

SECTION 24. HUMAN RESOURCES**24.25 SEMINOLE COUNTY CIVIL RIGHTS PROGRAM**

A. PURPOSE. Seminole County is committed to protecting the rights of all people to ensure their ability to live, work, and enjoy equal access to facilities open to the public in an environment free of unlawful discrimination, harassment, intimidation, and retaliation. The County values diversity and welcomes input from all interested parties regardless of cultural identity, background, or income level. The County does not tolerate discrimination in any of its program services or activities. As such, Seminole County shall not exclude participation in, deny benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, sexual orientation, age, disability, religion, or familial status.

Seminole County’s Chief Administrator of Human Resources will serve as the Civil Rights Program Coordinator. The Civil Rights Program Coordinator is charged with the responsibility for implementing, monitoring and ensuring the County’s compliance with federal and state laws regarding discrimination.

B. TITLE VI/NONDISCRIMINATION PROGRAM ADMINISTRATION. Seminole County assures that no person will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination under any program, policy, or activity on the basis of race, color, sex, age, disability, or national origin. (Title VI of the Civil Rights Act of 1964, as amended; the Civil Rights Restoration Act of 1987; Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; Age Discrimination in Employment Act of 1967; Americans with Disabilities Act of 1990 (ADA); and other applicable state and federal nondiscrimination authorities) Every effort will be made to ensure nondiscrimination in all of the County’s program activities, whether those programs and activities are federally funded or not. In the event the County distributes federal aid funds to another entity, the County shall include Title VI language in all written agreements and will monitor the sub-recipient for compliance.

(1) A Title VI/Nondiscrimination Coordinator is charged with the responsibility for implementing, monitoring, and ensuring compliance with Title VI and other nondiscrimination regulations in coordination with the Civil Rights Program Coordinator. The Title VI/Nondiscrimination Coordinator’s responsibilities are as follows:

- (a) Initiate and monitor Title VI activities, preparing required reports, and other County responsibilities as required by 23 C.F.R. § 200, and 49 C.F.R. § 21.
- (b) Process the disposition of Title VI complaints received by the County.
- (c) Collect statistical data (race, color, sex, age, disability or national origin) of participants in and beneficiaries of state highway programs (i.e., relocates, affected citizens, and impacted communities).
- (d) Conduct annual Title VI reviews of special emphasis program areas (right of way planning, design, etc.) to determine the effectiveness of program activities at all levels.



(e) Conduct Title VI reviews of construction contractors, consultant contractors, suppliers, and other recipients of federal-aid highway fund contracts administered through the County.

(f) Review County program directives in coordination with Title VI liaisons for special emphasis.

(g) Coordinate training programs on Title VI and other related statutes for County employees and recipients of federal funds.

(h) Prepare a yearly report of Title VI accomplishments and goals, as required.

(i) Develop Title VI information for dissemination to the general public and where appropriate, in languages other than English.

(j) Conduct post-grant approval reviews of County programs and applicants (i.e., highway location, design and relocation, and persons seeking contracts with the County), for compliance with Title VI requirements.

(k) Identify and eliminate discrimination.

(l) Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed ninety (90) days.

(2) Complaints. If any individual believes that he, she, or any other program beneficiaries have been subjected to unequal treatment or discrimination in the receipt of benefits or services, or on the grounds of race, color, national origin, sex disability, or age, such individuals may exercise their right to file a complaint with the County. Every effort will be made to resolve complaints informally at the County and contractor level.

(3) Data Collection. Statistical data on race, color, national origin, and sex of participants in, and beneficiaries of, federally funded programs (i.e., relocates, impacted citizens, and affected communities), will be gathered by the Title VI/Nondiscrimination Coordinator and maintained by the Civil Rights Program Coordinator. Each of the Title VI special emphasis program areas will maintain data to be incorporated in the Title VI Annual Update. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI/Nondiscrimination program administration.

(4) Title VI Program Reviews. The Civil Rights Coordinator and the Title VI/Nondiscrimination Coordinator shall oversee the County's Title VI Program reviews to assess the administrative procedures, staffing and resources available for Title VI compliance. Program representatives shall coordinate efforts to ensure that the requirements of Title VI are met throughout the entire contracting process. The Title VI Coordinator shall conduct reviews of contractors, subcontractors, consultants, suppliers and all other sub-recipients of the Florida Department of Transportation's federal funds to ensure compliance with Title VI and other nondiscrimination provisions.



(5) Operational Guidelines/Program Directives. All operational guidelines to regions, contractors, sub-recipients, and special emphasis program areas will be reviewed annually to include Title VI/Nondiscrimination language and provisions and related requirements, where applicable.

(6) Training Program. Title VI/Nondiscrimination training will be made available at least annually to employees, contractors, sub-recipients, and special emphasis program area liaisons. The training will provide comprehensive information on Title VI and other nondiscrimination provisions, application to program operations, and identification of possible discrimination issues and resolution of complaints. A summary of the training conducted will be reported in the annual update.

(7) Annual Reports. An annual executive summary will be submitted to the County Manager reviewing Title VI/Nondiscrimination accomplishments achieved during the year. Annual reports will be required for each of the special emphasis program areas. The Title VI/Nondiscrimination Coordinator will be responsible for coordination and preparation of the report.

(8) Title VI/Nondiscrimination Plan Update. A Title VI/Nondiscrimination Plan Update will be submitted to the County Manager or his or her designee for review by October 1 triennially. The update will report on accomplishments and changes to the program occurring during the preceding year, and will also include goals and objectives for the upcoming year.

(9) Post-Grant Reviews. Review post-grant approval procedures (e.g., highway location design, relocation, and individuals seeking contracts, etc.) to ensure compliance with Title VI requirements.

(10) Elimination of Discrimination. Implement procedures to identify and eliminate discrimination when found to exist, related to Minority/Women/Veteran Disadvantaged Business Enterprises (DBE) contractors, public involvement, property acquisition, and any other County program, service or activity.

(11) Remedial Action. The County shall actively pursue the prevention of Title VI deficiencies and violations and take the necessary steps to ensure compliance with all program administrative requirements. When irregularities occur in the administration of the program's operation, corrective action will be taken to resolve Title VI issues and reduce to writing a remedial action agreed to be necessary, all within a period not to exceed ninety (90) days.

(a) Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed ninety (90) days after receipt of the deficiency letter, to voluntarily correct deficiencies.

(b) The County shall seek the cooperation of the sub-recipient in correcting deficiencies found during the review. The County shall also provide technical assistance and guidance needed to aid the sub-recipient to comply voluntarily.



(c) A follow-up review will be conducted within one hundred eighty (180) days of the initial review to ensure that the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified.

(d) When a sub-recipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the County shall submit to FDOT's External Civil Rights Office or the Federal Highway Administration (FHWA) two (2) copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

(12) Procedures Manual. Administration of the Title VI/Nondiscrimination Program will be incorporated in a Procedures Manual that will be updated regularly by the Civil Rights Program Coordinator. Changes in the procedures or designation of responsibilities will not take effect until the Procedures Manual has been updated and the changes have been communicated and disseminated throughout the County organization and to the public.

C. TITLE II OF THE AMERICANS WITH DISABILITY ACT. Title II of the Americans with Disability Act (ADA) of 1990, (42 U.S.C. § 12131 et seq.) prohibits discrimination on the basis of disability in the admission, access, or operations of its programs, services, activities, or facilities. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), as amended, provides that no qualified handicapped person, solely by reason of his or her disability, will be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives federal financial assistance administered by the Department of Transportation.

In compliance with federal law, Seminole County government shall not exclude or discriminate against a qualified individual with a disability, from participation in or be denied the benefits of the services, programs or activities of Seminole County simply because that person has a disability.

(1) In furtherance of ensuring that County programs, services, facilities and activities are open and accessible to individuals with disabilities, the County has established the following three (3) goals:

(a) Accessibility: Programs will be operated so that they, when viewed in their entirety, are readily accessible to and usable by individuals with disabilities. The County shall not use unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy services, programs, or activities.

(b) Effective Communication: Upon request, appropriate aids and services leading to effective communication for qualified individuals with disabilities will be provided so individuals may participate equally in the County's programs, services, and activities.

(c) Modifications to Policies and Procedures: Reasonable modifications to policies, practices, and programs will be made to ensure that individuals with disabilities have access equal opportunity to enjoy all the County has to offer.

(2) The County shall cover the reasonable costs of providing auxiliary aids and services or reasonable modification of policy. However, the ADA does not require the



County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

(3) To protect the substantive rights of interested persons and to ensure that the County meets the spirit and guidelines of the Americans with Disabilities Act (ADA), the County shall provide for the prompt and equitable resolution of complaints alleging discrimination on the basis of disability in the provision of programs, services, activities or benefits. Any individual who believes that he or she is a victim of discrimination prohibited by Title II of the ADA may file a complaint. Complaints on behalf of classes or individuals are also permitted.

D. LIMITED ENGLISH PROFICIENCY (LEP). It is recognized that one form of discrimination occurs through an inability to communicate due to limited proficiency in the English language. The limitation is often the result of an individual's national origin. Title VI of the Civil Rights Act of 1964, Executive Order 13166, entitled "Improving Access to Services by Persons with Limited English Proficiency" and various directives from the United States Department of Justice (DOJ), the United States Department of Transportation (DOT), and the United States Department of Housing and Urban Development (HUD) require federal aid recipients to take reasonable steps to ensure meaningful access to programs, services and activities by those who do not speak English well. Seminole County welcomes diversity and recognizes that, due to its proximity to famous tourist attractions, visitors from all over the world often visit the County. The County has taken steps to ensure that those who come to the County may participate in and enjoy to the fullest everything the County has to offer.

In compliance with federal regulations, Seminole County shall make reasonable efforts to ensure its programs, services, and activities are meaningfully accessible to those who do not speak English proficiently. The County shall utilize its bilingual employees, state and local transportation partners, faith-based organizations, colleges and universities, community groups, and other language services to provide oral interpretation and translation of program documents, as required.

Persons requiring special language services should contact the Chief Administrator of Human Resources/Civil Rights Program Coordinator at 407-665-7940, at 1101 E. First Street, Sanford, Florida 32771.

(1) Seminole County Factor Analysis. To determine if or when alternate language usage is required for meaningful access, federal law requires assessment of the program, service, or activity using the following four (4) factors:

- (a) The number or proportion of LEP persons eligible to be served or likely to be encountered by the County's programs, services or activities.
- (b) The frequency with which LEP individuals come in contact with these programs, services, or activities.
- (c) The nature and importance of the program, service, or activity to people's lives.
- (d) The resources available to the County and costs of implementation.



U.S. Department of Transportation (USDOT) policy guidance document titled “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons” reprinted at 70 Fed. Reg. 74087, explains that the identification of “reasonable steps” to provide oral and written services in languages other than English is determined on a case-by-case basis through a balancing of the four (4) enumerated factors. The following sections address each of these factors with respect to Seminole County.

Factor 1: Reviewing LEP Populations. In an effort to determine the potential LEP needs in Seminole County, data available through the U.S. Census Bureau American Fact Finder was reviewed. The data revealed that 19% of the population five (5) years and over speak another language other than English at home. Of those households, 70% speak Spanish, 19.3% speak Indo-European languages, 8.5% speak Asian and Pacific Islander languages, and 2.5% speak other languages. Of the Seminole County households that speak a language other than English, 32.6% indicated they speak English “less than very well”; of these households, 32.6% were Spanish speaking. Other languages spoken in households that speak English “less than very well” include Indo-European languages (24%), Asian and Pacific Islander languages (41.6%), and other (35%).

Factor 2: Assessing Frequency of Contact with LEP Persons. The results of the census data indicate that Spanish is the most prevalent language spoken by the LEP population in Seminole County.

Factor 3: Assessing the Importance of County Programs. Those programs related to safety, public transit, right of way, the environment, nondiscrimination, and public involvement are among the most important. The County must ensure that all segments of the population, including LEP individuals, have been involved or have had the opportunity to be involved in the program or project planning process.

Factor 4: Determining Available Resources. When planning an activity, it is imperative that the County assess the resources available to conduct the activity in a way that is meaningful and balances those efforts with the overall cost to the organization.

(2) Language Access and Implementation Plan and Procedures.

(a) Verbal Translation Services. LEP individuals will be informed of the availability of interpretation and translation services when it appears that the individual is not able to communicate effectively in English.

(i) Each Department shall ensure that “I Speak” language cards are available for use where the public receives services to assist employees to identify language needs in order to match them with the available services.

(ii) Each County Department shall provide the Civil Rights Coordinator a list of all employees within their Department that are bilingual and willing to be used for translation services when needed. Due to the continuously changing workforce composition, this list will be updated frequently. This list must be made available on the County intranet for access by all employees. Depending upon the



immediate availability of bilingual employees, interpretation may be provided via telephone, instant messaging or in person.

(iii) Additionally, the County may use the services of institutions of higher education and faith-based and community organizations to assist in providing competent language services.

(b) Written Translation Services.

(i) The County shall provide meeting notifications in English and Spanish, where appropriate.

(ii) Outreach documents must state that language services are available free of charge in a language LEP persons can understand.

E. COMPLAINT PROCEDURE. Seminole County has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discriminatory action. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability, or family status in violation of the County's Civil Rights Program, or any state or federal law may file a complain to the Civil Rights Program Coordinator. Any complaints receive by employees will be provided to the Civil Rights Program Coordinator for action.

(1) All Complaints should include the following:

(a) The name, address and telephone number of the person making the complaint.

(b) The names, addresses and telephone numbers of witnesses.

(c) A narrative or statement describing the alleged violation, including date and time of the alleged violation and County program where the alleged violation occurred.

(d) A narrative or statement identifying the recommended corrective actions to solve the alleged violation(s).

(e) Other supporting documentation to more fully explain or identify the alleged violation.

(2) Complaint review process.

(a) A complaint should be filed as soon as an individual becomes aware of the alleged violation and no later than ninety (90) days after the complainant becomes aware of an alleged violation. Filing a complaint after ninety (90) days will not bar a complaint, but the passage of time may hinder the ability of the County to conduct a full and thorough investigation.

(b) Within fifteen (15) calendar days after receipt of the complaint, the Civil Rights Program Coordinator shall make contact with and, if necessary, meet with the



Complainant to give them the opportunity to explain the details of the alleged discriminatory action/incident, and the possible resolutions.

(c) Within thirty (30) calendar days of the meeting or conversation, the Civil Rights Program Coordinator shall respond in writing and, where appropriate, in a format accessible to the Complainant, such as large print, Braille or audio tape. The response will explain the position of the County and offer options for substantive resolution of the complaint.

(d) If the Complainant believes that the response does not satisfactorily resolve the issue, the Complainant or his or her designee may appeal the decision within seven (7) calendar days after receipt of the response to the Civil Rights Coordinator, who will direct the matter to the County Manager's Office. The request should be submitted in writing where appropriate. The County Manager or designee shall review the findings of the Civil Rights Program Coordinator and make a final determination within fifteen (15) calendar days of receipt of the appeal.

(e) Once the County Manager or designee has issued a determination, the investigation and appeal will be considered concluded and the Complainant shall have no further right of appeal under the Civil Rights Program.

(f) If the County is unable to satisfactorily resolve the complaint, the Civil Rights Program Coordinator shall, in conjunction with the Engineering Department, forward the complaint and the record of its disposition, to the Florida Department of Transportation ("FDOT"), Equal Opportunity Office, Statewide Title VI/Nondiscrimination Coordinator. FDOT will assume jurisdiction over the complaint for continuing processing.

(g) The Seminole County Title VI/Nondiscrimination Coordinator has easy access to the County Manager and is not required to obtain Board of County Commissioners or other approval to discuss discrimination issues with the County Manager. However, should the complainant be unable or unwilling to file a complaint directly with Seminole County, the written complaint may be submitted directly to Florida Department of Transportation (FDOT). Under such circumstances, a complaint should be mailed to:

Florida Department of Transportation
Equal Opportunity Office
ATTN: Title VI Complaint Processing
605 Suwannee Street MS 65
Tallahassee, FL 32399

FDOT serves as a statewide clearinghouse for Title VI purposes and will either assume jurisdiction over the complaint or forward it to the appropriate federal or state authority for continued processing. If it is determined that the complaint originated from an FDOT Local Agency Program project, the complaint shall be provided to FDOT and/or Federal Highway Administration (FHWA). Seminole County will attempt to resolve all issues; however, only FHWA can accept, investigate, and issue findings under Title VI, which is specific to the classes of race, color, and national origin.



F. DISSEMINATION OF SEMINOLE COUNTY'S CIVIL RIGHTS PROGRAM. In order to implement its policy of nondiscrimination, the County's Plan will be disseminated and communicated to employees, as well as to the community at large. Dissemination of this information will be accomplished through the following actions:

(a) Internal Dissemination.

(1) Meetings will be held with managers and supervisors in order to explain the Civil Rights Program policies, procedures and philosophy, and to communicate responsibilities and expectations of the attendees under those policies.

(2) Title VI and Title II training opportunities will be offered for County employees, contractors and sub-recipients, as appropriate, at least annually, to discuss the County's policies and philosophy, and to explain the various employee responsibilities under them.

(3) The policies will be publicized, as appropriate, in official publications for Seminole County Government employees.

(4) The Policies will be prominently discussed and explained in the appropriate in-service training activities for County employees, and will be accessible to all County employees via Seminole County's Intranet website.

(b) External Communication.

(1) Public dissemination will include the posting of public statements, inclusion of language in contracts, and may be published in newspapers having a general circulation in the vicinity of proposed projects and announcements of hearings and meetings in minority publications, as deemed appropriate by staff.

(2) The policies will be accessible to the general public via the County's Internet website, www.SeminoleCountyFl.gov.

G. AUTHORITY. Resolution 2022-R-51 adopted April 12, 2022
Resolution 2022-R-95 adopted July 26, 2022