

Section 5307 & 5339 Subrecipient Expectations – Civil Rights

The following is an *abbreviated* list of expectations for Section 5307 & 5339 Subrecipients. All compliance requirements, including civil rights, are outlined in IndyGo’s Section 5307/5339 Program Oversight Guide.

Best practices represent the highest standard in compliance. IndyGo encourages subrecipients to employ these practices to ensure a strong and effective program that maximizes the benefit to the public. Best practices do not modify or add to the regulatory requirements. Implementing best practices helps demonstrate compliance. *All best practice items are labeled as such.*

Title VI

- **Designate a Title VI Coordinator** with whom complaints can be filed.
 - Coordinator’s contact information to be shared with the public includes title, email, and direct telephone number.
 - This individual may or may not be the same staff member(s) tasked with ADA or EEO compliance responsibilities.
- **Create a Title VI Notice to the Public, a Complaint Procedure, and a Complaint Form** that each include:
 - Statement indicating compliance with Title VI
 - Statement informing members of the public of the protections against discrimination based on race, color, or national origin afforded to them by FTA’s Title VI regulation
 - Designated Title VI Coordinator and their direct contact information
 - Acknowledgement of both IndyGo & FTA as potential complaint receivers
 - **Best Practice** – Include a statement regarding language access resource(s) for LEP populations
- **Post Title VI Notice, Complaint Procedure, & Complaint Form** both in the office/facility and online in an easily accessible location.
 - Any copies of the above forms translated into languages other than English must also be posted in the same locations.
- **Create and maintain a list** of any Title VI investigations, complaints, or lawsuits filed with the county.
 - Records must be retained for a minimum of three years after project completion.
- **Perform a Safe Harbor Threshold assessment** to determine whether the county population includes a significant number or proportion of persons with Limited English Proficiency (LEP).
 - The Safe Harbor Threshold stipulates that a significant number or proportion consists of LEP language groups of over 1000 persons or over 5% of the population served (whichever is less).
- **Translate all vital documents** into languages that meet the Safe Harbor Threshold, as identified by an assessment of the county population.
 - Vital documents are those considered necessary to have access to your county’s programs and services.
 - This includes but is not limited to all public notices & complaint forms.

- **Create a Title VI Plan** that includes the following:
 - A copy of the Title VI Notice to the Public, and a list of locations where the notice is posted
 - A copy of the Title VI Complaint Procedure
 - A copy of the Title VI Complaint Form
 - A list of any Title VI investigations, complaints, or lawsuits filed with the county since the time of the last submission
 - A public participation plan that includes an outreach plan to engage minority populations, as well as a summary of outreach efforts made since the last Title VI Program submission
 - A table depicting racial composition of membership of any non-elected planning boards, advisory councils or committees, or similar bodies and a description of efforts made to encourage the participation of minorities on such committees or councils
 - **Best Practice – Include the Safe Harbor Threshold assessment and findings. Findings include:**
 - Languages that meet the threshold
 - A list of vital documents that are or will be translated into language(s) other than English
- **Update the Title VI Plan** at minimum every three years *or* when there are major program and/or facility changes, whichever comes first.
 - Submit updated Title VI Plan to IndyGo.
- **Best Practice - Implement an instant translation tool** on your county's website.
- **Best Practice –Provide interpreter and translations services at no cost** for persons with Limited English Proficiency (LEP).
- **Inform IndyGo** of planned and/or recent Title VI staff trainings.
 - This includes, but is not limited to, refresher trainings.

Americans with Disabilities Act (ADA)

- **Designate the responsibility of ADA compliance** with a staff member.
 - This individual may or may not be the same staff member(s) tasked with Title VI or EEO compliance responsibilities.
- **Create an ADA Notice to the Public, a Complaint Procedure, and a Complaint Form** that each include:
 - Statement indicating compliance with the ADA
 - Statement informing members of the public of the protections against discrimination based on disability afforded to them by the FTA's Title VI regulation
 - **Best Practice – Include a statement regarding language access resource(s) for LEP populations**
- **Post ADA Notice, Complaint Procedure, and Complaint Form** both in the office/facility and online in an easily accessible location.
 - Any copies of the above forms translated into languages other than English must also be posted in the same locations.
- **Create and maintain a list** of any ADA investigations, complaints, or lawsuits filed with the county.
 - Detailed records must be retained for a minimum of one year, while summary records must be retained for a minimum of five years.
- **Inform IndyGo** of planned and/or recent ADA staff trainings.
 - This includes, but is not limited to, refresher trainings.

Equal Employment Opportunity (EEO)

- **Designate the responsibility of EEO compliance** with a staff member.
 - Individual's contact information to be shared with the public includes title, email, and direct telephone number.
 - This individual may or may not be the same staff member(s) tasked with Title VI or ADA compliance responsibilities.
- **Create an EEO Notice to the Public** that includes:
 - Statement indicating compliance with EEO
 - Statement informing members of the public of the protections against workplace discrimination afforded to them by the FTA's EEO regulation
 - Instructions to the public on how to file a discrimination complaint
 - Designated EEO compliance staff member and their direct contact information
- **Post EEO Notice** both in the office/facility and online in an easily accessible location.
 - Any copies of the above form translated into languages other than English must also be posted in the same locations.
- **Create and maintain a list** of any EEO investigations, complaints, or lawsuits filed with the county.
 - Records must be retained for a minimum of three years after project completion.
- **Determine whether your county meets either of the threshold requirements** for an EEO Program.
 - If your county meets the following threshold requirements, **a full EEO Program is required**:
 - Employs 100 or more transit-related employees, **and**
 - Requests or receives capital or operating assistance in excess of \$1 million in the previous Federal fiscal year, **and/or** requests or receives planning assistance in excess of \$250,000 in the previous Federal fiscal year.
 - If your county meets the following threshold requirements, **an abbreviated EEO Program is required**:
 - Employs between 50-99 transit-related employees, **and**
 - Requests or receives capital or operating assistance in excess of \$1 million in the previous Federal fiscal year, **and/or** requests or receives planning assistance in excess of \$250,000 in the previous Federal fiscal year.
- **If the threshold is met, create and maintain a full EEO Program** that includes:
 - Statement of Policy
 - Dissemination Plan
 - Designation of Personnel Responsibility
 - Utilization Analysis
 - Goals and Timetables
 - Assessment of Employment Practices
 - Monitoring and Reporting Plan
- **If the threshold is met, create and maintain an abbreviated EEO Program** that includes:
 - Statement of Policy
 - Dissemination Plan
 - Designation of Personnel Responsibility
 - Assessment of Employment Practices
 - Monitoring & Reporting Plan

Disadvantaged Business Enterprise (DBE)

- **Create and maintain a bidder's list**, consisting of all firms bidding on prime contracts and bidding or quoting on subcontracts or DOT-assisted contracts. For every firm, include the following information:
 - Firm name
 - Firm address
 - First status as a DBE or non-DBE
 - Age of the firm
 - Annual gross receipts of the firm