

Using FDOT Compliance Tools



**Sub-recipient Compliance
Assessment Tool (SCAT)**

When is SCAT Required?

Complete the SCAT whenever:

- A LAP agency certifies or recertifies (triennially)
- It is requested by a funding or oversight authority (FDOT, FHWA, FTA, etc.)
- There is change in the executive leadership of your agency
- You need practice or want to train staff

Who Completes the SCAT?

Generally the person selected as the Nondiscrimination Coordinator collects and submits the SCAT. However, this could vary agency to agency – it's up to you.

It isn't necessary that the Coordinator know the answers. Rather, they should be able to reach various agency departments or officials to gather responsive information.

Getting Started



Visit the FDOT LAP website at:

<http://www.fdot.gov/programmanagement/LAP/TitleVI.shtm>

Click on SCAT . . . It looks like this



Local Agency Program (LAP)

Program Management / LAP /

Title VI and Nondiscrimination



TITLE VI and NONDISCRIMINATION AUTHORITIES

23 Code of Federal Regulations (CFR) Part 200 requires that the FDOT conduct periodic reviews of cities, counties, planning agencies and other recipients of Federal-aid highway funds to ensure they are complying with Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities. **Sub-Recipient Nondiscrimination Compliance Assessments (SCAT)** must be completed as a condition of LAP Certification and each triennial Recertification. Please complete the Assessment and upload it to LAPIT, as requested.

Please take the **LAP Sub-Recipient Compliance Assessment Tool Computer Based Training (Course No. BT-15-0009)**. The LAP SCAT CBT provides an overview on how District LAP staff and Central Office review and process local agency Title VI information submitted as part of the SCAT process. The Course now only takes 12 minutes!

Resource Documents for LAP Certification



Sub Recipient Compliance Assessment Tool



Nondiscrimination Handbook for Local Agencies



Next . . .

Enter the name of your agency and determine if your agency has 49 or fewer employees or 50+. These are full or part time employees, in all departments.



Now you're ready to
tackle the SCAT


The First 3 Items:


- Need immediate attention
- **Are deal breakers** – FDOT cannot do business with agencies lacking these items
- Are the only questions reviewed by the District LAP Administrators



ITEM 1


Complete and upload to LAPIT the FDOT Nondiscrimination Assurance

**Florida Department of
TRANSPORTATION**

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Title VI and Nondiscrimination



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**Nondiscrimination Handbook for Local Agencies**



NONDISCRIMINATION ASSURANCE

9 of US DOT Order 1050.2A, the Department of Transportation (FDOT) that no person shall on color, national origin, sex, age, disability, family or religious by Title VI of the Civil Rights Act of 1964, the Civil Rights Act of 1987, the Florida Civil Rights Act of 1992, and other authorities be excluded from participation in, be denied the be otherwise subjected to discrimination or retaliation under any activity.

further assures FDOT that it will undertake the with respect to its programs and activities:

Designate a Title VI Liaison that has a responsible position within the organization and access to the Recipient's Chief Executive Officer. Issue a policy statement signed by the Chief Executive Officer, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Recipient's organization and to the general public. Such information shall be published where appropriate in Appendices A and E of this agreement in every Insert the clauses of the Acts and the Regulations contract subject to the Acts and attempt to resolve complaints of 4. Develop a complaint process and attempt to resolve complaints of discrimination against sub-recipients. Complaints against the Recipient shall immediately be forwarded to the FDOT District Title VI Coordinator. 5. Participate in training offered on Title VI and other nondiscrimination requirements. 6. If reviewed by FDOT or USDOT, take affirmative action to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) calendar days. 7. Have a process to collect racial and ethnic data on persons impacted by your agency's programs.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding. The person whose signature appears below is authorized to sign this assurance on behalf of the Recipient.

Dated  by , Chief Executive Officer

ITEM 2

Does your agency have a written nondiscrimination policy along with procedures for filing and resolving a complaint about race, color, national origin, sex, age and disability?

Please take the LA
The LAP SCAT C
VI information sub

Resource

Sub

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Title VI/Nondiscrimination Policy and Plan for Sub-Recipients in the FDOT Local Agency Program (LAP)

I. Policy Statement:

(hereinafter the Agency) values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, the Agency believes that the best programs and services result from careful consideration of the needs of all of its communities and when those communities are involved in the transportation decision-making process. Thus, the Agency does not tolerate discrimination in any of its programs, services or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, the Agency will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion or family status.

II. Nondiscrimination Assurances:

Every three years, or commensurate with a change in executive leadership, the Agency must certify to Federal Highway Administration (FHWA) and Florida Department of Transportation (FDOT) that its programs, services and activities are being conducted in a nondiscriminatory manner. These certifications are termed 'assurances' and serve two important purposes. First, they document Agency commitment to nondiscrimination and equitable service to its community. Second, they serve as a legally enforceable agreement by which the Agency may be held liable for breach. Those wishing to view the Agency's Nondiscrimination Assurance may do so by visiting the Agency website or administration offices.

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Title VI and Nondiscrimination

Policy Statement:

Hendry County values diversity and welcomes individuals of all cultural identity, background or income level. Municipal laws and public policy and governmental services result from the needs of its communities and when those communities are included in the services decision making process. Thus, the County will not exclude anyone from its programs, services or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990 (ADA), the County has designated an individual as the County's Title VI/ADA Coordinator. The Coordinator is responsible for accepting complaints of discrimination on the basis of disability in the provision of services, activities, programs, or benefits provided by the County. Complaints shall be submitted in writing within the following time frames:

Complaint Procedures:

The County has established a discrimination complaint procedure. If the complainant believes that he or she has been subjected to discrimination on the basis of race, color, national origin, sex, age, disability, religion, income or family status, the complainant may file a complaint with the County's Title VI/ADA Coordinator.

David Hoes
Title VI Coordinator
Mailing Address: P.O. Box 2340, Lake Wales, FL 33853
Physical Address: 640 S. Main Street, Lake Wales, FL 33853
Email: dhoes@hendryfla.net
Phone: (863) 675-5352
Fax: (863) 674-4194
Hearing Impaired: Florida Relay 1-800-368-7023

If possible, the complaint should be filed with the complainant; the basis for the alleged discrimination (e.g., race, color, national origin, sex, age, disability, religion, income or family status); and a description of the discriminatory act or acts.

religion, income or family status); and a description of the discriminatory act or acts. If the complaint cannot be submitted in writing, the complainant should contact the Title VI/Nondiscrimination Coordinator for assistance.

Home > Accessibility

Title VI

Title VI Notice of Compliance

It is the policy of the City of Fort Lauderdale to provide equal opportunities for all persons, regardless of race, color, national origin, sex, age, disability, religion, income or family status, in the provision of services, activities, programs, or benefits provided by the City. No person shall be subjected to discrimination or retaliation under any of the following laws:

Title VI Coordinator

The City of Fort Lauderdale has designated an individual as the City's Title VI/ADA Coordinator. The Coordinator is responsible for accepting complaints of discrimination on the basis of disability in the provision of services, activities, programs, or benefits provided by the City. Complaints shall be submitted in writing within the following time frames:

Keela Black
Title VI Coordinator
City of Fort Lauderdale
290 NE 3rd Avenue
Fort Lauderdale, FL 33301
E-mail: KBlack@cityofftlauderdale.com
Phone: 954-473-1111

Title VI Grievance

Purpose

The purpose of this grievance procedure is to provide a fair and equitable process for the resolution of complaints regarding the City's Title VI/ADA Coordinator.

The City of Fort Lauderdale has designated an individual as the City's Title VI/ADA Coordinator. The Coordinator is responsible for accepting complaints of discrimination on the basis of disability in the provision of services, activities, programs, or benefits provided by the City. Complaints shall be submitted in writing within the following time frames:

Procedure

MIAMI
Growing Beautifully

Title VI Pro

Adopted October

MIAMI LAKES
Growing Beautifully

8605 Main Street • Miami Lakes, Florida
Office: (305) 364-6300 • Fax: (305) 355-1111
Website: www.miamilakes.com



Residents Visitors Business Government
You are Here: Home > ADA Information > Title VI/ADA Information > Register > Login

- Keyword Search:
- Follow Us:
- View All Social Networks >
- Most Requested:
- Advisory Boards/Committees
 - Area Resources
 - Board Agendas & Meetings
 - Other Boards & Committees
 - Agendas/Minutes
 - Code Enforcement Case Search
 - Community Development Block Grant (CDBG-3)
 - Comprehensive Annual Financial Reports (CAFR)
 - City's Annual Financial Reports
 - Doing Business with Lake County
 - Economic Action Plan
 - Employment Opportunities
 - Holiday Schedule
 - Lake County Flood Information
 - Lake County Maps
 - Lake County Water Levels
 - Permits and Licenses
 - Report Fraud, Waste or Abuse
 - Tenure and Supply Contracts
 - Volunteer Opportunities
 - Visitors Parking
 - Westside Village Sector Plan
 - Zoning Information Request

Title VI/American Disabilities Act (ADA)

Consistent with Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990 (ADA), the County has designated an individual as the County's Title VI/ADA Coordinator. The Coordinator is responsible for accepting complaints of discrimination on the basis of disability in the provision of services, activities, programs, or benefits provided by the County. Complaints shall be submitted in writing within the following time frames:

Title VI: No later than 180 days from the date of the alleged discrimination
ADA: No later than 60 days from the date of the alleged discrimination

Complaints shall include the name, address, and phone number of the complainant, along with the location, date and description of the problem. Complaints shall be processed in accordance with the applicable law.

This process does not apply to complaints relating to employment by the Lake County Board of County Commissioners. Other procedures are available for these types of complaints.

To file a complaint, complete the form below, or contact:

Bill Veach
Phone: (352) 343-9888
E-mail: bveach@lakecountyfl.gov

Submit an ADA Complaint

Name

Address

Phone number

Location of Issue

Date Issue Occurred

Description of the Issue

ITEM 3

Confirm that your agency constructing or improving curb ramps in connection with resurfacing projects

Hint: The answer should be 'Yes'. Recent direction by US DOT and US DOJ require curb ramp installation or improvement as part of resurfacing *at a minimum*. The **Florida Greenbook** and **FDOT Design Manual** also require curb ramps .

Note: ADA compliance is not tied to funding!
See the Guidance at:

https://www.fhwa.dot.gov/civilrights/programs/doj_fhwa_ta.cfm

The other ITEMS aren't important!

BUT:

- They are easier to implement, or;
- Many agencies already have some or most of them, or;
- It is questionable to what extent we (FHWA and FDOT) have enforcement jurisdiction.

Let's go through them one by one

ITEM 4

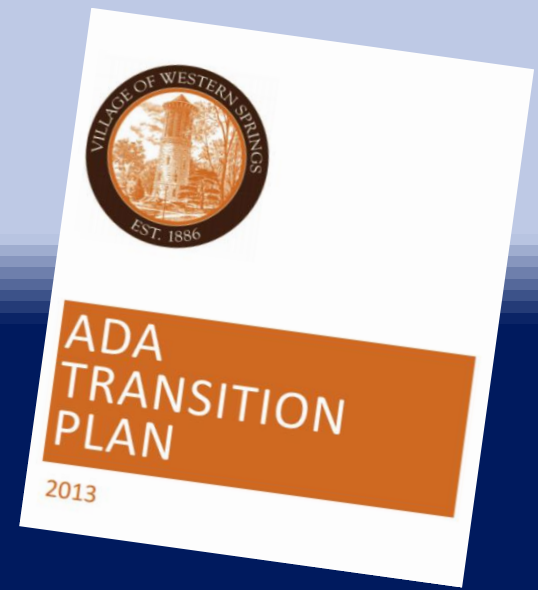
How do you comply with ADA?

- We need to ascertain that your design standards are consistent with or beyond those approved by DOJ
- Choose only one



ITEM 5

TRANSITION PLANNING, Yes or No?



- This question was modified based on concerns that FHWA and FDOT lacked the authority to approve these plans.
- However, for most local agencies, they are required by 28 CFR 35.150(d), along with an underlying self evaluation (28 CFR 35.105)
- If a “**Yes**” response is included, the SCAT Team reviews the agency’s website to confirm posting and randomly selects agencies for onsite review of their ADA Transition Plans



ITEM 6

Who is/are your Nondiscrimination Coordinators?

- Regulations require 'easy access'
- Highway regs require coordinators be identified by name, not just title; also contact information
- SCAT asks you enter the staff name(s) into LAPIT and verify accuracy

ITEM 7

Has your agency received discrimination complaints that are not employment related?

- Employment is covered by Title VII and other statutes and under the purview of EEOC
- Discrimination in programs, services and activities is Title VI, ADA and other nondiscrimination authorities
- Include any lawsuits





ITEM 8

Using the check boxes, indicate how your agency advises the public of nondiscrimination policies/procedures?

In short, we are looking for at least two methods – preferably one electronic, one traditional, though there is no specific requirement or method.

ITEM 9

This is about EJ compliance, but also Title VI. 23 CFR 200.9(b)(4) requires recipients to collect and review demographic data on those impacted by its decisions. Almost all agencies use census data, but there are others as well – the most common are listed.

In other words, how do you know your community's characteristics?

ITEM 10

Limited English Proficiency (LEP) requires a written plan of reasonable steps to provide meaningful access to those who do not speak English.

- Does not cover all documents
- Requires a four factor analysis
- May result in your agency not having to provide LEP services

SCAT asks whether your agency has a LEP plan/procedures. If you don't have a LEP plan, you are "yellow" and may require technical assistance.

ITEM 11

A major tenet of nondiscrimination is public involvement. In other words, access to and collection of information from low income and minority communities.

The SCAT includes check boxes for the most common ways used to involve the public. However, you may have other mechanisms.

The sky is the limit — the only wrong answer is a 'No' answer

A note on the DBE Program for LAP

- FHWA **does not** approve sub-recipient DBE goals or plans
- Generally speaking, FHWA only has one Recipient – FDOT. To the extent FDOT has a LAP program, its DBE program governs
- This is politically unpopular with many local agencies but FDOT and your Division do not have the authority to grant exceptions

Finally, lucky ITEM 12

Check why you are completing a SCAT

- Usually it will be for re/certification, but we may ask you (even an MPO) to do so as a foundation for a review.

Now, upload it to LAPIT, including any requested documents that were not available by link



What Happens to SCAT?

Once it's uploaded to LAPIT, the District LAP Administrator will either perform or delegate a brief review, focusing on the first three questions.



SCAT has only 3 possible findings

Stop! Willful agency noncompliance or significant issues with the primary questions



Primary questions look good but SCAT is incomplete or suggests a need for assistance.

Good to go! The Agency Appears to be in substantial compliance.

Best Practices

- Post your Title VI policy, plan and related procedures to your home page or provide a link from your home page. Posting to your HR or other departmental webpage confuses the public.
- Update your LEP data periodically- statistics, translation or employee lists, etc.
- Consistency! Make sure what is posted to your webpage matches what you submit in the SCAT! Coordinator names, complaint procedures, and related forms are most commonly missing or incorrect.

Best Practices

- Date your Title VI policy, plan and procedure(s). This let's everyone know when the info was last reviewed at the agency level. This is critical due to staff turnover and sometimes sporadic record keeping.
- Want to use one plan for both FTA and FHWA? It is possible but takes a little work initially. Contact the SCAT Team for a template.

RESOURCES

- Help is available and there are many fine resources located on the LAP site
- You may request training, as well (note, due to travel restrictions, we may need to double up with other activities)
- You can ask your MPO . . . All Florida MPOs are CR experts and have knowledgeable staff
- Read the very short, very simple CR handbook for LAP.
- Call or email any of us:



Your Title VI Subject Matter Experts



Carey Shepherd (CR)
FHWA – Florida Division
carey.shepherd@dot.gov
850-553-2206

Jacqueline Paramore (T-VI)
FDOT – Central Office
Jacqueline.paramore@dot.state.fl.us
850-414-4753

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Sandy.talbert-Jackson@dot.gov
410-962-0116