

Civil Rights Office:

- Sherry Tompkins, Director
- Mary Bryant, Title VI Program Specialist & DBE Program Administrator
- Jennifer Laliberte, EEO Program Specialist
- Amy McCann, EEO Officer

www.maine.gov/mdot/civilrights/

TRAINING TOPICS

Title VI & Equal Employment Opportunity (EEO)

Disadvantaged
Business
Enterprise
Program (DBE)



ENSURING FAIRNESS



The Federal Highway Administration (FHWA) works with partner agencies, in our case both MaineDOT and Local Public Agencies (LPAs) to design, construct and maintain our public highway systems and ensure fair delivery of our programs and services.



Therefore, MaineDOT and LPAs must comply with civil rights requirements; primarily including Title VI, the Disadvantaged Business Enterprise Program, the On-The-Job Training Program and the Davis Bacon Act.

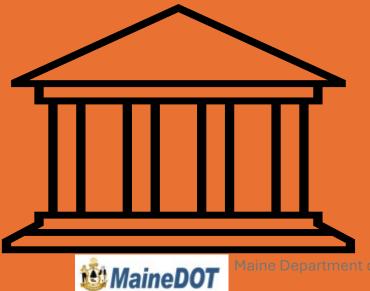




TITLE VI OF THE **CIVIL RIGHTS ACT**



PROHIBITS DISCRIMINATION



ON THE BASIS OF:

- Race
- Color
- National Origin
- Limited English Proficiency

Maine Department of Transportation - LPA Training 2025

Title VI Program Requirements

- Notifying the public: LPAs must notify the public that no one will be excluded from participation, denied benefits, or discriminated against in any program or activity. They must also include instructions on how to file a Title VI discrimination complaint with the LPA.
- Submitting Title VI assurances: LPAs must submit signed Title VI assurances to the state Department of Transportation (DOT) annually. They must also include the nondiscrimination assurances from USDOT Order 1050.2 in all contracts.
- **Designating a point of contact**: LPAs must designate a responsible person to coordinate Title VI efforts.

- Routing complaints: LPAs must establish a process for routing complaints.
- Collecting demographic data: LPAs must collect demographic data on their programs and activities.
- Coordinating with MaineDOT: LPAs must conform to the policies and procedures of MaineDOT.
- Making efforts to ensure nondiscrimination: LPAs must make every effort to ensure nondiscrimination in all of their programs and activities, even if they aren't federally funded.

Title VI Program Requirements LPAs must meet:



- Title VI assurances
- Implementation/Nondiscrimination Plan
- Annual Reporting



What is a Title VI Implementation Nondiscrimination Plan?

A Title VI Implementation Plan is the standard operating procedure for how Title VI of the 1964 Civil Rights Act is implemented and overseen by LPA's.





What does a Title VI Implementation Nondiscrimination Plan contain?

A Title VI Implementation Plan is intended to be public document which conveys the day-to-day operations of the Title VI Program within an LPA. The Plan should be user friendly and accessible to members of the public. The plan should detail the who, what, how, when, and why for each LPA's programs and activities in relation to Title VI. The Plan needs to be updated **annually**.





The Title VI Plan is required by 23 C.F.R. § 200.9 and contains 11 elements. These elements may stand alone, however it is often more useful to address these elements together such as combining data collection and analysis with program area procedures, and LEP procedures rather than as separate and independent elements.



11 Essential Elements of a Title VI Plan

- 1. Policy Statement
- 2. Standard USDOT Title VI Assurances.
- 3. Organization & Staffing
- 4. Program Area Review Procedures
- 5. Data Collection and Analysis Methods
- 6. Training Procedures
- 7. Complaint Procedures
- 8. Dissemination of Title VI Information
- 9. Limited English Proficiency
- 10. Review of Directives
- 11. Compliance & Enforcement Procedures



Policy Statement

A policy statement describes an LPA's commitment to not discriminate on the basis of race, color, national origin, or limited English proficiency when carrying out programs or activities conducted by the agency, its contractors, or subrecipients of Federal assistance. The policy statement is signed by the agency's chief executive officer.

Standard DOT Title VI Assurances

The Plan needs to include a signed copy of the **three** DOT Standard

Title VI Assurances and

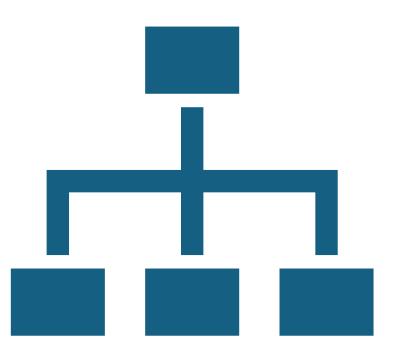
Appendices A through E, which can be attached as an appendix to the Plan.

Three DOT Standard Title VI Assurances

- 1. Standard and Regulatory Authorities these reference the numerous laws, regulations, and Executive Orders that prohibit discrimination. Some authorities prohibit discrimination based on race, color, and national origin while others prohibit discrimination based on age, sex, disability, limited English proficiency and income status.
- **2.** General Assurances assure that LPA's will not engage in discriminatory practices.
- 3. **Specific Assurances** describe proactive steps your agency will take to ensure nondiscrimination.

^{*} Assurances must by included in all solicitations for bids the affirmation that bidders will receive a fair opportunity.

Maine Department of Transportation - LPA Training 2025



Organization and staffing shows how people in the agency support the program and resolve issues. The Title VI program organization will be managed by its administrator, who has direct access to the chief executive officer and is identified in the policy statement.

The Organization & Staffing Portion of a Title VI Plan:

- Identifies the Title VI Coordinator who has easy access to the head of the agency as well as others who have Title VI responsibilities in the agency (Specialists, Liaisons, etc.).
- Contains an organizational chart that identifies a Civil Rights Unit, and its placement in the agency.
- Responsible for initiating and monitoring Title VI activities and preparing required reports (Goals and Accomplishment Report)
- Responsible for developing Title VI information for dissemination (posting in public areas and on website)

Organization & Staffing



Program Area Review Procedures

The Plan must contain a brief description of the recipient's program areas, the Title VI responsibilities in each program area and include procedures for conducting internal reviews of the program areas.

Data Collection & Analysis Methods

The Plan needs to contain a process for collecting, analyzing, and reporting Title VI data on race, color, and national origin for each of its program areas.



You will need to analyze data collected to determine the effectiveness of outreach methods.



Staff Title VI Training Procedures



The Plan needs to describe the process the LPA uses to conduct Title VI training of staff members, including managers, supervisors and staff with frequent public contact.



Complaint Procedures

Process and procedures for handling complaints provide the steps the LPA will take if a member of the community alleges discrimination. Process and procedures also address the actions the LPA will take if a contractor doesn't comply with Title VI program requirements.



All FHWA Title VI complaints received by a local agency are to be forwarded to MaineDOT to submit to the FHWA Division Office.



LPA's do not investigate complaints filed against them.



All complaints must be logged in complaint log.



Dissemination of Title VI Information

- The Plan needs to contain community outreach and public education procedures as well as how the public outreach data is collected and analyzed to ensure effectiveness.
- Know Your Rights Pamphlet
- Nondiscrimination/Title VI Poster

MaineDOT

Integrity + Competence + Service

NON-DISCRIMINATION/TITLE VI POSTER

Talle VI and Nondiscrimination Commitment to all USDOT funded programs: Pursuant to Tite VI of the CVI Bights Act of 1964 and related laws and regulations, MaineDOT will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age or disability.

Complaint Procedures:

MainDOT has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and clinical descrimination when found. Any person who befores that we enhas been aggreed by an unloveful discriminatory practice under Tifle VI has a right to file a formal complaint with MaineDOT. Any such complaint must be in writing and filed with the MaineDOT Title VI Coordinates within one hundred ciphy (180) calendar days following the date of the alleged

ADA/504 Statement:

Parsuant to Sections 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations, MaineDOT will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. MaineDOT will provide reasonable accommodation to disabile individuals who wish to participate in gubble involvement evers or who require special assistance to access MaineDOT facilities, programs, services or activities. Because providing reasonable accommodation may require outside assistance, organization or resources, MaineDOT asks that requests be made at least five (5) calendar days prior to the need for accommodation. Quantions, concerns, comments or requests for accommodation should be made to MaineDOT ADA Coordinates.

Services are provided free without charge for individuals with special needs with disabilities. Any fees will be paid by the recipient or subrecipient. The public will have access to translators, "I Speak Cards", TTY/TDD services and vital documents translated when requested.

MaineDOT Title VI/ADA Coordinator

Amy Hughes, Director Civil Rights Office Maine Department of Transportation 16 State House Station Assents, Maine 04333

Office Phone: (207) 624-3056 Cell Phone: (207) 592-5087 TYY: Users Dial MAINE RELAY 711



ManselOU's mission is to provide the people of Maine with a side, efficient and effective transportation system. Our work is intended to serve the transportation needs of all people in Maine, regardless of race, color, national origin, sex, age, disability, income level or limited linglish proficiency.

MaineDOT is committed to assuring that none of ₹s activities or programs encourage discrimination. We manage our programs without regard to race, color, national right, sex, age, disability, income level, or he ability to speak or understand English.

- all communities in its decision-make process;

 Prevents the denial, reduction or de
- Provides language interpreters to peopl who have difficulty understanding Engl

How to File a Complaint

If you believe you have been discriminated against, you will need to file a written complaint. The complaint must be submitte within 180 days of the alleged discrimination.

to download. Be prepared to fill in:

- Your name, address and phone number
 The name and address of the organizati
- Details of the alleged discrimination and any other relevant information; and
 The names of anyone we could contact

Once you have filled in the form, mail it to us
MaineDOT Civil Rights Office
16 State House Station
Augusta, Maine 0433-0016
207-624-3056





Language translation servi available upon request.

Services de traduction de langue disponibles su Servicios de traducción disponibles bajo p

要求提供的 语言翻译服务。 Lugha ya tafsiri huduma inapatikana juu ya

بىلىطان دى قاتىم قاۋىل قىچىرىتىل شايدخ Có các dịch vụ phiên dịch khi quý vị yêu ch



Maine Department of Transportat Civil Rights Office 16 State House Station Augusta, Maine 04333-0016 Phone: 207-624-3056 TTY Users Dial Maine Relay 711







Limited English Proficiency (LEP)

The Plan needs to explain how LEP populations are identified for your LPA area and per project as well as how your 4-factor analysis is applied to each in determining what translations are appropriate.





LEP covers persons who do not speak English as their primary language; and



Have a limited ability to read, speak, write or understand English.



The LPA must take reasonable steps to ensure meaningful access to programs, services, and information for persons identified as LEP.



Language Assistance Plan (LAP)

LAP addresses LEP customers when an agency engages in public outreach events or public meetings, is free of charge and consists of both:

<u>Interpretation</u> - Immediate rendering of oral language from the source language into the target language; and

<u>Translation</u> - Rendering of a written text from one language into another language

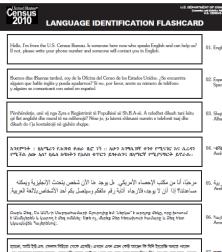




Language Assistance Plan – Cont.

Language Assistance Resources Include:

- Bilingual Staff
- "I Speak" Cards or Language Identification Flashcard
- Qualified Interpreters
- Telephone Interpretation





USCENSUSBUREAU D-8809

FOUR FACTOR ANALYSIS

Factor One

Number/Proportion of LEP Persons in Service Area

- Include data from sources such as Census Bureau, American Community Survey (ACS), etc.
- Include a listing of the counts and percentages of LEP individuals present in your service area by language.
- Identify if any of the LEP languages reach the LEP threshold of 5%, or the Safe Harbor Threshold (1000 persons).

Factor Two

Frequency of Contact with LEP Persons

- How frequently does your organization encounter LEP persons?
- Are you in contact with LEP persons within a specific language group, and that language is not identified in Factor One?
- Include information gathered from face-to-face meetings with LEP persons or from surveys of LEP persons.
- Include information gathered from interviews with agency staff who typically come in contact with LEP persons.
- Include information kept by your organization on past interactions with members of the public who are LEP.

Factor Three

Nature & Importance of the Service to LEP Persons

- Provide a brief summary of the services, benefits, and activities offered by your organization.
- Gather input from CBO/FBOs on the importance of this service to LEP persons.

Factor Four

Resources Available & Overall Costs

- Include a brief summary of the resources available and overall costs of providing language assistance.
- Analyze budget to identify available funding for providing language assistance.





Review of Directives – Cont.



Why conduct reviews?



Reviews are the cornerstone of any Title VI Program and the requirements for reviews are woven throughout Title VI as part of an overall oversight program.

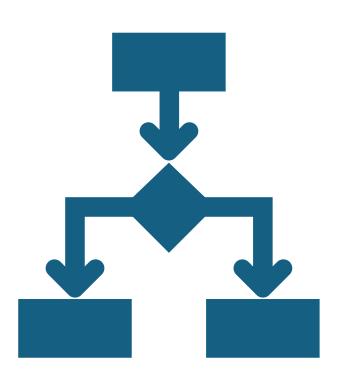


All entities that receive federal financial assistance (recipients) from the Federal Highway Administration (FHWA) are required to create establish and maintain effective internal control over the Federal award that provides reasonable assurance that the entity is managing the award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. 2 C.F.R. \$200.303(a).



For Title VI, all recipients are required to create "methods of administration for the program" to give a reasonable guarantee the recipient complies with Title VI. 49 C.F.R. §21.7(b).





How should reviews be conducted?

Reviews are part of a process to:

- (1) Measure risk and
- (2) Mitigate risk

Reviews should therefore test two main aspects of compliance:

- Whether the recipient's internal controls, themselves, are sufficient and compliant with regulations and other legal standards, and
- 2. Whether the implementation of the internal controls—actual projects and activities—is sufficient and compliant with regulations and other legal standards.



Compliance & Enforcement Procedures

The Plan needs to outline Title VI compliance and enforcement procedures to address deficiencies or when noncompliance is determined for a contractor/subcontractor.



By signing the Title VI assurance document as a condition to using Federal funds, LPAs agree to follow their implementation plan, participate in reviews with MaineDOT, and take enforcement actions when required against contractors. Failure to do so may result in a suspension or termination of Federal-aid on any or all federally funded projects. Consult your Title VI implementation plan when preparing for a review or responding to a complaint.

Additional Title VI & EEO Program Requirements



Solicitations for bids/Requests for Proposals must include the following nondiscrimination paragraph from the U.S. DOT Standard Title VI Assurances:

"The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full 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."



PHONE COST - Revised College 23, 2020.

REQUIRED CONTRACT PROVINCION PROPERTY AND ADMINISTRATION ADMINISTRATION

- Introduce standard
- Management Position Decades and Reservices Produces
- Comband Street, Haven and Bullety Sharebooks Add.
- Produces
 Substitute in Amounting the Contract
- Buttery Australia Promotion False Statements Concerning Highway Property Publisher Control No. 100 and Pediatric Value Publisher Control No.
- Colification Reporting Colorinate, Augumeter,
- Indigitally and October Particular Carl Nation Regarding Use of Contract Panels for
- 20. Use of United States Play Seasons

ACT RESIDENCE

A. Bingleyment and treatments Professive for Appalachters Constitutional Highway System or Application Local Automation Constitution (Included in Applications constitution units)

1. From PANAL CESTION and the physically throughout the made construction contract booked protect the 23, Central Makes Code, as required in 20 CPR 500, 500(b) describing emergency controls using translated for finish removes, controlling for substitution and married fine from the section. extraordized and bother require to brokester to all home for extraordizable trackables provides an linear extraorgeneous in and other agreements for expellence sections, 22 CPR, 400, 100, and

The applicable incomments of Point Peters, CTD are inapposed by element in each descended by purchase rate, making remark a symmetric for this parties. The of the contractor shall be required to be a completed by any substitution for the substitution of service problem. 22

From PMAN SCO must be trained in all Pederal and Geograindicarticals, is all substitutes and in low for substitute including substitutes for image services, purpose critics, to be agreements and other agreements for supplied in particular an experience with 20 CFR 520,100. The manageral collection about the responsibility for comparisons by says subcontractor (news) for subcontractor or senten provides

Continuing agencies may reference Print PMAN, 1275 in activitation for hide or request the proposets decuments. ingreprised part information) in all combacts, subservation and trees for automorphism popularly postures orders, maga-agraments and other agreements for supplies or anythese

2. Subject to the applicability offsets reflect in the following: sections. Elementaries processes and appropriations.

participation the content by the content of the organization and with the content of a victory under the content of the conten immediate experimentarion and to all most performed on the contactly processes, status with a by elements. 21.

2. A break of any of the objections contained in these throughest Cardinal Production and the sufficient property for extracting of progress payments, with taking of their payment, instruments of the market, any progress of determining is any other entire returnment to be appropriate by the controlling agency and Prints.

 Promotion of Labor: Curring the performance of this content.
 In contents whether the contents that is very purpose.
 In the limits of a constraint properties on a Performance. highway prime it is to be performed by construction on an period, supervised whereas in probables. IS U.S.C. (1986). The term Perfect and Paylone, does not bridge tracking a landstreety attended as tracking in rand minor category. 20 U.S.C. 101(a).

E. HOMERCHIMMATION CO-COM 200, 107(a), 23 COM PARI. 200, Balgorit A. Appendis A. BO 11268).

The province of this section related to 20 CFR Ped 200. Bulgard A. Appendix A are applicable to of Pederal and production contracts and local residual construction. substitution of \$10,000 or mass. The provisions of 20 CPR. Part 200 me not applicable transmiss supply, originating, or multipolical provide controls.

in middles. The productor and all subport notices must story by with the hithertopy actions. Remarks Crots: 19045, 41 CPR Part III, 30 CPR Parts: 1905 9077 20 U.S.C. 140 Remark No. of the Refugation Aut of 1973, as a market (20 U.S.C. 790). The Vind Se Cort Signs Asked 1888, as expended (CCU.S.C.) 2000 et en 1 mil meter regardiere industrig (b. 1790 Perte. 21, 38, en 127 mil 20 CPN Perte, 200, 230) mil 623.

The particular and all automorphisms must enough with the requirements of the Report Opportunity Course in 61 CPR 60 In 600 and, for all paradiscular continuits recently \$10,000, the Standard Pedent Report Reportunity Opportunity Construction Contract Residentians in 41 CPS 804.2

Aprile. The U.S. Department of Latest has enclusive pullwing to determine completion with Executive Order 1 Collected the policies of the Assertacy of Labor Instituting 41 CFS Part 50. and 20 OFF Parks 1000 IDES. The contenting supricy and the PHIRD later the matherity and the responsibility to ensure complementally 20 U.S.C. 140, Beader 500 of the Rendstatus Autor 1973, es entended (20 U.S.C. 704), and The Mind Cod Rights Autor 1985, as entended (27 U.S.C. 2000) at engl, and wholet regulations installing 45 CPS Paris 201, 281, and 227 and 231 CPR Party 2010, 2301, and 6031.

The following provision is adopted from 20 (27% Peri 200). Religion A. Appendix A. with appropriate restaurants useful to the U.S. Department of Latine (UR 2004) and Prints.

FHWA Form 1273

FHWA Form 1273 is required to be physically attached to all FHWA contracts and sub-contracts.

http://www.fhwa.dot.gov/program admin/contracts/1273/1273.pdf

FHWA Form 1273 – Cont.



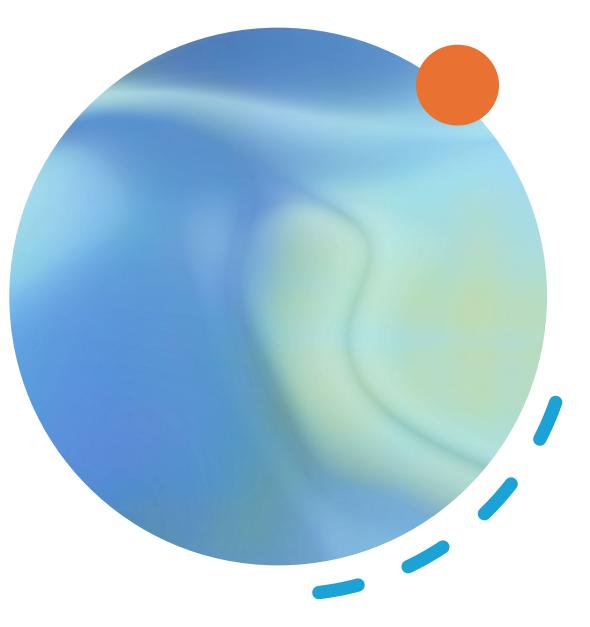
Form FHWA-1273 lists several Federal requirements to be included in federal-aid contracts. Included in this form are the mandated nondiscrimination provisions that apply to all contracts or subcontracts of \$10,000 or more.



Therefore, when your contractor signs the project contract, the nondiscrimination provisions of the Form FHWA-1273 become the contractors equal employment opportunity and affirmative action standards.



In addition, the contractor must insert these same nondiscrimination provisions in any subcontract associated with the project.



Annual Reporting

Develop a Title
VI/Nondiscrimination Annual
Work Plan & Accomplishment
Report that documents how the
LPA is effectively implementing
its Title VI/Nondiscrimination
Program.

The Title VI/Nondiscrimination
Annual Work Plan &
Accomplishment Report should
provide an overview of an LPA's
current policies, procedures,
and practices to ensure
nondiscrimination.



Thank You!

Please contact the MaineDOT Civil Rights Office with any questions.

