

## **CIVIL RIGHTS PROGRAM**

City of Kissimmee 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 City values diversity and welcomes input from all interested parties regardless of cultural identity, background or income level. The City does not tolerate discrimination in any of its programs services or activities. As such, City of Kissimmee 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.

The Civil Rights Program Coordinator shall act as the City's liaison with the public to assist with the intake of complaints and assignment of those complaints to the appropriate department for investigation and resolution. The Title VI / ADA Coordinator is charged with the responsibility for implementing, monitoring and ensuring the City's compliance with Federal and State laws regarding discrimination in coordination with other City Department Directors. A Public Works Superintendent will act as the Title VI / ADA Coordinator.

### **Title VI/ Nondiscrimination Program Administration**

City of Kissimmee assures that no person shall 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 regulations. Every effort will be made to ensure nondiscrimination in all of its program activities, whether those programs and activities are federally funded or not. In the event the City distributes federal aid funds to another entity, the City will include Title VI language in all written agreements and will monitor the sub-recipient for compliance.

- A. The Title VI / ADA Coordinator is charged with the responsibility for implementing, monitoring and ensuring compliance with Title VI and other nondiscrimination regulations. The Title VI Coordinator's responsibilities are:
- (1) Initiating and monitoring Title VI activities, preparing required reports, and other City responsibilities as required by 23 CFR 200, and 49 CFR 21;
  - (2) Processing the disposition of Title VI complaints received by the City;
  - (3) Collecting statistical data (race, color, sex, age, disability or national origin) of participants in and beneficiaries of state highway programs (i.e., relocatees, affected citizens, and impacted communities);
  - (4) Annually review Title VI program areas (right of way planning, design, etc.) to determine the effectiveness of program activities at all levels;

- (5) Conduct Title VI reviews of construction contractors, consultant contractors, suppliers, and other recipients of federal-aid highway fund contracts administered through the City;
  - (6) Review City program directives for special emphasis;
  - (7) Coordinate training programs on Title VI and other related statutes for City employees and recipients of federal funds;
  - (8) Prepare a yearly report of Title VI accomplishments and goals, as required;
  - (9) Develop Title VI information for dissemination to the general public and where appropriate, in languages other than English;
  - (10) Conduct post-grant approval reviews of City programs and applicants (i.e., highway location, design and relocation, and persons seeking contracts with the City), for compliance with Title VI requirements;
  - (11) Identify and eliminate discrimination; and
  - (12) 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.
- B. Complaints. If any individual believes that she/he or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits and/or services, or on the grounds of race, color, national origin, sex, sexual orientation, disability religion, familial status, or age, she/he may exercise his/her right to file a complaint with the City. Every effort will be made to resolve complaints informally at the City and contractor level.
- C. Data Collection. Statistical data on race, color, national origin and sex of participants in, and beneficiaries of federally funded programs (i.e., relocatees, impacted citizens, and affected communities), will be gathered by the Title VI 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 program administration. At a minimum data gathered may consist of collecting updated census data on the community, at a maximum it may consist of collecting data regarding income, race ethnicity data as part of project planning.
- D. Title VI Program Reviews. The City's Title VI Program reviews will be overseen by the Civil Rights Coordinator and the Title VI Coordinator to assess the administrative procedures, staffing and resources available for Title VI compliance. Program representatives will coordinate efforts to ensure that the requirements of Title VI are met throughout the entire contracting process. The Title VI Coordinator will conduct reviews of contractors, subcontractors, consultants, suppliers and all other sub-recipients of the Florida

Department of Transportation's (FDOT's) federal funds to ensure compliance with Title VI and other nondiscrimination provisions.

- E. 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 language and provisions and related requirements, where applicable.
- F. Training Program. Title VI 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.
- G. Annual Reports. An annual executive summary will be submitted to the City Manager reviewing Title VI accomplishments achieved during the year. Annual reports will be required for each of the special emphasis program areas. The Title VI Coordinator will be responsible for coordination and preparation of the report.
- H. Title VI Plan Update. A Title VI Plan Update will be submitted to the City Manager or his/her designee for review by October 1, triennially. The update will report on accomplishments and changes to the program occurring during the preceding three year period, and will also include goals and objectives for the upcoming three years.
- I. 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.
- J. 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 City program, service or activity.
- K. Remedial Action. The City will actively pursue the prevention of Title VI deficiencies and violations, and will 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.
  - (1) 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.
  - (2) The City will seek the cooperation of the sub-recipient in correcting deficiencies found during the review. The City will also provide the technical assistance and guidance needed to aid the sub-recipient to comply voluntarily.

(3) 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.

(4) When a sub-recipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the City will 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.

- L. Procedures Manual. Administration of the Title VI Program will be incorporated into the City Manager's policies that will be updated regularly by the Civil Rights Program Coordinator. Changes in the procedures and/or designation of responsibilities shall not take effect until the City Manager's policies have been updated and the changes have been communicated and disseminated throughout the City organization and to the public.

### **Title II of the American with Disabilities Act**

Title II of the Americans with Disabilities 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 shall, solely by reason of his disability, 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, City of Kissimmee 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 City of Kissimmee simply because that person has a disability.

- A. In furtherance of ensuring that City programs, services, facilities and activities are open and accessible to individuals with disabilities the City has established the following three goals:

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

(2) 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 City's programs, services and activities.

(3) Modifications to Policies and Procedures: Reasonable modifications to policies, practices and programs will be made to ensure that individuals with disabilities have an equal opportunity to enjoy all the City has to offer. For example, individuals with service animals are welcomed in City offices where pets are generally prohibited.

- B. The City will cover the reasonable costs of providing auxiliary aids and services or reasonable modifications of policy, however, the ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.
- C. To protect the substantive rights of interested persons and to assure that the City meets the spirit and guidelines of the Americans with Disabilities Act (ADA), the City 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/she is a victim of discrimination prohibited by Title II of the ADA may file a complaint. Complaints on behalf of classes of individuals are also permitted.
- D. The City shall self-evaluate its current services, policies, practices and effects to determine whether a modification is required to comply with the ADA. The public shall be provided an opportunity to participate in the self evaluation process through the submittal of commentary. Upon completion of the self-evaluation, the City shall maintain for public inspection the following documentation for three years:
- (1) A list of the interested persons consulted;
  - (2) A description of areas examined and any problems identified; and
  - (3) A description of any modifications made.
- E. Transition Plan. In the event that structural changes to facilities will be undertaken to achieve program accessibility, the City shall develop a transition plan setting forth the steps necessary to complete such changes. The City shall provide the public, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available to the public for inspection. The Transition Plan shall, at a minimum:
- (1) Identify physical obstacles of the City's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
  - (2) Describe in detail the methods that will be used to make the facilities accessible;
  - (3) Specify the schedule for taking the steps necessary to achieve ADA compliance. If the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and
  - (4) Indicate the official responsible for implementation of the plan.

## **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. City of Kissimmee welcomes diversity and recognizes that, due to its proximity to famous tourist attractions, visitors from all over the world often visit the City. The City has taken steps to insure that those who come to the City may participate in and enjoy to the fullest everything the City has to offer.

In adherence with federal regulations, City of Kissimmee will make reasonable efforts to ensure its programs, services and activities are meaningfully accessible to those who do not speak English proficiently. The City will 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 City of Kissimmee Personnel Director at 407-847-2821, or 101 Church St., Kissimmee, Florida 34741.

### **A. City of Kissimmee 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 factors:

- (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the City's programs, services, or activities;
- (2) The frequency with which LEP individuals come in contact with these programs, services or activities;
- (3) The nature and importance of the program, service or activity to people's lives; and
- (4) The resources available to the City 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 FR 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 enumerated factors. The following sections address each of these factors with respect to the City of Kissimmee.

Factor 1: Reviewing LEP Populations. In an effort to determine the potential LEP needs in the City of Kissimmee data available through the U.S. Census Bureau American FactFinder was reviewed. The data revealed that:

62.8% of the population five (5) years and over speak another language other than English at home. Of those households 55.8% speak Spanish, 5.4% speak Indo-European Languages, and 1.6% speak Asian and Pacific Islander languages. Of the City of Kissimmee households that speak a language other than English, 20% indicated they speak English “less than very well”; of these households, 37.4% were Spanish speaking.

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 the City of Kissimmee.

Factor 3: Assessing the Importance of City Programs. Those programs related to safety, public transit, right of way, the environment, nondiscrimination and public involvement are among the most important. The City 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 City 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.

B. Language Access and Implementation Plan and Procedures.

(1) 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.

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

(b) Each City Department will 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 shall be made available on the City 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.

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

(2) Written Translation Services.

(a) The City will provide meeting notifications in English and Spanish, where appropriate.

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

### **Complaint Procedure**

City of Kissimmee 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 City's Civil Rights Program, or any State or Federal law may file a verbal or written complaint to the Civil Rights Program Coordinator or the Title VI/ ADA Coordinator.

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407-518-2119  
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Complaints received by other City employees shall be immediately referred to the Civil Rights Program Coordinator and the Title VI/ADA Coordinator.

A. A standard form is available in English and Spanish, online and by request. A copy of the form is included as an appendix to this plan. The form may be completed by the Complainant or by City staff. This form will also serve as the standard written notification transmitted to the FDOT District Five Title VI Coordinator and as documentation kept by the City of all complaints. All Complaints should include:

- (1) The name, address and telephone number of the person making the complaint;
- (2) The names addresses and telephone numbers of witnesses;
- (3) A narrative and/or statement describing the alleged violation including date and time of the alleged violation and City program where the alleged violation occurred;
- (4) A narrative and/or statement identifying the recommended corrective actions to solve the alleged violation(s); and



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

B. Complaint review process.

- (1) A complaint should be filed as soon as an individual becomes aware of the alleged violation, 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, however, the passage of time may hinder the ability of the City to conduct a full and through investigation.
- (2) Within ten (10) calendar days after receipt of the complaint, the Civil Rights Program Coordinator will 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.
- (3) Within Sixty (60) calendar days the Civil Rights Coordinator will review the complaint, and based on the information obtained, will render a recommendation for action in a report of findings to the City Manager.
- (4) Within ninety (90) calendar days of the meeting or conversation, the Civil Rights Program Coordinator will 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 City, including the proposed disposition of the matter. The response shall include notification of the Complainant's right to file a formal complaint with FDOT.
- (5) If the Complainant believes that the response does not satisfactorily resolve the issue, the Complainant and/or his/her designee may appeal the decision within seven (7) calendar days after receipt of the response to the City Manager's Office. The request should be submitted in writing where appropriate. The City Manager or designee will review the findings and make a final determination within fifteen (15) calendar days of receipt of the appeal.
- (6) If the City is unable to satisfactorily resolve the complaint, the Civil Rights Program Coordinator will, in conjunction with the Public Works Department, forward the complaint and the record of its disposition, to the Florida Department of Transportation, Equal Opportunity Office, Statewide Title VI/ Nondiscrimination Coordinator. FDOT will assume jurisdiction over the complaint for continuing processing.

- C. The Civil Rights Coordinator will maintain a log of all verbal and non-written complaints received by the City.

**Dissemination of the City's Civil Rights Program**

In order to implement its policy of nondiscrimination the City'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 City employees, contractors and sub-recipients, as appropriate, at least annually, to discuss the City'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 City of Kissimmee Government employees.
- (4) The Policies will be prominently discussed and explained in the appropriate in-service training activities for City employees, and will be accessible to all City employees via City'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 necessary by staff.
- (2) The policies will be accessible to the general public via the City's Internet website, [www.kissimmee.org](http://www.kissimmee.org).