

Project Delivery Academy

Civil Rights

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What are the requirements?

Civil Rights ensures agency compliance with Federal and State laws & regulations, ADOT policies and procedures that govern how ADOT provides services to our employees, customers, stakeholders and the general Arizona population.



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External Nondiscrimination Programs

- ADA/Section 504 Compliance
- EEO Contractor Compliance
- Title VI
- Environmental Justice



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What we do

Work with ADOT employees, supervisors, managers, division administrators, sub-recipients, grantees, external partners, contractors and local governments to ensure that:

- No member of the public is excluded from participation, denied benefits, or subjected to discrimination under any ADOT sponsored program or activity.



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ADA Authorities



- As a State Transportation Agency, ADOT has a responsibility to ensure that all of its facilities, programs, services, activities, to include construction projects fully comply with the provisions of Title II of the ADA and Section 504 of the Rehabilitation Act of 1973.
- Title II of the Americans with Disabilities Act for “public entity” and all regulatory requirements under (28 CFR 35.104). In addition, ADOT must also comply with the regulatory requirements of Section 504 of the Rehabilitation Act.

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PER - 2.02 External ADA Policy

- The purpose of personnel policy 2.02 is to define ADOT's policy regarding the Americans with Disabilities Act of 1990 ("ADA") by giving guidance for the implementation of the policy as it relates to members of the public and their ability to participate in benefits and services provided by ADOT without exclusion based on the individual's disability.

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ADA Public Accommodations

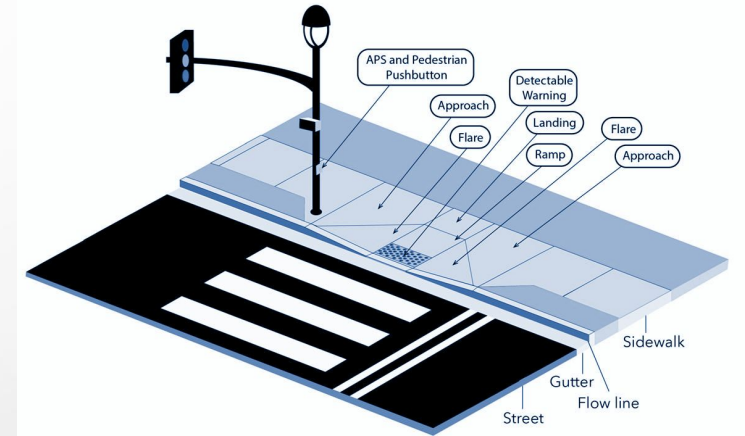
- Take reasonable steps or ensure that reasonable steps are taken to grant meaningful access.
- Ensure ADA accommodations are provided timely to avoid discrimination. The time depends on factors such as the type of accommodation requested and the consequences to the individual of failing to provide the accommodation immediately.
- Consult with the Agency's ADA Coordinator before approving or declining a request.

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ADA Project Delivery

- ADOT must incorporate ADA and Section 504 accessibility requirements.
- Partner work to ensure that features such as curb ramps, truncated domes, and barrier-free sidewalks/trails meet accessibility standards and are incorporated into ADOT's projects.
- Ensure projects that involve alterations to existing roadways, existing pedestrian facilities within project limits are reviewed to determine whether they meet ADA/504 regulations or warrant improvements in order to meet ADOT's ADA Design Standards.



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ADA Tracking & Monitoring



- **ADA Compliance & Feasibility Reports:** Must be completed for projects that have ADA features being updated or added within the project work limits. The reports are updated throughout project delivery and completed prior to close out.
- **Features Inventory System (FIS):** Track/Monitor ADA barriers as part of the FIS. The system is accessible to all ADOT employees.
 - Evaluate ADA features in the field throughout project delivery.
 - Submit ADA update requests to Systems Management to update ADOT's FIS system of record.

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Equal Employment Opportunity Contractor Compliance

- ADOT is a recipient of federal funding for various projects and is required to ensure Equal Employment Opportunity contract compliance on all federally funded projects.
- Ensure that contractors and subcontractors performing work on federally funded highway projects do not discriminate in their employment and contracting practices based on race, color, religion, sex, sexual orientation, national origin, age or disability.

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External Equal Employment Opportunity Contractor Compliance

The Equal Employment Opportunity Contractor Compliance Program Plan is designed to aid the Civil Rights Office in its ability to provide oversight and ensure compliance with equal employment opportunity requirements of federally-assisted highway construction contracts.

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External Equal Employment Opportunity Contractor Compliance Regulations & Authorities

- 23 CFR 230, Subpart A, C, & D
- FHWA 1273 Form
- FHWA Order 4710.8
- Executive Order No. 11246

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FHWA-1273 Form

- ADOT administers a decentralized Contractor Compliance Program to meet Federal Highway Administration (FHWA) under the 23 CFR 230.
- The required contract provisions (FHWA-1273) applies to all contractors and subcontractors whose contracts with ADOT exceed \$10,000 or more.
- Included in each federal-aid construction contract
- Identifies EEO Requirements for contractors working on federal-aid contracts

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Non-segregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
- XI. Certification Regarding Use of Contract Funds for Lobbying
- XII. Use of United States-Flag Vessels:

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under title 23, United States Code, as required in 23 CFR 633.102(b) (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services). 23 CFR 633.102(e).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider. 23 CFR 633.102(e).

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services) in accordance with 23 CFR 633.102. The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in solicitation-for-bids or request-for-proposals documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract). 23 CFR 633.102(b).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work

performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate supervision and to all work performed on the contract by piecework, station work, or by subcontract. 23 CFR 633.102(d).

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. 23 U.S.C. 114(b). The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors. 23 U.S.C. 101(a).

II. NONDISCRIMINATION (23 CFR 230.107(a); 23 CFR Part 230, Subpart A, Appendix A, EO 11246)

The provisions of this section related to 23 CFR Part 230, Subpart A, Appendix A are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the Equal Opportunity Clause in Executive Order 11246 and Part 60, 29 CFR Parts 1625-1627, 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), and related regulations including 49 CFR Parts 21, 26, and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR Part 60, and 29 CFR Parts 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), and related regulations including 49 CFR Parts 21, 26, and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR Part 230, Subpart A, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

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FHWA 1273 Nondiscrimination Provisions

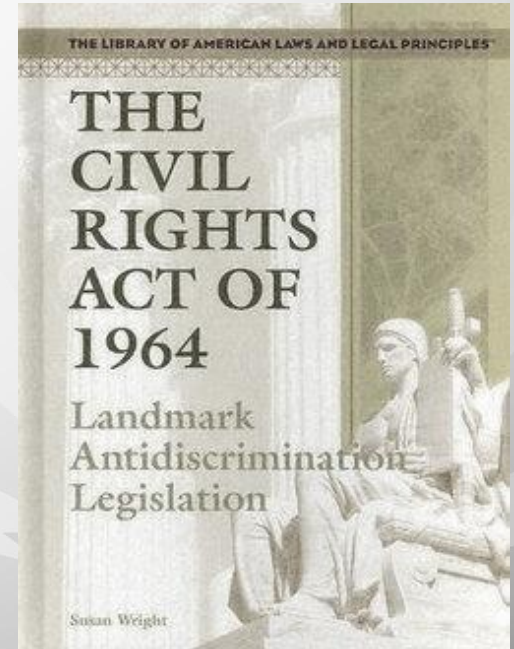
- EEO Policy Statement
- EEO Officer
- Dissemination of Policy
- Recruitment
- Personnel Actions
- Training and Promotion
- Unions
- Reasonable Accommodation for Applicants / Employees with Disabilities
- Selection of Subcontractors, Procurement of Materials and Leasing of Equipment
- Records and Reports

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Title VI

“No person in the United States shall, on the grounds 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.”



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Environmental Justice

Executive Order 12898: Requires “the fair treatment and meaningful involvement of all people, particularly minority and low-income populations, in the environmental decision-making process.”

NEPA Assignment to ADOT:

Environmental Planning, in partnership with the Title VI Program, has assumed oversight responsibilities from FHWA to ensure EJ and Title VI compliance on NEPA documents.

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US DOT Guiding EJ Principles

To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority or low-income populations.

To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.

To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority or low-income populations.

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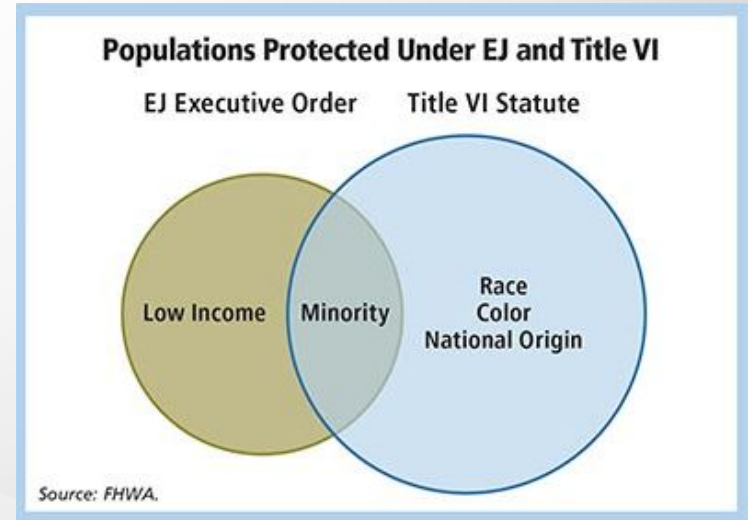
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EJ Analysis Nutshell:

- Impacts
- Vulnerable Populations
- Proportionality
- Mitigation

When Civil Rights is Involved:

- Document Reviews: 30 days, 2 weeks, 5 days
- Public Meetings/Planning
- Progress Meetings



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Title VI, EJ and Limited English Proficiency (LEP)

- Become familiar with ADOT's Public Involvement Plan
- Coordinate with ADOT Communications when soliciting public input or to communicate travel-related impacts
- Meet with your area's Title VI Liaison to get familiar with your role in the demographic data reporting process. Data that is included in the Title VI Quarterly report submitted to the Title VI program.

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ADA & Title VI

- All persons conducting business with ADOT must be notified of their rights under ADA/Title VI - (*ADOT'S Nondiscrimination Notice to the Public*)
- All persons conducting business with ADOT must be notified of the availability of auxiliary aids and services - (*ADOT's Auxiliary Aids and Services Notice to the Public*)
- All customer or public complaints of discrimination against ADOT, ADOT employees, or ADOT sub-recipients must be immediately reported to the Agency's Program Coordinators.
- Consult with the ADOT's ADA Coordinator when processing reasonable accommodations for individuals with disabilities and before denial of any accommodation request

PER-18.01 Title VI External Nondiscrimination & Open Meeting Policy

The purpose of PER-18.01 is to define ADOT's policy regarding employees, participants, sub-recipients, contractors, and beneficiaries of ADOT's programs and activities and nondiscrimination in those programs and activities.



ADOT'S NONDISCRIMINATION NOTICE TO THE PUBLIC

The Arizona Department of Transportation (ADOT) hereby gives public notice that it is the Agency's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act of 1990 (ADA), and other related authorities in all of its programs and activities.

ADOT's Title VI and ADA Programs require that no person shall, on the grounds of race, color, national origin, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

Any person, who believes his/her Title VI or ADA rights have been violated, may file a complaint. Any such complaint must be in writing and filed with the ADOT Civil Rights Office within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For additional information about ADOT's Civil Rights programs and the procedures to file a complaint contact ADOT Civil Rights Office via the information listed below:

AVISO PÚBLICO DE LA LEY DE NO-DISCRIMINACIÓN DE ADOT

El Departamento de Transporte del Estado de Arizona (ADOT) informa al público que esta agencia tiene como regla asegurar el cumplimiento total del Título VI de la Ley de los Derechos Civiles de 1964, del Título II de la Ley de ciudadanos Americanos con Discapacidades de 1990 (ADA) y otras normas relacionadas con todos sus programas y actividades.

Los programas del Título VI y ADA de ADOT exigen que a ninguna persona se le excluya de participar, se le nieguen beneficios o de ninguna otra manera sea sujeta a discriminación en ningún programa o actividad de ADOT por motivo de raza, color, país de origen, o discapacidad.

Cualquier persona que crea que se han violado sus derechos bajo el Título VI o el ADA, puede presentar una queja. Esta queja debe presentarse por escrito a la Oficina de Derechos Civiles de ADOT dentro de ciento ochenta (180) días a partir de la fecha en que se alega que ocurrió la discriminación. Para recibir más información sobre los programas de Derechos Civiles de ADOT y los procedimientos para presentar una queja, por favor póngase en contacto con la Oficina de Derechos Civiles de ADOT a través la información que aparece abajo:

KRYSTAL SMITH
ADA/504 Nondiscrimination Program Coordinator
Ksmith2@adot.gov

DANIELLE VALENTINE
TITLE VI Nondiscrimination Program Coordinator
Dvalentine@adot.gov

ADOT Civil Rights Office
206 S. 17th Avenue, Mail Drop 155-A
Phoenix, AZ 85007
602.712.8946
602.235.6257 FAX
adot.gov
CivilRightsOffice@adot.gov



AUXILIARY AIDS AND SERVICES

In compliance with Title II of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, the Arizona Department of Transportation (ADOT) does not discriminate against qualified individuals with disabilities on the basis of disability in its programs, services, and activities.

ADOT will make reasonable modifications to ensure that individuals with disabilities have an equal opportunity to enjoy ADOT's programs, services, and activities.

If you require an accommodation please notify an ADOT staff member.

For additional information or questions about ADOT's External ADA Program, please contact the Civil Rights Office at 602.712.8946.



SERVICIOS Y ASISTENCIA ADICIONAL

En cumplimiento con el Título II de la ley de ciudadanos Americanos con Discapacidades (ADA por sus siglas en ingles) y la Sección 504 de la Ley de Rehabilitación de 1973, el Departamento de Transporte del estado de Arizona no discrimina contra individuos con discapacidades en sus programas, servicios y actividades administrados por el departamento.

ADOT hará modificaciones razonables para asegurar que individuos con discapacidades tengan las mismas oportunidades de disfrutar y participar en todos los programas, servicios y actividades de ADOT.

Las personas que requieran asistencia o una adaptación razonable por discapacidad por favor infórmele a un empleado de ADOT.

Si tiene cualquier pregunta o desea más información sobre el programa de no discriminación de ADOT, por favor póngase en contacto con la Oficina de Derechos Civiles de ADOT al 602.712.8946.

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ADA/Title VI Public Complaint Procedures

Any person, specific class of persons or entity that believes they have been subjected to discrimination on the basis of race, color, national origin or disability may file a formal complaint with ADOT.

- ★ Complaints must be filed in writing, within 180 days of last incident of discrimination

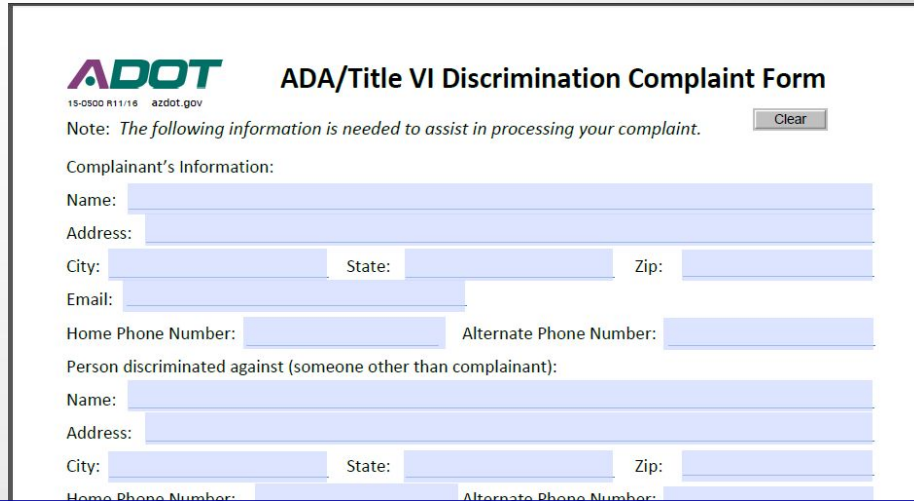
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ADA/Title VI Discrimination Complaint Form

The Complaint Form may be accessed electronically on our ADOT Civil Rights external website:

<https://azdot.gov/business/civil-rights>



ADOT 15-0500 R11/16 azdot.gov **ADA/Title VI Discrimination Complaint Form**

Note: *The following information is needed to assist in processing your complaint.*

Complainant's Information:

Name:

Address:

City: State: Zip:

Email:

Home Phone Number: Alternate Phone Number:

Person discriminated against (someone other than complainant):

Name:

Address:

City: State: Zip:

Home Phone Number: Alternate Phone Number:

Filing a Complaint - Arizona Department of Transportation

<https://www.azdot.gov/.../filing-a-complaint> ▼ Arizona Department of Transportation ▼
 Complaints (in English or Spanish) may be filed by any person who believes that he or she has been excluded from participation in, denied the benefits of or ...
 You've visited this page 4 times. Last visit: 10/3/16

Questions?



ADA/504 Program - ADA@azdot.gov

Title VI/EJ - TitleVI@azdot.gov

EEO Contractor Compliance - ExternalEEO@azdot.gov