

NONDISCRIMINATION PROCEDURES

I. INTRODUCTION.

40 CFR § 7.95 requires that all federal grant recipients establish, maintain, and conform to a nondiscrimination policy. The Metro 4/SESARM Nondiscrimination Policy and these Procedures are designed to address the requirements and to promote a culture of nondiscrimination within the operations of Metro 4 and SESARM.

Federal awarding agency grants are conditioned, in part, on compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. Grant recipients are mandated to comply with these provisions and EPA's implementing nondiscrimination regulations at 40 CFR Parts 5 and 7.

II. NONDISCRIMINATION PROCEDURES.

- A. Metro 4 and SESARM hereby designate their Executive Director to serve as the Civil Rights Coordinator for the corporations.
- B. Metro 4 and SESARM have developed and will maintain a nondiscrimination notice that shall be prominently posted in any physical office that is established. In the absence of a physical office employees will be provided a copy of Attachment 1 which contains key nondiscrimination information.
- C. Metro 4 and SESARM shall post these Procedures on their web site, along with the Nondiscrimination Policy of the corporations.
- D. Metro 4 and SESARM shall include in requests for proposals and other applicable documents a brief statement of its policy prohibiting discrimination.
- E. Metro 4 and SESARM shall make available to employees, customers, and other individuals the process for filing an employment or program discrimination complaint.
- F. Complainants shall be provided a 45-day window of time to file a complaint of discrimination. This 45-day period shall begin on the day of the alleged discriminatory act or the day upon which knowledge was obtained of the alleged discriminatory act.
- G. Metro 4/SESARM shall process and respond to all allegations of discrimination in a timely and appropriate manner.
- H. Metro 4/SESARM shall provide a timely opportunity for the complainant to be heard regarding the discriminatory act allegation, during the investigative phase.

- I. Metro 4/SESARM shall reach a conclusion on the merits of the allegation by using a preponderance of the evidence standard, and shall, when applicable, create and implement an action plan to rectify any confirmed discrimination.
- J. Metro 4/SESARM shall provide written information to the complainant on the process, results, and conclusions of the investigation of the complaint and details of any corrective action plan, where applicable.
- K. Metro 4/SESARM shall track all complaints filed, and shall conduct semiannual reviews of all discrimination complaints investigated to identify and address any patterns or systemic problems.
- L. Metro 4/SESARM shall review these procedures on an annual basis and revise them, as necessary, to ensure prompt and fair resolution of discrimination complaints.
- M. Metro 4/SESARM shall provide reasonable accommodation to persons with disabilities, to limited-English proficient individuals, and/or to those requiring alternative information formats to the extent practicable and required by federal and state laws and regulations.

III. CERTIFICATION AND SIGNATURE.

This certifies that these Nondiscrimination Procedures have been prepared for the exclusive use of Metro 4 and SESARM, that they will be made available to all Metro 4/SESARM staff and the Metro 4 and SESARM Boards of Directors, and that the requirements herein will be explained in adequate detail to ensure that all Metro 4/SESARM staff and representatives are aware of, comply with, and fully implement them.

Greg DeAngelo, Executive Director
Metro 4/SESARM

Nondiscrimination Procedures—Attachment 1

Notice of Nondiscrimination:

Metro 4 and SESARM do not discriminate on the basis of race, color, national origin, disability, age, or sex in administration of their programs or activities, and Metro 4 and SESARM do not intimidate or retaliate against any individual or group because they have exercised their rights to participate in actions protected, or oppose action prohibited, by 40 CFR Parts 5 and 7, or for the purpose of interfering with such rights.

To File a Complaint:

Greg DeAngelo, Executive Director, is responsible for coordination of compliance efforts and receipt of inquiries concerning nondiscrimination requirements implemented by 40 CFR Parts 5 and 7 (Nondiscrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency), including but not limited to Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; and the Age Discrimination Act of 1975.

If you have any questions about this notice or any of Metro 4/SESARM's nondiscrimination programs, policies, or procedures, you may contact:

**Greg DeAngelo, Executive Director
Metro 4/SESARM
3122 Mahan Dr
Suite 801-287
Tallahassee, FL 32308-2500
850-567-2053
gdeangelo@metro4-sesarm.org**

If you believe that you have been discriminated against with respect to a Metro 4/SESARM program or activity, you may contact the Executive Director identified above or visit our website at <https://www.metro4-sesarm.org> to learn how and where to file a complaint of discrimination. Metro 4/SESARM will conduct a review of any such complaint in a timely manner, allow the complainant to be heard, and provide to the complainant the results and conclusions of the investigation and any necessary remedial measures to be taken.

Persons with Disabilities:

Individuals with sight, hearing, or speech disabilities, limited-English proficient individuals, and/or individuals requiring alternative means of communications for filing an alleged complaint are encouraged to contact the Metro 4/SESARM Executive Director as noted above.

This notice is posted pursuant 40 CFR § 7.95.

Nondiscrimination Procedures—Attachment 2

Limited-English Proficiency:

Metro 4 and SESARM are tax-exempt corporations that provide support services to 17 local and 10 state air pollution control agencies across the Southeast. Metro 4/SESARM supports its member agencies through advocacy, fostering communications, providing training, managing meetings and events for member agency staff, assisting in technical projects, reimbursing certain business expenses, operating the administrative office, and providing other miscellaneous support. While the member agencies routinely interact with and provide benefits and services to the public within their jurisdiction, Metro 4/SESARM itself rarely, if ever, interacts directly with the general public. Materials hosted on the Metro 4/SESARM web page, while occasionally useful to the general public, are intended for the use of member agency staff.

Metro 4/SESARM is a recipient of financial assistance from the U.S. Environmental Protection Agency (EPA), and as a recipient of federal funding, Metro 4/SESARM must comply with applicable provisions of federal civil rights laws and policies prohibiting discrimination, as indicated in Section 1 of these Nondiscrimination Procedures. Part of this compliance involves developing a plan to provide meaningful opportunity to individuals with limited-English proficiency (LEP). In preparing this plan, Metro 4/SESARM relied upon the U.S. Department of Justice (DOJ) general guidance (65 FR 50123, August 16, 2000) as well as the U.S. EPA guidance regarding LEP plans (69 FR 35602, June 25, 2004).

Per the DOJ guidance, four factors should be considered by an entity when developing its LEP plan: (1) the number or proportion of LEP individuals served, (2) the frequency of contact with the program, (3) the nature and importance of the program, and (4) available resources. Metro 4/SESARM serves very few LEP individuals. As noted above, Metro 4/SESARM provides services to state and local air pollution control agencies, not directly to the general public served by those agencies. Member agencies could hire an LEP individual, or ask for assistance in reaching a segment of the population within their jurisdiction, but the frequency of such contact is rare. Regarding importance, the overall goal of ensuring air quality for the protection of human health and the environment is obviously important, but Metro 4/SESARM activities are not associated with acute, day-to-day, life or death implications such as the school and hospital examples provided in the DOJ guidance. And Metro 4/SESARM has a relatively small budget that does not provide resources sufficient to prepare translated versions of all its documents. In summary, Metro 4/SESARM serves a limited number of eligible LEP individuals, with infrequent contact, relatively high total cost of providing language services, and without crucial impact to an individual's day-to-day existence.

Limited-English Proficiency Language Access Plan:

Given these characteristics, the Metro 4/SESARM LEP plan consists of the following:

- Provide for appropriate and reasonable oral translation via third-party translation and interpretation services upon request or identified need.
- Provide for appropriate and reasonable written translation via online and third-party translation services upon request or identified need.
- Provide routine training to Metro 4/SESARM staff regarding the LEP plan.
- Periodically review the web page to enhance materials for LEP individuals, including providing notification of how to request for assistance.