[tiogacountyny.com](http://tiogacountyny.com)

## **I. EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION / ADA POLICY** **(FORMERLY POLICY #48)**

### **TIOGA COUNTY EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION / ADA POLICY**

- I. Policy Statement
- II. Policy Objective
- III. Implementation Responsibilities
- IV. Discrimination Complaint Procedure

#### **I. Policy Statement**

The County of Tioga provides equal opportunity to all individuals in its personnel and employment practices. The County prohibits discrimination on the basis of race, color, religion, age (18 and up), national origin, citizenship status, ethnicity, marital status, familial status, creed, gender, sexual orientation, disability or any other basis prohibited by law. Furthermore, services provided by Tioga County shall be accessible to all eligible County residents without discrimination.

This policy of equal employment opportunity/affirmative action:

- Applies equally to all job classifications and titles in the County and to all types of appointments under County jurisdiction, whether full-time, part-time, temporary or other.
- Governs all County employment policies, practices, and actions including, but not necessarily limited to: recruitment, employment, rate of pay or other compensation, advancement, reallocation, promotion, demotion, termination, leaves of absence, training and employee benefits of whatever nature.
- Applies equally to all County departments.
- Applies to all County facilities and programs.

It is the policy of Tioga County to comply with all Federal, State, and local anti-discrimination laws.

#### **II. Policy Objective**

To preclude discriminatory practices in all phases of employment on Tioga County government, including all terms, benefits and conditions thereof, the County is committed to nondiscriminatory and appropriate recruitment, selection, appointment, placement, classification, compensation, training, promotion, upward mobility, termination, resignation, and retirement.

To preclude discriminatory practices in all phases of program administration to the residents of Tioga County.

The County will take measures to develop and implement an effective system to communicate the County's Equal Employment Opportunity to employees, job applicants and residents.

#### **IV. Employment Discrimination Complaint Procedure**

Tioga County has a zero tolerance policy against discrimination. Employees are expected to report incidents of discrimination, whether affecting them or anyone else, as soon as possible after its occurrence.

Complaints may be filed with a supervisor, Department Head, Personnel Officer, or County Attorney. It is the employee's choice as to where to file. The incumbents of all of the above listed positions eligible to receive such complaints are obliged to promptly document the complaint and forward it to the County Attorney & Personnel Officer in order to initiate an investigation. In the event such complaint shall involve the County Law Department, then any investigation shall be coordinated by the Personnel Officer. In the event such complaint shall involve the Personnel Department, then any investigation shall be coordinated by the County Attorney.

Any complaint of discrimination from an employee or applicant for employment shall be handled in the same manner as outlined in Section IX Safety Rules, subsection j: Workplace Violence Prevention/Sexual Harassment/Threat Reporting.

In addition, complaints may be filed with the New York State Division of Human Rights, with regional offices at :

Albany	518-474-2705
Binghamton	607-721-8467
Buffalo	716-847-7632
Syracuse	315-428-4633

#### **V. Accessibility Complaint Procedure**

Tioga County will make every effort to ensure all facilities meet Federal guidelines for accessibility. Employees are expected to report problems in this regard, whether affecting the public or themselves promptly.

Complaints may be filed with a supervisor, Department Head, or County Safety Officer. The incumbents of all the above listed positions eligible to receive such complaints are obliged to document the complaint and forward it to the County Safety Officer to allow for investigation and coordination of avenues to correct or mitigate these problems.

**CERTIFIED COPY OF RESOLUTION ADOPTED BY THE TIOGA COUNTY LEGISLATURE**

**REFERRED TO: PERSONNEL/LEGAL COMMITTEE**

**RESOLUTION NO. 277-06 APPOINT ADA COORDINATORS**

**Adoption moved by Legislator Oberbeck,  
Seconded by Legislator Roberts.**

**WHEREAS: Pursuant to Federal Law Title II of the Rehabilitation Act, the Legislature desires to appoint appropriate ADA Coordinators to develop and oversee policies and procedures in relation to the requirements set forth in Title II; therefore be it**

**RESOLVED: That the positions of Personnel Officer and Safety Officer shall hereinafter be and hereby are appointed as ADA Coordinators.**

**CARRIED**

**STATE OF NEW YORK)**

**) ss.:**

**COUNTY OF TIOGA )**

**This is to certify that I, the undersigned, Clerk of the Tioga County Legislature, have compared the foregoing copy of the resolution with the original resolution now on file in the office, and which was passed by the Legislature of said County on the twelfth day of December, 2006, a majority of all the members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and of the whole thereof.**

**IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the County Legislature this twelfth day of December, 2006.**



*Margaret J. Dougherty*  
**Clerk of the Tioga County Legislature**

**I. WORK PLACE VIOLENCE PREVENTION POLICY AND DISCRIMINATORY HARASSMENT POLICY**  
**(FORMERLY POLICY #53)**

**TIOGA COUNTY**  
**WORK PLACE VIOLENCE PREVENTION POLICY AND DISCRIMINATORY HARASSMENT POLICY**

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**SECTION 3 – FORMS – ALL FORMS ARE LOCATED ON COUNTY INTRANET**

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**Form 2:** Workplace Violence Prevention Program Policy Acknowledgement Form  
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**Form 4:** Discriminatory Harassment Complaint Form  
**Form 5:** Notice of Withdrawal of Complaint of Discriminatory Harassment

## SECTION 1 – WORKPLACE VIOLENCE PREVENTION PROGRAM MANUAL

**I. Policy Statement**

Tioga County is committed to providing its employees with a work environment that is safe, secure, and free from harassment, threats, intimidation and violence. The County also considers the safety of its residents, vendors, contractors and the general public (collectively referred to as "visitors" throughout this policy) to be of paramount importance and strives to provide them the same type of protections while on County Property.

The County will not tolerate any acts of violence and will take all reasonable and practical measures to prevent violence and protect employees and visitors from acts of violence. This includes but is not limited to threatening or violent actions by:

1. Employees directed against other employees or County property.
2. Employees directed against visitors.
3. Visitors directed against County employees or County property or facilities.
4. Individuals who are conducting County business at an off-property location.

Any and all incidents of workplace violence should promptly be reported in accordance with the reporting procedures outlined in Section VII of this policy.

Enforcement of this policy will be accomplished through the implementation of a Workplace Violence Prevention Program, and by complying with the requirements of the NYS Workplace Violence Prevention Act, as set forth in NYS Labor Law Section 27-b. A copy of the County's policy is available by contacting the Legislative Office. A general review of this program will be conducted annually, at the time of a reported workplace violence incident, or if there is a change in operations or physical structure of any building.

Violations of this policy may result in appropriate remedial, disciplinary (in accordance with respective collective bargaining agreements), and/or legal action, according to the circumstances.

This Workplace Violence Prevention Program policy statement is to be posted where notices to employees are normally displayed. In addition, a copy of the policy will be made available to employees, the authorized employee representative(s), and the Commissioner of the New York State Department of Labor.

**II. Overview of the New York State Workplace Violence Prevention Act**

Based on an increasing awareness of, and in response to, workplace violence in public sector workplaces, the New York State Workplace Violence Prevention Act was passed in 2006. The Act amended NYS Labor Law by adding a new Section 27-b requiring that

all state and local government employers take steps to ensure their employees are provided adequate protection from potential incidents of violence in the workplace.

Among other stipulations, Section 27-b requires every public sector employer to:

1. Conduct a risk assessment of their worksites to identify and address any existing risk factors that may increase the possibility of workplace violence;
2. Provide training for all employees (upon initial assignment and annually thereafter) which informs them of the risk factors that may be present in their workplace(s), the measures they can take to protect themselves from such risks, and the steps the employer has implemented to protect employees, such as appropriate work practices, emergency procedures, and use of security alarms and other devices; and
3. Develop and implement a written workplace violence prevention program that lists the risk factors and the methods the employer is using to prevent violence and minimize or eliminate identified hazards. (Required if the employer has 20 or more full-time employees).

### III. Definitions

1. "Violence" means physically harming another, fighting, shoving, pushing, harassing, intimidating, coercing, brandishing weapons or threatening or talking of engaging in these activities.
2. "Workplace violence" can be any act of physical violence, threats of physical violence, harassment, intimidation, or other threatening, disruptive behavior that occurs in the workplace. Workplace violence can effect employees, visitors, contractors and others.

Workplace violence incidents are generally categorized as:

- Level I – Disruptive behavior such as verbal abuse
  - Level II – Aggressive or threatening behavior
  - Level III – Physical assault
3. For the purpose of this policy, "workplace" or "place of employment" is defined as any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, County-owned buildings and facilities, parking lots and traveling to and from work assignments or work sites.

A number of different actions in the work environment can trigger or cause workplace violence. It may even be the result of non-work-related situations, such as domestic violence or "road rage". Workplace violence can be inflicted by an abusive employee, a supervisor, member of the public, family member, or even a stranger. Whatever the cause or whoever the perpetrator, workplace violence will not be accepted or tolerated.

Workplace violence presents serious occupational safety hazards for workers and unique challenges for employers who must attempt to prevent violence

from occurring. The majority of violent incidents effecting workplaces are cases of assault, threats, domestic violence, forms of harassment and physical and/or emotional abuse.

4. A "workplace violence incident" is defined as one or more of the following according to the NYS Department of Labor:
  - An attempt or threat, whether verbal or physical, to inflict injury upon another person.
  - Any intentional display of force which would give a person reason to fear or expect bodily harm.
  - Intentional or wrongful physical contact with a person without his or her consent that entails some injury or offensive touching.
  - Harassment of a nature that would give a person reason to fear escalation or make it difficult to pursue a normal work life or private life when the harassment arises out of or in the course of employment.
  - Stalking a person with the intent of causing fear when such stalking has arisen through or in the course of employment.

An incident may be committed without one person actually touching or striking or doing bodily harm to another person.

While sexual harassment (as defined in herein and New York State Human Rights Law) is prohibited by Tioga County, it is specifically excluded from the definition of a workplace violence incident. An employee should refer to Section 2 of this policy for more information about this topic.

Possession of firearms, imitation firearms, knives, or other dangerous weapons, instruments or materials by County employees is covered in Section IX Safety Rules, subsection m restricting firearms and other weapons.

5. The Department of Labor defines an "imminent danger" as any conditions or practices in any place of employment which are such that a danger exists that could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated.

#### **IV. Savings Clause**

Tioga County has made every effort to ensure that this Workplace Violence Prevention Program complies with NYS Department of Labor regulations. In the event any of the provisions, portions or applications of this program are found to be invalid or inconsistent with any superseding legal requirements by any tribunal of competent jurisdiction, then the provisions, portions or applications specified in such decision shall be of no force and effect, but the remainder of this program shall continue to be in full force and effect.



## V. Responsibilities

### 1. Department Head/Supervisor Responsibility

Department Heads and supervisors are expected to enforce the program in a fair and consistent manner and ensure all aspects of the program under their area of responsibility are properly met.

If an employee notifies his/her Department Head of an actual or potential workplace violence incident or submits a completed Workplace Violence Incident Report, the Department Head is responsible for following the reporting procedures as outlined in Section VII of this policy.

### 2. Employee Responsibility

Employee and authorized employee representatives involvement in Tioga County's Workplace Violence Prevention Policy is essential to the program's success. Employees are expected to read, understand and comply with the County's program and to attend ongoing education and training on workplace violence. Any questions should be directed to the employee's Department Head or supervisor.

Employees must promptly report any violations of the County's Workplace Violence Prevention Policy or any workplace violence imminent danger in accordance with the reporting procedures outlined in Section VII of this policy.

Individuals who obtain a protective order or restraining order which lists specific workplace locations as being protected areas must provide their Department Head and the Safety Officer a copy of any temporary or permanent protective or restraining order that was granted. The County will maintain confidentiality that recognizes and respects the privacy of the reporting employee, unless in conflict with this policy.

### 3. Safety Officer

The Safety Officer, or his/her designee, will be responsible for annual training and disseminating any changes made to this policy to County personnel, as well as ensuring the policy is posted appropriately throughout county buildings and other work sites.

### 4. Workplace Violence Advisory Team

Tioga County will establish a Workplace Violence Advisory Team to administer the Workplace Violence Prevention Program. The team's responsibilities will include, but will not be limited to:

- Conducting an annual comprehensive risk evaluation of the entire workplace to identify any factors or situations that may place employees at risk of violence

- Periodically seek employee feedback on the risk factors employees believe are present in the workplace, previous workplace violence incidents, etc.
- Developing and implementing risk reduction strategies and plans for responding to acts of violence
- Coordinating employee training and education programs relating to workplace violence
- Semi-annual review of workplace violence incidents and forwarding to the Loss Control Committee any recommendations to reduce or eliminate the likelihood of similar incidents occurring in the future
- Reviewing the Workplace Violence Prevention Program at least annually, to include analyzing Workplace Violence Incident Reports to identify trends in the effectiveness of the mitigating actions taken
- Recommend any updates to the Workplace Violence Prevention Policy as needed

The Workplace Violence Advisory Team shall consist of representatives from the following: Safety, Law, Public Works, Sheriff's Office, Health & Human Services building, and labor groups.

#### 5. Personnel Officer

The Personnel Officer is responsible for ensuring that new employees or transferred employees have a copy of the Workplace Violence Policy and Procedures made available to them and also ensuring that County employees receive the required initial training.

### VI. **Response Procedures**

#### 1. During an Incident

If a threatening situation arises:

- Try to remain calm.
- Remove yourself from the threat as soon as possible.
- Immediately call or alert others call appropriate help (e.g., police, supervisor, ambulance) to obtain immediate on-site assistance.
- If appropriate, evacuate in accordance with Section IX Safety Rules, Subsection I basic emergency evacuation plan.
- Notify co-workers as soon as practical to enable them to also reach safety if danger is imminent and applicable to them.

#### 2. Post Incident

If a workplace violence incident occurs or an employee submits a Workplace Violence Incident Report, the Safety Officer, or his/her designee, in conjunction with the County Attorney and Personnel Officer will conduct an investigation. Tioga County will respect the privacy and confidentiality rights of employees during investigations to the greatest extent possible, although the County cannot guarantee complete confidentiality.

Based on the specific situation and the results of the investigation, appropriate measures may be taken, if needed, to eliminate or reduce the likelihood of similar workplace violence incidents occurring in the future. Throughout the investigation, the County will attempt to maintain open lines of communication with employees, visitors, and the public to answer any questions and alleviate anxiety.

## **VII. Reporting Procedures**

### **1. Recordkeeping**

Tioga County will strive to maintain accurate records regarding all workplace violence incidents. The County will adhere to all the requirements of 12 NYCRR Part 801, known as the Public Employer Recordkeeping Rule, which is implemented pursuant to Section 27-a of the Labor Law, for the recording of employee injuries or illnesses due to workplace violence incidents. All workplace violence incident forms will be kept according to the applicable retention and disposition schedules.

Any situation that meets the definition of workplace violence incident as defined in Section III or any workplace violence injury that results in death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness will be documented on a Workplace Violence Incident Report (Form 1 Workplace Violence Incident Report located on the County's Intranet "Employee Handbook-EH Forms").

Any recordable injury will also be documented on the SH 900 Log.

### **2. Incident Reporting**

The County will follow all federal, state and local laws and procedures in the reporting of workplace violence incidents. Any workplace violence incident that has been reported may be of a criminal or domestic violence nature will, to the extent practical, be immediately reported to the appropriate police authorities or be handled in accordance with this Policy.

#### *Internal Workplace Violence Incident Reporting Procedures*

Any employee or authorized employee representative who believes that a workplace violence imminent danger exists or that there has otherwise been a violation of the County's Workplace Violence Prevention Policy shall report such to the employee's Department Head. If the Department Head is unavailable or is a party to the violation, the report shall be made to the County Attorney or Personnel Officer.

An employee is responsible for reporting all incidents of Level I violence in writing within 48 hours of the occurrence using the Workplace Violence

Incident Report Form (Form 1 Workplace Violence Incident Report located on the County's Intranet "Employee Handbook-EH Forms"). All Level II and Level III incidents must be reported immediately using Form 1 located on the County's Intranet "Employee Handbook-EH Forms".

The Department Head is responsible for forwarding copies of the Workplace Violence Incident Report to the County Safety Officer. If the Safety Officer is unavailable or a party to the violation, the Report shall be forwarded to the County Attorney or Personnel Officer. All Level II and Level III incidents must be forwarded immediately and all Level I incidents must be forwarded within 48 hours.

An employee is not required to provide written notice to the Department Head or the County Attorney if a workplace violence imminent danger exists to the safety of a specific employee or to the general health of a specific person and the employee reasonably believes in good faith that reporting this information to the Department Head or the County Attorney would not result in corrective action.

An employee will not be subject to criticism, reprisal, retaliation, demotion, discrimination, disciplinary action, or other adverse employment action for making a good faith report of acts pursuant to this program.

### *Law Enforcement Reporting Procedures*

The County Attorney is responsible, to the extent practical, for reporting any workplace violence incident that may be of a criminal or domestic violence nature to the appropriate law enforcement agency.

If a pattern of workplace violence incidents involving criminal conduct or serious injury develops, the County will work with the District Attorney or local police department to develop a protocol to ensure that any future violent crimes occurring in the workplace are promptly investigated and appropriately prosecuted.

If an employee chooses to file a criminal complaint, the County will provide the employee with the protocol and contact information for the District Attorney and/or Police Department.

## **VIII. Incident Investigation**

### **1. Risk Evaluation After a Workplace Violence Incident**

The Safety Officer, or his/her designee, will perform a risk evaluation and determination immediately after the occurrence of a workplace violence incident. The investigation may take various forms, depending upon the type of incident.

Upon completion of the review, the Safety Officer, or his/her designee, will address the cause(s) of the incident and take the necessary steps to eliminate or reduce the likelihood of such an incident occurring again. The Safety Officer may also make recommendations for revising the Workplace Violence Prevention Policy. Any revisions to the policy will be put in writing and made available to employees. Employee training will be provided if significant changes to the policy are made. The County will also consider global prevention enhancements at all work sites which may be necessary to properly protect employees.

### **2. Annual Review of Workplace Violence Incident Reports**

The Workplace Violence Advisory Team, or its designee, is responsible for reviewing and updating the County's Workplace Violence Prevention Policy at least annually. Part of this review will include summarizing the Workplace Violence Incident Reports and SH 900 Logs from the previous 12 months so they can be analyzed for any trends in the types of workplace violence incidents occurring and to review the effectiveness of the mitigating actions the County has taken.

## **IX. Training and Education**

All employees will receive training and education on the risk of workplace violence. Training will be provided at the time of hire and at least annually thereafter. Additional training may be required prior to starting a new job assignment, if new laws relating to workplace violence are enacted or there are changes in any current laws, or if the County makes significant changes in this policy. At a minimum training shall address the following:

- The requirements and risk factors in their workplace that were identified in the risk evaluation and determination, except there will be no disclosure of the information otherwise kept confidential for security reasons;
- The measures that employees can take to protect themselves from the identified risks, including specific procedures that the county has implemented to protect employees such as incident alert and notification procedures, appropriate work practices, emergency procedures, and use of security alarms and/or other devices;
- The location of the written workplace violence program and how to obtain a copy, and shall make it available for reference to employees,

authorized employee representatives and the supervisor in the work area during the regular work hours.

Upon hire, employees will receive a copy of the County's Policy and will be required to sign a Policy Acknowledgement Form (Form 2 Workplace Violence Prevention Program Acknowledgement Form located on the County's Intranet "Employee Handbook-EH Forms") and a Training Acknowledgement Form (Form 3 located on the County's Intranet "Employee Handbook-EH Forms"). The signed Form 2 located on the County's Intranet "Employee Handbook-EH Forms" will be placed in the employee's personnel file, and signed Form 3 Workplace Violence Prevention Program Training Acknowledgement I located on the County's Intranet "Employee Handbook-EH Forms" will be filed with the Safety Officer.

#### **X. Workplace Risk Evaluation**

As required by Section 27-b of the NYS Labor Law, the County conducted an evaluation of the workplace in general, and each worksite specifically, to identify existing or potential hazards that might place employees at risk of workplace violence.

The following risk factors, locations and applicability in Tioga County are listed below:

1. Working in public settings: applies to all County locations and personnel.
2. Working late night or early morning hours: applies to personnel at the County Office building, Court Annex/County Clerk's building, Health and Human Services building, Public Safety Building, Highway Department, Buildings & Grounds, and Mental Hygiene in Waverly.
3. Exchanging money with the public: applies to personnel at the County Office building, Public Safety building, Court Annex/County Clerk's building, Health and Human Services building, and Mental Health in Waverly.
4. Working alone or in small numbers: applies to personnel at all County Office buildings. It also applies to personnel who do County work off County premises.
5. Uncontrolled access to the workplace: applies to personnel at the County Office buildings or sites with unrestricted access.
6. Areas of previous security problems include the County Office building and Health and Human Services building.

#### **XI. Methods for Hazard Prevention and Control**

1. It is the policy of the County to make high risk areas more visible, install additional lighting where needed, post signs where necessary, train employees on conflict resolution and maintain a response system through the Sheriff's Department.
2. The hierarchy of controls to be used is:

- Engineering Controls.
  - Administrative Controls.
  - Personal Protective Equipment.
3. It is also the County's policy to use input from a variety of sources including, but not limited to: employee security surveys, self-assessments, Sheriff's Department recommendations and lessons learned from other entities to effect changes that make the County's work areas and personnel as safe as possible.

SECTION 2 – DISCRIMINATORY HARASSMENT POLICY
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**I. Policy Statement**

It is the policy of the County of Tioga to provide and maintain a work environment which is free from unlawful discrimination based on sex (with or without sexual conduct), race, color, religion, national origin, age, disability, sexual orientation and any other class protected by law (collectively referred to as "discriminatory harassment" or "harassment"). Harassment based on these characteristics is a form of unlawful discrimination and is prohibited in each and every work environment and each and every situation which directly impacts the work environment.

The County of Tioga will take appropriate steps to prevent and correct unlawful harassment and discrimination as defined by both federal and state law. The federal laws include Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act. The state law is the New York State Human Rights Law.

The County of Tioga considers discriminatory harassment to be a form of employee misconduct and considers this type of misconduct to be a serious offense which will not be tolerated. Allegations of harassment will be investigated thoroughly and if substantiated, will be met with appropriate corrective and/or disciplinary action commensurate with the seriousness of the offense(s), and in accordance with the parameters of applicable collective bargaining agreements and/or state law.

This policy applies to all applicants and employees of the County of Tioga and prohibits harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to the County (e.g., an outside vendor, consultant or citizen).

Conduct prohibited by this Policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

All information gathered during an investigation of a harassment complaint will be handled in a confidential manner, to the extent possible.

Retaliation against any individual making a harassment complaint or assisting in the investigation of such a complaint is forbidden. Retaliation is a serious violation of this policy which may result in disciplinary action.

This Policy does not preclude the filing of discriminatory harassment complaints with either the New York State Division of Human Rights or the Federal Equal Employment Opportunity Commission, or the pursuing of any other remedies as permitted by law.



## II. Definitions

### 1. "Sexual Harassment" is defined as:

Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

- A. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment (e.g., promotion, training, assignments, etc. . .);
- B. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions (e.g., hiring, evaluation, promotion) affecting such individual; or
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of specific behaviors that may be considered sexual harassment include, but are not limited to:

- Spoken or written words related to an employee's sex
- Any sexual advance that is unwelcome
- Sexually oriented comments
- Showing or displaying pornographic or sexually explicit objects or pictures in the workplace
- Offensive touching, patting or pinching
- Requests for sexual acts or favors
- Abusing the dignity of an employee through insulting or degrading sexual remarks or conduct
- Threats, demands or suggestions that an employee's work status is contingent upon her/his toleration of or acquiescence to sexual advances
- Subtle pressure for sexual activities
- Leering at a person

Sexual harassment is gender neutral and may involve members of the same or different gender.

### 2. Other unlawful harassment:

Harassment on the basis of any other protected characteristic is also prohibited. Under this policy, prohibited harassment is verbal or physical conduct that is offensive to or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, age, disability, sexual orientation or marital status (and any other class protected by law) , and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and

display or circulation in the workplace (including through e-mail) of written or graphic material that denigrates or shows hostility or aversion toward an individual or group, based on an individual's protected class.

3. Other Unacceptable Conduct:

This policy also prohibits conduct of one employee toward another that may not rise to the level of discrimination or harassment in violation of the law, but nonetheless creates a degree of hostility or intimidation that adversely affects the work environment. Teasing, ridicule, and other conduct intended to annoy, personally attack, belittle or embarrass another individual is inappropriate and also unacceptable in the workplace. Therefore, the County encourages the use of its complaint procedure by employees who believe they have been subject to inappropriate conduct by another employee, even if such conduct may not be harassment or discrimination per se. The County endeavors to create an environment in which employees may feel free to raise concerns and are confident that those concerns will be addressed.

**III. Responsibilities**

1. Managerial and Supervisory Personnel

All managerial and supervisory personnel of the County of Tioga shall be responsible for enforcing this Policy and shall have particular responsibility for ensuring that the work environment under their supervision is free from discriminatory harassment and its effects. Failure of a manager or supervisor to comply with this responsibility may result in disciplinary action.

All managerial and supervisory personnel who receive discriminatory harassment complaints will be responsible for reporting such in accordance with Section IV.2 below.

2. The County

The County of Tioga will conduct periodic training for managerial and supervisory personnel in each Department of the County on the issues surrounding discriminatory harassment, its effects and its appearances, and the role and responsibility of managerial/supervisory personnel in preventing incidents of harassment complaints.

The County of Tioga shall distribute this Policy to all County employees and all others covered by its parameters. Copies of this Policy will be distributed to new employees as they are hired.

Copies of this Policy will be conspicuously posted.

#### IV. Reporting and Resolution Procedures

1. If an individual is subjected to a situation which he/she believes constitutes discriminatory harassment in violation of this Policy, the County recommends that the employee confront the harasser directly and advise the harasser that his/her behavior is not welcomed and will not be tolerated. Note that neither this policy nor state/federal law requires that an individual tell an alleged harasser to stop his/her actions. Employees should feel free to keep written records of any alleged sexual harassment incidents, including the date, time, location, names of people involved, witnesses (if any), and who said or did what to whom.
2. A written or verbal complaint should be filed by the affected employee with the employee's immediate supervisor. The supervisor will immediately forward the complaint to the Department Head. In the event the employee does not believe it would be appropriate to file the complaint with the immediate supervisor, it may be filed directly to the appropriate Department Head or to the County's Personnel Officer. If the Department Head is unavailable or a party to the violation, the supervisor shall forward the complaint to the Personnel Officer or County Attorney.

#### V. Complaint Investigation

1. Harassment complaints should be investigated as promptly as possible and resolved within a reasonable time after the receipt of the complaint. **The Office of the County Attorney** and with the oversight of the Personnel Officer and/or their designee(s) will coordinate an investigation of the complaint. Following the investigation, **the County Attorney and/or his/her designee(s)** may issue a written report of findings and conclusions.
2. Thereafter, any conclusions may be issued from the County Attorney and/or his/her designee(s), in writing, back to the complainant.
3. Retaliation against any individual making a harassment complaint or assisting in the investigation of such a complaint is strictly forbidden. Retaliation, like discrimination and harassment, is against the law and is a serious violation of this Policy. Employees who retaliate against other employees who complain about harassment and/or participate in investigation of harassment may be subject to disciplinary action.

#### VI. Response Procedures

1. In the event a complaint of discriminatory harassment is determined to be founded, the County may take disciplinary action in accordance with the provisions of applicable collective bargaining agreements and/or state law, if applicable.
2. If disciplinary charges are filed against an employee on the grounds that the County has determined the employee is guilty of unlawful harassment, the

accused employee may exercise his/her rights through the disciplinary procedure provided for in his/her labor contract and/or state law, if applicable.

3. Reporting of a false complaint is a serious act. In the event it is found that the individual bringing the complaint has knowingly made false accusations, the County will take action in accordance with the provisions of the applicable collective bargaining agreement and/or state law, if applicable.

SECTION 3 - FORMS
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The following forms located on the County's Intranet "Employee Handbook-EH Forms" are to be used in administering Tioga County's Workplace Violence Prevention Program and Discriminatory Harassment Policy:

- **Form 1:** Workplace Violence Incident Report Form.
- **Form 2:** Workplace Violence Prevention Program Policy Acknowledgement Form.
- **Form 3:** Workplace Violence Prevention Program Training Acknowledgement Form.
- **Form 4:** Workplace Violence Discriminatory Harassment Complaint Form.
- **Form 5:** Workplace Violence Notice of Withdrawal of Complaint of Discriminatory Harassment.

## **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>1</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. Th016is 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.

# Employee Training Plan

Title VI of the Civil Rights Act of 1964

**Tioga County**  
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**Owego, New York**  
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## **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 Tioga County's responsibility to provide Title VI training to all of its current employees.

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

Tioga County adheres to the Title VI of the Civil Rights Act of 1964 Compliance Plan. Tioga County 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 Tioga County Title VI Civil Rights Coordinators, at (607) 687-8207 or (607) 687-8238.

Tioga County also follows the New York State Department of Transportation's Americans with Disabilities Act Grievance Procedure. Tioga County 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. Tioga County will accommodate anyone who may need special requests with adequate notification, preferably 48 hours before a scheduled meeting or open house. Tioga County posts all information, agendas, minutes and public documents on its public website which is fully accessible by both computer and cellular technologies and is designed to be maximally acceptable by handicapped individuals.

Tioga County is committed to a policy of non-discrimination in conducting its business, including its Title VI responsibilities. Tioga County

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 Coordinators and the Tioga County Legislative Chair shall be responsible for advising Tioga County staff about available training in support of Title VI. It is the responsibility of the Title VI Coordinators to schedule training in such a way that appropriate notices and announcements are made to Tioga County staff. All employees are encouraged to participate in professional development training within and outside of Tioga County.

Internally, Tioga County offers a Title VI training facilitated by the Title VI Coordinator in accordance to Title VI and ADA requirements. This training is available through electronic means on the County's intranet 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 Coordinators. It is also a requirement for current Tioga County staff to participate and refresh themselves in the Title VI training annually. The Title VI training can be put on as a live program by the Title VI Coordinator or the Title VI training can be accomplished by watching a Title VI training video and slideshow. It is a requirement for new employees to participate in the Title VI training or watch the training materials within 60 days of hire with Tioga County.

In an effort to continuously improve Tioga County's 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 Tioga County staff on an ongoing basis to ensure up to date knowledge of Title VI and other nondiscrimination statutes.