

NON-DISCRIMINATION POLICY

(Inclusive of Title VI of the Civil Rights Act of 1987; Section 504 of the Rehabilitation Act; Title II of the Americans with Disabilities Act; and the Age Discrimination Act of 1975.

POLICY

Black Hawk County assures that no person shall, on the grounds of race, color, national origin, sex, age or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity as provided by Title VI of the Civil Rights Act of 1987, Section 504 of the Rehabilitation Act of 1973, The Age Discrimination Act of 1975 and Title II of the Americans with Disabilities Act. Black Hawk County further assures every effort will be made to ensure non-discrimination in all of its committees, programs, and activities, regardless of the funding source.

Black Hawk County will include non-discrimination of services language in all written agreements and bid notices and will monitor compliance.

The Black Hawk County Human Resources Department will be responsible for initiating and monitoring non-discrimination activities, and all other responsibilities required.

AUTHORITIES

Title VI of the Civil Rights Act of 1964 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 assistance (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 and activities” to include all programs and activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not Public Law 100-259 {S.557} March 22, 1988).

Section 504 of the Rehabilitation Act of 1973 states no otherwise qualified individual with a disability in the United States, shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (29 U.S.C. § 794).

The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in all programs or activities that receive Federal financial assistance (42 U.S.C. §6101).

Title II of the ADA extends this prohibition of discrimination to include all services, programs, and activities provided or made available by State and local governments or any of their instrumentalities or agencies, regardless of the receipt of Federal financial assistance (28 C.F.R. Part 35).

NON-DISCRIMINATION COORDINATOR RESPONSIBILITIES

A. Public Dissemination

Black Hawk County will disseminate non-discrimination information to county employees, sub-recipients, and contractors, as well as the general public. Public dissemination will include posting of public statements, inclusion of non-discrimination language in contracts, and announcements of hearings, and meetings in minority newspapers when determined necessary and funding is available.

B. Prevention of Discrimination

Procedures will be implemented to detect and eliminate discrimination when found to exist, including, but not limited to, issues of accessibility of training to all qualified county employees, utilization of Minority/Women/Disadvantaged Business Enterprises (DBE) contractors, public involvement, and material acquisition.

C. Annual Reports

The Human Resources Department will be responsible for insuring an annual report is prepared. The report will review non-discrimination accomplishments and goals for the next upcoming year.

D. Remedial Action

Black Hawk County will actively pursue the prevention of any discriminatory deficiencies or violations and will take the necessary steps to ensure compliance through a program review with the program administrative requirements. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve issues and reduce to writing remedial action agreed to be necessary, all within a period not to exceed 90 days.

The appropriate Federal or State agency will be notified of any complaint filed at Black Hawk County involving discriminatory related issues, as well as any resolution.

FILING A COMPLAINT

Applicability: The complaint procedures apply to the beneficiaries of Black Hawk County's programs, activities, including but not limited to: the public, contractors, sub-contractors, consultants, employees, and other sub-recipients of federal and state funds.

Eligibility: If any individual, group of individuals, or entity believes that they or any other program beneficiaries have been subjected to discrimination prohibited by Federal nondiscrimination provisions as a recipient of benefits and/or services, or on the grounds of race, color, national origin, or sex, they may exercise the right to file a complaint with Black Hawk County. Every effort will be made to resolve complaints informally at the agency, recipient, and/or contractor level.

Complaints may be filed with:

- Black Hawk County
- Appropriate Federal or State Agency that granted funding (see Appendix A)

In all situations, Black Hawk County employees must contact the Human Resources Department immediately upon receipt of a discriminatory related complaint.

TIME LIMITATION ON FILING COMPLAINTS

Complaints must be filed with Black Hawk County no later than 180 days after:

- The date of the alleged act of discrimination; or
- The date the person became aware of the alleged discrimination; or
- Where there has been a continuing course of discriminatory conduct, the date on which the conduct was discontinued.

Complaints must be in writing and must be signed by the complainant and/or the complainant's representative. The complainant must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination.

A discrimination complaint form is available at the Human Resources Department during normal business hours.

INTERNAL COMPLAINT PROCESSING

1. The Director of Human Resources acting as the County's Non-Discrimination Coordinator will review the complaint upon receipt to ensure that all information is provided, the complaint meets the 180- day filing deadline, and falls within the jurisdiction of the county.
2. The Director of Human Resources will then investigate the complaint. If the complaint is against the Director of Human Resources, then the Chairperson and/or Board of Supervisors or its designee will investigate the complaint. Additionally, a copy of the complaint will be forwarded to the County Attorney.
3. If the complaint warrants a full investigation, the complainant will be notified in writing by certified mail. This notice will name the investigator and/or investigating agency. The county will also notify the appropriate Federal or State agency of the investigation.
4. The party alleged to have acted in a discriminatory manner will also be notified by certified mail as to the complaint. This letter will also include the investigator's name and will request that this party be available for interview.
5. Any comments or recommendation from legal counsel will be reviewed by the County's Non-Discrimination Coordinator.

6. Once Black Hawk County is notified of the findings of the appropriate Federal or State investigation report, the county will adopt a final resolution.
7. All parties will be properly notified according to the Federal or State agency investigation process.

The foregoing complaint resolution procedure will be implemented in accordance with the Department of Justice guidance manual entitled, "Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes.

Appendix A

Contact Information for Federal Agencies

Department of Agriculture

U.S. Department of Agriculture
Office of Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250, Mail Stop 0115
Telephone Number: (202)720-3808
<http://www.ascr.usda.gov/>

Department of Commerce

U.S. Department of Commerce
Office of Civil Rights
1401 Constitution Ave., NW, Room 6012
Washington, D.C. 20230
Telephone Number: (202)482-0625
<http://www.osec.doc.gov/ocr/default.htm>

Department of Education

U.S. Department of Education
Office for Civil Rights
Customer Service Team
400 Maryland Avenue, SW
Washington, D.C. 20202
Telephone Number: (800)421-3481
<http://www2.ed.gov/about/offices/list/ocr/index.html>

Department of Energy

U.S. Department of Energy
Office of Civil Rights and Diversity
100 Independence Avenue, SW
Washington, D.C. 20585
Telephone Number: (202)586-5000
http://diversity.doe.gov/civil_rights/

Department of Health and Human Services

U.S. Department of Health and Human Services
Office of Civil Rights
200 Independence Avenue, SW
Room 509F HHH Bldg.
Washington, DC 20201
Telephone Number: (800)368-1019
<http://www.hhs.gov/ocr/office/index.html>

Department of Homeland Security

U.S. Department of Homeland Security
Office of Civil Rights and Civil Liberties
Washington, DC 20528
Telephone Number: (202)401-1474
http://www.dhs.gov/xabout/structure/editorial_0371.shtm

General Services Administration

U.S. General Services Administration
Office of Civil Rights
1800 F. Street, NW, Suite 5127
Washington, D.C. 20405
Telephone: (202)501-0767

Department of Housing and Urban Development

U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
451 Seventh Street, SW Room 5204
Washington, D.C. 20410
Telephone: (800)669-9777
<http://portal.hud.gov/portal/page/portal/HUD/topics/>

Department of the Interior

DOI Accessibility & Compliance
Coordinator of Civil Rights
Room MS-5221
1849 C. Street, NW
Washington, DC 20240
Telephone: (202)208-5693
http://www.doi.gov/diversity/civil_rights.html

Department of Justice

U.S. Department of Justice
Office of Justice Programs
810 7th Street, NW
Washington, D.C. 20531
Telephone: (202)307-0690
<http://www.ojp.usdoj.gov/flash.htm>

Department of Labor

U.S. Department of Labor
Civil Rights Center
Room N-4123
200 Constitution Avenue, NW
Washington, DC 20210
Telephone: (202)693-6502

Department of Transportation

U.S. Department of Transportation
Departmental Office of Civil Rights
External Civil Rights Programs Division
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590
Telephone: (202)366-4070
<http://www.dotcr.ost.dot.gov>

Environmental Protection Agency

U.S. Environmental Protection Agency
Office of Civil Rights
Mail Code 1201A
1200 Pennsylvania Ave NW
Washington, D.C. 20460
Telephone: (202)564-7272
<http://www.epa.gov/civilrights/>

Department of Veterans Affairs

Office of Equal Opportunity Director
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, D.C. 20420

