

Cherokee County South Carolina



Title VI Program



“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.”

Title VI of the Civil Rights Act of 1964

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Policy Statement

It is the policy of Cherokee County to assure affirmative compliance with Title VI of the Civil Rights Act of 1964, as amended, Title VIII of the Civil Rights Act of 1968, and related statutes and regulations. Examples of the application of this policy include, but are not limited to, the following:

No person in the State will on the grounds of race, color, sex, age, handicap/disabilities or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity for which the County receives federal financial assistance from the U.S. Department of Transportation, including the Federal Highway Administration and the Federal Transit Administration.

All Federally funded or Federally assisted programs will be administered in a manner to guarantee that the County, other recipients, sub-recipients, contractors, subcontractors, transferees, and other recipients, sub-recipients, contractors, subcontractors, transferees, successors in interest, and other participants in Federal financial assistance comply with all requirements imposed by or pursuant to, civil rights acts and County regulations.

The County will not discriminate in its selection and retention of contractors, including without limitation, those whose services are retained for, or incidental to, construction, planning, research, highway safety, engineering, public transportation, property management, fee contracts, and other formal commitments with person for services and expenses incidental to the acquisition of right of way.

Discrimination will not be permitted against any eligible persons in making relocation payments and /or providing relocation assistance when required by highway Right-of-Way acquisitions.

Federal-aid contractors may not discriminate in their selection and retention of subcontractors who participate in Federal-aid construction, acquisition of right of way and related projects, including those who supply materials and lease equipment.

The County will not discriminate against the traveling public, business users of Federally assisted highways and public transportation users in their access to and use of the facilities and services provided for public accommodation (such

as eating, sleeping, rest, recreation and vehicle servicing) constructed on, over or under right of way.

The County will not locate, design a highway or provide for transportation services in a manner that will discriminate against any person based on his or her race, color, sex or national origin.

In location, design and construction of highway facilities, and transportation services, care will be exercised to insure reasonable access to and use thereof by all persons regardless of race, color, sex, age, handicap/disabilities or national origin.

This plan was developed to guide Cherokee County in its administration and management of Title VI- related activities.

Title VI Coordinator Contact information

B. Lewis Blanton, Risk Manager
Cherokee County
110 Railroad Avenue
Gaffney, S.C. 29340
864-902-2310

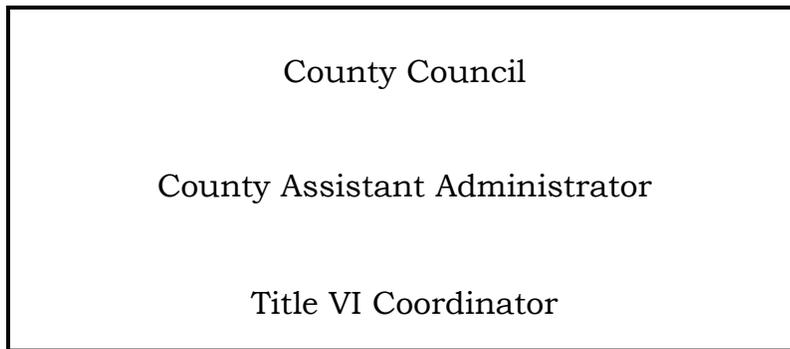
County Assistant Administrator

Date

Organizational Chart

The Manager of the office of Civil Rights has responsibility for the overall administration and management of the Cherokee County's Title VI program. The individual designated as the Title VI Coordinator in this update report provides assistance in Title VI program implementation, compliance monitoring, education and reporting within all departments.

The Title VI Coordinator continues to report directly to the Assistant Administrator on Title VI issues.



Organizational Chart

Monitoring Procedures

All contractors, subcontractors and vendors who receive payments from Cherokee County 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, either directly or through the bid specification package which becomes an associated component of the contract. One contractor will be selected each quarter to ensure selection are made in accordance to Title VI of the Civil Rights Act of 1964 as amended and to check if any reported complaints have been filed against them.

Record Keeping

The Title VI coordinator will maintain permanent records, which include, but are not limited to, signed acknowledgements of receipt from the contractors, subcontractors and vendors indicating the receipt of the Cherokee County's Title VI Plan, copies of Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants, and Title VI investigations. (Appendix A)

Complaint Procedures

Introduction

These procedures apply to complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program and/or activity administered by Cherokee County or its sub-recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

These 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 that 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 possible level. The option of informal mediation meeting(s) between the affected parties and the investigator may be utilized for resolution, at any stage of the process. Cherokee County will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will

include requests for information regarding specific relief and settlement options.

Filing

Any person who believes that he or she or any specific class of persons has been subjected to discrimination or retaliation prohibited by Civil Rights authorities, based upon race, color, sex, age, national origin, or disability may file a written complaint to Cherokee County:

B. Lewis Blanton, Cherokee County Risk Manager
110 Railroad Avenue
Gaffney, SC 29340
(864) 902-2310
Email-lewis.blanton@cherokeecountysc.com

A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements:

- Complaints must be in writing and signed by the complainant(s).
- Complaints must include the date of the alleged act(s) of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which the conduct was discontinued or the latest instance of the conduct.
- Complaint must present a detailed description of the issues, including names, job titles, and addresses of those individuals perceived as parties in the action complained against.

Receipt and Acceptance

Upon receipt of the complaint, the Risk Manager, in consultation with the Assistant Administrator, will determine its jurisdiction, and need for additional information.

Complaints involving FHWA financial assistance will be forwarded to the SCDOT Secretary of Transportation (Secretary) for a determination of acceptability and processing. The Assistant Administrator will notify the complainant, in writing, within five (5) days of transfer of the complaint. Cherokee County will assume no further responsibility.

Complaints involving FTA financial assistance will be forwarded to the Assistant Administrator for a determination of acceptability and processing. The Assistant Administrator will notify the complainant, in writing, within ten (10) days acknowledging receipt of the complaint.

In order to be accepted, a complaint must meet the following criteria:

- a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
- b. The allegation(s) must involve a covered basis such as race, color, or national origin.
- c. The allegation(s) must involve a program or activity that receives Federal financial assistance.

Cherokee County will assume responsibility for investigating complaints against any of its sub-recipients. Complaints in which the County is named as the Respondent, shall forwarded to the SCDOT, FTA, or the appropriate Federal agency for proper disposition, in accordance with their procedures.

Dismissal

A complaint may be recommended for dismissal for the following reasons:

- a. The complainant requests withdrawal of the complaint.
- b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
- c. The complainant cannot be located after reasonable attempts.

Investigation of Complaints

In cases where Cherokee County assumes responsibility for investigation, the County will provide the respondent with the opportunity to respond to the allegations in writing. The Assistant Administrator will designate an investigative team responsible for evaluating the complaint, developing an investigative plan, conducting interviews, collecting and analyzing evidence, and preparing an investigative report.

The Investigative team's final investigative report will be submitted to the Assistant Administrator within 45 days of receipt of the complaint. Upon approval of the report, the Assistant Administrator will issue a final agency decision (FAD) and provide written notification of the decision to the complainant and respondent.

Appeals

If Cherokee County concludes that the respondent is in compliance with laws/regulations and the complainant disagrees, the complainant may file an appeal either in the appropriate Federal Court or with the Federal Transit Administration:

Federal Transit Administration Office of Civil Rights
Attention: Civil Rights Officer
East Building, 5th Floor – TCR
1200 New Jersey Ave., SE
Washington, DC 20590

Limited English Proficiency (LEP)

Introduction

This *Limited English Proficiency (LEP) Plan* is a resource tool that will serve as Cherokee County's guide in addressing responsibilities as a recipient of federal financial assistance from the U.S. Department of Transportation (DOT) concerning the needs of individuals with limited English language skills.

This plan was 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 state that no person shall be subjected to discrimination on the basis of race, color, or national origin under any DOT-assisted program or activity because they face challenges communicating in English.

Cherokee County's Title VI coordinator reviewed the 2007-2011 U.S. Census Report and determines that 2% of the overall population in the county has LEP: that is they speak English "not well" or "not at all".

Bases of Authority

Discrimination against a person because of their limited ability to use the English language is a form of national origin discrimination, which is prohibited by Title VI of the Civil Rights Act of 1964. Executive Order 13166, the Department of Justice's (DOJ's) Policy Guidance, USDOT's policy guidance clarify the responsibilities of recipients of federal financial assistance and ensure compliance with LEP regulations. These regulations impact state agencies, private and non-profit entities, and other subrecipients of DOT-assisted funding, such as Cherokee County.

Plan Summary

Cherokee County has developed a Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for persons seeking meaningful access to SCDOT services as required by Executive Order 13166.

This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, the approach for training staff, how to notify LEP persons that assistance is available, and information for future plan updates. In developing this plan,

the County undertook the U.S. Department of Transportation four-factor LEP analysis which considers the following:

- 1) The number or proportion of LEP persons in the County service area who may be served or likely to served;
- 2) The frequency with which LEP individuals come in contact with Cherokee County services;
- 3) The nature and importance of the program, activity or service provided by the County to the LEP population; and
- 4) The resources available to the County and overall cost to provide LEP assistance.

A brief description of these considerations is provided in the following section.

FOUR FACTOR ANALYSIS

1. The number or proportion of LEP persons in the Cherokee County service area who may be served or likely to encounter a County program, activity, or service.

At the time of the 2010 Census, Cherokee County's population was 55,342. In assessing the population by ethnic background, the Hispanic/Latino population ranks highest with reported representation at 2,032 (3.7%) persons, of which 1,647 spoke Spanish at home.

With regard to the ability to speak English, 2,314 persons reported that they spoke English "Less than very well" (3.2 % of the county Population). Of this number, Spanish-speaking individuals accounted for over 37.9% (878). Other languages spoken by LEP individuals include:

<u>Language</u>	<u>Population</u>	<u>LEP</u>
• Indo-European	510	83
• Asian and Pacific Islander	105	44
• Other Languages	52	0

Individuals who have identified themselves as speaking English less than "very well" are considered to be limited English proficient based on their limited ability to read, write, speak or understand English. This deficiency makes it difficult for them to have meaningful access to programs that may be offered by the department.

The Hispanic/Latino group is the largest LEP group in South Carolina, all service requests have been related to Spanish. Therefore, the Department's

focus will be on targeting this community. Language assistance is available to other limited English speaking individuals in the community as the need arises.

2. The frequency with which LEP individuals come in contact with a County program, activity or service.

Contact with LEP individuals is infrequent. At present, the County has no documented evidence or history of requests for assistance related to the application/interview process. No determination can be made as to why there are no or few requests; however, additional efforts will be made to ensure that the County's customers are aware of services that are available.

3. The nature and importance of the program, activity, or service provided by the County to LEP community.

Provide transportation
Education
Percurment opportunity
Public Service

4. The resources available to the County and overall costs.

Cherokee County's primary resource is Court Interpreters. At present, cost has not been a deterrent or imposition to the County's ability to provide LEP services to customers.

LANGUAGE ASSISTANCE MEASURES

Department heads will be responsible for ensuring that their staff is familiar with these measures:

A. Type of Language Services Available

The type of language services available by the department include:

- Translation services under contract with professional translators/interpreters, as needed.
- Use of "I Speak" flashcards to identify languages. These cards can be downloaded at <http://www.usdoj.gov/crt/cor/13166/htm>.

B. How Recipients Can Obtain Services

All requests for language services should be made through the appropriate Department head, who will coordinate assistance arrangements and advise the Title VI Coordinator of the request and action taken.

C. How to Respond to LEP Callers

County personnel, including those who regularly take calls from the general public, will forward LEP calls to the appropriate Department head, who will record the date and time of the call, name of caller, language (if it can be determined), nature of call and disposition. The Department head will also submit the information as part of his/her Title VI quarterly report.

If the Department head is unavailable, the call will be forwarded to the Title VI Coordinator in the Office of Risk Management. The Title VI Coordinator will advise the Department head of the call, nature of the request and disposition.

D. How to Respond to Written Communications from LEP Persons

County personnel who receive written communications from LEP individuals will contact a Department head who in turn will record the date of receipt, name of LEP individual, language (if it can be determined), nature of the correspondence, and disposition. The correspondence will then be forwarded to the appropriate office if known. Otherwise, it will be forwarded to the Title VI Coordinator.

E. How to Respond to LEP Individuals Who Have In-Person Contact with Staff

County personnel who have in-person contact with LEP individuals will address the issues and/or concerns raised. They will record the date of receipt, name of LEP individual, language (if it can be determined through familiarity with the language, use of "I Speak" cards, etc.), nature of the correspondence, and disposition of the encounter and forward the information to the appropriate Department head. In cases where language barriers cannot be overcome, personnel will contact the Title VI Coordinator.

F. Staff Training

County staff with Title VI responsibilities will attend Title VI seminars and workshops on an annual basis. Also, the County will seek the assistance, when necessary, in training personnel on Civil Rights related matters. Staff will be provided a copy of the LEP Plan and educated on procedures. Suggested training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities
- What language assistance services the County offers?
- Use of LEP "I Speak Cards"

- How to use the interpretation and translation services
- Documentation of language assistance requests
- How to handle a Title VI and/or LEP complaint

G. Outreach Techniques

Cherokee County does not have a formal practice of outreach techniques due to the small LEP population and resources available. However, the following are a few options that the County may incorporate if the need arises for LEP outreach:

- If staff knows that they will be presenting a topic that could be of potential importance to an LEP person or if staff will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, meeting notices, fliers, advertisements, and agendas will be printed in an alternative language, based on known LEP population in the area.
- When running a general public meeting notice, staff may insert the clause, based on the LEP population and when relevant, that translates into “A (insert alternative Language) translator will be available”. For example: “Un traductor del idioma español estará disponible” This means “A Spanish translator will be available”.
- Key printed materials, including but limited to schedules and maps, will be translated and made available at transit centers, on board vehicles and in communities where a concentrated LEP population is identified.

H. Monitoring and Updating the LEP Plan

This plan is designed to be flexible and easily updated. However, major updates most likely will not occur until the next Census in 2020 unless the County finds it necessary and crucial for an update before such time.

Cherokee County will update this LEP plan by obtaining data from other sources, such as other state and local government agencies (i.e., Commission on Minority Affairs, Departments of Social Services (DSS) and Education, and Regional Transit Authorities (RTAs), Metropolitan Planning Organizations (MPOs), and Councils of Government (COGs), as well as organizations that serve LEP persons.

Each update should examine all plan components such as:

- How many LEP persons were encountered?

- Were their needs met?
- What is the current LEP population in South Carolina? Each District?
- Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified Cherokee County programs? Are there other programs that should be included?
- Have the County's available resources, such as technology, staff, and financial costs changed?
- Has Cherokee County fulfilled the goals of the LEP Plan?; and
- Were any complaints received?

I. Dissemination of the SCDOT Limited English Proficiency Plan

The LEP Plan will be shared with Department heads and supervisors. Also, the County will include the LEP plan on its website, together with its Title IV Policy and Complaint Procedures. Copies of this Plan will be provided, in various formats, i.e., translated, braille, etc., upon request.

Any questions or comments regarding this plan should be directed to the Cherokee County Title VI Coordinator.

B. Lewis Blanton, Risk Manager
110 Railroad Avenue
Gaffney, S.C. 29340
864-902-2310
Lewis.blanton@cherokeecountysc.com

Appendix A
Acknowledgement of Receipt of Title VI Plan

I hereby acknowledge the receipt of the Cherokee County's Title VI Plan. I have read the plan and am committed to ensuring that no person is excluded from participation in, or denied the benefits of its service basis of race, color, or national origin, pursuant to Title VI of the Civil Rights Act of 1964, as amended.

Your signature

Print your name

Date

Appendix B

Cherokee County, SC Discrimination Complaint Form

Last Name	First Name	Male Female
Mailing Address	City/State	Zip
Home Telephone	Other Telephone	E-mail Address
Type of Discrimination Race Color National Origin Age Religion Disability Sex/Gender		
Race of Complainant Black White Hispanic Asian-American American-Indian Alaska Native Pacific Islander Other _____		
How were you discriminated against? Please explain your complaint as clearly as possible. Include how other persons were treated differently. Use additional sheet(s), if necessary. Attach supporting documents if available.		
Date and place of the alleged discriminatory action(s). Please include the earliest date of discrimination and the most recent date(s) of discrimination.		
The law prohibits intimidation or retaliation against anyone because they have either taken action, or participated in action, to secure rights protected by the laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Describe the action you took which you believe was the cause for the alleged retaliation.		

Name(s) of individual(s) responsible for the discriminatory action(s).

Name(s) of person(s) who may be contacted for additional information to support or clarify your complaint. (Attach additional sheets, if necessary).

Name Address Telephone

1. _____
2. _____
3. _____
4. _____

What action(s) have you or your representative done to attempt to resolve this complaint? Please include filing dates or other dates as applicable.

Action

Date

- Filed with the Federal Highway administration** _____
- Filed with the U.S. Department of Transportation** _____
- Filed with another Federal agency** _____
- Filed in Federal Court** _____
- Other action** _____

Please provide any additional information you feel would be helpful in investigating this matter.

Briefly explain what action you are seeking.

Complainant's Signature

Date

Mail Complaint Form To:
Cherokee County
110 Railroad Avenue
Gaffney, S.C. 29340
864-902-2310

For Official Use Only

Date Complaint Received: _____

Referred to: _____

Date: _____