

TITLE VI PROGRAM COMPLIANCE PLAN

Policy Statement:

The Florida Department of Highway Safety and Motor Vehicles is committed to eliminating and preventing unlawful discrimination in the workplace and in all of its programs and activities, whether those programs are federally funded or not. The Department will ensure compliance with 49 CFR Part 21 and 49 CFR Part 303 as specified in the Standard Title VI/NonDiscrimination Assurances document.

The Title VI Program Coordinator is responsible for administering the Department's Title VI Program and Related Statutes in accordance with Federal guidelines.

The Executive Director delegates authority and responsibility to his/her direct reports and all Department personnel to assist the Title VI Program Coordinator in his/her efforts to ensure that the Department effectively implements the Title VI Program.

Executive Director's Signature: _____



Date: _____

6-28-16

FMCSA Title VI Program Assurance:

The Department completed and submitted the Title VI Program Assurance with the 2016 MCSAP application. A copy is included with this document.

Description of Federal-Aid Programs:

The Department is the recipient of several federal fiscal year 2015 and 2016 FMCSA grants including Motor Carrier Safety Assistance Program (MCSAP) Basic and Incentive, New Entrant, and High Priority grants.

The MCSAP Basic and Incentive grant focuses on reducing the number and severity of commercial motor vehicle (CMV) related crashes, protecting the state's highways and bridge systems from accelerated damage, and removing dangerous motor carriers, drivers, and vehicles from our roadways. Activities include roadside inspections, traffic enforcement, compliance investigations, outreach to the industry and public, and maintaining data quality.

The MCSAP New Entrant grant also focuses on reducing the number and severity of commercial motor vehicle related crashes; however, it is aimed at reviewing the new interstate motor carriers to ensure they have effective safety management programs. This is done primarily by conducting safety audits within statutory timelines.

The MCSAP High Priority grant is used primarily for conducting high visibility enforcement waves on identified high crash corridors in an effort to reduce CMV related fatalities and crashes. The focus of these enforcements is on aggressive driving behavior of CMVs and vehicles around CMVs. Components of aggressive driving include careless driving; failure to yield right of way; failure to maintain proper lane; speeding; following too closely; distracted driving; hours of service; and safety belt infractions.

The Department understands that for FY 2017, FMCSA will be combining the MCSAP Basic and Incentive, New Entrant, and High Priority grants.

Notification to Beneficiaries/Participants:

The Department will have an internet page outlining the Department's Title VI and other Related Nondiscrimination Authorities Program. The Department will also post a brochure in its offices describing its program and how to file a complaint.

Sub-Recipient Compliance Reports:

Currently, the Department does not have subrecipient agreements; however, should future applications include any activities that require such, a plan, outlining the subrecipient's compliance with the Title VI program, will be developed and submitted for approval.

Training:

In order to effectively implement and sustain the Title VI and other Related Nondiscrimination Authorities Program, mandatory training will be provided by the Bureau of Personnel Services via the Department's Learning Management System. This training will be required annually by all members of the Department.

Access to Records:

The Department, Department of Transportation, Federal Motor Carrier Safety Administration, Chief Financial Officer (CFO) and Auditor General (AG) of the State of Florida, or any other duly authorized representatives, shall have access for the purpose of audit and examination of books, documents, papers, and records of the recipient and its implementing agency during normal business hours by requesting said documents of the Department via the Department's Grants Office.

The Bureau of Personnel Services will maintain records of all formal Title VI complaints filed against the Department.

Complaint Disposition Process:

The following informal and formal process will be used to resolve Title VI and Related Nondiscrimination Authorities complaints of discrimination consistent with the FHWA's External Complaint of Discrimination Processing procedures.

A. Informal Complaints

1. Division Title VI Program Coordinators are encouraged to resolve informal issues internally within their respective area. If the issue has not been satisfactorily resolved through informal means, or if at any time the person(s) desires to file a formal complaint, the respective Division Title VI Program Coordinator will refer the Complainant to the Department Title VI Program Coordinator who will advise the Complainant of the formal process for filing a complaint (outlined below).
 - a. The Division Title VI Program Coordinator will advise the Department Title VI Program Coordinator and appropriate district management within **five calendar days** of receipt of the informal issue(s). The following information will be included in every notification to the Department Title VI Program Coordinator:
 1. Name, address, and phone number of the complainant;
 2. Name(s) and address(es) of respondent;
 3. Basis of complaint (race, color, national origin, sex, age or disability, including income-level and Limited English Proficiency);
 4. Date of alleged discriminatory act(s);
 5. Statement of the Title VI and Related Nondiscrimination Authority issue(s);
 6. Explanation of the actions the Division Title VI Program Coordinator took or proposed to resolve the Title VI and Related Nondiscrimination Authority issue(s).
 - b. Within **ten calendar days** of receipt, the Division Title VI Program Coordinator will acknowledge receipt of the issue(s), inform the Complainant of action taken or proposed action to address the issue(s), and advise the Complainant of other avenues of redress available.
 - c. Within **ninety calendar days** of receipt, the Division Title VI Program Coordinator will notify the Complainant in writing of the division management's decision, for the proposed disposition of the matter. The notification will advise the Complainant of his/her right to file a formal complaint if he/she is dissatisfied with the decision of the division management. The Division Title VI Program Coordinator will also provide the Department Title VI Program Coordinator with a copy of this information.
 - d. Each Division Title VI Coordinator will maintain a log of all informal issues received by the division. The log will include the

following information:

1. Name of complainant;
2. Name of respondent;
3. Basis of complaint (race, color, national origin, sex, age or disability, including income-level and Limited English Proficiency);
4. Date informal issue(s) were received by the division;
5. Date respective division notified the State Title VI Program Coordinator of the informal issue(s); and
6. Explanation of the actions the division management took or proposed to resolve the issue(s).

B. Formal Complaints

All formal complaints received by the Department's division offices will be referred immediately to the Department Title VI Program Coordinator for processing. The Department Title VI Program Coordinator will advise the Division Title VI Program Coordinator and respective division management of all formal complaints of discrimination accepted for investigation.

1. Persons Eligible to File

Any person who believes that he or she, or any specific class of persons, has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities listed in the *AUTHORITY* section of this policy, based upon race, color, national origin, sex, age or disability, including income-level and Limited English Proficiency, may file a written complaint. The complaint may be filed by the affected person or a representative and must be provided in writing.

2. Time Limits for Filing

A formal complaint must be filed no later than **180 calendar days** after the following:

- a. The date of the alleged act of discrimination; or
- b. The date when the person(s) became aware of the alleged discrimination; or
- c. Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

3. Form of Formal Complaints

All formal complaints filed with the Department through the Bureau of Personnel Services must include the following information:

1. A written explanation of what happened, signed by the complainant(s) or by the complainant(s) representative(s);
2. The Complainant's name, address, and telephone number;
3. The basis of the complaint (race, color, national origin, sex, age or

- disability, including income-level and Limited English Proficiency;
4. The respondent's name, address, and telephone number; and
 5. Sufficient information to understand the facts that led the complainant(s) to believe that discrimination has occurred and when the event complained of occurred.

C. Agencies Authorized to Receive Formal Complaints

Formal complaints should be submitted either to the Department or to the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Aviation Administration (FAA), or the U.S. Department of Justice (USDOJ).

D. Processing Formal Complaints

Responsibilities:

1. Complaints filed with the Department in which the Department is named as the respondent, will be reviewed and resolved by the Department. The Department's Title VI Coordinator will forward the information to the FHWA, FTA, or FAA.
2. Within **ten calendar days** of receipt, the Division Title VI Program Coordinator will acknowledge receipt of the issue(s).

E. Investigative Report Review and Issuance

Complaints received by the Bureau of Personnel Services will be reviewed by the Chief of Personnel Services and the Office of Inspector General to determine whether an investigation is warranted. If investigated, a copy of the complaint, together with a copy of the report of the investigation, will be forwarded to the FHWA within **sixty calendar days** of the date the complaint was received. An extension of an additional **sixty calendar days** may be granted by the FHWA, Director, Office of Civil Rights, for justifiable reasons.

F. Final Agency Decisions

The Department Title VI Program Coordinator will notify the respective District Title VI Program Coordinator of all final agency decisions and dismissals issued by the FHWA, FTA, FAA, USDOT, or USDOJ.

Status of Corrective Actions Implemented by Applicant to Address Deficiencies Previously Identified During a Title VI Program Compliance Review:

N/A