



An Affiliate of Rochester Regional Health

## **Independent Living for Seniors, Inc. d.b.a ElderONE, an Affiliate of Rochester Regional Health**

### **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. Section 2000d).

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

#### **II. Title VI Information Dissemination**

Title VI information posters shall be prominently and publicly displayed on ElderONE's website, <https://www.elderone.org/notice-of-non-discrimination> and all major facilities. Additional information relating to non-discrimination obligation can be obtained from the ElderONE Title VI Coordinator.

Title VI information shall be disseminated to ElderONE employees annually via the employee handbook containing the language set forth in Appendix A. This reminds employees of ElderONE about the policy statement and of their Title VI responsibilities in their daily work and duties.

During Department Orientation, new employees shall be informed of the provisions of Title VI and the expectations of ElderONE employees to perform their duties accordingly.

### **III. Subcontracts and Venders**

All subcontractors and venders who receive payments from ElderONE where funding originates from any Federal assistance are subject to 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.

### **IV. Record Keeping**

ElderONE will maintain permanent records, which include, but are not limited to, signed acknowledgments of receipts from the employees indicating the receipt of the ElderONE Title VI Plan, copies of the Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants and Title VI investigations.

### **V. Title VI Complaint 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 (i.e., telephone number, email address, etc.) How, when, where and why they believe they were discriminated against. Include the location, names and contact information of any witnesses.

Other information that they deem significant.

The Title VI Complaint Form (see Appendix B) may be used to submit complaint Information. The complaint must be filed in writing with ElderONE at the following Address in order for ElderONE to properly investigate any complaint:

**ElderONE**

**Attention: Performance Improvement Coordinator**

**490 E. Ridge Road**

**Rochester, NY 14621**

**Phone (585) 922-9959**

NOTE: ElderONE 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. For complaints originally submitted by facsimile, 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 happened to the complaint after it is submitted?**

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

A letter acknowledging receipt of complaint will be mailed within seven (7) days (see Appendix C). 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?**

ElderONE will send a final written response letter (see Appendix D or E) to the complainant. In the letter notifying complainant that the complaint is not substantiated (Appendix E), the complainant is also advised of his or her right to

- 1) Provide additional information to ElderONE for consideration of the complaint within seven (7) calendar days of receipt of the final written decision from ElderONE 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:

#### **Federal Transit Administration Office of Civil Rights**

**Attention: Title VI Program Coordinator**

**East Building, 5th Floor- TCR**

**1200 New Jersey Ave**

**SE Washington DC 20590**

### **VI. 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 on 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. ElderONE Language Assistance Plan (LAP) includes a four factor analysis and implementation plan that complies with the requirements of the DOT LEP guidance.

## **1. Identifying LEP (Limited English Proficiency) Individuals**

LEP Individuals are those individuals speaking a language other than English or using sign language that request assistance. ElderONE currently has individuals that speak Spanish.

## **2. Providing Services**

ElderONE maintains a contract with translation services as needed through Cyramcom phone services to meet any language needs. This service is available to all our direct hire employees as well as vendor contract employees.

## **3. Communicating Availability of Language Assistance**

ElderONE employees are provided education and training upon hire and as required to ensure all ElderONE participants are afforded assistance and accommodations as required by federal regulations and ElderONE policy and procedure.

## **4. Monitoring**

Satisfaction Surveys offer an opportunity for individuals served and their care givers to provide input or suggest additional services.

The Title VI Plan will also be reviewed every three years.

## **5. Employee Training**

ElderONE encourages staff interest and education in learning to more effectively communicate with individuals served.

## **VII. Safe Harbor Provision**

The federal Transit Authority 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 competent oral interpretation of those written materials, free of cost.*

*These safe harbor provisions apply 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 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 persons 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 FTA in the Title VI Program."*

## **VIII. Membership of Non-elected Committees and Councils**

ElderONE does not have a non-elected transit related advisory council at this time.

## **IX. Title VI Equity Analysis**

ElderONE does not have transit related facilities.

## **Appendix A: Employee Annual Education Form Title VI Policy**

No person shall, on the grounds 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.

All employees of ElderONE are expected to consider, respect, and observe this policy in their daily work and duties. If a participant or family member approaches you with a question or complaint relating to Title VI or discrimination of any kind based on race, color, or national origin, direct him or her to ElderONE Title VI Coordinator.

Name \_\_\_\_\_

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

Telephone: Home \_\_\_\_\_ Work \_\_\_\_\_ Cell \_\_\_\_\_

**Basis of Complaint: (place checkmark)**

Race

Color

Sex

National Origin

Age

Disability

**Type of Complaint (place checkmark)**

Program	Service	Benefit	Activity
---------	---------	---------	----------

**Who allegedly discriminated against you?**

Name \_\_\_\_\_

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

Telephone \_\_\_\_\_

**If an organization what is its name?**

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

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

Telephone \_\_\_\_\_

Name of Contact \_\_\_\_\_

**How were you discriminated against?**

**Dates and times discrimination occurred?**

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

Name

Title

Work Phone

Home Phone

**Have you filed your complaint with anyone else?**

**Who** \_\_\_\_\_

**When** \_\_\_\_\_

**Do you have an Attorney in this matter?**

**Name** \_\_\_\_\_

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

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

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

**Mail to:** **ElderONE**  
**Attention: Performance Improvement**  
**Coordinator**  
**490 E. Ridge Road**  
**Rochester, NY 14621**  
**Phone (585) 922-9959**

## **APPENDIX C: Letter Acknowledging Receipt of Complaint**

Date

Name  
Address  
City, State Zip

Dear Name:

This letter is to acknowledge receipt of your complaint against ElderONE Department alleging  
\_\_\_\_\_.

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact our office at (585) 922-2800 or in writing to ElderONE, address phone.

Sincerely,

Performance Improvement Coordinator

## **APPENDIX D: Letter Notifying Complainant that the Complaint Is Substantiated**

Date

Name

Address

City, State Zip

Dear Name:

The matter referenced in your letter dated \_\_\_\_\_ against ElderONE alleging Title VI violation has been investigated. (An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. (If a hearing is requested, the following sentence may be appropriate.) You may be hearing from this office, or from federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

Performance Improvement Coordinator

## **APPENDIX E: Letter Notifying Complaint and that the Complaint Is Not Substantiated**

Date

Name  
Address  
City, State Zip

Dear Name:

The matter referenced in your complaint dated \_\_\_\_\_ against the ElderONE Transportation alleging \_\_\_\_\_ has been investigated. The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964, had in fact been violated. As you know Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

ElderONE has analyzed the materials and facts pertaining to your case of evidence of the Department's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated and that I am closing the matter in our files.

You have the right to 1) provide additional information to this office for reconsideration of your complaint within seven (7) calendar days of receipt of this final written decision from ElderONE and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at:

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

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Performance Improvement Coordinator

## APPENDIX F: NYSDOT Public Transportation Programs

## Title VI Investigations, Complaints & Lawsuits Log

AGENCY: ElderONE.

## **TITLE VI OFFICER: Performance Improvement Coordinator**

**CONTACT: (585) 922-2800**

## **FISCAL YEAR FY:**

**REPORTING PERIOD (check appropriate box):**

1<sup>ST</sup> Half

1<sup>ST</sup> Half  (July-December) 2<sup>ND</sup> Half  (January-June)

## Complete Fiscal Year

1. Were any investigations, lawsuits or complaints filed during this time period?
  
2. If YES, please provide the following information for each investigation, lawsuit or complaint received during this time period:

Date the investigation, lawsuit or complaint was filed, and Summary of the allegation(s) and status if resolved.

3. Based on the investigations, lawsuits or complaints filed during the Fiscal Year, please provide a status of each allegation. **(Report on separate paper at the end of the Fiscal Year).**
  
4. Please indicate if or what actions were taken by the sub recipient in response to the investigation, lawsuit or complaint. **(Report on separate paper at the end of the Fiscal Year).**