

TITLE VI FY16 Annual Report

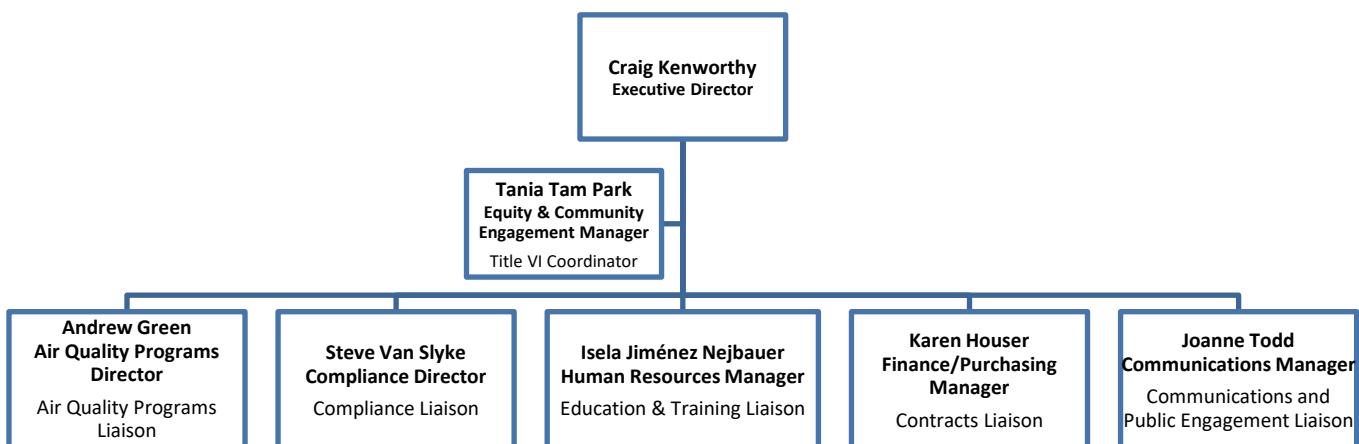


Thanks to a team of staff and managers, the agency has taken strides in FY16 (July 2015 through June 2016) towards being increasingly more accessible to the public. We shared in our plan that we would report progress and changes on an annual basis. As committed, the annual report will be available on the Agency's website and also provided to relevant funding agencies, as required. The report facilitated an Agency self-evaluation process to ensure compliance with Title VI requirements. It also provided an opportunity for us to review and make relevant changes. The sections below outline changes we have implemented since the adoption of our Title VI plan in 2015, as well as updates we anticipate incorporating.

I. ACCOMPLISHMENTS & UPDATES

A. Title VI Organizational Chart

Over the course of the past year, we needed to make one adjustment to our Title VI organizational chart of responsibilities.



As of July 2016

B. Communications and Public Engagement

To meet our mission of “Clean healthy air for everyone, everywhere, all the time”, our agency makes reasonable efforts to accommodate those individuals in our jurisdiction that self-identify as having Limited English Proficiency (LEP). As a federally-assisted agency, we must also make reasonable efforts to provide language assistance to ensure meaningful access for LEP persons to our programs and activities. To that end, we took the following actions in FY16:

- We incorporated Title VI non-discrimination notices on our website, press releases, and on display in our reception area.
- In addition, we incorporated non-discrimination notices into our Requests for Proposals (RFP), Requests for Quotations (RFQ), and contracts templates.

- Posted Requests for Proposals (RFP) on our website, the Daily Journal of Commerce, and identified local ethnic media outlets where appropriate.
- We posted agency job announcements on our website, and identified local ethnic media outlets and organizations.
- We submitted several pieces of agency collateral for translation and production.
- We produced easy-to-follow instructions for agency staff to use to obtain real-time interpretation services (phone), translation protocols, and how to schedule an interpreter for a meeting or presentation. We produced a desktop version, and pocket cards for easy reference and access.
- Increased visual communication (vs. text) for wider understanding. For example, we produced a handy pocket-card infographic about asbestos safety in Spanish as part of our Latino outreach activities.

The Management Team will review a draft of the agency LEP Plan, which is included in this update (see Appendix A). This plan outlines the current criteria for evaluating translation and interpretation needs.

C. Public Meetings

The majority of events and meetings the Agency participated in over the past year were hosted by partner organizations and agencies. Although we did not host any formal public meetings this past year, we are prepared to invite participants and members of the public to disclose demographic information to gain a sense of participation and to make relevant adjustments accordingly.

D. Hiring and Recruiting

In calendar year 2016, Human Resources began requesting all candidates interviewed at the Agency for open competitive recruitments complete a Voluntary Survey revealing their gender, race / ethnicity, and veteran status. Providing this information is voluntary and has no impact on employment status, but in the instance of missing information, Human Resources will attempt to identify race and ethnicity by visual observation.

- 1) **Accounting Support Assistant** (Internal Recruitment), January 7, 2016 – 1 internal applicant, data not requested. Visual observation indicated 1 female; 1 White
- 2) Two Part-time Term **Administrative Assistant II**'s, July 25, 2016 – 5 people interviewed, 1 declined to complete survey. Completed surveys totaled 4 females, 0 males; 4 White; 0 Veterans. Visual observation of the person who declined to complete the survey was 1 Asian
- 3) **Air Quality Permit Engineer II**, May 20, 2016 – 6 people interviewed. This recruitment was through a third party search firm. Visual observation indicated 2 Asian and 2 Hispanic or Latino and 2 White. No Veteran data available.
- 4) Term **Air Resources Associate**, May 19, 2016 – 2 applicants, 1 internal and 1 external. Visual observation indicated 1 Asian and 1 White
- 5) **Records Administrator**, July 8, 2016 – 4 people *invited* to interview; 1 internal and 2 external interviewed; 2 surveys completed. 1 female, 1 male; 1 Black or African American and 2 White

- 6) **Senior Accountant**, April 8, 2016– 4 people interviewed and 4 surveys completed; 3 females, 1 male; 1 Asian, 3 White
- 7) **Term Truck Replacement Program Technician**, January 8, 2016– 3 people interviewed, 2 declined to complete survey. 1 male; 1 White. Human Resources did not directly observe gender or race/ethnicity.

In an effort to collect more data to inform us of the effectiveness of our reach in communicating vacancies, we are adjusting our approach. Applicants who are scheduled for phone screens will be asked to complete the survey at that stage of the selection process.

Also, Human Resources will schedule a closing meeting with each hiring authority to review the applicant pool and populations of candidates advanced from phone screen to interview(s) to selection.

Human Resources is also going to conduct a pilot of removing names from resumes before routing for review by hiring authorities for any recruitments initiated October – December, 2016 and measure if there was a difference in the numbers of diverse candidates based on race, gender or veteran status at the in-person interview level.

E. Contracts and Grants

In order to implement our Title VI plan concerning contracts, we took several steps this last year to ensure awareness and compliance:

1. **Requests for Proposal (RFP) and Request for Qualification (RFQ)** – As referenced in the Communications section, we added the following language to our RFP and RFQ templates to ensure that bidders were aware of Title VI requirements:

***Title VI.** The agency, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and 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 issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 23 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award.*

2. **Contracts** – this language was added to our contract templates to ensure that vendors were also aware of Title VI requirements:

***Title VI.** During the performance of this contract, the Contractor, for itself, its assignees and successors in interest agrees as follows:*

- 1. Compliance with Regulations*

The Contractor shall comply with the Regulations relative to non-discrimination in federally assisted programs of United States Department of Transportation (USDOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Non-discrimination

The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-contractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Sub-contracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the Contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to non-discrimination on the grounds of race, color, sex, or national origin.

4. Information and Reports

The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Agency or the appropriate federal agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the Agency, the Washington State Department of Transportation (WSDOT) or the United States Department of Transportation (USDOT) as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Non-compliance

In the event of the Contractor's non-compliance with the non-discrimination provisions of this contract, the Agency shall impose such sanctions as it or the USDOT may determine to be appropriate, including, but not limited to: (a) withholding of payments to the Contractor under the contract until the Contractor complies, and/or (b) cancelling, terminating, or suspending of the contract, in whole or in part.

6. Incorporation of Provisions

The Contractor shall include the provisions of paragraphs (1) through (5) in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any sub-contractor or procurement as the Agency or USDOT may direct as a means of enforcing such provisions including sanctions for

non-compliance. Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the Contractor may request WSDOT enter into such litigation to protect the interests of the state and, in addition, the Contractor may request the USDOT enter into such litigation to protect the interests of the United States.

3. Grant Subrecipients/Contractors

We developed a Title VI and Disadvantaged Business Enterprise Questionnaire to send to grant subrecipients or contracting entities along with their agreements – see Appendix B for an example of the form. This is being piloted with two contractors from FY16 and we are in the process of outlining relevant criteria to grant subrecipients and contractors in FY17.

II. COMPLAINTS

During the past year, the Agency did not receive any complaints on the basis of discrimination or unequal treatment. Discrimination on the grounds of race, color, sex, national origin, creed, religion, gender identity, sexual orientation, age, disability, marital or veteran status will be addressed by our Agency, following our discrimination complaint procedures in the plan.

Appendix A

Limited English Proficiency (LEP) Plan

In order to meet our mission “Clean healthy air for everyone, everywhere, all the time”, it is important for the Puget Sound Clean Air Agency to make reasonable efforts to accommodate those individuals in the jurisdiction that self-identify as having Limited English Proficiency (LEP). As an agency that receives federal funding, we are obligated to provide a Limited English Proficiency Plan to outline our efforts to ensure meaningful access for LEP persons to the agency’s programs and activities. This Plan describes our translation and interpretation strategy.

To accomplish this, the agency should: (1) conduct the four-factor assessment; (2) develop a language access plan (LAP); and (3) provide appropriate language assistance.

Limited English Proficiency (LEP) individuals self-identify their ability to speak English as “not very well”

In evaluating any potential translation or interpretation need, we consider the following four factors:

1. The number or proportion of LEP individuals our agency would likely serve or encounter.
2. The frequency with which LEP individuals come in contact with the agency
3. The nature and importance of the program, activity or service provided by the agency to people’s lives
4. Costs and resources available

1. The number or proportion of LEP individuals our agency would likely serve or encounter

Language spoken at home by those identifying as LEP, by persons over 5 years of age:

| | Spanish | Chinese | Vietnamese | Tagalog | Korean | Other | Total |
|------------------|----------------|----------------|----------------|---------------|----------------|----------------|------------------|
| King | 53,440 2.8% | 31,450 1.7% | 20,232 1.1% | 9,237 0.5% | 11,024 0.6% | 76,153 4.0% | 201,536 10.7% |
| Kitsap | 2,196 0.9% | 202 0.1% | 407 0.2% | 1,555 0.7% | 287 0.1% | 1,581 0.7% | 6,228 2.6% |
| Pierce | 16,761 2.2% | 1,079 0.1% | 3,986 0.5% | 2,024 0.3% | 6,075 0.8% | 13,660 1.8% | 43,585 5.8% |
| Snohomish | 17,998 2.6% | 4,442 0.6% | 5,606 0.8% | 2,938 0.4% | 6,065 0.9% | 18,545 2.7% | 55,594 8.1% |

Top five (>0.5% of population in our jurisdiction) speaks Spanish, Chinese, Korean, Tagalog and Vietnamese. As a general matter these are the languages we consider translation to, absent specific linguistic information about the audience of a particular material.

Although many more people speak these languages in our region, in these early days of our LEP efforts, we are primarily focused on serving those who “speak English less than well,” as compared to serving those that also speak English well. In some instances we offer Spanish services due to the large number of native Spanish speakers in our region (even though most speak English well).

2. The frequency with which LEP individuals come in contact with the agency

There is no current way to definitively identify every individual that identifies as having limited English proficiency, who comes into contact with our agency. We know that our inspection team members and engineers are among those who frequently interact with business owners and operators whose primary language is other than English. Examples include dry cleaners, gas stations, burn ban Notice of Violation and civil penalty recipients. In addition, our outreach efforts aim to provide access to resources for a range of language communities.

Our Customer Service Specialist reports that there are very few calls to the Agency from people needing interpretation. Spanish is the most requested, followed by Korean and Vietnamese. We offer real-time interpretation to a number of languages to anyone that requests it. With regard to translation, we consider frequency of contact along with the other three factors herein.

3. The nature and importance of the program, activity or service provided by the agency to people’s lives.

What is a vital document for someone interacting with PSCAA? When considering which materials or information to translate or interpret, we consider the following criteria:

- Information affecting people’s health, e.g. information that:
 - helps people avoid asbestos exposure
 - helps people minimize wood smoke
 - helps people reduce their exposure to near-road pollution
- Information that helps individuals and small businesses comply with the law, e.g. information about:
 - burn bans & indoor burning (e.g. No Other Adequate Source of Heat exemption)
 - outdoor burning
 - registration program information relevant to small businesses (<~5 employees)
 - Agency regulations
 - violations of the Clean Air Act
 - inspection and enforcement-related situations, as needed
- Outreach targeted at “highly impacted communities” either with >0.5% LEP or for which we don’t know the LEP %
- Information that very generally describes the agency

Some specific examples:

- Permit applications if would be used by small businesses
- Notice of Construction
- Asbestos related notifications
- Asbestos information
- Burn ban notices
- Notices of Violation
- Notices of Civil Penalties
- No Other Adequate Source of Heat application & exemption
- Correspondence related to owed civil penalties
- Settlement agreements where the other party is LEP

4. Cost and resources available

The Agency maintains a budget to ensure that critical and significant needs are met in relevant languages, based on the criteria above.

Following are some specific examples of how we apply the above factors.

RFPs

We post Requests for Proposals (RFP) on our website, the Daily Journal of Commerce, and identified local ethnic media outlets. The Communications & Public Engagement Liaison will work with the Contracts Liaison to identify appropriate media outlets at least 1X/year. We consider translating RFPs that very small businesses may respond to, using the four factors described above, however it is rare that we translate RFPs because the successful contractor will usually have to be English proficient to work for us in any event.

Human Resources

We post agency job announcements on our website, the Daily Journal of Commerce, and identified local ethnic media outlets. We are increasing the number of outlets we use. Since the media landscape is fairly dynamic, the Communications & Public Engagement Liaison will work with the Education & Training Liaison to identify appropriate media outlets at least 1X/year.

Collateral

We translate agency brochures, handouts and promotional items into other language considering the four factors above. Agency general informational brochures will be translated, printed and made available in the top five languages (>0.5% population) identified by LEP speakers as language spoken in the home.

Videos

Communication via video is a great way to reach a wide audience. Applying the four factors, we generally make our videos available in English and Spanish. We translate videos that target a specific audience (like Korean dry cleaners) into other appropriate language(s) and make them available on our website and YouTube channel.

Press Releases

Our press releases contain the Title VI short form language. We send English versions to appropriate ethnic media representatives, and we translate them case-by-case considering the four factors.

Website

The Agency website employs a user-friendly format and navigation. Those seeking translation can readily access Google Translate from the site home page. Google Translate provides over 100 languages. We professionally-translate key information, as described in the third factor above, on a case-by-case basis.

Legal documents/Notices of Violation/others

We provide translation of Agency information as well as legal documents when requested. In addition, we offer to provide language interpretation at no cost to the constituent, when an individual's primary language is other than English.

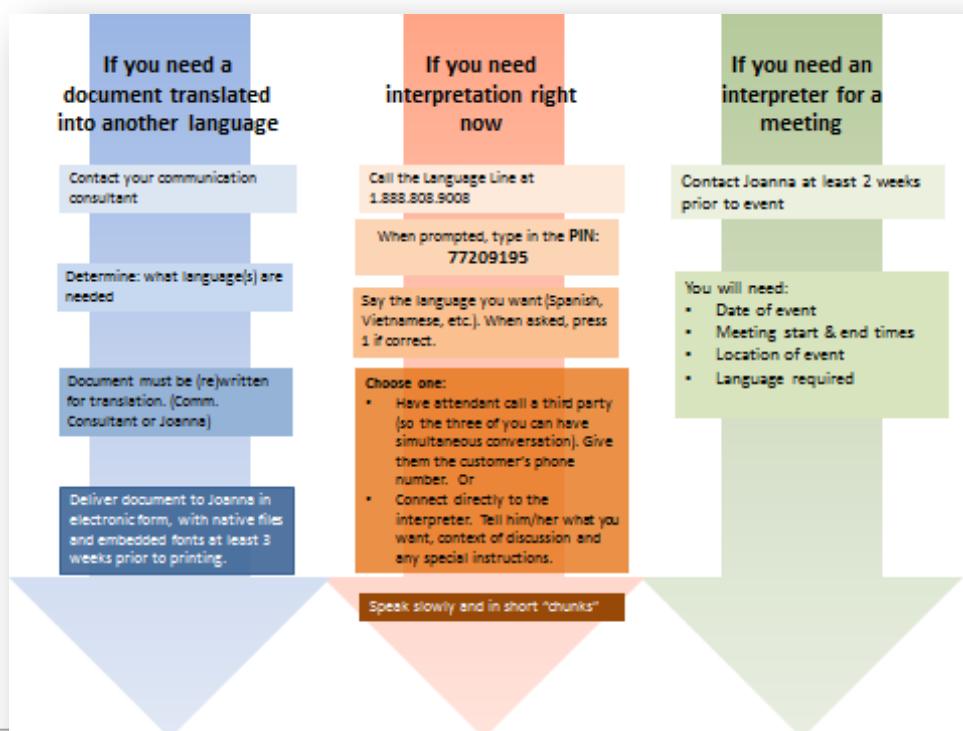
TTY

The availability of texting, email, messaging and the FCC's 711 service has significantly eliminated the use of TTY services by deaf customers. We do not provide TTY services.

“Real Time” Interpretation the field and in office

We use a real time interpretation service that is available for any/all staff to use whether in the field or in the office. All staff members receive a step by step guide (see below) on how to access the real-time interpretations service, schedule an on-site interpreter for a meeting or hearing, or arrange for document translation.

LEP individuals wishing to contact us via phone can choose one of six languages when calling the agency main number. This enables real time phone interpretation between the individual and the agency.



Appendix B



Puget Sound Clean Air Agency
Title VI & DBE QUESTIONNAIRE
1904 Third Avenue, Suite 105 Seattle, WA 98101 • p 206.343.8800 f 206.343.7522

Title VI of the Civil Rights Act & Disadvantaged Business Enterprise (DBE) Questionnaire

The Puget Sound Clean Air Agency (Agency) 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, national origin or sex, as provided by the Title VI of the Civil Rights Act of 1964. Contract No. _____ is subject to Title VI and its implementing regulations. As such, please complete this questionnaire and return to the Agency with all requested records within 30 days of receipt from the Agency.

| | | | | | |
|---|--|-------|---------------|----------|--|
| Contact Name | | | Phone Number | | |
| Business Name <i>(if applicable)</i> | | | Contact Email | | |
| Street Address | | | | | |
| City | | State | | Zip Code | |

1. Contract No. _____, section _____ requires compliance with the regulations of the United States Department of Transportation, 49 CFR 21, relating to non-discrimination in federally assisted programs. In the past year, have you received any complaints alleging direct or indirect discrimination in violation of 49 CFR 21? If yes, please provide copies of all complaints to the Agency. If you have received any complaints, please tell the Agency in writing what you have done to address each complaint.

2. Contract No. _____, section _____ requires that with regards to the work done pursuant to the contract, you will not discriminate on the grounds of race, color, sex or national origin in the selection or retention of sub-contractors, including procurement of materials and leases of equipment. In the past year, have you received any complaints alleging discrimination on the grounds of race, color, sex or national origin? If yes, provide copies of all complaints to the Agency. If you have received any complaints, please tell the Agency in writing what you have done to address each complaint.

3. Have you issued any solicitations for subcontracts to implement or perform work pursuant to Contract No. _____ either by competitive bidding or negotiations? If yes, please provide copies of all solicitations to the Agency.

4. Have you entered into any sub-contracts to implement or perform work pursuant to Contract No. _____? If yes, please provide copies of all such sub-contracts to the Agency.

5. Pursuant to Title VI of the Civil Rights Act, the Agency is required to collect demographic (race, color, sex, national origin) statistics regarding participation in programs or activities receiving federal assistance. Please provide the above demographic data regarding the owners of _____ [name of contractee]. Providing this information to the Agency is voluntary and disclosure is not required to participate in Agency programs and activities.

6. Please identify the person(s) or employee(s) dedicated to ensuring compliance with anti-discrimination laws and regulations on behalf of your organization. Providing this information to the Agency is voluntary and disclosure is not required to participate in Agency programs and activities.

7. The Agency encourages participation by entities certified by the Washington State Office of Minority and Women's Business Enterprises (OMWBE) in all of its contracts, which is a subset of Disadvantaged Business Enterprises (DBE). 1) Please describe the activities undertaken to meet OMWBE requirements for or pursuant to Contract No. ___, including which, if any, MWBEs have been awarded work under this Contract. 2) Additionally, include what outreach and notification of contracting opportunities was conducted to MWBEs under Contract No. ___. Please provide documents regarding these activities to the Agency.