City of Benson
City Council Communication

Regular Meeting **July 8, 2013**

To: Mayor and Council Agenda Item # 3

From: Bradley J. Hamilton, P.E. Director of Public Works/City Engineer

Subject:

Adoption of the Benson Area Transit Program Civil Rights Policies in both English and Spanish

Discussion:

This is a required policy for the City of Benson must adopt to receive Federal Transit Authority (FTA) funds for the Benson Area Transit Program.

Staff Recommendation:

Adoption of the Benson Area Transit Program Civil Rights Policies in both English and Spanish

TRANSIT PROGRAM POLICIES

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1. EQUAL EMPLOYMENT OPPORTUNITY

A. The City of Benson hereby reaffirms its commitment to providing equal employment opportunities for all qualified persons without regard to race, color, national origin, religion, gender, sexual orientation, disability, age, or any other basis which is proscribed by law**.** In addition, the City of Benson is committed to providing a work environment free of retaliation, harassment, intimidation, and coercion. These protections shall be provided to both candidates and employees at all applicable stages of the City's employment process, including recruitment, hiring, benefits, training, job assignments, promotion, and compensation.

B. The City recognizes that the effective implementation of this equal employment policy requires more than just a statement of principles. The City Manager and the Human Resources Director are hereby delegated with the responsibility for developing and implementing the specific plans and procedures that are necessary for this policy to be properly applied. All Department Heads and all other employees are required to cooperate and coordinate their actions with this policy and all applicable equal employment plans and procedures to ensure that they are properly applied.

C. Any employee or candidate for employment with the City who believes that he or she has been improperly discriminated against in any manner in violation of this policy, or subject to any unlawful retaliation, harassment, intimidation, or coercion is encouraged to submit a report of any such action directly to the applicable Department Head and to the City Manager. The City Manager will provide a written response to any such complaint within ten (10) calendar days of receipt of any complaint. Any employee or candidate who is not satisfied with that response may submit a written request for further review by the Civil Service Commission. Any such complaint will be addressed by the Commission in the manner provided for the review of Grievances, as provided for in these rules. Nothing in this Section shall limit or infringe upon any other legal remedies that any employee or candidate for employment may have for the enforcement of any such rights.

2. TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

A. SERVICES OPEN TO ALL

Public transportation services provided by the City of Benson, either directly, or through a contractor, are open to the public. Neither the City nor its contractors shall discriminate on the basis of race, color, religion, gender, national origin, age, sex, disability, military or veteran status, political status, or other legally protected status in the delivery of any transit services.

2. Titulo VI la Ley de Derechos Civiles de 1964

A. SERVICIO PARA TODOS

Los servicios de transporte público proporcionado por City of Benson, directamente o indirectamente a traves de contratos u otros arreglos con otros representantes, son para el publico. City of Benson y sus contratistas son responsables de prevenir discriminación y de asegurar que no exista discriminación basado en raza, color, religion, nación de origin, género, edad discapacidad, estatus militar, estatus politico, o cualquier otro estatus protejido o represalias en el programa de tránsito.

B. COMPLAINTS

Complaints regarding general services including schedules, driver performance, fares, route deviations, vehicle cleanliness or similar types of performance issues may be directed to the Public Works Office, 120 W. 6th Street, Benson, AZ 85602, Phone 520-720-6333.

Complaints of this nature will be responded to, in writing within 10 days of receipt.

Any person who believes that he or she may have been subjected to any discrimination prohibited by Title VI of the Civil Rights Act of 1964 may file a written complaint, either directly or by a representative, with:

ADOT Civil Rights Office
1135 N. 22nd Avenue, Mail Drop 154
Phoenix, AZ 85009
or call their office at 602-712-7761.

All such complaints will be promptly investigated.

City of Benson Transit staff members are not authorized to investigate Civil Rights complaints.

Complaint Form:

Complaint forms will be made available on each vehicle in both English and Spanish that direct riders to the proper person. All Civil Rights complaints are directed to ADOT and all service complaints are directed to the City of Benson

At a minimum, the form will include the complainant's name and contact information, a check box for the type of complaint, and instructions on how to formally file a complaint. The form will also include space for the complainant to describe the complaint in writing.

B. QUEJA O RECLAMACIÓN

Quejas o reclamaciones sobre el servicio de tránsito en general, incluyendo horarios de servicio, tarifa, limpieza del vehículo, desviación de la ruta, y ejecución de servicio se deben dirijir a:

Public Works Office, 120 W. 6th Street, Benson, AZ 85602, Phone 520-720-6333.

Quejas o reclamaciones de este tipo se investigaran y se le respondera por escrito dentro de 10 días.

Cualquier persona que alegue(n) que ha(n) sido sujeto(s) a **discriminación** o impactado(s) desfavorablemente bajo cualquier programa o actividad de ADOT basado en raza, color, nación de origen, género, edad, discapacidad o represalias puede presenter una demanda Titulo VI por escrito, directamente, o por un representante a:

ADOT Oficina de Derechos Civiles
1135 N. 22nd Avenue
Mail Drop 154A
Phoenix, AZ 85009

Se puede comunicar al número que se menciona a continuación, 602-712-7761.

Toda queja o reclamación séra investigada. Una queja Titulo VI por escrito y firmada debe presentarse dentro de 180 días de la fecha en que se alega que la discriminación ocurrio.

Empleados del Programa de Transportación de City of Benson no estan autorizados para investigar quejas de Derechos Civiles.

Formulario de Queja:

Formas para reportar una queja seran disponibles en cada vehículo de transporte en inglés y español. Toda queja de Derechos Civiles seran dirijidas a ADOT y toda queja sobre la ejecución de servicio séra dirijida a el Director de Tránsito de City of Benson.

La queja debe incluir la siguiente información:

- Su nombre
- Dirección y teléfono
- Tipo de queja
- Instrucciones
- Por escrito, una descripción de como, porque, y cuando usted cree que discriminaron en su contra.

BENSON AREA TRANSIT – RIDER COMPLAINT FORM

Please determine the type of complaint you wish to lodge and forward this completed form to the proper office. If you require access to TDY or Braille services, call 520-586-3624

Type of complaint:

Civil Rights Complaints

- ❑ I feel I have been discriminated against.
- ❑ I feel that I have not been given equal or proper access under the Americans with Disabilities Act.
- ❑ I feel that important information has not been provided to me in a language I understand.
- ❑ Other _____

Describe your complaint in detail. Include date and time, names of personnel, names of witnesses, and all other pertinent information. Use additional paper if necessary.

Service Complaints

- ❑ Bus and Equipment
- ❑ Driver or other Personnel
- ❑ Other Riders
- ❑ Schedule and Stops
- ❑ Other

Describe your complaint in detail. Include date and time, names of personnel, names of witnesses, and all other pertinent information. Use additional paper if necessary.

Civil Rights Complaints must be mailed to:

ADOT Civil Rights Office
1135 N. 22nd Avenue, Mail Drop 154A
Phoenix, AZ 85009

Or, you may call their office at 602-712-7761.

Service Complaints must be mailed to:

Public Works Office – Benson AreaTransit
City of Benson
120 W. 6th Street
Benson, AZ 85602

Or, you may call their office at 520-720-6333

Formulario de Queja o Reclamación de_____Nombre de Programa_520-586-3624

Por favor determine que tipo de queja quiere presenter y enviela a la oficina apropiada. Se proveera asistencia a personas con habilidades limitadas en inglés o discapacidad si lo solicitan al teléfono 602-712-7761.

Tipo de queja:

Derechos Civiles

- ☐ Yo siento que he sido discriminado.
- ☐ Yo siento que he sido sujeto a trato desigual bajo el programa de Titulo VI.
- ☐ Yo siento que no se me ha proporcionado información importante en el idioma que yo comprendo.
- ☐ Otro_____
  _____
  _____

Describa su queja en detalle. Incluya:

- Su nombre, dirección y teléfono. Si usted esta presentando la demanda en representación de una tercera persona, incluya su nombre, dirección y teléfono y la relación que tiene usted con la persona agredida (ej. amigo, abogado, padre, etc.).
- El nombre y la dirección de la agencia, programa u organizacion que usted cree discrimino en su contra.
- Una descripción de como, porque y cuando usted cree que discriminaron en su contra. Incluya la mayor cantidad de información que pueda sobre los actos de discriminación que alega.
- Su firma.

Quejas de Derechos Civilies se envian a:

ADOT Oficina de Derechos Civiles
1135 N. 22nd Avenue, Mail Drop 154A
Phoenix, AZ 85009

Servicio:

Quejas o reclamaciones sobre el servicio de tránsito en general, incluyendo horarios de servicio, tarifa, limpieza del vehículo, desviación de la ruta, y ejecución de servicio se deben dirijir a:

Public Works Office – Benson AreaTransit
City of Benson
120 W. 6th Street
Benson, AZ 85602
520-720-6333

Quejas o reclamaciones de este tipo se investigaran y se le respondera por escrito dentro de 10 días.

- ☐ Camión y equipo
- ☐ Conductor u otro personal del programa de transportación
- ☐ Otro pasajero
- ☐ Horario u parada de camión
- ☐ Otro_____
  _____
  _____

Describa su queja en detalle. Incluya:

- Su nombre, dirección y teléfono. Si usted esta presentando la demanda en representación de una tercera persona, incluya su nombre, dirección y teléfono y la relación que tiene usted con la persona que tiene queja con el servicio (ej. amigo, abogado, padre, etc.).
- Una descripción de la queja de servicio. Incluya la mayor cantidad de información que pueda sobre su queja.
- Su firma.

Quejas de Servicio se Envian a:

Public Works Office – Benson Area Transit
City of Benson
120 W. 6th Street
Benson, AZ 85602
520-720-6333

C. POSTING

The City of Benson transit program will ensure that a copy of this non-discrimination policy and the complaint procedures will be posted on each transit vehicle in both English and Spanish and that these policies and procedures will be printed in the official transit guide in both English and Spanish.

C. ANUNCIO

El Programa de Transporte de la Ciudad de Benson asegura que conforme al Titulo VI de la ley de Derechos Civiles de 1964, una copia de la ley en contra de la discriminación y el procedimiento para presenter una queja o reclamación Titulo VI, seran anunciados en cada vehículo de transporte. Estos anuncios se proveeran en inglés y en español.

D. CONTRACTORS – SUBCONTRACTORS

The City of Benson transit program will ensure that all contractors and subcontractors will comply with these requirements.

D. CONTRATISTAS – SUBCONTRATISTAS

El Programa de Transporte de la Ciudad de _____ asegura que todo contratista y subcontratista del programa cumplira con estos requisites.

3. LIMITED ENGLISH PROFICIENCY - LEP

The City of Benson transit program provides the transit guide in English and Spanish, including all non-discrimination policies and procedures. The City of Benson also has Spanish speaking drivers and staff available to assist passengers and others who may have limited English proficiency. Persons whose primary language is neither English nor Spanish will be provided on-line translation services or direct translation services through the state's university programs.

El Programa de Transporte de la Ciudad de Benson asegura que proveera la guia de tránsito en inglés y en español, incluyendo la ley en contra de la discriminación y su procedimiento. Personal de Benson proveera asistencia a personas con habilidad limitada en inglés o discapacidad si lo solicitan. A las personas que no hablen inglés o español, se les porporcionara servicios de traducción a traves de las universidades estatales.

4. AMERICANS WITH DISABILITIES ACT OF 1990

4. Ley de Ciudadanos Americanos con Discapacidades de 1990

A. GENERAL STATEMENT

It is the policy of the City of Benson transit program to abide by all provisions of the Americans with Disabilities Act (ADA) of 1990, as amended, including but not limited to those stated in this policy, in all of its activities, operations, and relationships with, and accommodations of, employees, clients, customers, and the general public.

A. AFIRMACIÓN

Es la norma de Benson_cumplir con la Ley de ciudadanos Americanos con Discapacidades de 1990, que les limita a grupos e individuos la oportunidad de obtener acceso equitativo a programas y servicios, restrinjiendo de cualquier manera el uso o goce de cualquier ventaja o previlejio de la cual otros que reciben bienes y servicios, usan o gozan. Esta norma incluye empleados, clientes, y el público en general.

B. WHEELCHAIR LIFT AVAILABILITY

As required by the ADA, the City o fBenson transit program has, and shall maintain, a sufficient number of wheelchair accessible vehicles in the transit fleet to ensure that persons needing a wheelchair have equivalent access to transportation services as ambulatory persons.

B. DISPONIBILIDAD DE SILLAS DE RUEDAS

De conformidad con la Ley de ciudadanos Americanos con Discapacidades de 1990, el programa de transporte de Benson, se compromete a mantener un suficiente número de vehículos accesibles por silla de ruedas, para asegurar que personas con discapacidad tengan la oportunidad de obtener acceso equitativo a sus programas y servicios.

C. MAINTENANCE OF ACCESSIBLE FEATURES

As required by the ADA, the accessible features on transit vehicles are maintained to a high level, and shall continue to be so maintained, so that persons needing these features receive equivalent service to persons not needing those features.

C. MANTENIMIENTO DE SYSTEMAS DE ACCESIBILIDAD

De conformidad con la Ley de ciudadanos Americanos con Discapacidades de 1990, el programa de transporte de Benson, se compromete a que los systemas de accesibilidad de los vehículos esten en un alto nivel de mantenimiento, para asegurar

que personas con discapacidad tengan la oportunidad de obtener acceso equitativo a sus programas y servicios.

D. ADEQUATE TIME FOR BOARDING AND DISEMBARKING

As required by the ADA, the City of Benson transit program provides, and shall continue to provide, adequate time for persons with disabilities to board and disembark from transit vehicles.

D. TIEMPO ADEQUADO PARA SUBIR Y BAJAR

De conformidad con la Ley de ciudadanos Americanos con Discapacidades de 1990, el programa de transporte de Benson, asegura que personas con discapacidad tendran la oportunidad de obtener acceso equitativo a sus programas y servicios.

E. USE OF PORTABLE OXYGEN OR RESPIRATOR

As required by the ADA, persons using transit vehicles may bring respirator, portable oxygen, and/or other life support equipment on board as long as they do not violate the law or rules relating to the transportation of hazardous materials. All equipment must be small enough to fit into the vehicle safely and without obstructing the aisle and/or block emergency exits.

E. USO DE OXÍGENO PORTATIL

De conformidad con la Ley de ciudadanos Americanos con Discapacidades de 1990, toda persona que usa los vehículos de Benson puede llevar consigo oxígeno portatil, siempre y cuando no esten en violación de las leyes de el transporte de materiales peligrosos. El equipo debe caber seguro y no obstruir el pasillo o salida de emergencia.

F. SERVICE ANIMALS

As required by the ADA, any guide dog, signal dog, or other animal individually trained to work or perform tasks for the benefit of an individual with a disability, including but not limited to, guiding individuals with impaired vision or alerting individuals with impaired hearing, are accepted on transit vehicles.

F. ANIMAL DE SERVICIO

De conformidad con la Ley de ciudadanos Americanos con Discapacidades de 1990, Benson aceptara en los vehículos de tránsito a perro de guia u otro animal individualmente entrenado para trabajar o hacer tarea para una persona con discapacidad.

G. DRIVER TRAINING

As required by ADA, drivers are trained to proficiency in the use of wheelchair equipment on board transit vehicles and in passenger sensitivity.

G. ENTRENAMIENTO DE CONDUCTOR

De conformidad con la Ley de ciudadanos Americanos con Discapacidades de 1990, Benson asegura que todo conductor séra entrenado en el uso de systemas de accesibilidad de los vehículos y en sensibilidad de el pasajero.

5. PRIVATE ENTERPRISE INVOLVEMENT

In order to protect the interests of private-for-profit and private nonprofit transportation operators in the area, the City of Benson will:

- Solicit private sector participation in the planning and implementation of transit service in the area. This includes reviewing the possibility of contracting with private operators to provide general public transportation services.
- Maintain a list and description of all transportation providers in our service area including the days and hours of service, number of passengers, frequency of service, fare charged, and area served.
- Provide reasonable notice to all transportation providers in the area to inform them of project grant applications and potential participation opportunities. Reasonable notice includes public notice in a newspaper of general circulation and direct notice by mail.
- Receive and respond to any concern or dispute by any private transportation provider which is provided in writing to the Transportation Director, City of Benson at 120 W. 6th Street, Benson, AZ 85602.

6. DISADVANTAGED BUSINESS ENTERPRISES

The City of Benson Transit Program staff shall adopt the Arizona Department of Transportation's DBE Plan when the City receives in excess of $250,000 in FTA funding exclusive of vehicle purchases, or when any such plan is otherwise required. Any such DBE Plan will be approved by the ADOT Civil Rights Office. Until that threshold is reached, the City of Benson shall make sure that disadvantaged business enterprises in this area have an equal opportunity for all contracts awarded by the City in connection with the delivery of these services.

7. SUBCONTRACTOR COMPLIANCE

All subcontractors and agents that are retained by the City of Benson for the purpose of providing any of the services that are the subject of these Transit Program Policies shall be

required, as a condition for any such agreement, to comply with all of these policies and procedures.

8. OTHER LEGAL REQUIREMENTS

The City of Benson Transit Program staff shall comply with all other applicable state and federal requirements in delivery of these services. Staff are hereby directed and authorized to promulgate any additional policies and procedures that may be necessary to ensure that the program is operated in full compliance with all applicable laws, rules, and regulations.