

**MADISON COUNTY FISCAL COURT
MADISON COUNTY, KY
RESOLUTION 2024-64**

**A RESOLUTION OF THE MADISON COUNTY FISCAL COURT TO ADOPT THE
STATE OF KENTUCKY TITLE VI IMPLEMENTATION PLAN**

WHEREAS, in order to receive federal grant funds, the Madison County Fiscal Court agrees to comply with Title VI of the Civil Rights Act of 1964; and

WHEREAS, the Madison County Fiscal Court wishes to adopt the State of Kentucky Title VI Implementation Plan, provided by the Department of Local Government, dated June 25, 2024;

NOW, THEREFORE, BE IT RESOLVED THAT THE MADISON COUNTY FISCAL COURT DOES HEREBY APPROVE THIS RESOLUTION AND AUTHORIZES THE JUDGE EXECUTIVE AND/OR HIS DESIGNEE TO EXECUTE THE SAME ON BEHALF OF THE COUNTY.

Motion made by Hughes, seconded by Combs.

Vote:	Yes	No
Judge Executive Reagan Taylor	<u>✓</u>	_____
Magistrate James Brian Combs	<u>✓</u>	_____
Magistrate Stephen Lochmueller	<u>✓</u>	_____
Magistrate Billy Ray Hughes	<u>✓</u>	_____
Magistrate Tom Botkin	<u>✓</u>	_____

Signed:
RT-29
Reagan Taylor
Madison County Judge Executive

6-25-2024
Date

Attested:
Kenny Barger MCC
Kenny Barger
Madison County Clerk

6-25-2024
Date



Title VI Program Plan



July 1, 2023– June 30, 2024

Title VI Program & Nondiscrimination Plan

Discrimination on the basis of race, color, sex, national origin in programs or activities receiving Federal financial assistance is prohibited under the Civil Rights Act of 1964.

County Judge Executive – Reagan Taylor

Title VI Coordinator (Interim) – Jill Williams



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MADISON COUNTY



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Glossary

Affirmative Action: a good-faith effort to eliminate past and present discrimination in all federally assisted programs and to ensure future nondiscriminatory practices.

African American (Black): As defined by the Census, a person having origins in any of the black racial groups of Africa.

Age Discrimination in Employment Act of 1967 (ADEA): protects certain applicants and employees 40 years of age and older from discrimination based on age in hiring, promotion, discharge, compensation, or terms, conditions or privileges of employment.

American Indian or Alaska Native: As defined by the Census, a person having origins in any of the original people of North and South America (including Central America) who maintains cultural identification through tribal affiliation or community attachment.

Applicant: An eligible public entity or organization that submits an application for financial assistance under a program administered on behalf of the State.

Area Development Districts (ADD): Focus on developing and sustaining the fundamental building blocks for state, regions and local communities in rapidly changing global marketplace. Including but not limited to traditional emphasis on strategic planning and project funding for clean and safe drinking water systems, health care facilities, affordable housing, small business development and transportation improvements.

Asian: As defined by the Census, a person having origins in any of the original peoples of the Far East, Southeast Asia or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

Assurance: A written policy statement or contractual agreement signed by the agency head in which a recipient agrees to administer federally assisted programs in accordance with civil rights laws and regulations.

Beneficiary: any person or group of people (other than states) entitled to receive benefits, directly or indirectly, from any federally assisted program (e.g., relocated persons, impacted citizens, communities, etc.).

Complaint: A verbal or written allegation of discrimination that indicates that a federally assisted program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color, pregnancy, childbirth or national origin.

Compliance: a satisfactory condition wherein an applicant, recipient, or sub recipient has effectively implemented all the Title VI requirements or can demonstrate that every good-faith effort toward achieving this end has been made.



Contract: a mutually binding legal relationship or any modification thereof obligating the seller to furnish supplies or services, including construction, and obligating the buyer to pay for them. Throughout this document, a lease is considered a contract.

Contractor: any person, corporation, partnership, organization, or incorporated association that participates, through a contract or subcontract, in any program or activity covered by this plan, including lessees.

Discrimination: involves any act or inaction, whether intentional or unintentional in any program or activity which results in disparate (unfavorable) treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, pregnancy, childbirth, sex, national origin, age, disability or in the case of disability, failing to make a reasonable accommodation of a federal aid recipient, sub recipient or contractor.

Federal Assistance:

- Grants and loans of federal funds
- The grant or donation of federal property and interests in property
- The detail of federal personnel
- The sale and lease of, and the permission to use (on other than a casual or transient basis), federal property or any interest in such property without consideration or with nominal consideration, or with consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient
- Any federal agreement, arrangement, or other contract that has, as one of its purposes, the provision of assistance

Federal Highway Administration or FHWA: Agency within the U.S. Department of Transportation that supports State and local governments in the design, construction and maintenance of the Nation's highway system (Federal Aid Highway Program) and various federally and tribal owned lands (Federal Lands Highway Program).

The Genetic Information Nondiscrimination Act of 2008 (GINA): prohibits discrimination against employees or applicants based on genetic information. Title II of GINA prohibits the use of genetic information in making employment decisions, restricts employers and other entities covered by Title II (employment agencies, labor organizations and joint labor-management training and apprenticeship programs) from requesting, requiring or purchasing genetic information, and strictly limits the disclosure of genetic information.

Grantee: any public or private agency, institution, or organization to whom federal financial assistance is intended for any program.

Hispanic/Latino: As defined by the Census, a person of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin, regardless of race.



Human Resources: the department of a business or organization that deals with the hiring, administration, and training of personnel.

Interpretation: the process of listening to something in one language and orally interpreting it in another. The mix of LEP services under the Oral Languages Services is as follows:

- Hiring bilingual staff
- Hiring staff interpreters
- Using telephone interpreter lines
- Using community volunteers
- Use of family members, friends and other customers/passengers as interpreters

Kentucky Transportation Cabinet or KYTC: the agency of Kentucky charged by its laws with the responsibility for all modes of transportation.

Limited English Proficiency or LEP: Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient.

Madison County Fiscal Court, Fiscal Court or Court: the name given to the county legislature and governing body of one of the counties in Kentucky. This court system has no judicial responsibilities.

Metropolitan Planning Organization (MPOs): policy board of an organization created and designated to carry out the metropolitan transportation planning process. MPOs are required to represent localities in all Urbanized Areas (UZA) of populations over 50,000, as determined by the US Census. MPOs are designated by agreement between the Governor and units of general-purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city, based on population, as named by the Bureau of the Census) or in accordance with procedures established by applicable State or local law. When submitting the transportation improvement program (described below), to the State for inclusion in the statewide program, MPOs self-certify that they have met all federal requirements.

Minority: A person or groups of persons differing from others in some characteristics who may be subjected to differential treatment based on race, color, pregnancy, childbirth or national origin. Includes African Americans, Hispanics or Latinos, American Indian or Alaska Native, Asians, and Native Hawaiian or other Pacific Islander.

Native Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.



Non-compliance: the condition wherein a recipient has failed to meet prescribed requirements and has shown a lack of good-faith effort in implementing all the Title VI requirements.

Non-minority or non-minority group people: Caucasians

Persons: Where designation of persons by race, color, pregnancy, childbirth or national origin is required, the following designations ordinarily may be used: "American Indian or Alaskan Native," "Asian or Pacific Islander," "Black not of Hispanic origin," "Hispanic," "White not of Hispanic origin," " Additional subcategories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.

Pregnancy Discrimination Act: The Kentucky Pregnancy Workers Act (KRS 344.030 – 344.110) expressly prohibits employment discrimination in relation to an employee’s pregnancy, childbirth and related medical conditions.

Primary recipient: MCFC or any department, division or agency authorized to request federal assistance on behalf of sub-recipients and to distribute financial assistance to sub-recipients’ contracts for carrying out a program.

Program: includes any project, or activity that provides services, financial aid, or other benefits to individuals, including education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Program area officials: The officials who are responsible for carrying out technical program responsibilities.

Public participation: an open process in which the rights of the community to be informed, to provide comments to the Government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals.

Recipient: Kentucky or any political subdivision or instrumentality thereof or any public or private agency, institution, or organization or other entity; or any individual in Kentucky to whom federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term “recipient” does not include any ultimate beneficiary under any such program. Examples of recipients include MPOs, Council of Governments (COG), towns, cities, counties, school districts or any sub recipient.

Rehabilitation Act of 1973: Requires affirmative action in employment by the federal government and by government contractors and prohibits discrimination on the basis of disability in programs conducted by federal agencies, in programs receiving federal financial assistance, in federal employment, and in the employment practices of federal contractors. The standards for determining employment discrimination under the Rehabilitation Act are the same as those used in title I of the Americans with Disabilities Act.

Secretary: The chief administrative officer of the Kentucky Transportation Cabinet or KYTC.



Statewide Transportation Improvement Program or STIP: Statewide transportation improvement program (STIP) for all areas of the State covering a period of at least four years. The STIP is a staged, multi-year, statewide intermodal program of transportation projects, consistent with the statewide transportation plan and planning processes as well as metropolitan plans, transportation improvement programs (TIP), and planning processes. The STIP must be developed in cooperation with the metropolitan planning organizations (MPO), public transit providers, and any Regional Transportation Planning Organizations (RTPO) in the State and must be compatible with the TIPs for the metropolitan areas in the State.

Statewide Transportation Plan or STP: A long-range transportation plan that provides for the development and implementation of the multimodal transportation system (including transit, highway, bicycle, pedestrian and accessible transportation) for the State. This plan must identify how the transportation system will meet the State's economic, transportation, development and sustainability goals for at least a 20-year planning horizon.

Sub-grantee: Any public or private agency, institution, or organization to whom federal financial assistance is intended (through another recipient) for any program.

Title I and V of the Americans with Disabilities Act of 1990 (ADA): prohibits private employers, State and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees, including State and local governments. It also applies to employment agencies and to labor organizations. Title V contains miscellaneous provisions which apply to EEOC's enforcement of Title I.

Title VI Coordinator: refers to the responsible appointed Madison County Fiscal Court individual in matters relating to Title VI. The Title VI Coordinator reports to the Office of Civil Rights and Small Business Developments in carrying out the Title VI responsibilities.

Title VI Program: the system of requirements developed to implement Title VI of the Civil Rights Act of 1964. When appropriate, the phrase "Title VI Program" also refers to the civil rights provisions of other federal non-discrimination authorities to the extent that they prohibit discrimination on the grounds of race, color, pregnancy, childbirth, national origin, sex, age, and disability, including income level and Limited English Proficiency (LEP) in programs or activities receiving federal financial assistance.

Title VII of the Civil Rights Act of 1964: federal law that prohibits employers from discriminating against employees based on sex, race, color, pregnancy, childbirth, national origin, and religion. It generally applies to employers with 15 or more employees, including federal, state, and local governments.

Translation: Translation is the replacement of a written text from one language into an equivalent written text in another language.

Transportation Improvement Programs or TIP: Plan developed by Metropolitan Planning Organization cooperation with the State and public transit providers detailing a list of upcoming transportation projects, covering a period of at least four years. It should include capital and



noncapital surface transportation projects, bicycle and pedestrian facilities and other transportation enhancements, Federal Lands Highway projects and safety projects included in the State's Strategic Highway Safety Plan. The TIP should include all regionally significant projects receiving FHWA or FTA funds, or for which FHWA or FTA approval is required.

White: As defined by the Census, a person having origins in any of the original peoples of Europe, the Middle East or North Africa.



Madison County Fiscal Court Title VI Program

Title VI of the Civil Rights Act of 1964 is a non-discrimination statute. 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). Each federal department and agency, which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, federal personnel or any federal agreement contract, is authorized, and directed to make the provisions of Section 2000d of this title.

It is the responsibility of the Madison County Fiscal Court to verify that all economic, financial and governmental entities that are recipients of Federal financial assistance comply with the requirements of Title VI of the Civil Rights Act of 1964 pursuant to the State of Kentucky. In addition, the Court is authorized to define and establish the components, guidelines, and objectives of a comprehensive policy to ensure and promote present and future compliance with Title VI of the Civil Rights Act of 1964.

The Madison County Fiscal Court works diligently to ensure nondiscriminatory acts in support of our mission to make Madison County one of the best communities for economic development, community outreach and tourism; that ensures efficient, punctual and vigilant care of its citizens. Thereby the Court is enhancing both the quality of life and the economic vitality of the Commonwealth.

The Madison County Fiscal Court is working to incorporate suggestions presented by the Commonwealth of Kentucky Transportation Cabinet during the Annual Title VI On-Site review conducted in January 15, 2016, including, but not limited to, addressing the development and implementation of a comprehensive Title VI Program Sub-Recipient Monitoring Program and a Title VI Program Training. The Madison County Fiscal Court is committed to a workplace fully compliant with Title VI of the Civil Rights Act of 1964.

A few of the duties and responsibilities assigned by the Madison County Fiscal Court are as follows:

- Designate a Title VI Coordinator
- Conduct a training (formal or informal) of staff
- Develop Title VI procedures and Title VI/Nondiscrimination Implementation Plan
- Develop procedures for processing external discrimination complaints
- Maintain a list of external Title VI discrimination complaints and lawsuits
- Develop a Public Participation Plan
- Develop a Limited English Proficiency Plan
- Ensure that solicitations for bid request for proposals contain Title VI/Nondiscrimination Assurance paragraph



- Ensure that sub-contract for proposals contain the Title VI/Nondiscrimination Assurance paragraph

Non-Discrimination Authorities

- Title VI of the Civil Rights Act of 1964
- Section 162 (a) of the Federal Aid Highway Act of 1973
- Age Discrimination Act of 1975
- Kentucky Pregnant Workers Act
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- Civil Rights Restoration Act of 1973
- 49 CFR Part 21
- 23 CFR Part 200
- U.S. DOT Order 1050.2
- Executive Order #12898 (Environmental Justice)
- Executive Order #13166 (Limited English-Proficiency)



Human Resources
135 W. Irvine Street, 3rd Floor
P.O. Box 1120
Richmond, KY 40475
859-624-4702

www.madisoncountky.us
Title VI Policy Statement

It is the policy of the Madison County Fiscal Court to refrain from all forms of discrimination and to afford equal opportunity to all persons in its lawful and community-related activities on the basis of race, color, sex, national origin, protected under applicable federal, state or local law (42 U.S.C. Section 2000d). Section 162(a) of the Federal Aid Highway Act of 1973 (23 U.S.C. 324). No one shall be subjected to discrimination under any program or activity receiving federal financial assistance from the Madison County Fiscal Court.

The Madison County Fiscal Court, along with all departments and bodies employed under the County, shall not exhibit, nor shall it implement, discriminatory acts and/or tactics toward fellow employees and external constituents, that infringe upon the principles stated under Title VI of the Civil Rights Act of 1964. Failure or refusal to comply with set policy shall be subject to disciplinary action at the authority of the Madison County Fiscal Court or related government bodies; non-compliance and/or guilty findings shall result in immediate termination of employment.

This policy shall be prominently posted in all offices and on both internal and external websites. Signed and approved this 25 day of June 2024.



Reagan Taylor, County Judge Executive



Jill Williams, Title VI Coordinator (Interim)

I have read the policy statement and understand the provisions contained within and acknowledge the receipt of this policy.

Madison County Employee Signature

Date

Printed Name



The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The Madison County Fiscal Court (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through FHWA is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"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 otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the FHWA.



The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **Federal Aid Highway Program**:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all **Federal Aid Highway Program** and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The **Madison County Fiscal Court**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant



running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.



10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, Madison County Fiscal Court also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **FHWA** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the **FHWA**. You must keep records, reports, and submit the material for review upon request to **FHWA**, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Madison County Fiscal Court gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the *Federal Aid Highway Program*. This ASSURANCE is binding on Kentucky, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the *Federal Aid Highway Program*. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

(Name of Recipient)

by _____
(Signature of Authorized Official)

DATED _____



Judge Executive

The Judge Executive operates as the CEO of Madison County Fiscal Court. The Judge Executive is responsible for the oversight of the Human Resources Department's operation, including but not limited to Title VI.

Judge Executive Reagan Taylor appointed Ryan Wade, Madison County's Title VI Coordinator on January 3, 2024.

Title VI Coordinator

The Title VI Program Coordinator is responsible for the oversight and coordination of the Madison County Fiscal Court's compliance with Title VI and all related statutes, regulations, and directives. The Title VI Program Coordinator has direct access to the Judge Executive and Deputy Judge Executive.

The Human Resources Department of the Madison County Fiscal Court, covers all complaints and concerns including but not limited to Title VI of the Civil Rights Act of 1964; which "prohibits discrimination based on race, color, and national origin in programs or activities receiving Federal Financial Assistance."

As the primary individual responsible for implementing Title VI, and monitoring programs receiving Federal financial aid as related to the Civil Rights Act of 1964; the Coordinator shall:

- Remedy any discriminatory practices that may be found through self-monitoring and other review activities
- Ensure that Title VI requirements are included in policies and that the procedures used have built the precautions to avoid any acts of discrimination
- Implement procedures to ensure the timely processing of Title VI external discrimination complaints
- Attend trainings on Title VI
- Coordinate the development and implementation of Title VI and related statutes training program
- Create Title VI information that will be disseminated to the public. The information shall be offered in both English and Spanish.



Program Review Procedures

The Madison County Fiscal Court, along with all its departments and program areas, are responsible for the following under Title VI:

- Collecting and analyzing data on minority and low-income populations to determine the potential impact of proposed plans, programs and projects.
- Consulting with the Title VI Coordinator and the KYTC when complaints are received, or issues arise.
- Ensuring that all people are treated equitably regardless of race, color, sex, or national origin.
- Ensuring that Title VI requirements are reviewed annually and included in policies and the procedures used have built the precautions to avoid any acts of discrimination.
- Coordinating the development and implementation of Title VI and related statutes training programs.
- Creating Title VI information that will be disseminated to the public.
- Ensuring that internal and external publications and all other relevant communications disseminated to the public include the Title VI policy reference.
- Providing reasonable accommodations, information in the appropriate language or interpreters as needed for individuals with disabilities and LEP persons.

Madison County Fiscal Court: Program Area Reporting

The Madison County Fiscal Court (MCFC) currently receives funds from the Kentucky Transportation Department (KYTC). As a recipient of these funds, the MCFC, pursuant to Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, 49 CFR Part 21 – U.S. DOT. Title VI Regulations, and 23 CFR 200 – FHWA Title VI Regulations, Section 162(a) of the Federal-Aid Highway Act of 1973 is required to ensure that no person shall be excluded from participation in, be denied benefits of or be otherwise subjected to discrimination on the grounds of race, color, sex, national origin under any program or activity receiving federal financial activity assistance from the U.S. DOT. To aid in compliance with 23 CFR 200.9(b) (10), MCFC will submit an annual report to the KYTC to be used as an assessment tool to determine whether MCFC is in compliance with Title VI and to ascertain instances where the Title VI Coordinator or Liaison may need to provide or request training and technical assistance to help the program area achieve its Title VI goals and maintain compliance. In addition, the Title VI Coordinator or Liaison will review the data collection methods for each department periodically



to ensure compliance with MCFC's Title VI Program requirements. The Title VI Coordinator for MCFC will prepare the report and submit it annually and KYTC will monitor Title VI training triennially.

Each report will contain the following information:

- Demographic information collected during the service delivery process.
- Information concerning the dissemination of copies of The Civil Rights Act of 1964 non-discrimination statement.
- Description of steps taken to ensure meaningful access to programs, activities, and services to LEP persons.
- Description of costs using dollar amount incurred during the year while related to the LEP service provision.
- Analysis of whether existing assistance meets LEP needs of those served by the program area and if not, a description of those needs.
- Information regarding the viability of current LEP assistance sources, if applicable.
- Description of Title VI training attended by division personnel, ADDs and MPOs, to include roster of attendees, dates, and locations of the training and information regarding the sponsoring organization.

The Title VI Coordinator or Liaison will discuss with department heads and managers effective tools to correct any discrimination that may have been found in the Program area.

Sub-Recipient Review Procedures

The Title VI Coordinator or Liaison will submit a plan to the Madison County Fiscal Court annually and will be monitored triennially. This includes, but is not limited to, a review of files and statistics of complaints received for investigation and services offered.

The Madison County Fiscal Court, and its departments and divisions who receive federal funds continually collect program data; although it is not always documented to denote such. The Human Resources Department checks in regularly with all departments to observe and ask everyone how they are doing. At this time is when individuals would come forward if they had any issues that would need to be brought to the attention of the Human Resources Department.

In the event of noncompliance with this, plan or applicable regulations and laws are determined via a complaint investigation or through the self-survey process; the Madison County Fiscal Court will make every effort to attain full compliance.

The Title VI Coordinator or Liaison shall notify the appropriate management staff in the event a complaint investigation, compliance review or self-survey indicates noncompliance. The



notification shall state the condition of noncompliance, recommended approach to correct the situation, and the time-period for the response and corrective action. The Title VI Coordinator or Liaison may conduct an interview to consult with the management staff regarding the correct approach to remedy noncompliance.

The Madison County Fiscal Court has twelve departments under their administrative authority:

- Battlefield Golf and Recreation
- Detention Center
- Emergency Management/CSEPP
- Judge Executive's Office
- Information Technology
- Planning and Building Codes
- Road and Solid Waste Department
- Animal Care
- Finance Department
- Fire Department
- Custodial
- Human Resources



Public Involvement

The MCFC will disseminate Title VI Program information to employees, contractors, sub-recipients and beneficiaries, as well as to the public. A variety of public notification and participation procedures will be used to encourage the early and continuous involvement of citizens, communities, and others interested in the planning process and decisions of the MCFC.

The MCFC will discuss and/or distribute Title VI information using mass media including, but not limited to the following:

- Policy statements
- Inclusion of Title VI language in contracts
- New employee orientation
- Federal EEO posters
- MCFC Website under Human Resources
- Administrative Code
- Significant publications, i.e., newspapers, brochures, and written literature
- Mailings
- Meetings open to the public
- Events

Further notices informing the public and all employees that the MCFC complies with Title VI of the Civil Rights Act of 1964 will be displayed in a prominent place.

Title VI Coordinator for the MCFC:

Ryan Wade - Title VI Coordinator

Madison County Fiscal Court

Human Resources

135 W Irvine St, Richmond, KY 40475

Phone: 859-624-4702 Ext. 1

Fax: 859-624-4027



Title VI Training of Staff

The Madison County Fiscal Court provides EEO (Equal Employer Opportunity) training to all employees of the County, in all departments annually. It has now been modified to include Title VI of the Civil Rights Act of 1964.

The Equal Employer Opportunity Commission (EEOC) requires supervisors and employees be aware of their rights and responsibilities under the law. In part to Title VI, training also includes...

- Title VII of the Civil Rights Act of 1964
- Pregnancy Discrimination Act
- The Age Discrimination in Employment Act of 1967 (ADEA)
- Title I of the Americans with Disabilities Act of 1990 (ADA)
- Title V of the Americans with Disabilities Act of 1990 (ADA)
- Rehabilitation Act of 1973
- The Genetic Information Nondiscrimination Act of 2008 (GINA)
- What to do if an employee witnesses' discrimination, is a victim of discrimination or is the harasser

To compliment the legal content listed above training shall also include harassment exercises to educate employees on what to look for and what constitutes as harassment. Both quid pro quo and hostile environment are prohibited in all departments under the Madison County Fiscal Court.

The Madison County Fiscal Court will provide written notice to all current employees concerning the County's commitment to assuring compliance with Title VI and for new employees there will be a Title VI component conducted during new employee orientation. The Title VI Coordinator or liaison will attend and subsequently disseminate the benefit of the training to pertinent staff, and management staff.

The County's efforts and strides are to equip employees with the policy manual that outlines the rights of employees in more detail and provide a diverse workplace mission for supervisors.

Questions are encouraged concluding every session (sessions will include a power point presentation and/or a 20-minute video on Title VI).

In the event an employee is unable to attend the annual training sessions conducted during the month of July/August, the employee shall contact the Madison County Title VI Coordinator immediately to set up an individual training session. The Title VI Coordinator will provide the absentee the training materials used (i.e. PowerPoint slides) via email to review for the individual training session. The PowerPoint slides serve as a point of reference and provides guidance for



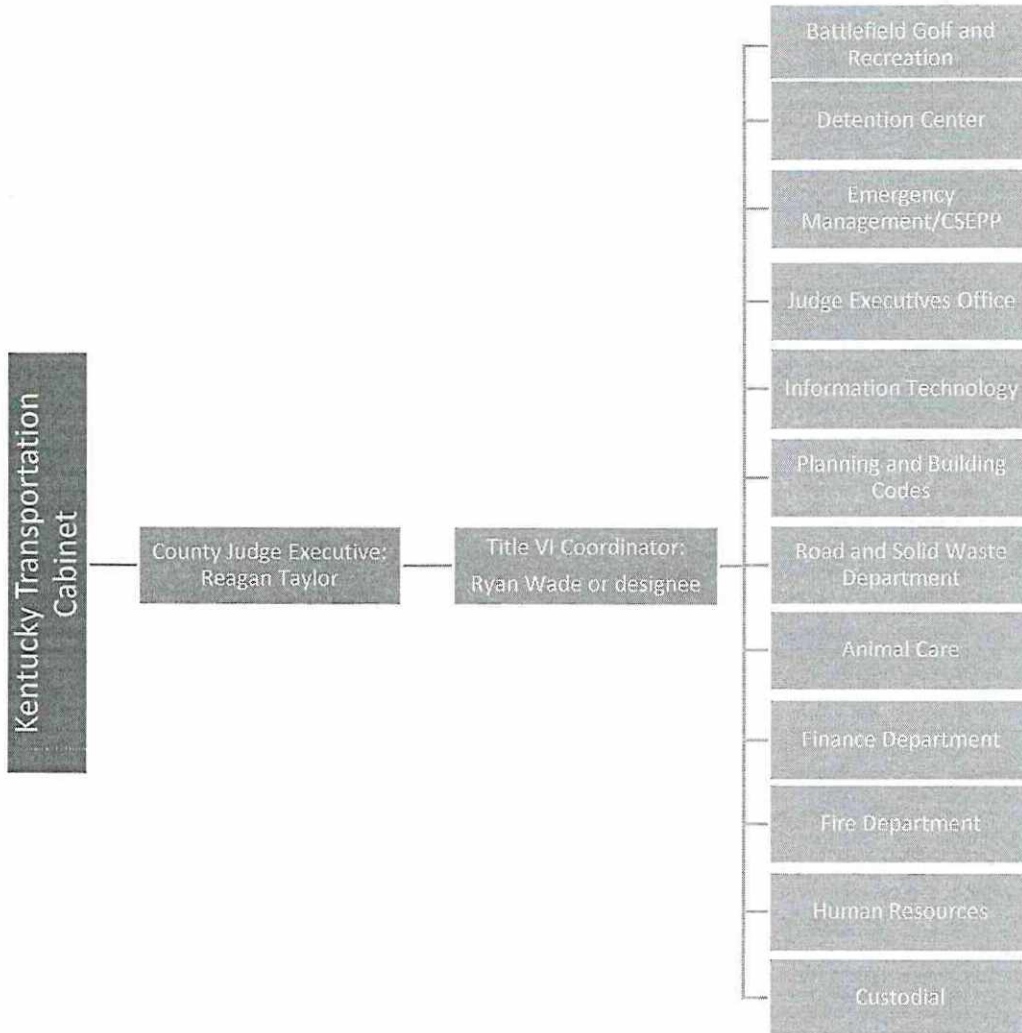
employees to better comprehend and comply with Title VI and the related nondiscrimination laws and regulations. After the employee has attended training, it is then the responsibility of the employee to be in compliance with Title VI and all of its provisions under federal, state, and local laws. Questions regarding Title VI and other related subjects as they pertain to the training can be answered by the Madison County Human Resources Department. Questions, comments and concerns are always welcomed and encouraged.

A roster of individuals that completed Title VI Training is attached to this document. Training was completed during the Onboarding process with all new hires as well as annual training conducted between May 24, 2024-June 12, 2024, at 135 W Irvine Street, Richmond, Ky 40475.

Chris Iseral	Ryan Wade	Tyler Clem	Shane Brindley	Megan Riley	Blake Foster
Ryan Eidson	Robyn Fayne	Matthew Brumbugh	Michael Numinski	Paige Adkinson	Shane Thorton
Morris Stone	Micah Hardin	Christopher George	Ryan McBride	Sahara Hardy	Camden Eubank
Austin Bates	Maggie Ratliff	Andrew Howland	Travis Lovett	Saraya Lakes	Greg Lovett
George Smith	Bobby Aldridge	Charles Hunter	John Walton	Victoria Class	Thomas Pettit
Bert Thomas	Leah Johnston	Adam Madden	Andrea Brock	Wendy Lynch	Merwyn Rhodus
Martin Sizemore	Stephanie Jackson	John Mullins	Angelica Goens	Brandon Chitwood	Amanda Stone
Vernon Hubbs	Ayden Strunk	Steve Mullins	Ashley Ridner	Herb Lovett	Ethan Jones
Olivia Gooch	Emily Kratochwill	Lowell Parsons	Austin Howard	Jacob Tharp	
Shana House	Aleya Dixon	Shane Poff	Camden Mink	Brayden Prewitt	
Sarah Stewart	Scott Shepherd	Tyler Powell	Collin Bell	Greg Cox	
Melanie Johnson	Melissa Settle	Harold Roberts	Darneisha Barnwell	William Jordan	
Liz Corlde	Nicole Lamb	Barry Smith	Dennis Shrader	Benjamin Hall	
Susan Sgro	Scott Short	Christopher Tarlton	Jessica Lakes	Bryce Marcum	
Michael Vaughn	Aaron Spurlock	Kendra Kendrick	Jodi Webb	Jeremiah Tate	
Paula Smith	Ronnie Hughes	Jessica Russell	Joy Lowery	Justin Harvey	
Tracy Farthing	Ricky Foster	Ester Harris	Kari Smith	Logan King	
Serena Frye	Allen Nicholas	Matthew Webb	Kirkland Rieck	Chandler Clark	
Donna Officer	Michael Bishop	Tim Gray	Kyle Perciful	Clayton Cornett	
Jill Williams	Perry Bogie	Jack Mills	Laramie Scott	Tyler Murphy	



Madison County Fiscal Court Organizational Chart



County Judge Executive Reagan Taylor appointed Ryan Wade, Madison County’s Title VI Coordinator, January 3rd, 2024. Title VI Coordinator shall be tasked with distributing the Title VI program and training to all departments associated with the Madison County Fiscal Court.



COMPLAINT DISPOSITION PROCEDURES

Who can file?

Any person who believes they—or with a specific class of persons—were subjected to discrimination on the basis of race, color, sex, or national origin in the programs and activities of a Federal-aid Recipient may file a Title VI complaint.

Where can one file?

Complaints may be filed with KYTC, FHWA Division Offices, the FHWA Headquarters Office of Civil Rights, the United States Department of Transportation (USDOT) Departmental Office of Civil Rights, or the U.S. Department of Justice.

When must one file?

According to U.S. DOT regulations, 49 CFR § 21.11(b), a complaint must be filed not later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the investigating agency.

What should a complaint look like?

Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. However, the complainant may call the agency and provide the allegations by telephone, and the agency will transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for correction and signature. A complaint should contain at least the following information:

- A written explanation of what has happened;
- A way to contact the complainant;
- The basis of the complaint (e.g., race, color, national origin);
- The identification of a specific person/people and the respondent (e.g., agency/organization) alleged to have discriminated;
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and
- The date(s) of the alleged discriminatory act(s). Complaint should indicate if the alleged discrimination is on-going.

How are complaints routed?

FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency.

With this understanding, complaints should be routed in the following ways:

- All complaints should be routed to the FHWA Headquarters Office of Civil Rights (HCR) for processing. HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against State DOTs or Subrecipients of Federal financial assistance.
- Complaints should be forwarded from the initial receiving agency through the Federal-aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is filed with a Subrecipient City, that receiving agency should forward the complaint to the



- State DOT, which should forward the complaint to the State’s FHWA Division Office, which should forward the complaint to HCR. If a complaint is filed with a State DOT, then the State DOT should forward the complaint to the State’s FHWA Division Office, which should forward the complaint to HCR.
- State DOTs and Subrecipients must log all complaints received.
- When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the Complainant, the FHWA Division Office, State DOT, and Subrecipient (where applicable).

Complaints may be sent to:
Kentucky Transportation Cabinet
Office for Civil Rights
200 Mero Street, 6th Floor
Frankfort, KY 40622

And/Or

US Federal Highway Administration Kentucky Division
John C Watts Federal Building
330 W Broadway St Ste 264,
Frankfort, KY 40601
Attention: Civil Rights Specialist

And/Or

Federal Highway Administration Headquarters - Office of Civil Rights
1200 New Jersey Avenue, SE HCR-40, Room E81-101
Washington, DC 20590
202-366-0693 or Fax: 202-366-1599
TTY: 202-366-5751

Additionally, complaints may be filed with the U.S. Department of Justice at:

Federal Coordination and Compliance Section - NWB Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

What are the potential outcomes for processing a complaint?

There are four potential outcomes for processing complaints:

- Accept: if a complaint is timely filed (see “**When must one file?**” above), contains sufficient information to support a claim under Title VI, and concerns matters under FHWA’s jurisdiction, then HCR will send to the complainant, the respondent agency, an



the FHWA Division Office a written notice that it has accepted the complaint for investigation.

- Preliminary review: if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.
- Procedural Dismissal: if a complaint is not timely filed (see “**When must one file?**” above), is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Division Office a written notice that it is dismissing the complaint.
- Referral\Dismissal: if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

HCR is responsible for conducting all investigations of State DOTs and other primary Recipients. In the case of a complaint filed against a Subrecipient, HCR may either conduct the investigation itself, or it may delegate the investigation to the primary Recipient State DOT. If HCR chooses to delegate the investigation of a Subrecipient, HCR will communicate its acceptance of the complaint to the complainant and respondent, but the State DOT will conduct all data requests, interviews, and analysis. The State DOT will then create a Report of Investigation (ROI), which it will send to HCR. Finally, HCR will review the ROI and compose a Letter of Finding based on the ROI. All Letters of finding issued by FHWA are administratively final.

What are the timeframes for investigations?

For FHWA, there is no regulatory timeframe for completing investigations. However, FHWA strives to complete all tasks within 180 days from the date of acceptance. For State DOTs that have been delegated an investigation from FHWA, 23 CFR §200.9(b)(3) provides that State DOTs must complete investigations within 60 days of receipt (meaning the date it receives the delegated complaint from FHWA).

Investigation files are confidential and will be maintained by KYTC. The contents of such files will only be disclosed to appropriate KYTC personnel and federal authorities in accordance with Federal and State laws. KYTC will retain files in accordance with records retention schedules and all Federal guidelines.



PROCEDIMIENTOS DE DISPOSICIÓN DE QUEJAS

¿Quién puede presentar la solicitud?

Cualquier persona que crea que ella, o una clase específica de personas, fue sometida a discriminación por motivos de raza, color, sexo u origen nacional en los programas y actividades de un beneficiario de ayuda federal puede presentar una queja en virtud del Título VI.

¿Dónde se puede presentar una solicitud?

Las quejas pueden presentarse ante KYTC, las oficinas de la división de la FHWA, la Oficina de Derechos Civiles de la sede de la FHWA, la Oficina Departamental de Derechos Civiles del Departamento de Transporte de los Estados Unidos (USDOT) o el Departamento de Justicia de los Estados Unidos.

¿Cuándo se debe presentar una solicitud?

Según la normativa del USDOT, Título 49, Sección 21.11(b) del CFR, la queja debe presentarse en un plazo máximo de 180 días a partir de la fecha del último caso de presunta discriminación, a menos que la agencia investigadora amplíe el plazo de presentación.

¿Cómo debería ser una queja?

Las quejas deben presentarse por escrito y firmadas, y pueden presentarse por correo, fax, en persona o correo electrónico. Sin embargo, el denunciante puede llamar a la agencia y proporcionar las alegaciones por teléfono, y la agencia transcribirá las alegaciones de la queja tal como se proporcionaron por teléfono y enviará una queja por escrito al denunciante para que la corrija y la firme. Una queja debe contener al menos la siguiente información:

- Una explicación escrita de lo sucedido;
- Una forma de contactar al denunciante;
- El motivo de la queja (por ejemplo, raza, color, origen nacional);
- La identificación de una persona o personas específicas y el demandado (por ejemplo, agencia/organización) que presuntamente ha discriminado;
- Información suficiente para comprender los hechos que llevaron al denunciante a creer que ocurrió una discriminación en un programa o actividad que recibe asistencia financiera federal; y
- Las fechas de los presuntos actos discriminatorios. La queja debe indicar si la supuesta discriminación continúa.

¿Cómo se canalizan las quejas?

La FHWA es responsable de todas las decisiones sobre si una queja debe aceptarse, desestimarse o remitirse a otra agencia.

Con este entendimiento, las quejas deben dirigirse de las siguientes maneras:

- Todas las quejas deben enviarse a la Oficina de Derechos Civiles (HCR) de la sede central de la FHWA para su procesamiento. La HCR es responsable de todas las determinaciones sobre si aceptar, desestimar o transferir las quejas en virtud del Título VI presentadas contra los DOT estatales o los subreceptores de asistencia financiera federal.



- Las quejas deben enviarse desde la agencia receptora inicial usando la jerarquía de supervisión de carreteras de ayuda federal hasta que la queja llegue a la HCR. Por ejemplo, si se presenta una queja ante una ciudad subreceptora, esa agencia receptora debe enviar la queja al DOT estatal, que a su vez debe enviarla a la Oficina de División de la FHWA del estado, que a su vez debe enviar la queja a la HCR. Si se presenta una queja ante un DOT estatal, entonces el DOT estatal debe enviar la queja a la Oficina de División de la FHWA del estado, que a su vez debe enviarla a HCR.
- Los DOT estatales y los subreceptores deben registrar todas las quejas recibidas.
- Cuando la HCR decida aceptar, desestimar o transferir la queja, la HCR notificará al denunciante, a la Oficina de División de la FHWA, al DOT estatal y al subreceptor (cuando corresponda).

Las quejas podrán enviarse a:
Kentucky Transportation Cabinet
Office for Civil Rights
200 Mero Street, 6th Floor
Frankfort, KY 40622

o

US Federal Highway Administration Kentucky Division
John C Watts Federal Building
330 W Broadway St Ste 264,
Frankfort, KY 40601
Atención: Civil Rights Specialist

o

Federal Highway Administration Headquarters - Office of Civil Rights
1200 New Jersey Avenue, SE HCR-40, Room E81-101
Washington, DC 20590
202-366-0693 o al fax: 202-366-1599
TTY: 202-366-5751

Además, se pueden presentar quejas ante el Departamento de Justicia de EE. UU. en:

Federal Coordination and Compliance Section - NWB Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

¿Cuáles son los posibles resultados al procesar una queja?

Hay cuatro resultados posibles al procesar quejas:

-



- **Aceptarla:** si una queja se presenta oportunamente (consulte el apartado "**¿Cuándo se debe presentar una solicitud?**" arriba), contiene información suficiente para respaldar una reclamación en virtud del Título VI y se refiere a asuntos conforme a la jurisdicción de la FHWA, entonces la HCR enviará al denunciante, a la agencia demandada y a la Oficina de División de la FHWA una notificación por escrito de que ha aceptado la queja para su investigación.
- **Revisión preliminar:** si no está claro si las alegaciones de la queja son suficientes para respaldar una reclamación en virtud del Título VI, entonces la HCR puede (1) desestimarla o (2) participar en una revisión preliminar para adquirir información adicional del denunciante o demandado antes de decidir si aceptar, desestimar o remitir la queja.
- **Desestimación procesal:** si una queja no se presenta oportunamente (consulte el apartado "**¿Cuándo se debe presentar una solicitud?**" arriba), no está escrita ni firmada, o presenta otros defectos procesales/prácticos, entonces la HCR enviará al denunciante, al demandado y a la Oficina de División de la FHWA una notificación por escrito indicando que desestima la queja.
- **Remisión/Desestimación:** si la queja es procesalmente suficiente pero la FHWA (1) carece de jurisdicción sobre el tema en cuestión o (2) carece de jurisdicción sobre la entidad demandada, entonces la HCR desestimaré la queja o la remitirá a otra agencia que sí tenga jurisdicción. Si la HCR desestima la queja, enviará al denunciante, al demandado y a la Oficina de División de la FHWA una copia del aviso de desestimación por escrito. Para remisiones, la FHWA enviará un aviso de remisión por escrito con una copia de la queja a la agencia federal correspondiente y una copia a la Oficina departamental de Derechos Civiles del USDOT.

La HCR es responsable de realizar todas las investigaciones de los DOT estatales y otros beneficiarios principales. En el caso de una queja presentada contra un subreceptor, la HCR puede realizar la investigación por sí misma o puede delegar la investigación al DOT del estado receptor principal. Si la HCR decide delegar la investigación de un subreceptor, la HCR comunicará su aceptación de la queja al denunciante y al demandado, pero el DOT estatal llevará a cabo todas las solicitudes de datos, entrevistas y análisis. Luego, el DOT estatal creará un Informe de Investigación (ROI), que enviará a la HCR. Finalmente, la HCR revisará el ROI y redactará una carta de conclusiones basada en este. Todas las cartas de determinación emitidas por la FHWA son administrativamente definitivas.

¿Cuáles son los plazos para las investigaciones?

Para la FHWA, no existe un plazo reglamentario para completar las investigaciones. Sin embargo, la FHWA se esfuerza por completar todas las tareas dentro de los 180 días a partir de la fecha de aceptación. Para los DOT estatales a los que se les ha delegado una investigación de la FHWA, el Título 23 del CFR, Sección 200.9(b)(3), establece que los DOT estatales deben completar las investigaciones dentro de los 60 días posteriores a la recepción (es decir, la fecha en que reciben la queja delegada de la FHWA).

Los archivos de investigación son confidenciales y serán conservados por KYTC. El contenido de dichos archivos solo se divulgará al personal pertinente de KYTC y a las autoridades federales de



conformidad con las leyes federales y estatales. KYTC conservará los archivos de acuerdo con los cronogramas de retención de registros y todas las pautas federales.



Notice to the Public Title VI

The Madison County Fiscal Court hereby gives notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and related Nondiscrimination authorities in all program and activities. It is the Madison County Fiscal Court's policy that no person in the United States of America shall, on the grounds of race, color, national origin, sex, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs or activities receiving Federal financial assistance.

Any person who believes they have been subjected to discrimination under the Title VI and related Nondiscrimination authorities has the right to file a complaint.

To request or receive additional information on its discrimination obligations, including its complaint procedures, contact the person listed below or visit the administrative office at the address listed below:

Madison County Fiscal Human Resources Department

Title VI Coordinator

135 W Irvine Street, 3rd Floor Richmond, KY 40475

Telephone: 859-624-4702 Ext. 1

Website: <https://www.madisoncountky.us/index.php/departments/human-resources>

To file a discrimination complaint, the written complaint must be submitted to the address above within 180 days of the alleged discrimination.



Public Participation

It is a goal of The Madison County Fiscal Court to establish public participation policies and procedures for information dissemination and public comment solicitation for development and review of programs and projects carried out by Madison County.

The Madison County Fiscal Court welcomes and appreciates beneficial relationships and public input, some aspects of the Court are not open to the public, which include but are not limited to:

- Preparation for requests for proposals
- Organization and groundwork for agenda meetings and trainings of employees

Title VI & Madison County Fiscal Court

Title VI of the Civil Rights Act of 1964 prohibits discrimination by recipients of Federal financial assistance based on race, color, and national origin, including matters related to language access for Limited English Proficient (LEP) persons. The objectives of Title VI of the Civil Rights Act of 1964 are:

- To ensure FHWA assisted benefits and related services are equitably distributed without regard to race, color, sex, or national origin.
- To ensure that both the level and quality communication services provide equal access and mobility for any person without regard to race, color, sex or national origin.
- To ensure that access to the planning and decision-making process is open and without regard to race, color, sex or national origin.
- To ensure that decisions on the location of court proceedings and services are made without regard to race, color, sex or national origin.

To comply with these objectives, the Madison County Fiscal Court has numerous training sessions for employees to encourage accurate, unbiased, and fair responses when faced with circumstantial situations regarding discrimination of employees, citizens and any other.

Public Input

Madison County will solicit public input on an ongoing basis through multifaceted strategies including, but not necessarily limited to, the County's website and other tools.

This approach will provide opportunities for proactive, early, and continuing public participation for County projects, programs and decision making. This multi-pronged strategy will allow staff wide latitude to adapt to take advantage of changing communications technologies and to interact with individuals, groups, businesses, and strategic partners to ensure citizen access and participation. Mailings and other outreach efforts may be made to solicit input from a forum of organizations serving minorities, low and moderate-income persons, as well as persons with disabilities and limited English proficient (LEP) populations. More structured meetings may be held on specific proposals and projects when desirable to expand support and encourage broad based public participation in the development and review of programs and projects. Public input may be drawn from, but not necessarily limited to, entities such as:

1. Employees
2. The general public



3. Non-profit organizations that provide services or are given services by Madison County.
4. School Districts
5. Neighborhood Organizations
6. Municipal Partners

Monitoring

Free speech is a right of the public and the Madison County Fiscal Court strongly encourages open conversation. Citizens can submit questions and concerns through the Madison County website. The Madison County Fiscal Court will continuously monitor, evaluate, and improve its public participation process. Reviews will be regularly conducted by tracking website usage and activity: including the number of individuals on the County's contact list that receive newsletters, meeting notices and agendas, and other related materials. Furthermore, the public will be

encouraged to provide comments and suggestions through various channels and open dialogue will be maintained with groups throughout the community on court and planning issues. A record of public comments and those of institutional representatives will be kept, as well as responses to such comments, where pertinent.

It is Madison County's objective to disseminate information and to solicit and respond to public comments regarding employment by the county, projects and all other related topics in a manner which is reasonable and practical. Transparency is the top priority in any response, question, or activity. Madison County serves the public and is dedicated to ensuring their protection against all forms of discrimination.



TÍTULO VI NOTIFICACIÓN AL PÚBLICO

Por la presente, el Tribunal Fiscal del Condado de Madison notifica que es política de la agencia garantizar el pleno cumplimiento del Título VI de la Ley de Derechos Civiles de 1964, la Ley de Restauración de Derechos Civiles de 1987 y las autoridades relacionadas con la no discriminación en todos los programas y actividades. Es política del Tribunal Fiscal del Condado de Madison que ninguna persona en los Estados Unidos de América deberá, por motivos de raza, color, nacionalidad, sexo, ser excluida de la participación en, que se le nieguen los beneficios de, o que sea objeto de discriminación en virtud de cualquiera de nuestros programas o actividades que reciben asistencia financiera federal.

Cualquier persona que crea que ha sido objeto de discriminación bajo el Título VI y las autoridades relacionadas con la no discriminación tiene derecho a presentar una queja.

Para solicitar o recibir información adicional sobre sus obligaciones de discriminación, incluidos sus procedimientos de queja, la persona que se indica a continuación o visite la oficina administrativa en la dirección que se indica a continuación:

Departamento de Recursos Humanos Fiscales del Condado de Madison

Coordinador de Título VI

135 W Irvine Street, tercer piso Richmond, KY 40475

Teléfono: 859-624-4702 Ext. 1

Sitio web: <https://www.madisoncountky.us/index.php/departments/human-resources>

Para presentar una queja por discriminación, la queja por escrito debe enviarse a la dirección anterior dentro de los 180 días posteriores a la supuesta discriminación.



Participación Pública

El objetivo del Tribunal Fiscal del Condado de Madison es establecer políticas y procedimientos de participación pública para la difusión de información y la solicitud de comentarios públicos para el desarrollo y revisión de programas y proyectos llevados a cabo por el Condado de Madison.

Es un objetivo del Tribunal Fiscal del Condado de Madison establecer políticas y procedimientos de participación pública para la difusión de información y la solicitud de comentarios públicos para el desarrollo y la revisión de programas y proyectos llevados a cabo por el Condado de Madison.

El Tribunal Fiscal del Condado de Madison da la bienvenida y aprecia las relaciones beneficiosas y la opinión pública. Si bien algunos aspectos de la Corte no están abiertos al público, que incluyen pero no se limitan a:

- Preparación de solicitudes de propuestas.
- Organización y trabajo preliminar para las reuniones de agenda y capacitaciones de empleados.

Título VI y Tribunal Fiscal del Condado de Madison

El Título VI de la Ley de Derechos Civiles de 1964 prohíbe la discriminación por parte de los beneficiarios de Federal asistencia financiera basada en raza, color, y origen nacional, incluidos asuntos relacionados con el acceso al idioma para personas con dominio limitado del inglés (LEP). Los objetivos del Título VI de la Ley de Derechos Civiles de 1964 son:

- Asegurar que los beneficios asistidos por el FWHA y los servicios relacionados se distribuyan equitativamente sin distinción de raza, color, embarazo, parto u origen nacional.
- Asegurar que los servicios de comunicación tanto de nivel como de calidad brinden igualdad de acceso y movilidad para cualquier persona sin distinción de raza, color, u origen nacional.
- Asegurar que el acceso al proceso de planificación y toma de decisiones sea abierto y sin distinción de raza, color, u origen nacional.
- Asegurar que las decisiones sobre la ubicación de los procedimientos y servicios judiciales se tomen sin distinción de raza, color, u origen nacional.

Para cumplir con estos objetivos, el Tribunal Fiscal del Condado de Madison tiene numerosas sesiones de capacitación para que los empleados fomenten respuestas precisas, imparciales y justas ante situaciones circunstanciales relacionadas con la discriminación de empleados, ciudadanos y cualquier otro.

Aporte público

El condado de Madison solicitará aportes públicos de manera continua a través de múltiples



facetas estrategias que incluyen, entre otras, el sitio web del Condado y otras herramientas. Este enfoque brindará oportunidades para una participación pública proactiva, temprana y continua para proyectos, programas y toma de decisiones del Condado. Esta estrategia múltiple permitirá amplia libertad del personal para adaptarse para aprovechar las cambiantes tecnologías de comunicación y para interactuar con individuos, grupos, empresas y socios estratégicos para garantizar el acceso ciudadano y participación. Se pueden hacer envíos por correo y otros esfuerzos de divulgación para solicitar aportes de un foro de organizaciones que sirven a minorías, personas de ingresos bajos y moderados, así como a personas con discapacidades y poblaciones con dominio limitado del inglés (LEP). Se pueden celebrar reuniones más estructuradas sobre propuestas y proyectos específicos cuando sea deseable para ampliar el apoyo y alentar basada en la participación pública en el desarrollo y revisión de programas y proyectos. El aporte público se puede extraer de, pero no necesariamente limitado a, entidades tales como:

1. Empleados
2. El público en general.
3. Organizaciones sin fines de lucro que brindan servicios o que reciben servicios del Condado de Madison.
4. Distritos escolares
5. Organizaciones vecinales
6. Socios municipales

Supervisión

La libertad de expresión es un derecho del público y el tribunal fiscal del condado de Madison alienta firmemente la conversación abierta. Los ciudadanos pueden enviar preguntas e inquietudes a través del sitio web del Condado de Madison.

El Tribunal Fiscal del Condado de Madison supervisará, evaluará y mejorará continuamente a su público. proceso de participación Las revisiones se realizarán regularmente mediante el seguimiento del uso del sitio web y actividad; incluido el número de personas en la lista de contactos del Condado que reciben boletines informativos, avisos de reuniones y agendas y otros materiales relacionados. Además, se alentará al público a proporcionar comentarios y sugerencias a través de varios canales y se mantendrá un diálogo abierto con los grupos de toda la comunidad sobre asuntos judiciales y de planificación. Se mantendrá un registro de los comentarios públicos y de los representantes institucionales, así como las respuestas a dichos comentarios, cuando corresponda.

El objetivo del Condado de Madison es difundir información y solicitar y responder a comentarios públicos sobre el empleo por parte del condado, proyectos y todos los demás temas relacionados de manera razonable y práctica. La transparencia es la máxima prioridad en cualquier respuesta, pregunta o actividad. El condado de Madison sirve al público y se dedica a garantizar su protección contra todas las formas de discriminación.



Limited English Proficiency Plan

The Madison County Fiscal Court is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. The Fiscal Court assures that no person shall on the grounds of race, color, national origin, sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Fiscal Court services, program or activity.

The Fiscal Court also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. Therefore, in accordance with Presidential Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency, the Madison County Fiscal Court will take reasonable steps to provide meaningful access to services for persons with LEP.

The Madison County Fiscal Court has an on-going commitment to ensure effective communication by developing and implementing policies and procedures for identifying and assessing the language needs of its LEP applicants/clients; and provide for a range of language assistance options, which include, but are not limited to the following:

- Conduct needs assessment
- Access to an interpreter
- Written language service
- Community-based organizations/volunteers
- Monitor and evaluation access to language assistance

Executive Order 13166 directs recipients of federal financial assistance to make reasonable steps to provide LEP individuals with meaningful access to their programs, activities, and services. The Madison County Fiscal Court Title VI Implementation Plan is designed to comply with the statutes and requirements under the law and as directed by FHWA to accomplish the goals of the Title VI Act of 1964.

Complying with Limited English Proficiency (LEP) – Four Factor Analysis

A person who does not speak English as their primary language and has the limited ability to read, speak, write or understand English are Limited English Proficient (LEP). LEP persons may be entitled to language assistance depending on the type of service, program or activity.

In order to determine if written or oral communication must be translated and what languages they must be translated to a four-factor analysis is used. The four-factor analysis considers the following:

1. The number or proportion of LEP persons served or encountered in the eligible service population.



2. The frequency with which LEP individuals come in contact with the program, activity or service.
3. The nature and importance of the program, activity or service provided by the program.
4. The resources available to the recipient and costs.

Factor 1 - The number or proportion of LEP persons served or encountered in the eligible service population.

Based on the data from the U.S. 2020 Census for Madison County’s total population is estimated to be 92,368; the breakdown of the total population is as follows:

- White – 89.4%
- Black or African American – 4.26%
- Hispanic or Latino – 2.02%
- Asian – 1.01%
- Native Hawaiian and Other Pacific Islander - 0.27%

Factor 2 - The frequency with which LEP individuals come in contact with the program, activity or service.

A survey was sent to all Department Heads within each Fiscal Court departments requesting their department’s assistance with assessing our frequency with LEP individuals.

The employees were asked in the survey to place an “x” in the table below the frequency of which they communicated with members of the public that were LEP person(s). The languages below are commonly spoken in the state of Kentucky. If the employees had interactions with individuals who may speak a different language, then one of the ones listed then they were required to list it as “other”. Below are the responses from the employees to the survey.

Language	Most Days	At Least Once a Week	At Least Once a Month	At Least Once a Year	Never
Spanish			3	5	4
German				2	10
Chinese				2	10
French				2	10
Arabic				2	10
Other Japanese			1		
Other _____					
All Other Languages					



Factor 3 - The nature and importance of the program, activity or service provided by the program

The Madison County Fiscal Court deals with the public greatly since it is a governmental entity that is governed by elected officials. The Madison County Fiscal Court's critical services are those that provide customer service to the public, such as public meetings for planning and zoning, fiscal court meetings and open special meetings when called. The Madison County Fiscal Court offers many different services to the public such as planning and zoning, golf course, animal shelter, road work, solid waste, as well as many other departments.

Madison County Fiscal Court will continue to monitor this area by communicating with community organizations that serve LEP individuals as well as with LEP persons.

Factor 4 - The resources available to the recipient and costs

The list below is a list of internal and external manuals, plans and other documents that include procedures and directives used by the Fiscal Court. Each document has the potential to be translated. Examples include but are certainly not limited to:

- County Website (options are in bottom right corner)
- Comprehensive Plan for Planning and Zoning
- Land Use Regulations
- Trainings
- Public Records
- Administrative Code

In the Emergency Management Agency Department, the Madison County Fiscal Court has resources in which to get translators if needed for public meetings. The use of professional translation and interpreter services will be utilized should a situation occur in which department employees are unable or should not offer translation services, such as, an unfamiliar language or dialect, a legal matter or need for expert testimony. Payment for these professional services is expended when services are rendered.

Safe Harbor Provision

DOT has adopted the Department of Justice's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" for recipients regarding translation of written materials for LEP population. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches five percent (5%) trigger, the recipient is not required to translate vital written materials but should provide written notice in the primary LEP language group of



the right to receive competent oral interpretation of those written materials, free of cost.

Table B16004 Data, 2022 Census, Madison County, Kentucky.

	Madison County, Kentucky	
Label	Estimate	Margin of Error
Total:	87,931	±81
5 to 17 years:	14,332	±82
Speak only English	13,758	±142
Speak Spanish:	390	±121
Speak English "very well"	288	±128
Speak English "well"	68	±87
Speak English "not well"	34	±53
Speak English "not at all"	0	±29
Speak other Indo-European languages:	27	±38
Speak English "very well"	27	±38
Speak English "well"	0	±29
Speak English "not well"	0	±29
Speak English "not at all"	0	±29
Speak Asian and Pacific Island languages:	124	±78
Speak English "very well"	124	±78
Speak English "well"	0	±29
Speak English "not well"	0	±29
Speak English "not at all"	0	±29
Speak other languages:	33	±37
Speak English "very well"	33	±37
Speak English "well"	0	±29
Speak English "not well"	0	±29
Speak English "not at all"	0	±29
18 to 64 years:	60,334	±120
Speak only English	58,167	±244
Speak Spanish:	1,204	±190
Speak English "very well"	771	±192
Speak English "well"	258	±107
Speak English "not well"	126	±56
Speak English "not at all"	49	±57



MADISON COUNTY
KENTUCKY

Speak other Indo-European languages:	387	±161
Speak English "very well"	324	±147
Speak English "well"	48	±42
Speak English "not well"	15	±23
Speak English "not at all"	0	±29
Speak Asian and Pacific Island languages:	405	±156
Speak English "very well"	216	±103
Speak English "well"	61	±50
Speak English "not well"	110	±75
Speak English "not at all"	18	±22
Speak other languages:	171	±101
Speak English "very well"	115	±63
Speak English "well"	56	±80
Speak English "not well"	0	±29
Speak English "not at all"	0	±29
65 years and over:	13,265	±121
Speak only English	12,831	±146
Speak Spanish:	127	±85
Speak English "very well"	73	±60
Speak English "well"	0	±29
Speak English "not well"	54	±63
Speak English "not at all"	0	±29
Speak other Indo-European languages:	207	±119
Speak English "very well"	182	±111
Speak English "well"	15	±18
Speak English "not well"	10	±17
Speak English "not at all"	0	±29
Speak Asian and Pacific Island languages:	100	±72
Speak English "very well"	86	±77
Speak English "well"	14	±25
Speak English "not well"	0	±29
Speak English "not at all"	0	±29
Speak other languages:	0	±29
Speak English "very well"	0	±29
Speak English "well"	0	±29
Speak English "not well"	0	±29
Speak English "not at all"	0	±29



Data Collection/Reporting/Analysis

Statistical data on race, color, pregnancy, childbirth, national origin, sex, age, disability, and LEP of participants in and beneficiaries of the Madison County Fiscal Court's (MCFC) programs, (i.e., affected populations, and participants) will be gathered, analyzed, and maintained by the MCFC to determine the benefits and burdens to the population, including minority and low-income populations. Data gathering procedures shall be reviewed to ensure sufficiency of the data in meeting the requirements of Title VI program. Analysis of the data collected by the program emphasis areas may include:

- The race, color, pregnancy, childbirth, national origin, sex, age, disability, income and LEP of the population eligible to be served.
- Socioeconomic Assessment to evaluate project's potential impacts to the human environment.
- Persons to include in the decision-making process.
- Language needs assessment.
- Transportation needs of all persons within boundaries of plans or projects.
- Strategies to address impacts.
- The manner of which services are or will be provided and the related data necessary for determining whether any persons are or will be denied such services on the grounds of prohibited discrimination.
- The location of existing or proposed facilities connected with the program and related information for determining whether the location has or will have the effect of unnecessarily denying access to any persons on the grounds of prohibited discrimination.
- The present or proposed membership, by race, color, pregnancy, childbirth, national origin, sex, disability and age, in any planning or advisory body which is an integral part of the program. Strategies to disseminate information.



Special Emphasis Program

The Madison County Fiscal Court shall support and comply with the installation of a Special Emphasis Program; which is tasked with the assurance that all departments under the Fiscal Court, including governing bodies and divisions, take affirmative steps in order to provide equal opportunity to minorities, women, people with disabilities and other protected classes covered in Title VI of the Civil Rights Act of 1964 (as amended), in all areas of employment. The Fiscal Court shall ensure the Special Emphasis Program's goals are thoroughly expressed and integrated into all departments/institutions under county jurisdiction. The Special Emphasis Program's goals include, but are not necessarily limited to, the following:

- Improving employment, advancement and promotional opportunities for minorities, women, people with disabilities and/or other groups subject to or victims of discriminatory practices while under employment.
- Identifying systematic causes of discrimination against protected groups under Title VI of The Civil Rights Act of 1964 (as amended, along with other constitutional acts).
- Seek out ways to aid minorities, women, people with disabilities and other protected groups to advance by utilizing their skills and potential fully.
- Monitor departments progress in eliminating discriminatory practices and adverse impact on protected groups.
- Educate employees and staff on the extent of various forms of discrimination within the employment environment.

The Madison County Fiscal Court, to ensure compliance with the Special Emphasis Program, shall conduct annual surveys regarding employee experience, discrimination in the workplace and the degree of emphasis their departments have put into eliminating an adverse environment. The surveys will be sent via email to all employees under the Fiscal court and governing bodies at the end of each fiscal year. Upon request, a paper copy of the survey shall also be made available. Any other accommodations that can be made by the Madison County Fiscal Court regarding an employee's ability to complete the survey shall be made upon request to that employee's department head and/or the Title VI coordinator in the Human Resource Department.

In order to further enhance the accuracy of the information received through the surveys, each department head is responsible for encouraging each and every employee to take the survey. Ultimately, it is the responsibility of the employee to complete the survey to aid with the Madison County Fiscal Court's efforts in measuring the presence and impact of discrimination in the workplace and in turn, working collectively to develop solutions.



Environmental Justice

Executive Order (E.O. 12898) was issued to focus federal attention on the environmental and human health conditions in minority and low-income communities to promote non-discrimination in federal programs substantially affecting human health and the environment and to provide minority and low-income communities access to public information on and an opportunity for public participation in matters relating to human health or the environment.

The Madison County Fiscal Court will use the US Census Bureau data to identify targeted populations:

- Create a list of potential demographic groups to consider for Madison County defined by the Executive Order and supportive guidance
- Consider groups that are underrepresented in typical public involvement
- Engage leaders of demographic groups to help identify target populations in our area



Compliance/Noncompliance Reporting

Throughout the year, the Title VI Officer, Coordinator or Liaison, periodically meets with the directors and the division heads of Madison County Fiscal Court to review the policies and procedures relative to Title VI. This includes, but is not limited to, a review of files and statistics of complaints received for investigation and services offered to recipients and beneficiaries of Madison County Fiscal Court's services.

The Madison County Fiscal Court offices, departments, divisions who receive federal funds continually collect program data, although it is not always documented to denote such. Self-surveys are periodically sent to sub-recipients and sub-grantees. These self-surveys examine all facets of the programs offered by the agency surveyed. Instances of which the onsite and/or survey reveals that the agency or one or more of its programs is not in compliance with Title VI an investigation will be conducted by the Title VI Officer, Coordinator or Liaison. Records of the self-survey and efforts put forth to bring the agency into compliance will be maintained. These will include correspondence, resolution and corrective actions.

In the event of noncompliance with this plan, or applicable regulations and laws are determined via a complaint investigation or through the self-survey process, Madison County Fiscal Court will make every effort to attain full compliance.

The Title VI Officer, Coordinator or Liaison shall notify the appropriate program head in the event a complaint investigation, compliance review or self-survey indicates noncompliance. The notification shall state the condition of noncompliance, recommended approach to correct the situation, and the period for the response and corrective action. The Title VI Officer, Coordinator or Liaison may conduct an interview to consult with the program head regarding the correct approach to remedy noncompliance.



Appendix A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, pregnancy, childbirth or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to nondiscrimination on the grounds of race, color, pregnancy, childbirth or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the contractor under the contact until the contractor complies; and/or
 - b. Cancelling, terminating, or suspending a contract, in whole or in part.



6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.



Appendix B

CLAUSES FOR DEEDS TRANSFERING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the Department of Transportation as authorized by law and upon the condition that the (*Title of Recipient*) will accept title to the lands and maintain the project constructed thereon in accordance with (*Name of Appropriate Legislative Authority*), the Regulations for the Administration of Federal Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the (*Title of Recipient*) all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto (*Title of Recipient*) and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in affect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the (*Title of Recipient*), its successors and assigns.

The (*Title of Recipient*), in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, pregnancy, childbirth or national rigin be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and]¹ (2) that the (*Title of Recipient*) will use the lands and interests in lands nd interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned

¹ Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.



non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction]



Appendix C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits or similar instruments entered into by the (*Title of Recipient*) pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
 - 1. In the event facilities are constructed, maintained or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, pregnancy, childbirth or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, (*Title of Recipient*) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.²
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the (*Title of Recipient*) will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the (*Title of Recipient*) and its assigns.³

² See footnote 1

³ Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI



Appendix D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by (Title of Recipient) pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, pregnancy, childbirth or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, pregnancy, childbirth or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.) in the event of breach of any of the above nondiscrimination covenants, (Title of Recipient) will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.⁴
- C. With respect to deeds in the event of breach of any of the above nondiscrimination covenants, (Title of Recipient) will there upon revert to, vest in and become the absolute property of (Title of Recipient) and its assigns.

⁴ Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI



Appendix E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to the following:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, pregnancy, childbirth, national origin) and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, pregnancy, childbirth, creed, color, national origin or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin and sex);



- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 ET seq).



Appendix F

The Madison County Fiscal Court, as a recipient of financial assistance from KYTC is required to provide the appropriate measures to ensure that Limited English Proficiency (LEP) persons have meaningful language access to the programs, services and information provided by Madison County Fiscal Court, its departments and government bodies. In order to determine if written or oral communication must be translated and what languages they must be translated to a four-factor analysis is used. The four-factor analysis considers the following:

- The number or proportion of LEP persons served or encountered in the eligible service population
- The frequency with which LEP individuals encounter the program, activity, or service
- The nature and Importance of the program, activity, or service provided by the program
- The resources available to the recipient and costs

The Human Resources Department is requesting your assistance with completing the four-factor analysis, if you would please take a moment and complete the attached questions and return them to:

Ryan Wade – Title VI Coordinator
Madison County Human Resources
PO Box 1120
Richmond, KY 40476
(859) 624 – 4702 Ext. 1
hr@madisoncountky.us

If you could please return completed survey to me by the close of business on (insert date).

As always, if you have any questions, please do not hesitate to contact me.

Sincerely,

Ryan Wade
Human Resources Director



1. What is your job title?

2. What are your job duties/responsibilities?

3. Please indicate with an “x” in the table below the frequency at which you communicate with members of the public that are considered LEP person(s). The languages below are the commonly spoken languages in Kentucky. If you have interactions with individuals who speak other languages please indicate what language (if you can identify the language) in the “Other” box; if you are unable to accurately identify the language spoken, please indicate by using the “all other languages” box.

Language	Most Days	At Least Once a Week	At Least Once a Month	At Least Once a Year	Never
Spanish					
German					
Chinese					
French					
Arabic					
Other					
Other					
All Other Languages					



4. What is your method of communication when you are communicating with LEP person(s)?

5. Please provide suggestions on ways in which Madison County Fiscal Court can improve communication efforts with LEP persons as it relates to your job duties/responsibilities. (Optional)



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Title VI Discrimination Complaint Form

**Madison County Fiscal Court
Discrimination Complaint Form**

Complaints should be filed within 180 calendar days of the alleged act of discrimination*

Instructions: Complete and sign this form, and then mail, fax or email this form to the Human Resources Department:

Address:

Madison County Fiscal Court
Human Resources Office
135 W Irvine St, 3rd Floor
Richmond, KY 40475

Fax:

Madison County Fiscal Court
Human Resources Office
Attn: Human Resource Coordinator
859-624-4027

Section 1: Complainant Information

First Name	MI	Last Name	Phone	Alternate Phone	E-mail Address
Mailing Address (Street)			City	State	Zip Code

Are you filing this complaint on your own behalf?

Yes – Please move on to Section 2.

No – Please supply the name and relationship of the person for whom you are reporting for.

Name _____ Relationship _____

Please explain why you have filed for a third party:

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party: Yes No

Section 2: Complaint Details

Please indicate the basis of your complaint:

I believe that I have been (or someone else has been) discriminated against on the basis of (select all that apply):

Race _____

Sex _____

Color _____

National Origin _____

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Provide the date and location of the alleged discrimination action(s). Please include the earliest date of the discrimination offense and the most recent occurrence.

How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly and specific as possible as to what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently than you or how other persons within the same protected status were affected by the alleged discrimination. (Attach additional pages if necessary.)



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The law prohibits intimidation or retaliation against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel you have been retaliated against, separate from the discrimination alleged above, please thoroughly explain the circumstances. Tell what action you took that you believe was the cause for the alleged retaliation. (Attach additional pages if necessary.)

Names of individuals, agency, or the department responsible for the discriminatory action(s):

<u>Name:</u>	<u>Address:</u>	<u>Phone:</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

Section 3: Previous Filings

Have you filed this complaint with any of the following agencies? Yes or No (circle one)

- Department of Transportation
- Department of Justice
- Equal Opportunity Commission
- Other

If yes, please attach a copy of any response you have received to your previous complaint.

Have you filed a lawsuit regarding this complaint? Yes or No (Please circle one)

If yes, please provide the case number and attach any related material.



Section 4: Confidentiality

May we release your identify and a copy of your complaint to the violator's immediate supervisor?
Yes or No (Please circle one)

Note: We may be unable to investigate your allegations without permission to release your identity and complaint.

MCFC and its office of Human Resources strive to process complaints promptly. At the conclusion of our investigation, you will receive a letter outlining our findings. We do not represent individual complainants; our role is to ensure FTA funding recipients are in compliance with Title VI program requirements. In our complaint investigation process, we analyze allegations for possible Title VI deficiencies by Kentucky Transportation Cabinet. If deficiencies are identified, they are presented to the KYTC and assistance is offered to correct them within a predetermined timeframe.

I agree and understand that all claims submitted are reported as true and to the best of my knowledge.

Signature: _____

Print Name: _____

Date: _____

*Note: We cannot accept your complaint without a signature.

MCFC is committed to ensuring that information is available in appropriate alternative formats to meet the requirements of persons who have a disability. We will make every reasonable attempt to provide correspondence in a manner fitting to your needs as identified following the guidelines set forth by the Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, the Disadvantaged Business Enterprise program and the External Equal Employment Opportunity program.

Additional Comments:



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Proporcione la fecha y el lugar de las acciones de discriminación alegadas. Incluya la fecha más temprana del delito de discriminación y la ocurrencia más reciente.

¿Cómo fuiste discriminado? Describa la naturaleza de la acción, decisión o condiciones de la supuesta discriminación. Explique de la manera más clara y específica posible lo que sucedió y por qué cree que su estado (base) protegido fue un factor en la discriminación. Incluya cómo otras personas fueron tratadas de manera diferente a usted o cómo otras personas dentro del mismo estado de protección se vieron afectadas por la supuesta discriminación. (Adjunte páginas adicionales si es necesario).

La ley prohíbe la intimidación o represalia contra cualquier persona porque él / ella ha tomado medidas o ha participado en acciones para garantizar los derechos protegidos por estas leyes. Si siente que ha sido objeto de represalias, aparte de la discriminación alegada anteriormente, explique detalladamente las circunstancias. Indique qué acción tomó que cree que fue la causa de la presunta represalia. (Adjunte páginas adicionales si es necesario).

Nombres de individuos, agencia o departamento responsable de las acciones discriminatorias:

<u>Nombre:</u>	<u>Habla a:</u>	<u>Teléfono:</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

Sección 3: Presentaciones anteriores

¿Ha presentado esta queja ante alguna de las siguientes agencias? Sí o no (circule uno)

- Departamento de transporte
- Departamento de Justicia
- Comisión de Igualdad de Oportunidades
- Otro

En caso afirmativo, adjunte una copia de cualquier respuesta que haya recibido a su queja anterior.

¿Ha presentado una demanda con respecto a esta queja? Sí o no (marque uno)

En caso afirmativo, proporcione el número de caso y adjunte cualquier material relacionado.

Sección 4: Confidencialidad

¿Podemos revelar su identificación y una copia de su queja al supervisor inmediato del infractor?
Sí o no (marque uno)

Nota: es posible que no podamos investigar sus alegaciones sin permiso para divulgar su identidad y queja.

MCFC y su oficina de Recursos Humanos se esfuerzan por procesar las quejas con prontitud. Al finalizar nuestra investigación, recibirá una carta que describe nuestros hallazgos. No representamos denunciantes individuales; nuestra función es garantizar que los receptores de fondos del TLC cumplan con los requisitos del programa del Título VI. En nuestro proceso de investigación de quejas, analizamos las denuncias de posibles deficiencias del Título VI por parte del Gabinete de Transporte de Kentucky. Si se identifican deficiencias, se presentan al KYTC y se ofrece asistencia para corregirlas dentro de un plazo predeterminado.

Estoy de acuerdo y entiendo que todas las reclamaciones presentadas se informan como verdaderas y que yo sepa.

Firma: _____

Nombre impreso: _____

Fecha: _____

* Nota: no podemos aceptar su queja sin una firma.

MCFC se compromete a garantizar que la información esté disponible en formatos alternativos apropiados para cumplir con los requisitos de las personas con discapacidad. Haremos todos los intentos razonables para proporcionar correspondencia de una manera que se ajuste a sus necesidades, siguiendo las pautas establecidas por el Título VI de la Ley de Derechos Civiles de 1964, los estadounidenses con discapacidad de 1990, el programa de empresas comerciales desfavorecidas y el Programa externo de igualdad de oportunidades de empleo.

Comentarios adicionales: