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**HUMAN RESOURCES**

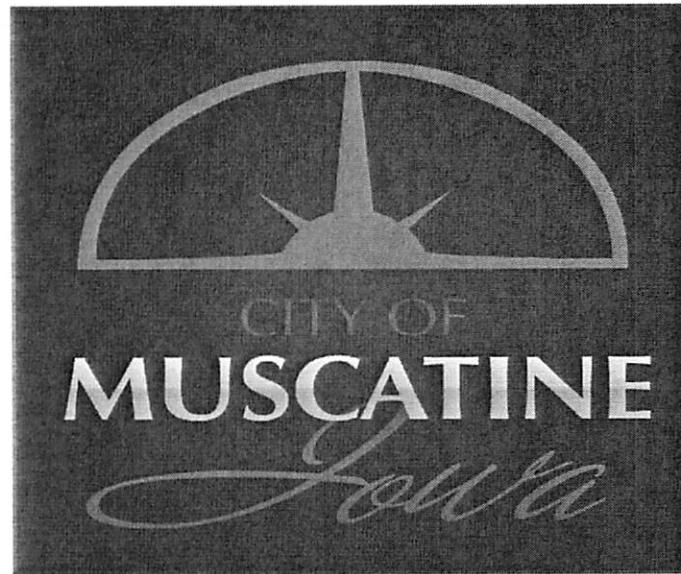
To: Gregg Mandsager, City Administrator  
From: Stephanie Romagnoli, Human Resources Manager  
Date: February 3, 2014  
Re: Title VI Plan

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Included with this memo is new policy to address Title VI which addresses nondiscrimination related to receipt of federal funds.

The Department of Transportation has tightened its requirements for this policy and it is necessary for the City to have a formal written policy.

The policy presented here is in compliance with their requirements. At this time, I am requesting City Council adopt the Title VI Plan. Please let me know if there are any questions or if additional information is needed.



## **CITY OF MUSCATINE**

### **TITLE VI PLAN**

**City of Muscatine  
215 Sycamore Street  
Muscatine, Iowa 52761**

**City of Muscatine  
TITLE VI POLICY STATEMENT**

The City of Muscatine assures that no person shall, on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The City of Muscatine further assures every effort will be made to ensure nondiscrimination in all of its committees, programs, and activities, regardless of the funding source.

The City of Muscatine will include Title VI language in all written agreements and bid notices and will monitor compliance.

The City of Muscatine Human Resources Department will be responsible for initiating and monitoring Title VI activities and all other responsibilities as required.

**Stephanie Romagnoli  
Human Resources Manager**

Date

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**DeWayne Hopkins, Mayor**

Date

This policy was adopted at a regular meeting of the City of Muscatine's City Council on , 2014.

## **TITLE VI AUTHORITIES**

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance (23CFR 200.9 and 49 CFR 21).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs and activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 {S.557} March 22, 1988).

## **COORDINATOR RESPONSIBILITIES**

### **A. Public Dissemination**

The City of Muscatine will disseminate Title VI Program information to city employees, sub-recipients, and contractors, as well as the general public. Public dissemination will include posting of public statements, inclusion of Title VI language in contracts, and announcements of hearings, and meetings in minority newspapers when determined necessary and funding is available.

### **B. Prevention of Discrimination**

Procedures will be implemented to detect and eliminate discrimination when found to exist, including, but not limited to, issues of accessibility of training to all qualified city employees, utilization of Minority/Women/Disadvantaged Business Enterprises (DBE) contractors, public involvement, and material acquisition.

### **C. Annual Reports**

The Human Resources Department will be responsible for insuring an annual report is prepared by August 1 of each year and submitted to the Iowa Department of Transportation (IDOT) by September 1 of each year. The report will review Title VI accomplishments and goals for the upcoming year.

### **D. Remedial Action**

The City of Muscatine will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance through a program review with the program administrative requirements. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues and reduce to writing remedial action agreed to be necessary, all within a period not to exceed 90 days.

The IDOT will be notified of any complaint filed at the City of Muscatine involving Title VI issues, as well as any resolution.

## **FILING A COMPLAINT**

### **Applicability**

The complaint procedures apply to the beneficiaries of the City of Muscatine's programs, activities, including but not limited to the public, contractors, sub-contractors, consultants, employees, and other sub-recipients of federal and state funds.

### **Eligibility**

If any individual, group of individuals, or entity believes that they or any other program beneficiaries have been subjected to discrimination prohibited by Title VI non discrimination provisions as a recipient of benefits and/or services, or on the grounds of race, color, national origin, or sex, they may exercise the right to file a complaint with the City of Muscatine. Every effort will be made to resolve complaints informally at the agency, recipient, and/or contractor level.

### **Time Limitation on Filing Complaints**

Title VI complaints may be filed with

- City of Muscatine
- IDOT
- Federal Highway Administration
- U.S. Department of Transportation

In all situations, City of Muscatine employees must contact the Human Resources Manager immediately upon receipt of a Title VI or related statutes complaint.

Complaints must be filed not later than 180 days after:

- The date of the alleged act of discrimination; or
- The date the person became aware of the alleged discrimination; or
- Where there has been a continuing course of discriminatory conduct, the date on which the conduct was discontinued.

Complaints must be in writing and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination.

A Title VI complaint form is available at the Human Resources Department during normal business hours.

## **INTERNAL COMPLAINT PROCESSING**

1. The Human Resources Manager acting as the Title VI Coordinator will review the complaint upon receipt to ensure that all information is provided, the complaint meets the 180 day filing deadline, and falls within the jurisdiction of the city.
2. The Human Resources Manager will then investigate the complaint. If the complaint is against the Human Resources Manager, then the Mayor and/or City Council or its designee will investigate the complaint. Additionally, a copy of the complaint will be forwarded to the City Attorney.

3. If the complaint warrants a full investigation, the complainant will be notified in writing by certified mail. This notice will name the investigator and/or investigating agency. The city will also notify the IDOT Office of Equal Opportunity of the investigation.
4. The party alleged to have acted in a discriminatory manner will also be notified by certified mail as to the complaint. This letter will also include the investigator's name and will request that this party be available for an interview.
5. Any comments or recommendation from legal counsel will be reviewed by the Title VI Coordinator.
6. Once the City of Muscatine is notified of the findings of the IDOT Equal Opportunity investigative report, the city will adopt a final resolution.
7. All parties will be properly notified of the outcome of the IDOT Office of Equal Opportunity report.
8. If the complainant is not satisfied with the results of the investigation of the alleged discriminatory practice(s), she/he shall be advised of their right to appeal Iowa DOT's Office of Equal Opportunity decision. Appeals must be filed within 180 days after the City of Muscatine's final resolution. Unless new facts not previously considered came to light, reconsideration of the city's determination will not be available.

The foregoing complaint resolution procedure will be implemented in accordance with the Department of Justice guidance manual entitled, "Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes," available online at <http://www.usdoj.gov/crt/cor/Pubs/manuals/complain.html>.

**CITY OF MUSCATINE  
TITLE VI ASSURANCES**

The City of Muscatine (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the United States Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of the Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations"), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, 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 received federal financial assistance, and;

HERE GIVES ASSURANCE THAT, it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Subsection 21.7(a)(1) of the Regulations.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts, or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under Federal Highway or Transit Program, and is binding on it, other recipients, sub-grantees, contractors, transferees, successors in interest, and other participants in the Federal Aid Highway or Transit Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

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Stephanie Romagnoli  
Human Resources Manager

Date

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DeWayne Hopkins  
Mayor

Date