

TOWN OF SMITHTOWN



TITLE VI PLAN

TOWN OF SMITHTOWN

TABLE OF CONTENTS

I. Plan Statement..... 3

II. Title VI Information Dissemination..... 3

III. Notice to the Public..... 4

IV. Subcontracts and Vendors..... 5

V. Record Keeping..... 5

VI. Title VI Complaint Procedures..... 5

How to file a Title VI Complaint

What happens to the complaint after it is submitted?

How will the complainant be notified of the outcome of the complaint?

VII. Language Assistance Plan (LAP)..... 6

Identifying LEP (Limited English Proficiency) Individuals

Providing Services

Communicating Availability of Language Assistance

Monitoring

Employee Training

VIII. Safe Harbor Provision..... 7

IX. Public Participation Plan..... 8

X. Membership of Non-elected Committees and Councils..... 8

XI. Title VI Equity Analysis..... 8

Appendix A: Employee Orientation and Annual Education Form Title VI Policy..... 9

Appendix B: Employee Acknowledgement of Receipt of Title VI Plan.....10

Appendix C: Title VI Complaint Form.....11

Appendix D: Letter Acknowledging Receipt of Complaint.....14

Appendix E: Letter Notifying Complainant that the Complaint is Substantiated.....15

Appendix F: Letter Notifying Complainant that the Complaint is Not Substantiated..16

Appendix G: NYSDOT Public Transportation Programs Annual Title VI Investigations, Complaints, and Lawsuits Log.....17

TITLE VI PROGRAM PLAN

I. Plan Statement

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI 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” (42 U.S.C. §2000d).

The Town of Smithtown is committed to ensuring that no person is excluded from participation in, or denied the benefits of, its services on the basis of race, color, or national origin, as protected by Title VI in the Federal Transit Administration Circular 4702.1.B. This plan was developed to guide the Town of Smithtown in its administration and management of Title VI-related activities.

The Title VI Coordinator for the Town of Smithtown is:

**Fred Calandrino, Esq.
Director of Labor Relations
Town of Smithtown
65 Maple Avenue
Smithtown, New York 11787**

II. Title VI Information Dissemination

Title VI information posters shall be prominently and publicly displayed on smithtownny.gov and in public areas of the Town of Smithtown departments and offices. Additional information relating to the Town’s non-discrimination obligations can be obtained from the Town of Smithtown Title VI Coordinator.

Title VI information shall be disseminated to Town of Smithtown employees annually via the email which shall contain the language set forth in Appendix A. This reminds employees of the Town about the policy statement and their Title VI responsibilities in their daily work and duties.

During orientation, new employees shall be informed of the provisions of Title VI and the expectations of Town employees to perform their duties accordingly. All transportation employees shall be provided a copy of the Title VI Plan and are required to sign the Acknowledgement of Receipt (see Appendix B).

TOWN OF SMITHTOWN

III. Notice to the Public

The Town of Smithtown's Notice to the Public is as follows:

Notice of Public of Rights Under Title VI

TOWN OF SMITHTOWN

Smithtown operates its programs and services without regard to race, color, or national origin, in accordance with Title VI of the Civil Rights Act of 1964. Any person who believes they have been subject to an unlawful discrimination practice under Title VI may file a complaint with the Town of Smithtown.

For more information on Smithtown's Title VI program and the procedures to file a complaint, contact:

Fred Calandrino, Esq.
Director of Labor Relations
Town of Smithtown
65 Maple Avenue
Smithtown, New York 11787
Phone: (631) 360-7626
Email: FCalandrino@smithtownny.gov

Complaints may also be filed directly with the Federal Transit Administration at:

Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor-TCR
1200 New Jersey Avenue SE
Washington, DC 20590

If information is needed in another language, contact (631) 360-7616.
Si se necesita informacion en otro idioma, llama al 631) 360-7616.

TOWN OF SMITHTOWN

IV. Subcontracts and Vendors

All subcontractors and vendors who receive payments from the Town of Smithtown where funding originates from any Federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964, as amended. Written contracts shall contain non-discrimination language.

V. Record Keeping

The Title VI Coordinator will maintain permanent records, which include, but are not limited to, signed acknowledgements of receipts from the transit employees indicating the receipt of the Town of Smithtown's Title VI Plan (Appendix B), copies of the Title VI complaints or lawsuits and related documentation, records of correspondence to and from complainants, and annual reports of Title VI investigations (Appendix G).

VI. Title VI Compliant Procedures

How to file a Title VI Complaint

The complainant may file a signed, written complaint up to one hundred and eighty (180) days from the date of the alleged discrimination. The complaint should include the following information:

- Complainant's name, mailing address, and how to contact them (telephone number, email address, etc.)
- How, when, where and why they believe they were discriminated against (include location, names and contact information of any witnesses)
- Other information that the complainant deems significant

The Title VI Complaint Form (see Appendix C) may be used to submit complaint information. The complaint must be filed in writing with the Town at the following address in order for the Town to properly investigate any complaint:

Fred Calandrino, Esq.
Director of Labor Relations
Town of Smithtown
65 Maple Avenue
Smithtown, New York 11787
Phone: (631) 360-7626
Email: FCalandrino@smithtownny.gov

NOTE: The Town of Smithtown encourages all complainants to certify any mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked. An original, signed copy of the complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than one hundred eighty (180) days from the alleged date of discrimination.

What happens to the complaint after it is submitted?

TOWN OF SMITHTOWN

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by Smithtown will be investigated by the appropriate Town officers. Smithtown shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, the Town shall make every effort to address all complaints in an expeditious and thorough manner.

A letter acknowledging receipt of the complaint will be mailed within seven (7) days (see Appendix D). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

How will the complainant be notified of the outcome of the complaint?

The Title VI Coordinator will send a final written response letter. The letter may substantiate the complaint (Appendix E) or the letter may advise the complainant that the complaint is unsubstantiated (Appendix F). In the letter notifying complainant that the complaint is not substantiated, the complainant is also advised of his or her right to:

1. Provide additional information to the Town for further consideration of the complaint within seven (7) calendar days of receipt of the final written decision from the Town; and/or
2. File a complaint externally with the U.S. Department of Transportation and/or the FTA.

Every effort will be made to respond to the Title VI complaints within sixty (60) working days of receipt of such complaints.

In addition to the complaint process described above, a complainant may file a Title VI complaint with the following offices:

**Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor-TCR
1200 New Jersey Avenue SE
Washington, DC 20590**

VII. Language Assistance Plan (LAP)

FTA Circular 4702.1B was developed by the Federal Transit Administration (FTA) and details the administrative and reporting requirements for recipients of FTA financial assistance to comply with Title VI and related executive orders including LEP (Limited English Proficiency) persons.

The United States Department of Transportation (DOT) published guidance that directed its recipients to ensure meaningful access to the benefits, services, information and other important portions of their programs and activities for LEP customers. The Town of Smithtown Language Assistance Plan (LAP) includes a four factor analysis and implementation plan that complies with the requirements of the DOT LEP guidance.

TOWN OF SMITHTOWN

1. Identifying LEP Individuals

LEP individuals are those individuals who speak a language other than English or use sign language, who request assistance. Smithtown identifies LEP individuals and uses translation and interpretation services to provide assistance.

2. Providing Services

Smithtown has a contract with translation/interpretation service Language Line Solutions, which provides immediate interpretation through telephone and/or video in multiple languages, including sign language and interpretation for the hearing impaired.

3. Communicating Availability of Language Assistance

Smithtown engages the translation/interpretation service immediately upon request or when an individual exhibits limited English proficiency.

4. Monitoring

The LAP Plan will be reviewed every three (3) years, simultaneously with the Title VI Plan.

5. Employee Training

Smithtown employees are oriented on the principles of Title VI and language assistance. New employees will be provided guidance on the needs of clients served and how best to meet their needs. If an employee needs further assistance related to LEP individuals, he or she will work with the Title VI Coordinator to identify strategies to meet the language needs of the participants of the program or service.

VIII. Safe Harbor Provision

The Federal Transit Administration Circular 4702.1B states:

DOT has adopted DOJ's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligation. Translations of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital materials, but should provide written notice in the primary language of the LEP language group of the right to receive oral interpretation of those written materials, free of cost.

This Safe Harbor Provision applies to the translation of written documents only. They do not affect the requirement to provide access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. A recipient may determine, based on the

TOWN OF SMITHTOWN

Four Factors Analysis, that even though a language meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures. For example, a recipient may determine that a large number of people in that language group have low literacy skills in their native language and therefore require oral interpretation. In such cases, background documentation regarding the determination shall be provided to the FTA in the Title VI Program.

IX. Public Participation Plan

The Town of Smithtown Senior Citizens Center provides transportation service for members of the Senior Center only. All members are provided the service without regard to race, color, or national origin. All members of the Senior Citizens Center are made aware of the transportation made available to them and the Town receives feedback from members regarding the transportation service to ensure the service meets the needs of individuals utilizing the service.

X. Membership of Non-elected Committees and Councils

The Town does not have a non-elected transit related advisory council at this time. The Town makes efforts to encourage and promote diversity on its boards and committees as positions become available.

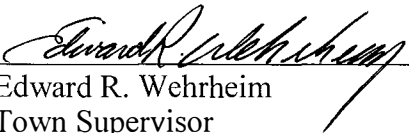
XI. Title VI Equity Analysis

The Town of Smithtown provides transportation service to all Senior Citizens Center members. The Town does not have transit related facilities.

Adopted on: September 3, 2019

Adopted by: Town Board Resolution

This policy is hereby adopted and signed by:


Edward R. Wehrheim
Town Supervisor

TOWN OF SMITHTOWN

Appendix A: Employee Orientation and Annual Education Form Title VI Policy

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.

Title VI 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” (42 U.S.C. §2000d).

The Town of Smithtown is committed to ensuring that no person is excluded from participation in, or denied the benefits of, its services on the basis of race, color, or national origin.

A Town of Smithtown employee will not exclude, deny services, or treat a person differently because of race, color, or national origin.

If someone approaches an employee with a question or complaint regarding Title VI, the employee shall direct the person to the Town’s Title VI Coordinator.

All complaints must be submitted to the Town’s Title VI Coordinator (certified mail is preferred for tracking purposes):

Fred Calandrino, Esq.
Director of Labor Relations
Town of Smithtown
65 Maple Avenue
Smithtown, New York 11787
Phone: (631) 360-7626
Email: FCalandrino@smithtownny.gov