

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 Title VI of the Civil Rights Act of 1964 and related Nondiscrimination authorities to include 49 CFR Part 21 and 49 CFR Part 303 as identified in the FMCSA Title VI/Non-Discrimination Assurance document.

The Title VI Program Coordinator is responsible for effectively administering the Department's Title VI Program and Related Nondiscrimination authorities 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: _____

6/17/2021

FMCSA Title VI Program Assurance:

The Department completed and has submitted the FMCSA Title VI Program Assurance re-signed and re-dated by the Department's Chief Executive Officer, Terry L. Rhodes, Executive Director, along with this Plan for FY 2022.

Description of Federal-Aid Programs:

The Department is the recipient of the federal fiscal years 2020 and 2021 FMCSA Motor Carrier Safety Assistance Program (MCSAP) grants.

The MCSAP grant focuses on reducing the number and severity of commercial motor vehicle (CMV) related crashes and hazardous materials incidents; protecting the state's highways and bridge systems from accelerated damage; and removing dangerous motor carriers, drivers, and vehicles from our roadways through consistent, uniform, and effective CMV safety programs. Safety activities include roadside driver/vehicle inspections; high visibility traffic enforcement, including high crash corridors; compliance investigations; new entrant safety audits; outreach and education to the industry and motoring public; and maintaining accurate and timely data collection and reporting.

Notification to Beneficiaries/Participants:

The Department currently has an internet page outlining the Department's Title VI and other Related Non-discrimination Authorities Program that will be updated no later than August 21, 2021, to include contact information for a member of the Public to request additional information or to file a complaint. The Department also has a poster, which is posted in all of its offices, explaining Title VI Program rights and how to file a complaint. The weblink to the electronically-posted Public Notice is as follows:

<https://www.flhsmv.gov/title-vi-compliance/>.

Sub-Recipient Compliance Reports:

Currently, the Department does not have sub-recipient agreements; however, should future applications include any activities that require such, a plan, outlining the sub-recipient'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 Non-discrimination Authorities Program, mandatory training is conducted by the Bureau of Personnel Services via the Department's Learning Management System. This training is required annually for all members of the Department.

FMCSA has provided a training presentation along with support documents for the benefit of Highway Safety personnel which conduct CMV safety inspections and motor carrier safety audits. The existing training presentation will be updated and implemented effective January 1, 2022, and will be required annually and include as training resources the Interstate Motor Carrier Compliance Review Cases Studies and the FMCSA Enforcement Memorandum regarding limited English proficiency (LEP) and ELP (MC-ECE-2016-006).

Furthermore, FMCSA has provided a training presentation specific to personnel conducting motor licensure and motor vehicle registration activities/services. The existing training presentation for Motor Vehicles personnel will be updated and implemented effective January 1, 2022 to include resources available to personnel to provide meaningful participation to limited English proficient (LEP) customers.

The Department will submit a copy of each of the updated training presentations to FMCSA by November 30, 2021. Furthermore, the Department will provide training records for completion of Title VI Program training no later than June 30, 2022.

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 Non-discrimination Authorities complaints of discrimination consistent with the Federal Highway Administration's (FHWA) 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 Non-discrimination Authority issue(s);
 6. Explanation of the actions the Division Title VI Program Coordinator took or proposed to resolve the Title VI and Related Non-discrimination 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 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. Basis of complaint (race, color, national origin, sex, age or disability, including income-level and Limited English Proficiency);
 3. Allegation(s);
 4. Complaint date;
 5. Date of Report of Investigation;
 6. Determination made and date;
 7. Date informal issue(s) were received by the division;
 8. Date respective division notified the State Title VI Program Coordinator of the informal issue(s);
 9. Explanation of the actions the division management took

or proposed to resolve the issue(s); and
10. Any other relevant information.

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:

- a. A written explanation of what happened, signed by the complainant(s) or by the complainant(s) representative(s);
- b. The Complainant's name, address, and telephone number;
- c. The basis of the complaint (race, color, national origin, sex, age or disability, including income-level and Limited English Proficiency);
- d. The respondent's name, address, and telephone number; and
- e. 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 or forwarded to the Department by FHWA, FTA, FAA, or USDOJ 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. Complaints filed with FHWA, FTA, FAA, or USDOJ that are forwarded to the Department will be reviewed and resolved by the Department. The Department's Title VI Coordinator will notify FMSCA in writing of the resolution of the complaint if resolved or provide a written response to the allegation(s) indicating why DHSMV is unable to resolve the complaint if the complaint is not resolved.
3. 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

Community Participation Process:

The plan can be found by clicking on the link below:

https://www.flhsmv.gov/pdf/titlevi/flhsmv_community_participation_plan.pdf

Commercial Motor Vehicle Inspection Selection & Unbiased Enforcement Policies:

- A. Policy 1.02 of the Division of Florida Highway Patrol's (FHP) Commercial Vehicle Enforcement Procedure Manual governs CMV inspection selection policy and requires the selection and inspection of commercial motor vehicles be conducted in accordance with the Commercial Vehicle Safety Alliance (CVSA) North American's Standard Inspection Procedures. This policy, which was revised on March 4, 2016, was originally signed by Director of the Florida Highway Patrol under the authorization of the Executive Director of the Department of Highway Safety and Motor Vehicles and chapter 321.02, Florida Statutes. A copy of this policy has been provided to the FMCSA Office of Civil Rights.

- B. The Department is in the process of developing an Unbiased Enforcement policy that identifies the groups which are protected under the FMSCA Title VI Program, refers to the FMCSA Title VI Program Assurance signed by the Department's Executive Director, and provides online access to the Public Notice of Title VI Program Rights (include the weblink to the Public Notice), the procedures for complaint disposition including coordination with the Applicant's Title VI Program Coordinator, Title VI Program training for personnel conducted annually or every-other-year, and periodic monitoring by the Department of the effective implementation of this policy. A draft of this policy will be submitted to the FMCSA Office of Civil Rights for review by September 30, 2021. The final draft will be submitted to FMCSA Office of Civil Rights (OCR) once signed by Director of the Florida Highway Patrol under the authorization of the Executive Director of the Department of Highway Safety and Motor Vehicles and chapter 321, Florida Statutes.