



CITY
OF **FALLS**
CHURCH

***TITLE VI PROGRAM
FOR
CITY OF FALLS CHURCH
VIRGINIA***

***U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION***

Adopted May 23, 2016

THE CITY OF FALLS CHURCH TITLE VI PROGRAM

The City of Falls Church (the “City”) is an independent city in the Commonwealth of Virginia which receives Federal Transit Administration (FTA) funds as a subrecipient of the Northern Virginia Transportation Commission (NVTC). The FTA funded transit projects performed by the City are either studies, or are used to provide amenities for the Washington Metropolitan Area Transit Authority (WMATA), which, in its role as a direct recipient of FTA funds, produces its own Title VI report.

The City has established a Title VI Program to comply with the US Department of Transportation (“DOT”) Title VI regulations (49 CFR part 21) and to integrate into their programs and activities considerations expressed in the DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficiency (LEP) Persons (70 FR 74087, December 14, 2005).

FTA Circular 4702.1B requires subrecipients to have their own Title VI program. The Title VI program shall follow all the requirements of Chapter III-3 of the Circular and must be approved by the subrecipient’s board of directors or appropriate governing entity or official(s) responsible for policy decisions. Subrecipients shall submit Title VI Programs to the primary recipient from whom they receive funding in order to assist the primary recipient in its compliance efforts.

I. General Policy Statement

The City of Falls Church (City) is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color or national origin, as provided by Title VI of the Civil Rights Act of 1964, as amended. Toward this end, it is City’s objective to:

- Ensure that the level and quality of transportation service is provided without regard to race, color or national origin;
- Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- Promote the full and fair participation of all affected populations in transportation decision making;
- Prevent the denial, reduction or delay in benefits related to programs and activities that benefit minority populations or low-income populations and;
- Ensure meaningful access to programs and activities by persons with limited English proficiency (LEP).

The City Manager and all City employees share the responsibility for carrying out the City’s commitment to Title VI.

II. Annual Assurances to NVTC that the City of Falls Church Is Complying with Title VI of the Civil Rights Act of 1964

The City of Falls Church has signed the certifications and assurances document required by FTA and has forwarded it to NVTC as required by the subrecipient agreement signed between NVTC and the City.

III. Notice to the Public

The City of Falls Church has posted notices regarding its Title VI obligations and the protections afforded to the public by Title VI. See Appendix A for posting locations and a copy of the notice. The notice indicates that the City complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI. Included in the Appendix is a list of locations where the policy is posted.

IV. Complaint Procedures

See Appendix B for a copy of the City of Falls Church's instructions to the public regarding how to file a Title VI discrimination complaint and a copy of the complaint form.

V. Previous Investigations, Complaints, and Lawsuits

The City of Falls Church has had no Title VI Complaints since its last submission in 2013.

VI. Public Participation Plan

The City of Falls Church will continue to seek out and consider viewpoints of minority, low-income, and Limited English Proficiency persons in the course of its public outreach and involvement activities. The City will continue to consider the composition of the population affected by the project, the type of practical public outreach to be undertaken and the resources available to the City. The City will continue to seek to overcome linguistic, institutional, cultural, economic, historical or other barriers that might prevent minority and low-income people from effectively participating in the City's decision-making process. To that end, the City will continue to:

- Provide opportunities for individuals and groups in these communities who can assist the City in communication;
- Maintain portions of the City's website in audio format and include other best practices to keep the website accessible to persons with disabilities compliant with federal, state, and local requirements;
- Advertise new City programs and initiatives in non-English publications and media outlets;
- Conduct meetings at locations and times convenient to low-income and minority populations and accessible to persons with disabilities; and
- Distribute media releases broadly to include news outlets tailored to such communities and make those releases accessible to persons with disabilities.
- Fully implement the City's policies on reaching out to persons with Limited English Proficiency as well as those with disabilities.

In the last three years (2013-2016), outreach activities have been performed on the S Washington Intermodal Plaza. Four community engagement meetings have been held to discuss project scope, design, and accessibility impacts. Public comments were received at these meetings held in January 2013, May 2013, February 2013, and March 2015. These meetings included the public at large as well as community stakeholder groups including small locally owned businesses, and low income and minority groups such as the Tinner Hill Heritage Foundation. Project interpretive signage was also discussed at these meetings, which will include a focus on minority populations and their role in transit and transportation in and around the Falls Church area. For each meeting, reasonable accommodations for persons with disabilities were available including assistive listening devices for persons with hearing impairments. Meeting minutes and

project information are publicly available on the website and accessible through reasonable accommodating requests for any type of disability from the City.

VII. Meaningful Access for LEP Persons

Four Factor Analysis

The City of Falls Church has performed a US DOT Four-Factor analysis of its program to encourage LEP people to become more involved in the process of planning transportation services. This analysis consists of these four factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the grantee;
2. The frequency with which LEP individuals come into contact with the City's plans, programs, and activities;
3. The nature and importance of the program, activity, or service provided by the City to the LEP population; and
4. The resources available to the City and overall cost to provide LEP assistance.

Factor 1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the grantee.

The following data comes from the 2010-2014 American Community Survey 5-year estimates. This data is collected by the U.S. Census.

English – 76%

76% (11,555) of the population of the City speaks English at home.

Spanish – 8.6%

The most common language other than English is Spanish, which is the primary language of 8.6% (1,017) of the population. Approximately 22.8% (232) of the population who primarily speak Spanish speak English less than very well.

Other 15.2%

Other Indo-European languages are used by 15.2% (1,801) of the population, and approximately less than a quarter of who do not speak English very well.

Asian and Pacific Islanders languages – 6.7%

Asian and Pacific Islanders languages are spoken at home by 6.7% (797) of the population, with approximately a third not speaking English well.

Other – 0.5%

People speaking other languages, such as Amharic, constitute 0.5% (65) of the population, less than a tenth of who do not speak English well.

Factor 2. The frequency with which the LEP individuals come into contact with the City's plans, programs, and activities.

The City provides translation services. The City does not have a documented count of how many LEP individuals interface with the City.

Factor 3. The nature and importance of the program, activity, or service provided by the City to the LEP population.

The City acknowledges that residents use the transportation network for getting to work, medical

appointments, and many other activities of daily life. The City has specialized programs for the elderly and disabled through a partnership with WMATA and its paratransit program; and Fare Wheels, a supplemental transportation program that allows eligible City residents to stretch their transportation dollars. The City also provides transportation services to residents of the Aurora House, a residential counseling center for at-risk girls ages 13-17.

Factor 4. The resources available to the City and overall cost to provide LEP assistance.

The City invests more than \$3,500 in language interpretation and document translation per year. The City will continue to adhere to its existing LEP policy and ADA policies. See Appendix D and E for copies of these policies.

VIII. Membership of Non-Elected Committees

The City of Falls Church’s Citizens Advisory Committee on Transportation (CACT) considers traffic calming cases, provides recommendations to the City Manager on traffic calming, reviews Impact Studies for development proposals, and makes policy recommendations to the City Manager on transportation related issues. The committee is composed of 7 members appointed by the City Council for 3-year terms, with liaisons from the Planning Commission and the School Board.

| Attribute | Value | City of Falls Church* | | CACT | |
|--------------------|--|-----------------------|-------|------|--------|
| | | # | % | # | % |
| Sex | Male | 6,290 | 48.1% | 6 | 85.7% |
| | Female | 6,784 | 51.9% | 1 | 14.3% |
| Housing Tenure | Owner Occupied Units | 2,933 | 59.1% | - | 0.0% |
| | Renter Occupied Units | 2,033 | 40.9% | 1 | 100.0% |
| Race | White | 10,138 | 77.5% | 6 | 85.7% |
| | Black or African American | 724 | 5.5% | 1 | 14.3% |
| | American Indian and Alaska Native | - | 0.0% | - | 0.0% |
| | Asian | 1,179 | 9.0% | - | 0.0% |
| | Native Hawaiian and Other Pacific Islander | - | 0.0% | - | 0.0% |
| | Some Other Race | 475 | 3.6% | - | 0.0% |
| | Two or More Races | 558 | 4.3% | - | 0.0% |
| Hispanic or Latino | Hispanic or Latino | 1,239 | 9.5% | - | 0.0% |
| | Not Hispanic or Latino | 11,835 | 90.5% | 7 | 100.0% |

*US Census. 2010-2014. American Community Survey 5-Year Estimates.

The City will renew its efforts to identify both members of minority groups and people with LEP who will be affected by major City actions. These people will be strongly considered for appointment to the community service boards which provide the City with policy guidance regarding some of these major transportation issues. The City will continue to promote board and committee vacancies to media outlets that represent a wide variety of audiences including the Spanish and Vietnamese population.

IX. Requirement to Collect Demographic Data

The City is not a transit service provider and therefore is not required to collect demographic data.

X. Monitoring of Subrecipients

The City of Falls Church is not a primary recipient, and does not have any subrecipients to monitor.

XI. Equity Analysis of Facilities

The City of Falls Church is not a transit provider and has not constructed any facilities requiring an equity analysis.

XII. Resolution Approving this Policy

Attached as Appendix C, you will find the resolution from the City Council authorizing the City of Falls Church's Title VI program.

Appendix A: Notice to the Public

This appendix lists the location where The City of Falls Church Title VI Program is displayed and includes a copy of the public notice in English and Spanish.

Posting Locations

The City of Falls Church posts its Title VI policy notifications in the following places:

- The City's website
 - <http://www.fallschurchva.gov/470/Title-VI-Transportation-Equity>
- The City's public library; and
- The City's planning department.

The City will post its Title VI policy notification at its Multimodal Transit station once it is constructed.

Public Notice

- The City of Falls Church, Virginia operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of Falls Church.
- For more information on the City of Falls Church's civil rights program, and the procedures to file a complaint, contact 703.248.5004 (TTY 711); email citymanager@fallschurchva.gov; or visit our administrative office at 300 Park Avenue, Suite 303 E, City of Falls Church, Virginia, 22046.
- A person may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.
- For information in your language, please call 703 248-5040 (TTY 711).*

***All City of Falls Church staff is trained to use the Language Line Services if needed. The City also has a contract to provide interpretation and/or translation services.**



City of Falls Church Title VI Program

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The City of Falls Church is committed to the letter and spirit of the Americans with Disabilities Act. To request a reasonable accommodation for any type of disability call 703-248-5040 (TTY 711).



Programa del Título VI de la Ciudad de Falls Church

La Ciudad de Falls Church (la Ciudad) está comprometida a garantizar que no se excluya la participación de nadie y que no se nieguen a ninguna persona los beneficios de sus servicios por motivos de raza, color o nacionalidad, según lo establece el Título VI de la Ley de Derechos Civiles de 1964 y sus enmiendas. Con este fin, los objetivos de la Ciudad son los siguientes:

- Garantizar que el nivel y la calidad del servicio de transporte se proporcione sin distinción de raza, color o nacionalidad;
- identificar y abordar, conforme sea necesario, impactos ambientales y en la salud humana desproporcionadamente elevados y adversos, entre ellos efectos sociales y económicos de programas y actividades en poblaciones minoritarias y de bajos ingresos;
- fomentar la participación equitativa e integral de todas las poblaciones afectadas en las decisiones relacionadas con el transporte;
- prevenir la denegación, reducción o retraso de beneficios relativos a programas y actividades que favorecen a poblaciones minoritarias o de bajos ingresos, y
- garantizar un verdadero acceso a programas y actividades de personas con dominio limitado del idioma inglés (LEP, por sus siglas en inglés).

El administrador municipal y todos los empleados de la Ciudad comparten la responsabilidad de implementar el compromiso de la Ciudad con el Título VI.

Aviso al público

- La Ciudad de Falls Church, Virginia, administra sus programas y servicios sin distinción de raza, color o nacionalidad, según lo establece el Título VI de la Ley de Derechos Civiles. Cualquier persona que se considere agraviada por cualquier práctica discriminatoria ilegal, de acuerdo con el Título VI, puede presentar una queja ante la Ciudad de Falls Church.
- Para obtener más información sobre el programa de derechos civiles de la Ciudad de Falls Church y sobre los procedimientos para presentar una queja comuníquese al 703-248-5004 (TTY 711); escriba a citymanager@fallschurchva.gov; o visite nuestras oficinas administrativas en 300 Park Avenue, Suite 303 E, Ciudad de Falls Church, Virginia, 22046.
- Una persona puede presentar una queja directamente ante la Administración Federal de Tránsito presentando una queja ante la Oficina de Derechos Civiles, a la atención del Coordinador del Programa del Título VI, East Building, 5th Floor-TCR, 1200 New Jersey Ave. SE, Washington, DC 20590.
- Para obtener información en su idioma por favor llame al 703 248-5040 (TTY 711).



La Ciudad de Falls Church está comprometida con la letra y el espíritu de la Ley sobre Estadunidenses con Discapacidades. Si desea solicitar una adaptación razonable para cualquier tipo de discapacidad llame al 703-248-5040 (TTY 711).

Appendix B: Complaint Procedures and Complaint Form

This appendix describes the City of Falls Church's complaint procedures and includes a copy of the complaint form in both English and Spanish.

Complaint Procedures

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the City of Falls Church ("herein referred to as "the City") may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. The City investigates complaints received no more than 180 days after the alleged incident. The City will process complaints that are complete.

Once the complaint is received, the City's Director of Development Services will review it to determine the City office has jurisdiction. The Complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by the City. If the complaint will be investigated, the Director of Development Services will assign an investigator to the case.

The City has 180 days to investigate the complaint. If more information is needed to resolve the case, the investigator may contact the complainant. The complainant has 25 business days from the date of the letter to send the requested information to the investigator. If the investigator is not contacted by the complainant or does not receive the additional information within 25 business days, the City can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue the case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training, or other action will occur. If the complainant wishes to appeal the decision, she/he has 25 business days after the date of the letter of the LOF to do so. Appeals should be made to the City Manager.

A person may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

COMPLAINT FORM

Section I:

| | | |
|----------------------------------|-------------|------------------|
| Name: | | |
| Address: | | |
| Telephone (Home): | | Telephone(Work): |
| Electronic Mail (email) Address: | | |
| Accessible Format Requiriements? | Large Print | |
| | TDD | |
| | Audio Tape | |
| | Other | |

Section II:

| | | | |
|---|--|------|----|
| Are you filing the complaint on your own behalf? | | Yes* | No |
| *If you answered "yes" to this question, go to Section III. | | | |
| If not, Please supply the name and relationship of the person for whom you are | | | |
| 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 the third party. | | Yes | No |

Section III

| | |
|---|------------------------------|
| I believe the descrimination I experienced was based on (check all that apply): | |
| Race | [<input type="checkbox"/>] |
| Color | [<input type="checkbox"/>] |
| National Origin | [<input type="checkbox"/>] |
| Date of Alleged Discrimination (Monthy, Day, Year): _____ | |

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. Please write on the back of this form.

Section IV

| | | | |
|--|--|-----|----|
| Have you previously filed a Title VI complaint with this City? | | Yes | No |
|--|--|-----|----|

Section V

| | | | |
|---|------------------------------|-------|------------------------------|
| Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State Court? | | | |
| Yes | [<input type="checkbox"/>] | No | [<input type="checkbox"/>] |
| If yes, check all that apply: | | | |
| [<input type="checkbox"/>] | Federal Agency | _____ | |
| [<input type="checkbox"/>] | Federal Court | _____ | |
| [<input type="checkbox"/>] | State Agency | _____ | |
| [<input type="checkbox"/>] | State Couty | _____ | |
| [<input type="checkbox"/>] | Local Agency | _____ | |

| | |
|--|--|
| Please provide information about a contact person at the agency/court where the complaint was filed. | |
| Name: | |
| Title: | |
| Agency: | |
| Address: | |
| Telephone: | |

Section VI

| | |
|--------------------------------------|--|
| Name of agency complaint is against: | |
| Contact person: | |
| Title: | |
| Telephone number: | |

You may attach any written materials or other information that you think is relevent to your complaint.

Signature and date required below.

Signature

Date

FORMULARIO DE QUEJA

Sección I:

| | | |
|---|----------------|---------------------|
| Nombre: | | |
| Dirección: | | |
| Teléfono (casa): | | Teléfono (trabajo): |
| Dirección de correo electrónico (e-mail): | | |
| ¿Necesita un formato más accesible? | Letra grande | |
| | TDD | |
| | Cinta de audio | |
| | Otro | |

Sección II:

| | | | |
|--|--|-----|----|
| ¿Presenta esta queja a nombre propio? | | Sí* | No |
| *Si respondió "Sí" a esta pregunta, pase a la Sección III. | | | |
| Si respondió "No", proporcione el nombre de la persona por quien presenta esta queja y su relación con dicha persona: | | | |
| Explique el motivo por el cual presenta la queja a nombre de una tercera persona: | | | |
| Si presenta esta queja a nombre de otra persona, por favor confirme que ha obtenido el permiso de dicha persona agraviada: | | Sí | No |

Sección III

| | |
|---|-----|
| Creo que la discriminación que sufrí es por motivos de (marque todas la que se apliquen): | |
| Raza | [] |
| Color | [] |
| Nacionalidad | [] |
| Fecha en la que ocurrió la supuesta discriminación (mes, día, año): _____ | |
| Explique lo más claramente posible lo que ocurrió y por qué considera usted que sufrió discriminación. Describa a todas las personas participantes. Si lo sabe, incluya el nombre y la información de contacto de la(s) persona(s) que la/lo discriminó(aron), así como el nombre y la información de contacto de cualquier testigo. Por favor escriba al reverso de este formulario. | |

Sección IV

| | | | |
|---|--|----|----|
| ¿Ha presentado anteriormente una queja con base en el Título VI ante esta Ciudad? | | Sí | No |
|---|--|----|----|

Sección V

| | | | |
|---|------------------|-------|-----|
| ¿Ha presentado usted esta queja ante alguna otra agencia federal, estatal o local, o ante algún tribunal federal o estatal? | | | |
| Sí | [] | No | [] |
| Si respondió "Sí", marque todas las que se apliquen: | | | |
| [] | Agencia federal | _____ | |
| [] | Tribunal federal | _____ | |
| [] | Agencia estatal | _____ | |
| [] | Tribunal estatal | _____ | |
| [] | Agencia local | _____ | |

Proporcione información de una persona de contacto en la agencia/tribunal en donde presentó la queja.

| |
|------------|
| Nombre: |
| Cargo: |
| Agencia: |
| Dirección: |
| Teléfono: |

Sección VI

| |
|--|
| Nombre de la agencia contra la que se presenta la queja: |
| Persona contacto: |
| Cargo: |
| Teléfono: |

Puede anexar a su queja cualquier material escrito u otra información que considere pertinente.

Debe firmar y fechar este formulario a continuación.

Firma

Fecha

RESOLUTION TO ADOPT TITLE VI PROGRAM FOR CITY OF
FALLS CHURCH, VIRGINIA

- WHEREAS, the City of Falls Church is a subrecipient of the Northern Virginia Transportation Commission (NVTC) and receives Federal Transit Administration (FTA) funds; and
- WHEREAS, the FTA issued Circular 4702.1B dated October 1, 2012 which requires subrecipients to have their own Title VI programs and to submit the Program to the direct recipient, in this case NVTC; and
- WHEREAS, the City of Falls Church staff has developed a Title VI Program in adherence to Circular 4702.1B dated October 1, 2012 so that no person shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program receiving federal financial assistance; and
- WHEREAS, the Title VI Program has been reviewed by City of Falls Church and Northern Virginia Transportation Commission staff members and their comments have been incorporated into the Plan.

THEREFORE, IT IS HEREBY RESOLVED, by the City Council of the City of Falls Church, Virginia that the Title VI Program is hereby adopted; and that the City Manager is hereby authorized and directed to implement the Title VI Program in compliance with Federal Law.

Reading: 05-23-16
Adoption: 05-23-16
(TR16-19)

IN WITNESS WHEREOF, the foregoing was adopted by the City Council of the City of Falls Church, Virginia on May 26, 2016 as Resolution 2016-24.



Celeste Heath

Celeste Heath
City Clerk

Appendix D: Language Access Plan



I. PURPOSE

Administrative Regulation 8-34 is the City's policy regarding effective communication for all employees interacting with Limited English Proficiency (LEP) customers. The City supports and encourages language access for all employees interacting with LEP customers.

II. AFFECTED EMPLOYEES

All City employees and employees of Constitutional Officers included in the City's personnel system.

III. POLICY

No person is denied equal access to City services based on his inability, or limited ability, to communicate in the English language. Quality service to LEP customers requires all City employees to utilize professional interpreter/translation resources as the primary means of communication. This ensures that the communication is accurate, complete, impartial, and confidential and meets or exceeds professional interpreter qualifications. Vital documents will be identified and translated as appropriate.

Bilingual staff may be utilized, with their permission and that of their supervisor, on a limited basis to provide basic instructions or schedule appointments. Professional interpreters should be secured for complex and detailed interactions such as information gathering or providing complicated instructions. Volunteers or family and friends of the client should not be used to interpret unless the client specifically requests their services.

Authority. Title VI of the Federal Civil Rights Act of 1964 and its implementing regulations provide that no individual shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance. The courts have held that Title VI of the Civil Rights Act prohibits recipients of Federal financial assistance from denying individuals with Limited English Proficiency (LEP) access to programs, on the basis of their national origin. Executive Order 13166 issued in 2000 further addresses providing meaningful access to LEP persons and thus complying with Title VI. All organizations or individuals that receive Federal financial assistance, either directly or indirectly, through a grant, contract or subcontract have an obligation to ensure that individuals with LEP have meaningful and equal access to benefits and services.

IV. DEFINITIONS

Interpretation: The conversion of an oral language message from one language into another. This includes face-to-face interpretation and telephone interpretation. Interpretation may be simultaneous ("on the heels of each phrase spoken") or consecutive which requires that the speaker pause after a few sentences and wait for the interpreter to transmit the message before proceeding.

Limited English Proficient Individual (LEP): Person who does not speak English as his/her primary language and who has a limited ability to read, write, speak, or understand English.

EFFECTIVE DATE: 13 March 2007

REVISION DATE:

Qualified Interpreter/Translator: Person formally trained (certified or qualified) in converting oral or written language between persons who do not share a common language.

Sight Translation/Interpretation: The transmission of written materials from one language into another spoken language.

Translation: The conversion of written text from one language into another.

V. RESPONSIBILITIES

The following describes the responsibilities of various City Departments. The responsibilities are tiered to ensure the most complete level of compliance with this Regulation.

A. Office of the City Manager.

1. Provide leadership and sponsorship of the Language Access Policy and initiative;
2. Provide direction for Language Access goals and procedures; and
3. Provide information and guidance through the Housing and Human Services Division/ Human Services Specialist.

B. Housing and Human Services Division.

1. Maintain resources and materials related to language issues;
2. Disseminate updates to Division Directors on advances in software, equipment, resources and materials;
3. Recommend interpretation and translation contracts as well as new technology;
4. Provide education and training to employees about language resources, accessibility of services, and effective use of interpretation and translation services as well as available equipment and materials;
5. Provide guidelines for translated documents; and
6. Provide guidance on Web page accessibility.

C. Division Directors

1. Consult with Housing and Human Services Division;
2. Disseminate Language Access information and resources to all employees;
3. Ensure that all employees are aware of, have access to and understand how to use available language resources including, but not limited to: telephone interpretation services, and speaker phones/conference call capability and cell phones for field workers;
4. Disseminate access codes provided by vendor(s);
5. Direct employees to proactively inform LEP customers of the availability of language access services and utilize telephone interpretation services as primary means of communication; monitor compliance;
6. Promote professional development in cultural competency and foreign language skills; and
7. Identify vital documents for translation; work with identified vendor(s);

D. Employees

1. Understand and utilize language access resources such as telephone interpretation services;
2. Seek and attend language access training;
3. Proactively inform LEP customers of the availability of language services in their primary language;

4. Request professional development in the areas of cultural competence, foreign languages, or interpreter certifications, if desired;
5. Utilize bilingual staff on a limited basis only (Appropriate use of bilingual staff includes simple interactions only and requires the permission of the employee and his supervisor.);
and
6. Utilize volunteers, family and friends only if requested by the customer.

F. Wyatt Shields, City Manager

Date

Appendix E: Americans with Disabilities Act Policy



I. PURPOSE

Administrative Regulation 8-30 is the City's policy to provide reasonable accommodations to qualified job applicants and employees with disabilities consistent with the provisions of Title I of the Americans with Disabilities Act (ADA).

II. AFFECTED INDIVIDUALS

All City departments and offices are covered by the accessibility and notification requirements cited in the ADA, and all qualified job applicants, permanent, probationary, and term employees are covered by the reasonable accommodation requirements. This Federal law also covers elected and appointed City officials and their employees.

III. POLICY

By a Resolution adopted January 10, 1992, the City affirms its commitment to the letter and to the spirit of the Americans with Disabilities Act. It is the City's policy to ensure equal employment opportunity to all individuals, including those with disabilities. The City of Falls Church will provide reasonable accommodation to qualified job applicants and employees, in accordance with the provisions of the Act, when: an applicant requests a reasonable accommodation during the application process; and an employee requests a reasonable accommodation to enable him/her to perform essential job functions.

The City of Falls Church has designated the Human Resources Director and the ADA Compliance Officer as responsible for enacting this policy and administering the program. Job applicants and employees needing reasonable accommodation should contact the Human Resources Director or the ADA Compliance Officer.

The City of Falls Church will process requests for reasonable accommodation in a timely manner and, as appropriate, provide accommodation promptly.

IV. DEFINITIONS

Disability: Defined by the ADA as a physical or mental impairment that substantially limits one or more major life activities.

Person with a disability: Refers to any person who has a disability, has a record of a disability, or is regarded as having a disability.

Has a 'record of disability': Means the person has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

Is 'regarded as having a disability': Means the person has a physical or mental impairment that does not substantially limit a major life activity but is treated by others as constituting such a limitation; has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward such impairment; or has no physical or mental

EFFECTIVE DATE:

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impairment but is treated by others as having such an impairment.

Short-term conditions, such as a broken ankle, do not constitute a disability covered under the ADA.

Essential Functions: The basic job duties that an employee must be able to perform with or without reasonable accommodation, as defined by the employer and outlined in job descriptions. Essential functions can be determined as follows: 1) the position exists to perform the function, 2) the number of other employees that may be available to perform that task, 3) the position requires a certain degree of skill or specialization.

Major Life Activity: Everyday activity that an average person can perform with little or no difficulty. Major life activity means a function such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Qualified Job Applicants and Employees: Person with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position. Only qualified job applicants and employees with disabilities must be accommodated.

Reasonable Accommodation: Any change or adjustment to the job application process, job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. It is not necessary to provide a reasonable accommodation if doing so would cause an undue hardship, as defined below.

Reasonable accommodations may include, but are not limited to: modifying work sites, e.g., to provide wheelchair access; acquiring or modifying equipment, devices or software; adjusting work schedules to facilitate medical treatment; job restructuring; reassignment to a vacant position for which the employee with a disability is qualified; flexible leave options, including unpaid leave; providing readers or sign language interpreters; and providing materials in alternative format.

Undue Hardship: An accommodation that would be unduly costly, extensive, substantial, or disruptive, or would fundamentally alter the nature or operation of the business. Among the factors to be considered in determining whether an accommodation is an undue hardship are the cost of the accommodation, the overall financial resources of the City, and the nature and structure of its operation. The City Manager makes all final decisions regarding reasonable accommodation and undue hardship.

V. ADA COMPLIANCE OFFICER

The City's ADA Compliance Officer is the Senior Human Services Specialist in the Housing and Human Services Division. This position provides technical assistance and monitors the City's compliance with the ADA.

VI. REASONABLE ACCOMMODATION PROCESS FOR EMPLOYEES

The process for identifying and providing reasonable accommodation for employees is:

1. Using the Reasonable Accommodation Request form (attached), an employee submits a reasonable accommodation request, in writing, to the Human Resources Director and to the ADA Compliance Officer. The request should include an explanation of how his/her disability affects job duties and specify the accommodation the employee is seeking. The Human Resources Director and the ADA Compliance Officer reserve the right to request medical documentation of the nature and the extent of the disability.
2. The Human Resources Director and the ADA Compliance Officer in consultation with the employee's supervisor evaluates the employee's job to determine its purpose and essential functions, and remains in contact with the employee and his/her supervisor throughout the reasonable accommodation process.
3. The Human Resources Director and the ADA Compliance Officer consult with the employee to determine his/her physical or mental abilities and limitations, as they relate to the job's essential functions.
4. The Human Resources Director and the ADA Compliance Officer determine if the employee has a disability covered by the ADA, and whether the employee is qualified with or without a reasonable accommodation.
5. The Human Resources Director and the ADA Compliance Officer determine, based on objective medical or other evidence, whether an employee with a disability poses a direct threat of harm to himself or to others, and whether the threat may be removed by a reasonable accommodation.
6. The supervisor and the employee identify potential accommodations. The supervisor may consult with expert resources such as the ADA Compliance Officer or the Job Accommodation Network (800 526-7234 voice, 877 781-9403 tty).
7. While the employee's preference should be considered, the supervisor, in consultation with the Human Resources Director and the ADA Compliance Officer, may choose an alternate accommodation that is less expensive or easier to provide.
8. Should the Human Resources Director and the ADA Compliance Officer determine that a particular accommodation would impose an undue hardship on the City; the supervisor may consider whether an alternative accommodation imposes such a hardship.
9. If a reasonable accommodation is available, the supervisor, in consultation with the Human Resources Director and the ADA Compliance Officer, selects and implements the accommodation, requesting any additional funds necessary to accommodate the employee.

VII. APPEAL PROCEDURE FOR EMPLOYEES AND JOB APPLICANTS

The City provides an appeal procedure for timely resolution of potential disputes for reasonable accommodation made by employees and job applicants.

1. The employee or job applicant files a written appeal request with the City Manager and provides copies to the Human Resources Director and to the ADA Compliance Officer.
2. The City Manager or his/her designee consults with the Human Resources Director, the ADA Compliance Officer, and the City Attorney, and sets a hearing date, conducts a hearing, gathers any necessary information and/or documentation, and conducts any pertinent interviews.
3. The City Manager renders a decision, in writing, to the employee or job applicants within 30 calendar days of the filing of the request for reconsideration. The City Manager is the final authority on all appeals for reasonable accommodation.
4. Any employee dissatisfied with the City Manager's decision may contact the US Department of Justice or the US Equal Employment Opportunity Commission for additional guidance.

VIII. REASONABLE ACCOMMODATION PROCESS FOR JOB APPLICANTS

An applicant for employment submits, in writing, a request for reasonable accommodation to the City's Human Resources Director and to the ADA Compliance Officer, to include requests for reasonable accommodation in pre-employment testing. The Human Resources Director and the ADA Compliance Officer review the request and advise the applicant of the decision. Reasonable accommodation is provided, if indicated, in accordance with the provisions of the ADA.

IX. STAFF RESPONSIBILITIES DURING THE REASONABLE ACCOMMODATION PROCESS FOR EMPLOYEES

A. Supervisors. Supervisors will cooperate with the Human Resources Director and the ADA Compliance Officer in all aspects of the process of determining reasonable accommodation. Supervisors will provide information, as requested, to the Human Resources Director and to the ADA Compliance Officer regarding the purpose and the essential functions of the employee's job. Supervisors will work to identify potential reasonable accommodations. Supervisors will inform their immediate supervisor, Division Director, and General Manager of the request and the process for reasonable accommodation.

Supervisors with responsibility for hiring also ensure that pre-employment inquiries of a job applicant relate solely to the applicant's ability to perform job-related functions and not to whether the applicant is an individual with a disability or to the nature and the severity of such disability.

B. Division Directors and General Managers. Subordinate supervisors should advise Directors and Managers of requests for reasonable accommodation and the process involved. Directors and Managers may request to be included in the efforts by the Human Resources Director and the ADA Compliance Officer to provide reasonable accommodation. Division Directors and General Managers will cooperate with the Human Resources Director in identifying vacant positions that may be appropriate for a qualified employee with a disability. Directors and Managers may request additional funds, if needed, to provide reasonable accommodation to qualified employees with disabilities.

C. Human Resources Director. The Human Resources Director coordinates all requests for reasonable accommodation with the ADA Compliance Officer, in consultation with the employee and his/her supervisor; complies with all steps in the Reasonable Accommodation Process referenced above; and requests that the ADA Compliance Officer research available resources to provide recommendations on potential accommodations for a qualified applicant or employee with a disability.

D. ADA Compliance Officer. The ADA Compliance Officer monitors the City's compliance with all aspects of the ADA with regard to requests for reasonable accommodation; coordinates with the Human Resources Director on all requests for reasonable accommodation; and researches and provides technical assistance, to include recommendations of potential accommodations.

E. City Manager. The City Manager rules on all appeals for reasonable accommodation and makes a final determination on whether the City can provide reasonable accommodations

without causing undue hardship.

X. PRE-AND POST-EMPLOYMENT GUIDANCE

A. Pre-Employment Medical Issues.

1. It is unlawful to: ask an applicant whether he/she is disabled; ask about the nature or severity of a disability; or require the applicant to take a medical examination before making a job offer.
2. It is lawful to: ask applicants questions about their ability to perform job-related functions, so long as the questions are not phrased in terms of a disability and to ask applicants to describe or to demonstrate how, with or without reasonable accommodation, they will perform job-related functions.

B. Post-Employment Medical Issues.

1. It is unlawful to require a medical examination or to ask an employee questions about a disability unless the supervisor can demonstrate that these requirements are job-related and necessary for the conduct of business.
2. It is lawful to require a medical examination prior to commencement of employment duties, if an examination is required of everyone who will be working in the job category prior to employment; and to request a medical examination after an employee asks for a reasonable accommodation.

C. Pre-Employment Substance Abuse Issues.

1. Alcoholism is a covered disability under the ADA. It is unlawful to ask applicants how much alcohol they drink or whether they have participated in any program to curb alcohol consumption.
2. It is lawful to ask applicants about illegal drug use. Current illegal drug users are excluded from protection under the ADA. However, the ADA does protect persons who are no longer illegally using drugs including those who have successfully completed or who are currently in a rehabilitation program.

F. Wyatt Shields, City Manager

Date

Attachment:

HAADA\8-30-0-ADA final 2009.doc