

Easterseals Capital Region
& Eastern Connecticut,
Inc.
Title VI Plan

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Effective Immediately

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INTRODUCTION

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that:

"no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d).

Easterseals Capital Region & Eastern Connecticut, Inc. is committed to ensuring that no person is excluded from participation, denied benefits, or otherwise subjected to discrimination under any program or activity, on the basis of race, color, national origin.

Easterseals Capital Region & Eastern Connecticut, Inc. will effectuate and ensure full compliance with the provisions of Title VI of the Civil Rights Act of 1964, as amended (referred to as Title VI), 49 CFR Part 21, and 23 CFR Part 200, and related statutes and regulations in all Department programs and activities.

NOTIFYING BENEFICIARIES OF THEIR RIGHTS UNDER TITLE VI

Easterseals Capital Region & Eastern Connecticut, Inc. operates its programs and activities without regard to race, color and national origin. Easterseals has developed a Title VI Notice to the Public to provide notification to beneficiaries of their rights under Title VI and the procedures to follow when filing a Title VI complaint. A person may file a complaint directly with:

- Easterseals Capital Region & Eastern Connecticut, Inc. ATT: Nathan Stosonis 100 Deerfield Rd. Windsor, CT 06095; or
- Federal Transit Administration, FTA Civil Rights Office, 1200 New Jersey Avenue SE, Washington, DC 20590; or
- Office of Contract Compliance, Attention: Title VI Coordinator, 2800 Berlin Turnpike, Newington, CT 06111.

Notices are posted in areas such as on the public bulletin board, in all 5310 funded vehicles, reception desk as well as on Easterseals website.

EASTERSEALS CAPITAL REGION & EASTERN CONNECTICUT, INC. TITLE VI POLICY STATEMENT –

This policy affirms that Easterseals prohibits discrimination on the basis of race, color and national origin in its programs, benefits and activities. The policy is signed by the President and CEO of Easterseals Capital Region and posted on Easterseals website.

TITLE VI COMPLAINT FORM – This form can be used by the public to file a Title VI complaint. While the public is not required to use this form to file a Title VI complaint, it is encouraged. Using the form ensures that the necessary information to initiate an investigation is captured. The public can access the Title VI complaint form by visiting Easterseals Capital Region & Eastern Connecticut, Inc. website and clicking the links provided or through Easterseals Title VI Coordinator.

FTA TITLE VI COMPLAINT INVESTIGATION PROCESS AND PROCEDURE

What is an Investigation: An investigation is an official inquiry for the purpose of determining whether there has been a violation of the laws or statutes and includes a determination of appropriate relief where a violation has been identified. An investigation requires an objective gathering and analysis of the evidence, which will ensure that the final decision is as accurate as possible.

Role of the Investigator: The investigator is a neutral party provided by the agency to investigate the issues raised in a complaint. The investigator has an obligation to identify and obtain relevant evidence from all available sources to resolve all the issues under investigation. The investigator is not an advocate for the complainant or the respondent. The investigator is a neutral fact finder.

THEORIES OF DISCRIMINATION: A Theory of Discrimination refers to the type of discrimination:

- INTENTIONAL DISCRIMINATION/DISPARATE TREATMENT – The decision maker was aware of the complainant’s race, color, or national origin, and acted at least in part because of that information. The action was taken because of the complainant’s race, color, or national origin,
- DISPARATE/ADVERSE IMPACT – Discrimination which occurs when a neutral policy or procedure has a disproportionate impact on a protected class. The practice, even though applied equally to all, has the effect of excluding or otherwise adversely affecting a particular group; and
- RETALIATION – Discrimination against persons because of the filing of a complaint, participation in an investigation, or opposing a practice made unlawful pursuant to the laws.

ELEMENTS OF PROOF: How does the investigator prove discrimination?

- Establish a Prima Facie Case – The complainant has the responsibility of initially establishing a prima facie case of discrimination. A prima facie case means the complainant has provided information containing all the elements necessary for a complaint of discrimination.

TITLE VI COMPLAINT PROCEDURES

All Title VI complaints will be filed in accordance with the following Title VI Complaint Procedures: Any person who believes she or he has been discriminated against on the basis of race, color, or

national origin by Easterseals Capital Region & Eastern Connecticut, Inc. may file a Title VI complaint by completing and submitting a Title VI Complaint Form. Easterseals investigates complaints received no more than 180 days after the alleged incident and will process complaints that are complete.

Once the complaint is received, Easterseals Capital Region & Eastern Connecticut, Inc. will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office. Easterseals Title VI Coordinator will notify the Connecticut Department of Transportation's Title VI Coordinator of any Title VI complaints filed, within 10 business days of receipt.

Easterseals Capital Region & Eastern Connecticut, Inc. has up to 120 days to investigate the complaint. If more information is needed to resolve the case, Easterseals Title VI Coordinator may contact the complainant. The complainant has 10 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 10 business days, Easterseals can administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or any other action will occur. If the complainant wishes to appeal the decision, she/he has 10 days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the Connecticut Department of Transportation, Office of Contract Compliance, Attn: Title VI Coordinator, 2800 Berlin Turnpike, Newington, CT 06111; or directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

For Limited English Proficient (LEP) persons, Easterseals encourages complainants, respondents, and/or third-party representatives to utilize language assistance services. Persons seeking assistance shall contact Easterseals Transportation Coordinator at (860) 859-4148 ext:284 who would then initiate the call with services obtained through Language Line. For the above information in Spanish, please refer to Appendix A.

TRANSIT RELATED TITLE VI COMPLAINTS, INVESTIGATIONS, AND LAWSUITS

All recipients shall prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin:

- Active investigations conducted by FTA and entities other than FTA;

- Lawsuits; and
- Complaints naming the recipient.

This list shall include the date that the transportation-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to CTDOT every three years, or upon request.

No incidents were noted or reported concerning language barriers, or any other basis including race, color, or national origin.

PUBLIC PARTICIPATION PLAN

The Public Participation Plan (PPP) is a guide for ongoing public participation endeavors. Its purpose is to ensure that Easterseals Capital Region & Eastern Connecticut, Inc. utilizes effective means of providing information and receiving public input on transportation decisions from low income, minority and limited English proficient (LEP) populations, as required by Title VI of the Civil Rights Act of 1964 and its implementing regulations. Under federal regulations, transit operators must take reasonable steps to ensure that Limited English Proficient (LEP) persons have meaningful access to their programs and activities. This means that public participation opportunities, normally provided in English, should be accessible to persons who have a limited ability to speak, read, write, or understand English.

Easterseals Capital Region & Eastern Connecticut, Inc. continuously seeks to create opportunities for the public to participate in planning, reviewing, and implementing its transportation projects and programs. To draw attention to this effort, Easterseals Capital Region & Eastern Connecticut, Inc. outlines its plan of action in the PPP, which is updated on an as needed basis.

Easterseals Capital Region & Eastern Connecticut, Inc. staff performs the following activities:

- Follows guidelines set forth in Easterseals' PPP.
- Maintains a mailing list of groups/organizations who wish to be informed on transportation plans and programs in the Eastern Connecticut Area, i.e. social services and other related organizations that utilize Adult Day Program Transportation.
- Maintain the Easterseals Capital Region & Eastern Connecticut, Inc. website and social media accounts to provide information to the public, as well as gain public awareness.
- Researches public participation techniques.
- Translates documents to different languages as needed.

The primary method used to distribute and communicate information regarding the agency's planning efforts is through Easterseals Capital Region & Eastern Connecticut, Inc. website: www.easterseals.com/hartford/. Users can find information including agency news and events and other general information associated with Easterseals Capital Region & Eastern Connecticut, Inc. In order to make the information located at www.easterseals.com/hartford/ available to the greatest number of interested parties, Easterseals will look at incorporating an online translation tool into the site in the future based on need and data extrapolated from the U.S. Census.

To maintain an online presence and provide additional information regarding Easterseals Capital Region & Eastern Connecticut, Inc. activities, we maintain multiple social media accounts. Easterseals currently utilizes Facebook, <https://www.facebook.com/EasterSealsCREC/>, Instagram, <https://www.instagram.com/eastersealscrec/?hl=en>, and LinkedIn, <https://www.linkedin.com/company/eastersealscrec/>.

Further, Easterseals Capital Region & Eastern Connecticut, Inc. utilizes contacts, partnerships, standing Memorandums of Understanding, Agreements, and stakeholder input to further distribute information necessary to further drive the general public's understanding and awareness of services available to all populations throughout Eastern Connecticut.

Language Assistance Plan

Limited English Proficiency (LEP) is a term that defines any individual not proficient in the use of the English language. The establishment and operation of an LEP program meets objectives set forth in Title VI of the Civil Rights Act and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP). This Executive Order requires federal agencies receiving financial assistance to address the needs of non-English speaking persons. The Executive Order also establishes compliance standards to ensure that the programs and activities that are provided by a transportation provider in English are accessible to LEP communities.

As a grantee of Federal Transit Authority (FTA) funds, Easterseals Capital Region & Eastern Connecticut, Inc. is required to develop a Language Assistance Plan (LAP) that ensures meaningful access and addresses the needs of Limited English Proficient (LEP) populations. The Easterseals LAP includes the following elements:

- Four-factor Analysis;
- language assistance measures;
- Providing notice of the availability of language assistance to LEP individuals;
- Procedures for monitoring and updating the Plan; and
- Program initiatives over the next three years.

The following LEP language implementation plan, developed by Easterseals Capital Region & Eastern Connecticut, Inc. is based on FTA guidelines.

Factor 1: Assessment of the Number and Proportion of LEP Persons Likely to be Served or Encountered in the Eligible Service Population

The organization has reviewed census data on the number of individuals in its service area that have limited English Proficiency, as well as the languages they speak. U.S. Census Data – American Community Survey (2014-2018) Data from the U.S. Census Bureau’s American Community Survey (ACS) were obtained through www.census.gov. Easterseals Capital Region & Eastern Connecticut, Inc. service area of New London County includes a total population of 265,206 (US Census V2019) with 5.3 percent of the total population reported as persons with Limited English Proficiency that indicated they spoke English “less than very well,” in the 2014-2018 ACS Census. Languages spoken at home by those with LEP are presented below. These data indicate the extent to which translations into other language are needed to meet the needs of LEP persons.

Based on the area of service, New London County Easterseals calculated the number and percentage of LEP populations by language. If the number of LEP persons exceeded 5% of the total population, it would be considered an LEP language. If the LEP population was 5% or 1,000 individuals, whichever was less, it would be considered a Safe Harbor language. Based on these calculations, it was determined that Spanish was the only language that exceeded 5 percent.

New London County Total population: 265,206		
Language	Count	Percentage
Spanish	14,179	6.6%
Indo-European	8,496	4%
Asian/Islander	7,187	3.4%

Factor 2: Frequency of Contact by LEP Persons with Services.

Easterseals Capital Region & Eastern Connecticut, Inc. examines the frequency with which LEP individuals encounter its services by conducting a Front-line Staff Survey. As a tool to gauge front-line employee interactions with LEP populations, Easterseals administered an LEP interaction survey. It was the first LEP survey in its kind, and included operators, supervisors, and staff members with direct interactions with populations requesting services from Easterseals. The frequency of interaction with twenty-six (26) languages are detailed in the table below.

Frequency	Never	Rarely	Sometimes	Very Often
Spanish or Spanish Creole		3	1	5
French Creole				1
Laotian				
Polish				
Portuguese				
Albanian				
Chinese				
Italian				
Unknown			1	
Vietnamese				
India			1	
Russian				
Hindi				
Punjabi				
Guajarati				
Indi				
Serbo-Croatian				
Arabic		1		
Sign Language		5	3	
African				
Japanese				
Ukrainian				
French		1		
Egyptian				
Punjabi				
Iraqi				

Based on a Front-line staff survey conducted, the frequency in which LEP individuals seek services offered through Easterseals is minimal. Findings from the survey coincide with that of the US Census that indicated Spanish speaking people are above the 5% threshold. Approximately 33% of staff indicated that they interact with persons who speak Spanish very often, 20% stated that they have rare interactions, and 6% of staff said sometimes.

In addition, staff identified frequent interactions with deaf or mute individuals who utilize Sign Language. Twenty percent of Easterseals staff indicated that the frequency is sometimes and 33% stated that they have rare interactions. While Sign Language is not specified within the 5% threshold, Easterseals staff has been offered paid training to obtain a certificate of training in relation to Sign Language. Easterseals will continue to identify emerging populations as updated Census and ACS data become available for our service area.

In addition, when LEP persons contact our agency, we attempt to identify their language and keep records on contacts to accurately assess the frequency of contact. To assist in language identification, the Agency uses a language identification flashcard based on that which was developed by the U.S. Census (see annex: Language Identification Card).

Factor 3: Assessment of the Nature and Importance of the Transit Services to the LEP Population

Easterseals Capital Region & Eastern Connecticut, Inc. provides services, (such as nutrition programs, socialization and recreation, volunteer programs, and education activities that promote independence and well-being for older adults, persons with disabilities. Easterseals Capital Region & Eastern Connecticut, Inc. provides the following services that may include transportation:

- **Case Management:** Helps individuals by accessing supports and services critical to meeting basic needs, improving quality of life and promoting self-empowerment.
- **Developmental Disability Day Services:**
 - **Community Engagement:** Fosters an individual's ability to acquire, retain or improve skills necessary to building positive social behavior, interpersonal competence, greater independence, employability, and personal choice. This program enables the individual to access typical activities in community life enjoyed by the general population such as education or training, retirement, and volunteer activities.
 - **Group Day Services:** Provides opportunities for peer interactions, community integration, career planning and enhancement of social networks. Supports may be provided to ensure individual health and safety.
- **Psychosocial Rehabilitation:** The program offers structured day support services including community integration, independent living skills instruction, interpersonal and social skills development, and communication skills instruction.

Transportation is provided as part of service delivery and accommodations are made for LEP persons on an as-needed basis.

Factor 4: Assessment of the Resources Available to the Agency and Costs

Based on the analysis of demographic data and contact with community organizations and LEP persons, Easterseals Capital Region & Eastern Connecticut, Inc. has determined that, at this time, minimal services are needed to provide meaningful access to services offered.

Easterseals Capital Region & Eastern Connecticut, Inc. assessed its available resources that could be used to provide LEP assistance. This included how much a professional interpreter and translation

service would cost, determining which documents should be translated, and deciding what level of staff training is needed. We anticipate that these activities and costs will increase as supply and demand increases which will be addressed as needed. Easterseals allocates resources toward language assistance expenses as available and appropriate. The agency does not have a set budget for translation services.

The following language assistance measures are feasible and appropriate for our agency currently: Language Assistance Services and to hire staff who are bilingual (English/Spanish) as a plus (rather than requirement) whenever Easterseals Capital Region & Eastern Connecticut, Inc. is seeking applicants for newly created or vacant positions.

LAP IMPLEMENTATION PLAN

Through the four-factor analysis, Easterseals Capital Region & Eastern Connecticut, Inc. has determined that the following language assistance measures are feasible and appropriate for our agency at this time:

- Offer timely availability of interpretation.
- Contract with interpretation services, independent interpreters or volunteer interpreters who satisfy the competency requirements.
- Offer telephone interpretation services.
- Provide written materials to individuals and the public in English and those languages regularly encountered by Easterseals Capital Region & Eastern Connecticut, Inc. other than English.
 - The following documents are defined as vital documents by Easterseals Capital Region & Eastern Connecticut, Inc.
 - Statement of rights under Title VI; and
 - Title VI complaint procedure and complaint form.
- Develop, maintain, and post notices in key locations of the organization notifying persons of their right to free language assistance.
- Utilize language identification cards (“I speak” cards) which assist LEP persons in identifying their language needs.
- Implement procedures for staff for purposes of accessing in-person and telephone interpretation.

Staff who encounter LEP persons can access language services by calling obtained Language Assistance Services obtained through Easterseals Capital Region & Eastern Connecticut, Inc. Easterseals Capital Region & Eastern Connecticut, Inc. staff are provided with a list of available language assistance services and additional information and referral resources, updated on an as needed basis.

Training: Easterseals will offer training specifically on the language assistance measures available to staff members and provide guidance on how to effectively communicate with LEP populations, upon hire, annually, and as new measures are implemented.

As the community grows and new LEP groups emerge, Easterseals Capital Region & Eastern Connecticut, Inc. will strive to address the needs for additional language assistance and update this plan accordingly on an annual basis, as well as continue to provide training to front-line and other staff on how to effectively engage and respond to LEP customers.

PROVIDING NOTICE TO LEP PERSONS

Easterseals Capital Region & Eastern Connecticut, Inc. has translated its Title VI Notice to Beneficiaries and Title VI Complaint Form into Spanish. If language assistance is needed Easterseals will access its over the phone interpretation provider to interpret the phone call and provide the LEP caller with the information they are requesting.

Easterseals Capital Region & Eastern Connecticut, Inc. provides notice of “right to free language assistance” and will continue to determine which documents are vital for translation and choose the appropriate format(s) to most effectively communicate the messages contained in the vital documents to provide timely and relevant information about Easterseals programs and services to LEP communities.

Easterseals Capital Region & Eastern Connecticut, Inc. has or will implement the following outreach efforts:

- A statement on its website in Spanish indicating the language assistance is available free of charge; and
- Post notices to inform the public that Language Assistance tools are available to aid in translation of needed languages.

MONITORING AND UPDATING THE LANGUAGE ASSISTANCE PLAN

Easterseals Capital Region & Eastern Connecticut, Inc. will monitor its Language Assistance Plan (LAP) on an ongoing basis to ensure new LEP populations are identified and their needs are addressed and the plan in place is effective. The LAP will be reviewed on an annual basis and changes will be incorporated.

Should any of the monitoring methods in place reveal issues with Easterseals Capital Region & Eastern Connecticut, Inc. current LAP plan, Easterseals will make the necessary revisions to ensure no one is denied access to programs or benefits due to language barriers or their national origin.

LANGUAGE INITIATIVES FOR THE NEXT THREE YEARS

Over the next three years specific actions will be taken to implement a strong program of enhanced language assistance services. Efforts will be made to provide language assistance to ensure that language services are provided in a timely manner to those requesting such services. Easterseals Capital Region & Eastern Connecticut, Inc. will work to develop and implement a plan to ensure all public engagement activities are compliant under Title VI, including providing meaningful access to LEP populations.