



County of Oswego

AMENDED AND RESTATED
TITLE VI PLAN

Prepared by: Oswego County Attorney's Office

Title VI Plan

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Title VI/Nondiscrimination Policy Statement

The County of Oswego 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. The County of Oswego 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 the County of Oswego distributes federal aid funds to another governmental entity, the County of Oswego will include Title VI language in all written agreements and will monitor for compliance. The County of Oswego's Contract Compliance Office is responsible for initiating and monitoring Title VI activities, preparing required reports and other County of Oswego 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

The County of Oswego has appointed Phil Church, County Administrator, as the County of Oswego's Title VI Coordinator.

The County of Oswego 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 County of Oswego's Title VI Coordinator is as follows:

Phil Church, County Administrator
Title VI Coordinator
46 East Bridge Street
Oswego, NY 13126
315-349-8235
Phil.Church@OswegoCounty.com

Special Emphasis Program Areas

Appointment of Title VI Program Specialists

In addition to appointing a Title VI Coordinator, the County of Oswego has proactively appointed several Title VI Program Specialists to annually monitor the County of Oswego 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

Dave Turner, Director of Planning

Construction

Andrew Trombley, Director of Purchasing

Environmental Services

William Havner, P.E.,
Environmental Engineer

Maintenance

John Bucher, Superintendent Of Facilities

Design

Christopher N. Baldwin, P.E.

Traffic Safety

Oswego County Traffic Safety Board or
Kurt Ospelt, Highway Superintendent

Right of Way

Christopher N. Baldwin, P.E.

Research

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 conduct 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.
- *See also* the County of Oswego’s *Language Access Plan*, available on the County of Oswego’s website.

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 Disadvantaged Business Enterprise (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.

ENVIRONMENTAL JUSTICE PLAN/ANALYSIS

INTRODUCTION TO ENVIRONMENTAL JUSTICE

A. Definition of Environmental Justice

The U.S. EPA's Office of Environmental Justice defines environmental justice as follows: Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

B. Regulatory Framework of Environmental Justice

Under Title VI and related statutes, each Federal agency is required to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, national origin, age, sex, disability. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all program and activities of Federal-aid recipients, subrecipients and contractors whether those programs and activities are federally funded or not.

On February 11, 1994, President Clinton signed Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The Executive Order requires that each Federal agency shall, to the greatest extent allowed by law, administer and implement its programs, policies, and activities that affect human health or the environment so as to identify and avoid "disproportionately high and adverse" effects on minority and low-income populations.

In April 1997, the U.S. Department of Transportation (DOT) issued the DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations (DOT Order 5610.2) to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. The Order generally describes the process for incorporating environmental justice principles into all DOT existing programs, policies, and activities. (Source: https://www.fhwa.dot.gov/environment/environmental_justice/facts/) The provisions of these laws and orders apply to the New York State Department of Transportation and to all agencies which participate with the County of Oswego via contracts with NYSDOT or a federal agency for the receipt of Federal funds. These include the County of Oswego and any consultants or subcontractors to the above named agencies are required to meet the Title VI provisions.

C. County Responsibilities

The County of Oswego as an organization is responsible for the following:

1. Integration of Title VI Concerns in the Planning Process: The planning process must be structured so that the needs of minority neighborhoods are considered in developing long-range plans and short term improvement programs. It must also ensure minority and non-minority areas are compared in order to provide equitable transportation service and access.
2. Female and Minority Representation on Planning Committees and Advisory Boards: The County should ensure that women, minorities, and persons with disabilities, both individually and through their organizations, are represented in the citizen participation effort, including membership on formal committees, boards, and advisory committees.
3. Public Participation in the Planning Process: The county should ensure that there is adequate opportunity for the public to provide legitimate input into the planning process. This shall be accomplished through timely notification and affording the opportunity for the public to speak at meetings of county Committees, boards, and advisory committees. The County shall also seek and consider input from community partners such as Arise, Inc., Oswego County Opportunities, Inc., Office of the Aging Advisory Committee and the Transportation Coordination Committee.
4. Compliance with the Americans with Disabilities Act of 1990: The MPO should ensure that those projects which are used to meet the requirements of regulations implementing the Americans with Disabilities Act appear in the Annual or Biennial Element of the Plan. The County of Oswego is fully committed to ensuring that its transportation plans, programs, policies, and activities equitably serve the community.

E. Potential Environmental Justice Areas

The County of Oswego has examined the Potential Environmental Justice Areas identified by New York State Department of Environmental Conservation (NYSDEC) as annexed hereto. The County has its own Planning Department and participates as a member of, with representation, upon the CNY Regional Planning Board.

The Potential Environmental Justice (EJ) Areas identified by the DEC are overwhelmingly within the bounds of the City of Oswego and the City of Fulton, as illustrated by the attached three maps. (Appendix F) The county government does not spend federal dollars on road construction projects within incorporated cities as that falls to the respective city governments to receive and disburse same. The county airport which receives federal funds is not within the bounds of any city and lies within the Town of Volney.

The county has a population of 121,223 and a median household income of \$49,571 according to 2016 figures. Approximately 17 percent of the county's population lives in poverty according to www.nyscommunityaction.org. The County of Oswego's Poverty Task Force has examined poverty throughout the county and is working on a report.

The county does however contract for or provide other services within the Cities of Oswego and Fulton where the potential EJ areas are. These include leases to eligible individuals on a county-wide basis including the cities under the county's Section 8 Housing Program (NYS DHCR), Oswego County Department of Social Services assistance (SNAP, HEAP, TANF, etc.), contracts with the respective cities for intermunicipal services and contracts with vendors from the cities under bids or requests for proposals. The county also provides law enforcement, public assistance and other services in the EJ areas as authorized by law.

Insofar as public transportation is concerned, both cities are served by the Central New York Regional Transportation Authority (CENTRO) routes for public transportation services. Those routes run within the City of Oswego and between the City of Oswego and Syracuse. Service is also available in the City of Fulton. As such, both identified potential EJ areas are correctly served. The county and its Transportation Coordination Committee meets monthly.

Oswego County Public Transit, as administered by Oswego County Opportunities, Inc., runs countywide routes and cannot duplicate the same routes as CENTRO. Oswego County Public Transit tries to complement the existing CENTRO routes and other resources. It provides services within the target possible EJ areas identified by DEC. Oswego County is a rural county 962 square miles in area and poverty is spread throughout the county. It is the policy of the county to serve as many residents and towns/areas to the extent practicable with the limited dollars allotted. The county is also aware that the challenges faced by the rural poor are different from those in cities as the lack of transportation in a rural environment may hinder or prevent access over greater distances to medical care, work or grocery shopping for instance where these services may be closer by in a city environment.

The county's plan is to continually monitor needs for public transit and to make certain that EJ areas are included in ongoing service and future planning for enhanced services without duplicating the efforts of other transportation providers to promote a more sustainable, integrated system. There are pronounced needs for transportation throughout the county and the lack of transportation is a barrier to the job market for some. For others, transportation is needed for basic living needs such as medical care or grocery shopping.

The County of Oswego receives ongoing input from a variety of community partners monthly and/or quarterly through the Oswego County Airport Advisory Board, the Transportation Coordination Committee, and the Fair Housing Council to help it not only meet its Title VI goals, but to be more effective in the delivery of services. The county has also had the benefit of input from the Poverty Task Force as to how a variety of county services can be better focused or improved.

VI. OVERVIEW OF RESULTS AND RECOMMENDED STRATEGIES

A. Conclusions

This report is preliminary and the analysis is ongoing. County Planning staff will continue to augment the methodologies used in this report by reviewing efforts of other organizations undertaking similar studies, seeking out new data sources, and through further consultation with representatives of the general community and target community concerning environmental justice issues. If authorized by the legislature, an outside vendor may assist in the development of a more comprehensive plan.

In general, the measures used for the analysis did not reveal significant environmental justice issues. It can be concluded that there is an absence of any disproportionate adverse impacts on the target population, and the benefits of the transportation system seemed to be proportionately spread amongst the total population

B. Recommendations for Improving Data

NYSDEC information was used for this environmental justice analysis which mirrors U.S. Census data. The census is the most detailed and comprehensive set of information available. This will likely remain true throughout the future, and will therefore remain the best information source to measure the environmental justice compliance of Oswego County regarding transportation planning and policy. Opportunities to consider other sources of data will exist, however, when environmental justice analyses are performed for future improvement programs. The county has recently contracted with the Onondaga County Division of Purchase for purchasing which will specifically solicit and track MWBE/DBE participation on Oswego County Bids/RFPs.

It is recommended that a more comprehensive, long range Environmental Justice Plan be commissioned.

Title VI Coordinator's Responsibilities

As authorized by the name of CEO, the Title VI Coordinator and Title VI Program Specialists are responsible for initiating, monitoring, and ensuring the County of Oswego's compliance with Title VI requirements as follows:

1. Process, review and investigate Title VI complaints received by the County of Oswego in accordance with the County of Oswego'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 the County of Oswego. It is the goal of the County of Oswego 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, County of Oswego 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 County of Oswego 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 County of Oswego Departments and employees 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. The County of Oswego 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 remedial action where necessary shall be reduced to writing 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.

The County of Oswego will seek the cooperation of the subrecipient in correcting deficiencies found during the Title VI compliance reviews. The County of Oswego 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, the County of Oswego will submit a copy of the case file to NYSDOT's Office of Civil Rights or the FHWA along with 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 the County of Oswego's Title VI Program. This will include federal laws, rules and regulations, NYSDOT guidelines, the County of Oswego 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 the County of Oswego.

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 complainant is not required to use the County's attached Complaint form, but such form shall, in all instances, be made available to complainants in order to simplify the written requirements for all complaints.

A formal complaint of discrimination will also be acknowledged and processed even 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, the County of Oswego 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 the County of Oswego's subrecipients of federal highway funds, the County of Oswego will assume jurisdiction and will investigate and adjudicate the case. Complaints against the County of Oswego 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.

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

In cases where the County of Oswego assumes investigation of the complaint, the County of Oswego 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 the County of Oswego'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, the County of Oswego or NYSDOT investigator will prepare an investigative report for the County of Oswego's Title VI Coordinator and the name of Chair of the Legislature. The report will include a narrative description of the incident, identification of persons interviewed and findings and recommendations necessary for disposition. The County of Oswego's Title VI Coordinator 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 Oswego County Attorney's Office for review. The County Attorney will review the report and associated documentation and will provide input within 10 calendar days.

Any comments or recommendations from the Oswego County Attorney's Office will be reviewed by the CEO. There will be a period of 10 calendar days for the CEO to discuss the report and any recommendations with the name of subrecipient'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).

The County of Oswego'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.

The County of Oswego 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 the County of Oswego 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, the County of Oswego will notify all parties involved of 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?

Where did the alleged discrimination occur?

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?

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

Attachment 1

Title VI Notice to Public

The County of Oswego hereby gives public notice that it is the County of Oswego'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 the County of Oswego 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 the County of Oswego. Any such complaint must be in writing and filed with the City 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.OswegoCounty.com or by calling (315) 349-8235.

Attachment 2

Standard Title VI/Non-Discrimination Assurances

The County of Oswego (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 (*Name of Appropriate Program*):

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 (*Name of Appropriate Program*) and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

" County of Oswego, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US. 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, County of Oswego also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the (*insert Agency name*) 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 (*insert Agency name*). You must keep records, reports, and submit the material for review upon request to (*insert Agency name*), 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.

County of Oswego 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 under the (*Name of Appropriate Program*). 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 the *(Name of Appropriate Program)*. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

County of Oswego

by _____ Dated _____

(Signature of Authorized Official)

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 the Recipient or the *(Title of Modal Operating 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 the *(Title of Modal Operating*

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 *(Title of Modal Operating 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 *(Title of modal Operating 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 the County of Oswego will accept title to the lands and maintain the project constructed thereon in accordance with *(Name of Appropriate Legislative Authority)*, the Regulations for the Administration of *(Name of Appropriate Program)*, and the policies and procedures prescribed by the *(Title of Modal Operating 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 the *(Title of Recipient)* 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 *(Title of Recipient)* 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 the *(Title of Recipient)*, its successors and assignees.

The *(Title of Recipient)*, 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 the (*Title of Recipient*) 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 the (*Title of Recipient*) 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, (*Title of Recipient*) 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, the (*Title of Recipient*) will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the (*Title of Recipient*) 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 County of Oswego 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, County of Oswego 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, County of Oswego will there upon revert to and vest in and become the absolute property of County of Oswego 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:

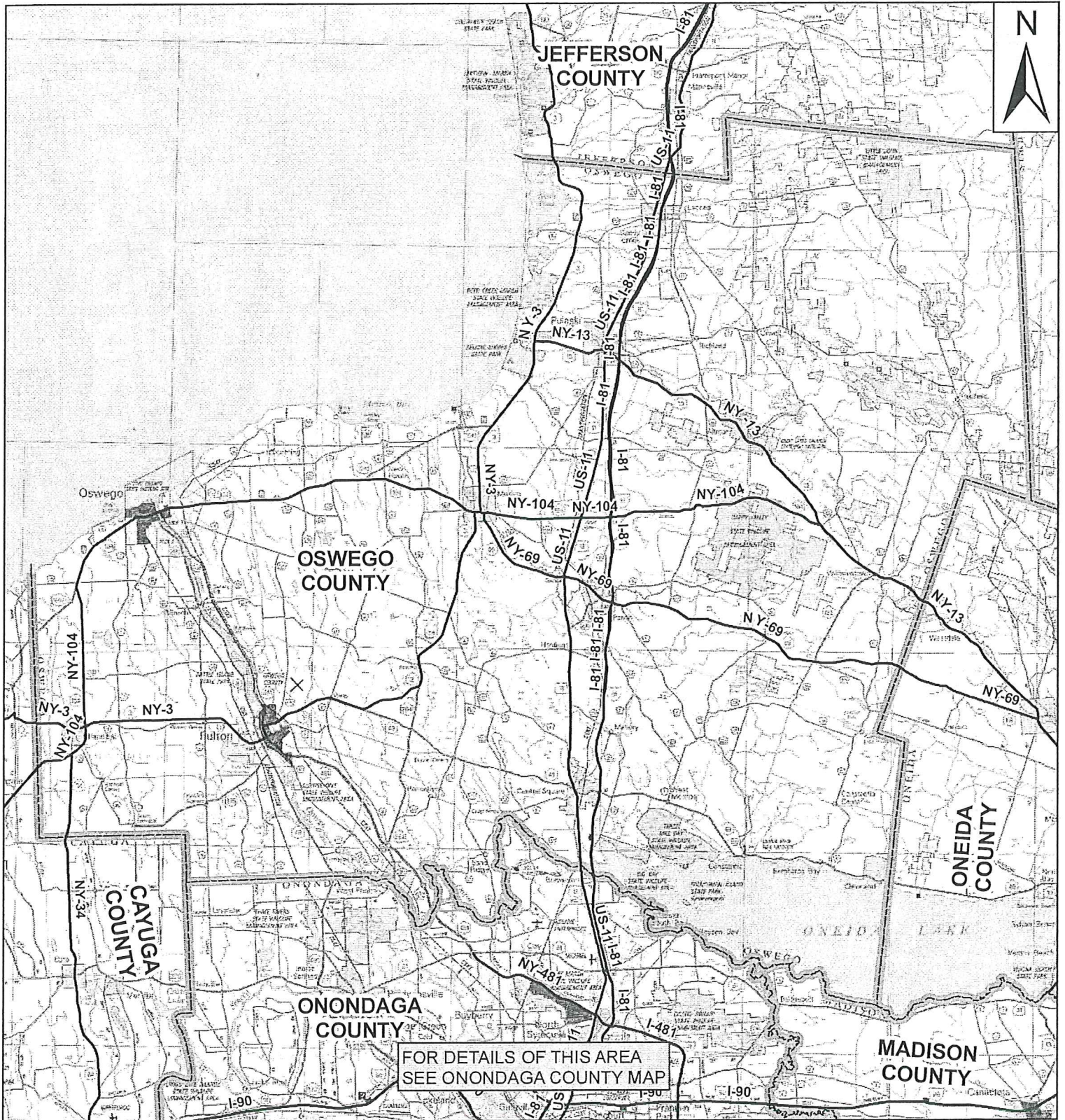
- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair 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.P.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).

APPENDIX F

Potential Environmental Justice Areas in Oswego County, New York

Click on any Potential EJ Area outlined in blue for a detailed map





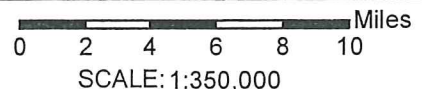
This computer representation has been compiled from supplied data or information that has not been verified by NYSDEC. The data is offered here as a general representation only and is not to be used for commercial purposes without verification by an independent professional qualified to verify such data or information.

NYSDEC does not guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance.

Data Source for Potential Environmental Justice Areas:
U.S. Census Bureau, 2000 U.S. Census

Legend

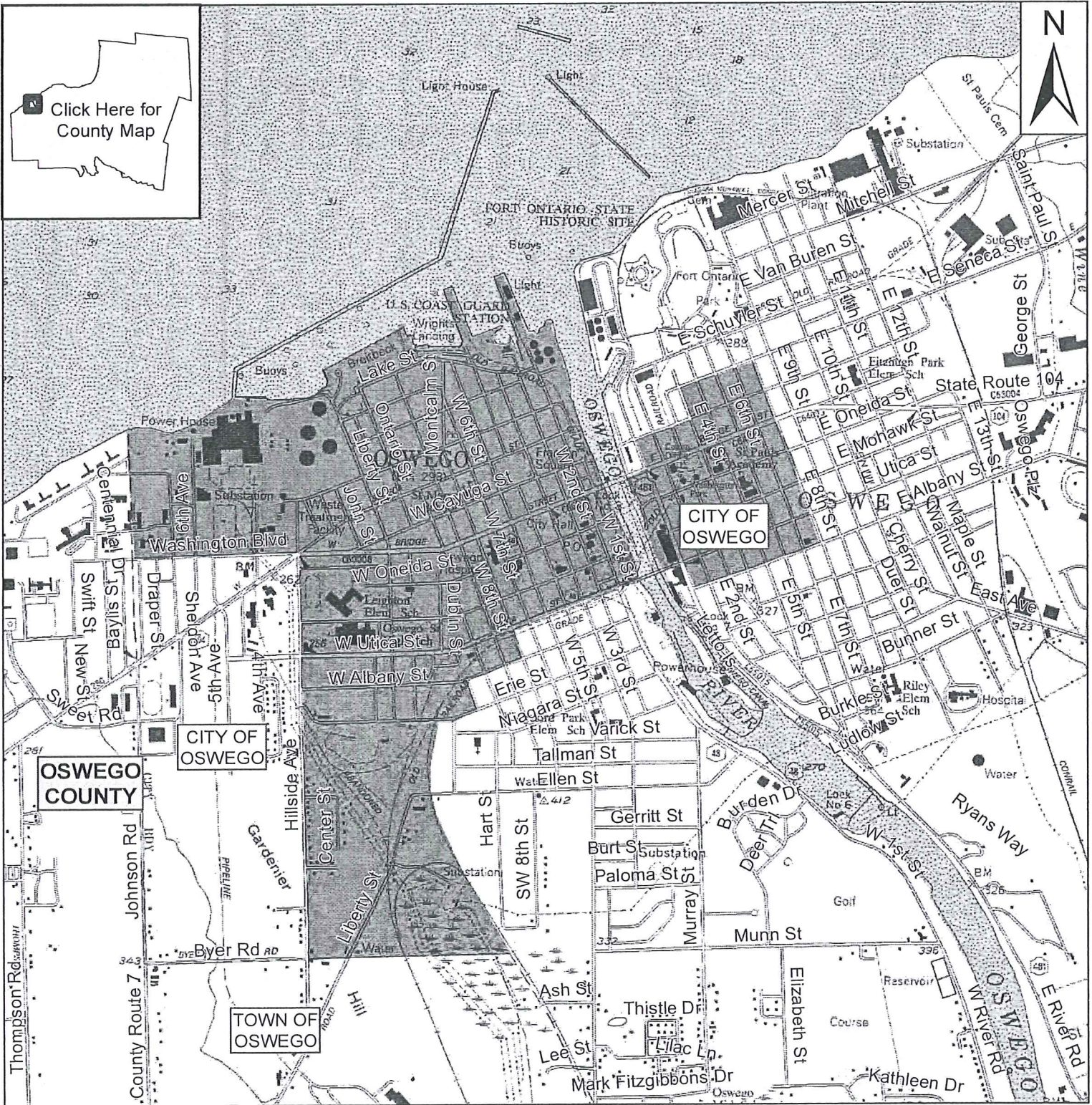
-  Potential EJ Area
-  County Boundary



For questions about this map contact
New York State Department of
Environmental Conservation
Office of Environmental Justice
625 Broadway, 14th Floor
Albany, New York 12233-1500
(518) 402-8556
ej@gw.dec.state.ny.us



Potential Environmental Justice Areas in the City of Oswego Oswego County, New York



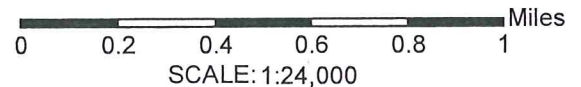
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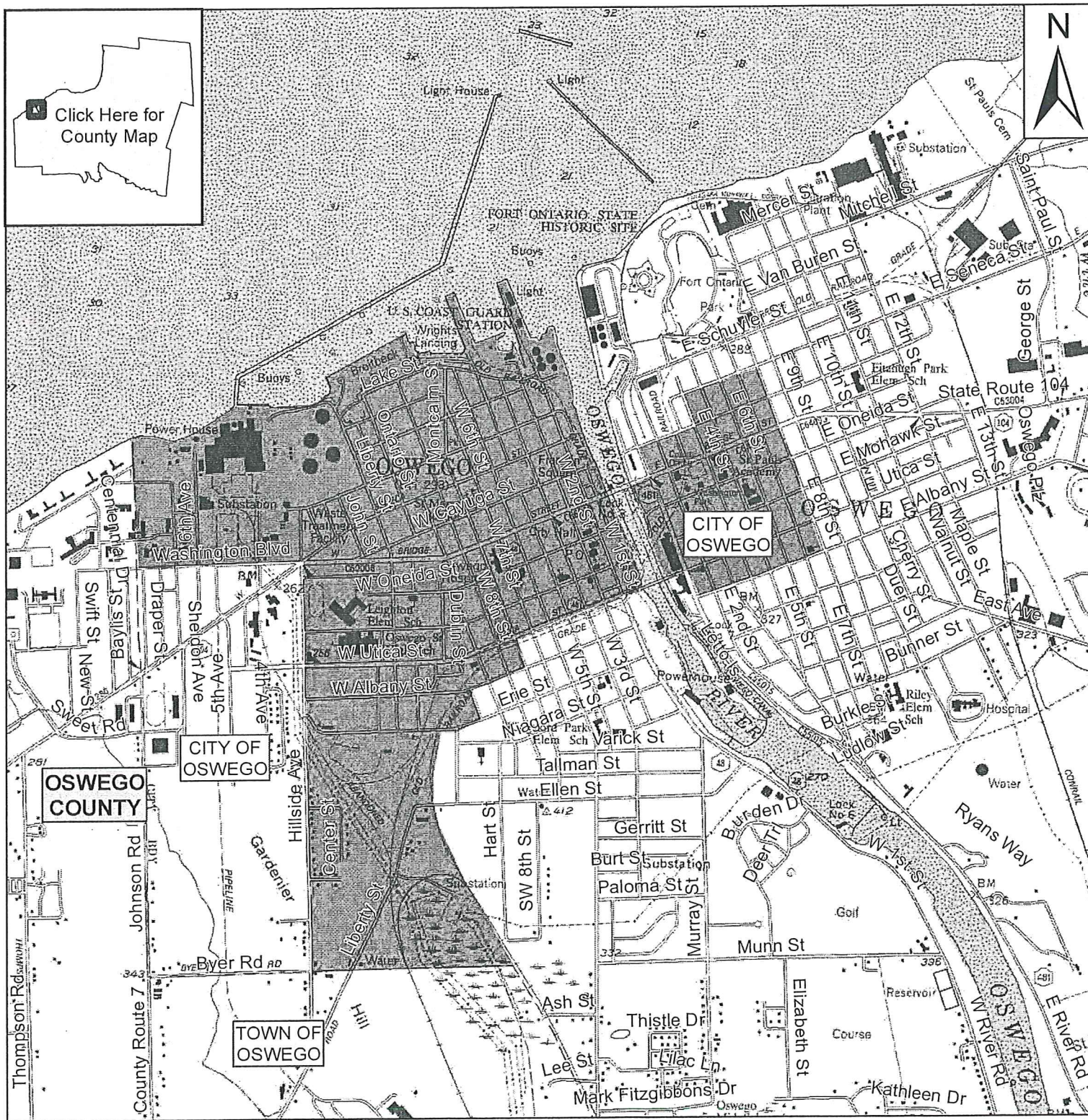
-  Potential EJ Area
-  County Boundary
-  Waterbodies



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New York State Department of
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Office of Environmental Justice
625 Broadway, 14th Floor
Albany, New York 12233-1500
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ej@gw.dec.state.ny.us



Potential Environmental Justice Areas in the City of Oswego Oswego County, New York





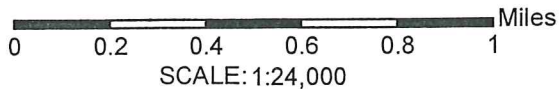
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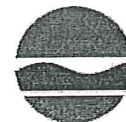
Data Source for Potential Environmental Justice Areas:
U.S. Census Bureau, 2000 U.S. Census

Legend

-  Potential EJ Area
-  County Boundary
-  Waterbodies

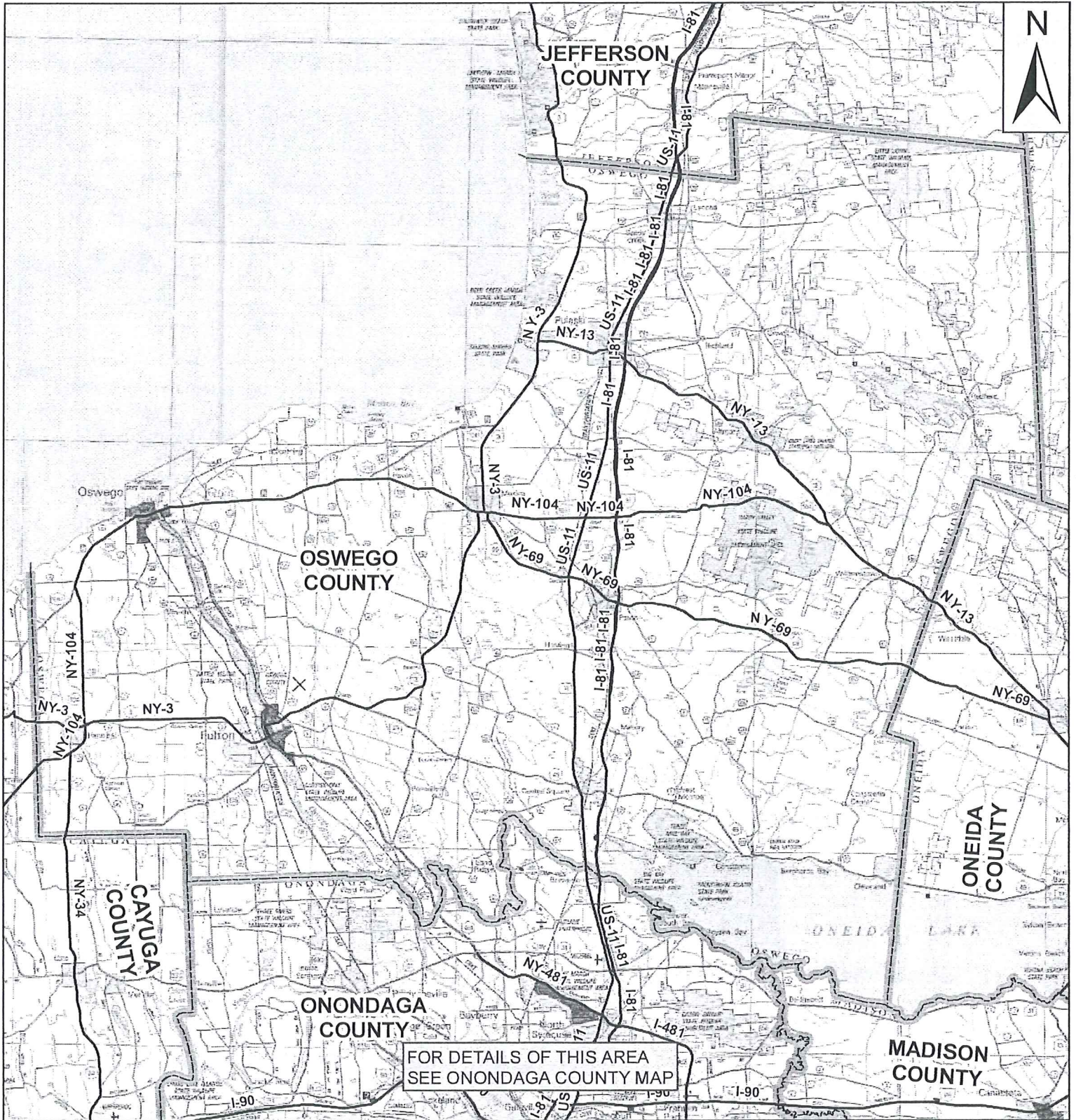


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Potential Environmental Justice Areas in Oswego County, New York

Click on any Potential EJ Area outlined in blue for a detailed map





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Data Source for Potential Environmental Justice Areas:
U.S. Census Bureau, 2000 U.S. Census

Legend

-  Potential EJ Area
-  County Boundary

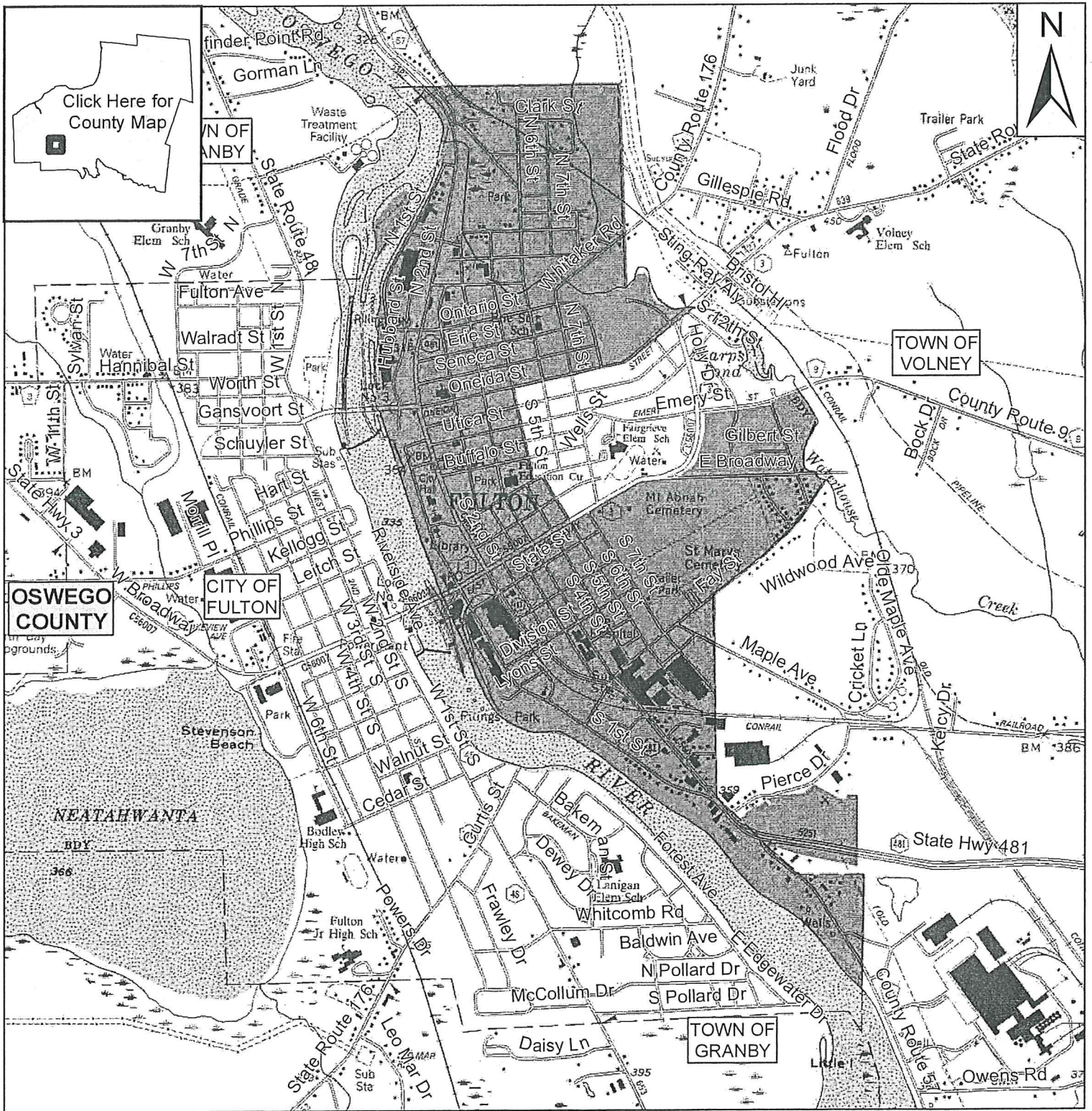


SCALE: 1:350,000

For questions about this map contact
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Environmental Conservation
Office of Environmental Justice
625 Broadway, 14th Floor
Albany, New York 12233-1500
(518) 402-8556
ej@gw.dec.state.ny.us



Potential Environmental Justice Areas in the City of Fulton Oswego County, New York






This computer representation has been compiled from supplied data or information that has not been verified by NYSDEC. The data is offered here as a general representation only and is not to be used for commercial purposes without verification by an independent professional qualified to verify such data or information.

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Data Source for Potential Environmental Justice Areas:
U.S. Census Bureau, 2000 U.S. Census

Legend

-  Potential EJ Area
-  County Boundary
-  Waterbodies

0 0.2 0.4 0.6 0.8 1 Miles

SCALE: 1:24,000

For questions about this map contact
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Office of Environmental Justice
625 Broadway, 14th Floor
Albany, New York 12233-1500
(518) 402-8556
ej@gv.dec.state.ny.us





Employee Training Plan

Title VI of the Civil Rights Act of 1964

COUNTY OF OSWEGO

46 East Bridge Street

Oswego, NY 13126

Phone: 315-349-8235

Email: Phil.Church@OswegoCounty.com

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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 the County of Oswego responsibility to provide Title VI training to all of its current employees.

Title VI and ADA Nondiscrimination Statement

The County of Oswego adheres to the Title VI of the Civil Rights Act of 1964 Compliance Plan. The County of Oswego 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 County of Oswego Title VI Civil Rights Coordinator, at (315) 349-8230.

The County of Oswego also follows the New York State Department of Transportation's Americans with Disabilities Act Grievance Procedure. The County of Oswego 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. The County will accommodate anyone who may need special assistance and makes a request with adequate notification, preferably 48 hours before a scheduled meeting or open house.

The County of Oswego is committed to a policy of non-discrimination in conducting its business, including its Title VI responsibilities. The County of Oswego recognizes its responsibilities to the citizens for whom it carries out its transportation planning processes and to the communities it

serves.

Education and Training

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

Internally, the County of Oswego offers a Title VI training administered by the Title VI Coordinator in accordance to Title VI and ADA requirements. This training has also been video recorded 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 Coordinator. It is also a requirement for current County of Oswego staff to participate and refresh themselves in the Title VI training annually. The Title VI training can be accomplished by attending training put on by the Title VI Coordinator or by watching a Title VI training video. It is a requirement for new employees to participate in the Title VI training or watch the training video within 60 days of hire with the County of Oswego.

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

Appendix A: Title VI Complaint Procedure

The Complaint Procedure meets the requirements of the Civil Rights Act of 1964 and its amendments. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of race, color, or national origin in the provision of services, activities, programs, or benefits by the County of Oswego. Complaints regarding transit-related concerns are

governed by special requirements from the FTA.

Should a citizen have a complaint about access to public services, they should complete the attached complaint form and submit it to the County of Oswego's Title VI Coordinator. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant, location, date, and description of the problem. The attached form provides spaces for all necessary information.

The complaint should be submitted by the complainant or their designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Title VI Coordinator
Phil Church
County Administrator
County of Oswego
46 East Bridge Street
Oswego, NY 13126

Within 30 calendar days after receipt of the complaint, the Title VI Coordinator or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days of the meeting, the Title VI Coordinator or their designee, in consultation with the Oswego County Attorney's Office, will respond in writing. The response will explain the position of the Coordinator and other options for substantive resolution of the complaint.

If the response by the Title VI Coordinator or their designee does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision within 15 calendar days after receipt of the response to the County of Oswego. City's Title VI Appeals Committee. The appeal should take the form of a written letter describing the initial complaint, the initial response, and the ways in which the initial response does not satisfactorily address the complaint. The appeal should be sent to the same address the initial complaint was delivered to.

The Title VI Appeals Committee will consist of representatives from three

departments not involved in the complaint. The departments will be chosen at random. The three representatives will choose one individual among them to serve as chair of the committee. The County Attorney's Office will serve to advise the committee.

Within 30 calendar days after receipt of the appeal, the County of Oswego Title VI Appeals Committee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the County of Oswego's Title VI Appeals Committee will respond in writing.

All complaints received by the Title VI Coordinator or their, appeals to Title VI Appeals Committee, and responses from these two offices will be retained by the City Clerk's Office for at least five years.

If you are unsure about the appropriate office to address a complaint to or if you need assistance navigating procedures, complaints of any type can be filed with the New York State Human Rights Commission.

Title VI of the 1964 Civil Rights Act
Discrimination Complaint Form

Instructions: Please fill out this form in black ink or type. Sign and return to the Address on the next page. Alternate means of filing a complaint, such as a personal interview or audio recording, will be made available upon request.

Home phone: _____ Mobile Phone: _____

Person Filing Complaint: _____
(if other than complainant)

Address: _____

City, State, & Zip: _____

Home phone: _____ Mobile Phone: _____

Agency Department/Departments you believe have discriminated.

Where did the alleged discrimination take place?

When did the alleged discrimination occur? (Date/Time) _____

Describe the acts of discrimination providing the name(s) where possible of the individuals who allegedly discriminated (if applicable) or services in violation of the 1964 Civil Rights Act or its amendments. Attach additional pages if necessary

Has the complaint been filed with another bureau of the Department of Justice or any other Federal, State, or local civil rights agency or court?

Yes No

If yes, with what agency or court?

Contact Person: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Date Filed:

Do you intend to file with another agency or court? _____

Yes No

Agency or Court: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Signature _____

Date _____

Return To:

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

STANDARD DOT TITLE VI ASSURANCES

County of Oswego (hereinafter referred to as the Sponsor) hereby agrees that as a condition to receiving Federal financial assistance from the Department of Transportation (DOT), it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) and all requirements imposed by 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") to the end 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 otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. Without limiting the above general assurance, the Sponsor agrees concerning this grant that:

1. Each "program" and "facility" (as defined in Section 21.23(a) and 21.23(b)) will be conducted or operated in compliance with all requirements of the Regulations.
2. It will insert the clauses of Attachment 1 of this assurance in every contract subject to the Act and the Regulations.
3. Where Federal financial assistance is received to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
4. Where Federal financial assistance is in the form or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
5. It will include the appropriate clauses set forth in Attachment 2 of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Sponsor with other parties:
 - (a) for the subsequent transfer of real property acquired or improved with Federal financial assistance under this project; and
 - (b) for the construction or use of or access to space on, over, or under real property acquired or improved with Federal financial assistance under this Project.
6. This assurance obligates the Sponsor 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 Sponsor or any transferee for the longer of the following periods:
 - (a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - (b) the period during which the Sponsor retains ownership or possession of the property.
7. It will provide for such methods of administration for the program as are found by the Secretary of transportation of the official to whom he delegates specific authority to give reasonable guarantees that it, other sponsors, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the act, the Regulations, and this assurance.

STANDARD DOT TITLE VI ASSURANCES (Continued)

8. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining Federal financial assistance for this Project and is binding on its contractors, the Sponsor, subcontractors, transferees, successors in interest and other participants in the Project. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Sponsor.

DATED June 14, 2018

County of Oswego
(Sponsor)

Shane Broadwell
(Signature of Authorized Official)
Shane Broadwell, Chairman of the
Oswego County Legislature

Title VI Notice to the Public

The County of Oswego 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 the County of Oswego's 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 be otherwise subjected to discrimination under any program or activity for which the County of Oswego 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 the County of Oswego 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 or to obtain a Title VI Complaint Form and instructions on how to file a discrimination complaint, contact:

Phil Church, County Administrator, Title VI Coordinator

County of Oswego
46 East Bridge Street
Oswego, New York 13126

315-349-8235 Fax: 315-349-8237

Complaint Form Available at: www.oswegocounty.com



Limited English Proficiency (LEP) Plan AND LANGUAGE ASSISTANCE PLAN (LAP)

Oswego County, New York

Revised and restated: May, 2018

Signed by: Jim Brudell

INTRODUCTION

This Limited English Proficiency (hereinafter "LEP") Plan has been prepared to address Oswego 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, entitled 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 their sub recipients.

PLAN SUMMARY

Oswego County has developed this LEP Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided by Oswego County. 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-andstrategy/publictransrespository/Attachments/2018-1-LEP_Plan.pdf.

In order to prepare this plan, Oswego 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 Oswego County;
- 2) The frequency with which LEP persons come in contact with Oswego County services;
- 3) The nature and importance of services provided by Oswego County to the LEP population; and
- 4) The interpretation services available to Oswego 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 by Oswego County.

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

a. of the 114,898 persons residing in the county over the age of 5 years old, 4,820 individuals in Oswego County's service area, comprising 4.8% of the population, speak a language other than English;

b. Of those, 1,172 individuals have limited English proficiency; that is, they speak English less than "very well" or "not at all." This is only 1.0% of the overall population in the service area;

c. In Oswego County's service area, of those persons with Limited English Proficiency:

- 1.9 % speak Spanish
- 1.8 % speak Other Indo European Languages
- 0.3 % speak Asian and Pacific Islander Languages
- 0.2% identified as speaking all other Languages

d. In a departmental survey, detailed further below, the most common interaction was with Spanish-speaking individuals. The second most common language encountered was French. Other languages encountered by county departments in 2014-2015 include Russian and Serbo-Croatian.

Departments documented 18 LEP contacts from 2014 to date. This does not include the interviewing of persons in a law enforcement investigation or testimony in a court setting.

2) The frequency with which LEP persons come in contact with Oswego County's services.

In 2015, Oswego County conducted a Multilingual Survey of all of its departments in order to review the frequency with which each department has contact with LEP persons, and the resources used by those departments encountering LEP persons. Consistent with the LEP data set forth above, the survey results reflected that the LEP population most commonly in contact with Oswego County's services is the Spanish-speaking population. The departments with the most frequent LEP contact were Oswego County E-911, the Oswego County Sheriff's Office, Oswego County Probation, Oswego County Community Development, Tourism and Planning Department (Housing), Office for the Aging and the Department of Social Services.

A Multilingual Survey will be periodically circulated to all County departments in order to assess changes in the frequency of contact with LEP persons and department needs with regard to LEP services.

3) The nature and importance of services provided by Oswego County to the LEP population.

There is no large geographic concentration of any type of LEP group in the service area for Oswego County. The overwhelming majority of the population, 95.8%, speaks only English. As a result, there are few social, service, or professional and leadership organizations within the Oswego County service area that focus on outreach to LEP individuals. Oswego County's staff are most likely to encounter LEP individuals through office visits, phone conversations, notifications from department staff regarding the results of service delivery, law enforcement activities, and attendance and participation at public meetings.

4) The resources available to Oswego County, and overall cost to provide LEP assistance.

Departments surveyed provided the interpreter services they utilize or which are available under state contract. The following information was provided:

- Pacific Interpreters
- Language Line Services - 1-800-744-4344
- Language Service Associates
- Multicultural Association of Medical Interpreters (MAMI)
- Bi-lingual Spanish-speaking county staff
- Court-appointed Interpreters (limited to judicial proceedings)
- SUNY Oswego Language Department staff
- Other interpreting services with eligible contracts through Onondaga County Purchasing

Additionally, several departments used the following free interpreter services:

- Google Translate/iPhone applications
- Spanish Action League interpreters
- HAVA BMP voting machines can currently be programmed in several languages as needed
- Local volunteer interpreters
- United States Border Patrol, Station Oswego (law enforcement)

A list of available interpreters for various languages, with contact information, will be distributed to all Oswego County department heads after the adoption of the plan and on a yearly basis thereafter.

LANGUAGE ASSISTANCE

A person whose primary language is not English and who has a limited ability to read, write, speak or understand English may be a person with Limited English Proficiency and may be eligible to receive language assistance with respect to Oswego 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).

Oswego County staff can identify persons with LEP in need of language assistance by:

- Posting notices on the Oswego County website regarding this LEP Plan and the availability of interpretation or translation services upon request;
- Providing Oswego County staff with language identification cards to assist in identifying the language interpretation services needed if the occasion arises;
- Posting a notice of available language assistance at County activities and public meetings to encourage LEP persons to self-identify;
- Creating a service-site inquiry and identification process, using validated LEP Tracking Forms;
- Reaching out to local organizations and not-for-profit service agencies for assistance in identifying LEP persons for the purpose of notifying them about the County's LEP plan;
- Observing the need for LEP services when interacting with the public in Oswego County such as utilizing greeters, along with sign-in sheet(s) at a public hearing; and
- Periodically surveying Oswego County staff regarding their interaction with LEP persons.

Although there is a very low percentage of LEP individuals in the Oswego County service area, Oswego County is taking, or will take, the following actions to accommodate LEP persons:

1) Oswego County staff will take reasonable steps to provide the opportunity for meaningful access to all information, services and programs for LEP clients who have difficulty communicating in English;

2) The Oswego County website will include a "Google translate" option that allows LEP persons to view the website in their own language when updated;

3) Upon request, Oswego County will provide LEP individuals, free of charge, with interpreter or translation services related to a County program or service.

Requests for services should be submitted to:
 Title VI Coordinator, Oswego County Compliance Officer
 Office of the Oswego County Administrator
 46 East Bridge Street
 Oswego, NY 13126

4) Lists of available interpreter services will be uniformly distributed to all departments. The resources available to accommodate LEP persons, as detailed above, include both free and paid interpreter services.

Language Assistance Measures

The two types of language services are interpretation and translation. Interpretation is the immediate rendering of oral (or spoken) language from the source language into the target language.

Translation is the rendering of a written text from one language (source language) into another language (target language).

Offer of Assistance

Where interpretation/translation is necessary to provide meaningful access to County programs, activities, and services, LEP persons will be advised that the County will provide a competent interpreter/translator at the County's expense, or they may secure the assistance of an interpreter/translator of their choice at their own expense. The provision of this notice and the LEP person's election will be documented in writing.

Quality

The County will take reasonable steps to ensure that it provides high-quality Interpretation and translation services through individuals who are competent to provide those services at a level of fluency, comprehension, and confidentiality appropriate to the specific nature, type, and purpose of the information at issue.

Competency of Bilingual Services

The County will monitor, document, and report whether bilingual staff or contractors performing language services possess the required levels of bilingual proficiency and interpretation and translation skills. In addition, the County will organize training for bilingual staff on interpreter ethics and standards.

Unacceptable Practices

County staff should avoid using family members or friends to interpret or translate for LEP persons. If the LEP person insists upon using a family member or friend, this should be allowed only after the staff person has offered free language services and such offer has been refused in writing. Minor children should never be used to provide language services, except in emergencies.

Translation of Vital Documents

In addition to oral language services, written language services will be made available for free. Vital documents that meet the "safe harbor" threshold will be translated into the most spoken language of the language group and any other language upon request. Vital documents are defined as those documents without which a person would be unable to access services.

Language Services Contracts

The language services providers are (1) Language Line Services and (2) Empire Interpreting Services. Based on the executed agreements or piggybacking off from agreements awarded by other counties, the vendors conduct on-site training so staff can become more proficient in accessing and interfacing with language service technology.

Over-the-Phone Interpretation Services

Language Line Services; Tel.: 800-752-6096; Website: www.LanguageLine.com.

Written Translation and On-Site American Sign Language Interpretation Services

Empire Interpreting Service, 220 S. Warren Street, Suite 1001, Syracuse, NY, 13202; Tel.: 315-472-1383; Fax: 315-472-8032; Website: www.empireinterpreting.com

Language Assistance Volunteers

The County has in the past utilized the language assistance services of bilingual staff members, on a voluntary basis. Continuing that practice, the County will submit a notice to all department heads for the purpose of soliciting volunteers who are bilingual and able to assist in providing interpretation and translation services. The County will screen volunteer candidates to ensure that they possess or are able to obtain the required qualifications, competencies, and skills. The County will maintain the list of Language Assistance Volunteers and will make this list accessible on the County's intranet website.

Language Assistance Volunteers already will be familiar with the agency's technical terms and specific programs. Performing language services will be a collateral duty for these volunteers and is subject to supervisory approval and workload constraints. In addition, the County will organize basic appropriate training for bilingual staff.

Access to Public Meetings

Meetings held by the Legislature, its committees, and statutory boards are open to the public pursuant to the Open Meetings Law. These public meetings focus on topics of varying levels of interest to the public.

The County has had limited interactions with LEP persons at its Legislature, committee, and board meetings, and County staff have not been aware of requests for language services to date. Regardless of a limited need in the past, however, the County remains committed to providing meaningful access to County meetings, such as an oral interpreter present at a public meeting or written translation services for the various background or supporting documents associated with the public meeting, including a summary of a presentation or the transcript.

As it might be difficult to acquire language services in advance of a public meeting for every request, staff will arrange for ways LEP persons can access relevant information after the meeting. For example, staff can display a sign, translated into the five most commonly spoken languages in the

County, asking whether LEP persons want to request certain translated information and then make the appropriate arrangements.

Training Staff

County department heads, directors, and managers are crucial in implementing LEP policy. Copies of the LEP plan shall be distributed to all department heads, directors, and managers, and it is their responsibility to disseminate LEP plan information to appropriate administrative staff. Department heads should ensure staff understands Title VI responsibilities. A summary of the LEP plan shall be included in the employee handbook and addressed during new employee orientation.

It is also important that staff members, especially those having contact with the public, are aware of, and understand their obligation to provide meaningful access to information and services for LEP persons. Even staff members who do not interact regularly with LEP persons should be aware of and understand the LEP plan. Properly training staff is a key element in the effective implementation of the LEP plan.

For this purpose, the County will develop a training program for department heads and all other County employees expected to implement the language assistance services set out in the County's LEP Plan. At the conclusion of the training, these employees should be knowledgeable about the: a) LEP Program, b) LEP regulations and how to comply with requirements, c) the nature and scope of language assistance services and resources available to them and d) the procedures through which they may access those services to assist in the discharge of their respective duties.

Providing Notice to LEP Persons

County offices must provide reasonable notification to eligible LEP persons in such a way that they will understand that language services are available. A LEP person's awareness of his/her rights or the services available to him/her contributes to meaningful access. Effective outreach to the public is essential to provide reasonable notice to LEP persons.

To achieve effective outreach, County offices:

- Must consider the appropriate mix of print, radio, and/or television notices in both mainstream and ethnic media outlets; and
- Should continue to make contact with community organizations, who can help advise on the nature of the local population and the most effective measures to provide reasonable notice to them.

As the County continues to target outreach efforts in local communities and LEP populations, it is anticipated that it will encounter more eligible LEP populations and will have to reassess their needs.

Monitoring and Updating the LEP Plan

This plan is designed to be flexible and should be viewed as a work in progress. The County will evaluate and monitor its implementation on an annual basis to ensure that the scope and nature of the language services provided under the Plan reflect updated information on relevant LEP populations, their language assistance needs, and the experience of County staff and is consistent with the objectives of the LEP Program.

The County Administrator will meet with department heads on an annual basis to identify barriers to language access, consult with stakeholders, and formulate strategies and responses to overcome the barriers to meaningful language access. The group will also discuss LEP encounters and feedback from LEP persons served and share best practices in language assistance and public outreach regarding each department's LEP efforts. Feedback from the LEP community will be sought through community outreach events and presentations to determine the effectiveness of the plan in reaching LEP persons.

In evaluating the plan, it is important to consider whether new documents and services need to be made accessible for LEP persons, and also to monitor changes in demographics and types of services, and to update the LEP plan when appropriate. After consulting with the department heads, the County Administrator or designee will make any necessary updates to this Plan.

Each update should examine the following:

- How many LEP persons were encountered?
- Is the existing language assistance meeting the needs of LEP persons?
- Has there been a change in the types of languages where services are needed?
- Have available resources, such as technology, staff and finances changed?
- Were any Title VI or LEP complaints received?
- Do new staff members know of and understand the LEP Plan?

STAFF TRAINING

Information and training opportunities regarding the following topics will be provided to staff:

- Title VI Policy and LEP Plan and responsibilities
- Description of language assistance services offered to the public
- Proper use of language identification cards
- Documentation of language assistance requests
- Title VI/LEP complaint procedure

All contractors performing work for Oswego County are required to follow the county's Title VI and LEP Policy and the Purchasing Director or other agency contracted to provide procurement services, shall include this requirement in all contracts and bid/RFP solicitations made on behalf of the County.

TRANSLATION OF DOCUMENTS

Oswego 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, the County has determined that it is an unreasonable burden to translate documents at this time. However, Oswego County does project that, in the near future, its website will offer the "Google translate" option that will allow LEP persons to view the website in their language. All forms which are required to be provided in English and Spanish are available (e.g. NYS Standard Domestic Incident Report (DIR)).

Due to the very small LEP population, Oswego County does not have a formal outreach procedure in place as of 2018. However, if the need arises to conduct outreach to LEP individuals, Oswego County will consider the following options:

- When staff prepares documents or schedules a public meeting whose audience is expected to include LEP individuals, Oswego County will provide meeting notices, direct mailings (where applicable), and agendas in the appropriate language(s);
- Assessment of all requests for the translation of documents based on the potential effect and known LEP population; and
- Hiring additional bilingual staff

MONITORING

Monitoring and Updating the LEP Plan - Oswego 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 becomes available, or when it is clear that higher concentrations of LEP individuals are present in the Oswego County service area.

Updates to the LEP Plan may 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, 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 Oswego County's financial resources to fund language assistance resources;

- Determination of Oswego County's compliance with the goals of the LEP Plan: and
- Determination of Oswego County's processing of Title VI/LEP complaints.

DISSEMINATION OF THE OSWEGO COUNTY LEP PLAN

Oswego County will take the following actions to disseminate the LEP Plan:

- Post the LEP Plan and procedure to access language services on the Oswego County website
- Post signs in areas of Oswego County facilities frequented by the public 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. Where the audience of a public meeting is expected to include LEP individuals, this notice will be placed on the public meeting notice and agenda in the language of the affected LEP persons; and
- Rescind any prior LEP plans previously issued by the departments, as this LEP Plan supercedes same.

OSWEGO COUNTY TITLE VI POLICY STATEMENT

As a recipient of federal and state funds, Oswego County is subject to the requirements and provisions of Title VI of the Civil Rights Act of 1964, as amended. The provisions include but are not limited to, prohibiting discrimination (being denied the benefits of, or being otherwise subjected to discrimination under any program or activity administered by federal or state assisted programs, services and activities) on the grounds of race, color or national origin. 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 following Federal Laws and Executive Orders expand the Title VI nondiscrimination mandate:

The Civil Rights Restoration Act of 1987 clarified the definition of "programs and activities" covered by the nondiscrimination provisions of civil rights statutes. The revised definition states that discrimination is prohibited throughout an entire agency or institution, if any part of that agency receives Federal financial assistance.

The Americans with Disabilities Act (ADA) is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, school, transportation, and all public and private places that are open to the general public. The purpose of this law is to make sure people with disabilities have the same rights and opportunities as everyone else. The ADA has five titles that relate to different areas of public life.

Executive Order 12898 (Environmental Justice or "EJ") seeks 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, and to ensure the full and fair participation by all potentially affected communities in the transportation decision-making process. Executive Order 13166 (Limited English Proficiency or "LEP") ensures individuals whose first language is not English and have a limited capacity to read, write or understand English have meaningful access to programs, information and services by any entity receiving Federal funding.

Oswego County Regulatory Compliance Plan
Adopted by the Oswego County Resolution No.

I. Preamble and Statement of Intent

Federal and State laws require the County of Oswego to enact and implement certain policies and procedures. It is the policy of Oswego County to comply with all applicable federal, state and local laws and regulations, and to adhere to the policies adopted by the Oswego County Legislature.

This Regulatory Compliance Plan (hereafter "this Plan") is intended to ensure that all County officers, employees (both full and part-time), elected officials, volunteers, contractors, consultants, temporary workers, and other agents of Oswego County (collectively referred to as "County Personnel") will comply with the law and report official misconduct in whatever form it may take, so that it may be promptly and thoroughly investigated and appropriate corrective action taken. This Plan is also intended to protect those who in good faith report suspected misconduct from retaliation or intimidation.

II. Statement of Commitment to Ethical Standards

In addition to compliance with all applicable laws, Oswego County is committed to conducting its affairs with integrity based on sound ethical standards and will hold all County Personnel to these same standards. Public office and public employment are positions of public trust, and County Personnel are expected to provide a high level of service that at least meets, if not exceeds, legal requirements.

III. Duties of All County Personnel

It is the duty and responsibility of all County Personnel to report any instances of suspected or known non-compliance with laws or regulations, or other forms of official misconduct, to their immediate supervisors, the County Administrator or the County Compliance Officer (hereafter "CO"). County Personnel shall neither participate in non-compliant behavior nor shall they encourage, direct, facilitate or permit non-compliant behavior to occur in the course of Oswego County operations. Adherence to this Plan shall be a factor in evaluating the performance of all County Personnel.

IV. Reporting, Investigation and Non-Retaliation

County Personnel who reasonably suspect or know of non-compliance or official misconduct must promptly report to his/her immediate supervisor. Failure to report suspected noncompliance, participation in non-compliant behavior or encouraging, directing, facilitating or permitting non-compliant behavior will be grounds for disciplinary action, up to and including termination. If a supervisor fails to act upon a report of non-compliance, or fails to do so in a timely manner, such supervisor shall be subject to appropriate discipline.

If the supervisor is not available, or the reporter has reason to believe that the supervisor or department head is a party to the alleged misconduct, or if the suspected violation presents an immediate or serious danger to the public health or safety, then the reporter shall contact the CO and/or the County Administrator. In addition, any person may submit a report of non-compliance via the County's compliance "hotline" at (866) 951-9367. The County will accept and investigate anonymous reports of non-compliance.

Any person who makes a good faith report of suspected or known non-compliance or official misconduct shall be given all of the protections afforded under state and federal laws. Any individual who threatens or engages in reprisal against a person who acts pursuant to his or her responsibilities under this Plan shall be subject to disciplinary action, up to and including termination.

Any supervisor receiving a report of suspected or known non-compliance shall promptly inform the CO, and coordinate with the CO regarding investigation of the report. The CO shall report to the Compliance Committee (hereafter "CC") which shall be the Finance and Personnel Committee. Any questions or concerns relating to potential non-compliance by the CO must be reported immediately to the County Administrator.

If the CO and/or County Administrator determine that there is a reasonable basis to suspect that an act of non-compliance has occurred, the matter shall be referred to legal counsel and/or law enforcement, who may conduct further investigation if warranted. Appropriate corrective action shall be taken.

Regardless of whether further action is taken, the CO shall maintain a record of all compliance investigations. To the extent allowed by law, such records will be considered confidential and/or privileged, and will not be released without the prior approval of the County Administrator in consultation with legal counsel.

This Plan will be enforced through appropriate disciplinary mechanisms, consistent with the law and the County's various collective bargaining agreements. Any discipline, and the grounds therefore, will be appropriately documented in the employee's personnel file. The Oswego County Human Resources department shall maintain a record of all disciplinary actions taken pursuant to this Plan, and will report annually to the Oswego County Legislature regarding such actions.

Department heads or their designees may confer with, and/or have proposed submissions to regulatory authorities reviewed by, the County's legal counsel before such communication is conveyed to regulators, and counsel may be included in conversations with regulatory authorities regarding compliance issues.

V. Compliance Officer

The Oswego County Legislature designates the Oswego County Administrator as the County's Compliance Officer. In the absence of the County Administrator, the Director of Human Resources, or such person as is designated by the CO, will act as the CO. The CO shall report directly to the Oswego County Administrator, and shall make periodic reports to the Oswego County Legislature. The CO shall be responsible for the day-to-day operation of the County's compliance program.

Responsibilities of the CO shall include: primary facilitation of the Compliance Committee; oversight of the monitoring of County-wide compliance with this Plan; oversight of the development and execution of the annual Compliance Work Plan and annual Report Card of compliance activities; recommending periodic amendments to this Plan to the Oswego County Legislature as appropriate; ensuring the publication of this Plan on the County's website; oversight of internal reviews to monitor the effectiveness of compliance standards and reporting to the CC and the Oswego County Legislature regarding same; guidance of County Personnel regarding regulatory compliance, such as development of internal systems and controls, and internal monitoring procedures; oversight of implementation of training programs for new and existing County Personnel regarding compliance obligations; oversight of the operation of the compliance reporting system; oversight of the timely completion of compliance investigations and appropriate institutional responses; and dissemination of information regarding changes in the regulatory environment as appropriate to County departments and the Oswego County Legislature.

VI. Compliance Committee

The Oswego County Legislature, upon recommendation by the Government Operations Committee, shall appoint, and remove as desired, the members of the Compliance Committee. The CC shall assist the CO in carrying out his/her duties as described above.

VII. Monitoring Reviews

Oswego County is committed to maintaining and measuring the effectiveness of its compliance policies through monitoring systems reasonably designed to detect non-compliance by County Personnel or others. To this end, periodic compliance reviews by qualified internal and/or external personnel shall be conducted to assess, among other topics: risk levels within County departments, internal controls and review of external audits, relationships with third-party contractors, especially those with substantive exposure to government enforcement actions documentation and billing relating to claims made to federal, state and other payers for reimbursement; and effectiveness of any corrective action plans in meeting applicable standards. Internal review findings will be reported to the CC as reviews are completed. The CO will report review findings to the Oswego County Legislature and/or the appropriate committee of the Oswego County Legislature.

All department heads will immediately notify the CO and/or County Administrator in the event of any non-routine visits, audits, investigations or surveys by any outside governmental agency or authority. Copies of any notice(s) of intent to audit received by any County department from any outside governmental agency or authority shall be promptly sent to the CO.

VIII. Disclosures and Background Investigations

Pursuant to applicable law and as otherwise appropriate, Oswego County will conduct a background investigation and reference check as part of the pre-employment process. All County Personnel shall cooperate with background investigations or exclusion screening as consistent with the law.

County Personnel may be subject to state and federal ethics laws and the Oswego County Code of Ethics, and may be required to file annual financial disclosure conflict of interest statements.

IX. Communication and Training

Oswego County will publish this Plan on its website, make it known to County officials and employees through participation in mandatory training programs, and incorporate it into the new employee orientation. Such training shall include prohibitions against official misconduct, conflicts of interest, the duty to report suspected or known misconduct, and non-retaliation against persons who in good faith report suspected or known misconduct. Individual departments may also receive training on department-specific risk and enforcement topics. Failure to participate in required compliance training will result in disciplinary action as appropriate.

Training participation will be documented by department heads and/or the Oswego County Human Resources Department and reported to the CO on a semi-annual basis. The CO will ensure that periodic internal reviews of adherence to this standard are completed and reported to the CO.

