

Civil Rights Nondiscrimination Policy Statement

It is the policy of the The Arc of Delaware County to prevent and eliminate discrimination in all of its operations and services as well as all aspects of employment. All Departments and Offices, will plan, develop and implement their programs and activities so that no person is subjected to unlawful discrimination based on race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status, or Vietnam era veteran status.

This policy fully incorporates throughout all of the The Arc of Delaware County's operations the requirements of applicable State and Federal laws and executive orders to prohibit any discriminatory practices, procedures and policies. All administrators, managers, supervisors and employees are directed to comply with these laws and orders.

The Arc of Delaware County committed to maintaining an agency which recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding, and mutual respect among its members; and encourages each individual to strive to reach their own potential.

This policy will be placed on all The Arc of Delaware County's bulletin boards and made available to all organizations and entities doing business with The Arc of Delaware County. Any complaints involving allegations of discrimination need to be in writing and sent to either Associate Personnel Director, Chief Financial Officer, Chief Operating Officer or Chief Executive Officer.

RELATED POLICY AND AUTHORITATIVE SOURCES

New York State Laws

New York State Human Rights Law Article 15 (1945) – Guarantees nondiscrimination in the State of New York on the basis of race, creed, color, national origin, sex, marital status, age, disability and or sexual orientation.

New York State Law Article 15-A (1988) - An act to amend the executive law and the state Finance law, in relation to participation by minority group members and women with respect to state contracts.

New York State Law Article 17-B (2014) – An Act to amend the executive law, in relation to expanding opportunities for service-disabled veteran-owned business enterprises.

Sexual Orientation Non-Discrimination Act (2003) – This Act amends the Executive Law to include sexual orientation.

New York State Executive Orders

On January 1, 2011, Governor Cuomo issued Executive Order 2 that authorized the continuation of certain prior Executive Orders related to equal opportunity and nondiscrimination in all State programs.

Executive Order No. 6 (Governor Cuomo, 1983) – Insures equal employment opportunities for minorities, women, disabled persons and Vietnam era Veterans in State government. The order clarifies and expands the power of the President of the Civil Service Commission and the Governor's Executive Committee for Affirmative Action to ensure that agencies develop and implement effective affirmative action plans.

Federal Laws and Executive Orders

Civil Rights Act of 1964 – Prevents discrimination in federally assisted programs; provides relief against discrimination in public accommodations; protects constitutional rights in public facilities and public education; enforces the constitutional right to vote. Title VI – Prohibits discrimination on the grounds of race, color or national origin in programs and activities receiving federal financial assistance. Title VII as amended by the Equal Employment Opportunity Act of 1972 – Makes it unlawful to discriminate in employment practices on the basis of race, color, religion, sex, or national origin.

Section 503 of the Rehabilitation Act of 1973 – Prohibits discrimination on the basis of physical or mental disability in every federally assisted program or activity in the country.


Age Discrimination Act of 1975 – Prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

Civil Rights Restoration Act of 1988 – Specifies that recipients of federal funds must comply with civil rights laws in all areas, not just in a particular program or activity that receives federal funding. It applies to all federal laws.

Americans with Disabilities Act (ADA) of 1990 – Federal Law prohibiting discrimination against people with disabilities in employment, public access to services, transportation, public accommodations, and telecommunications services.

Civil Rights Act of 1991 – Provides appropriate remedies for intentional discrimination and unlawful harassment in the workplace; codifies the concepts of “business necessity” and “job related”, confirms statutory authority and provide statutory guidelines for the adjudication of disparate impact suits under Title VII of the Civil Rights Act of 1964; expands the scope of relevant civil rights statutes in order to provide adequate protection to victims of discrimination. The Act provides for compensatory and punitive damages and jury trials in cases of sex, religious, and disability bias.

Executive Order No. 11246 – Prohibits employers doing business with the Federal Government from discriminating in employment because of race, color, religion, sex or national origin. Employers are required to take affirmative action in employment activities including hiring, promotion, transfers, training and minorities and women.



Chief Executive Officer

9/6/2022

Date

Civil Rights COMPLAINT PROCESS

The Arc of Delaware County operates its programs and services without regard to race, color, or national origin, in accordance with Title VI of the Civil Rights Act of 1964. It also does not discriminate against qualified individuals with a disability in its services, programs, or activities under Title II of the ADA.

If you have a complaint about the services, programs, or activities of The Arc of Delaware County you are encouraged to file your complaint with :

Name: Jodi Kerstetter

Title: Associate Personnel Director

Office Address: 34570 State Hwy 10, Walton, NY 13856

Phone Number: 607.865.7126

E-mail: jodik@delarc.org

Days / Hours available: Monday thru Friday 8a to 4:30p

Name: Joseph Malone

Title: Chief Financial Officer

Office Address: 34570 State Hwy 10, Walton, NY 13856

Phone Number: 607.865.7126

E-mail: jmalone@delarc.org

Days / Hours available: varies

Name: Molly Little

Title: Chief Executive Officer

Office Address: 34570 State Hwy 10, Walton, NY 13856

Phone Number: 607.865.7126

E-mail: mlittle@delarc.org

Days / Hours available: varies

The Arc of Delaware County's complaint procedure is designed to informally resolve complaints of discrimination. To file a complaint, please follow the steps of the complaint procedure (listed on the next page).

PROCEDURES

The Civil Rights Complaint procedure is designed to informally resolve conflicts with The Arc of Delaware County involving allegations of discrimination in access to programs, and services for persons under Title II and/or Title VI.

If you need assistance in filing or writing your complaint, at your request, Jodi Kerstetter, Associate Personnel Director, will assist you, or help you locate an impartial advocate or representative not associated with the agency. You must also specify any other reasonable accommodation you may require in order to effectively communicate your complaint. The complaint form must be filled out completely and filed with someone listed on the other page, **within 90 calendar days** from the date of the alleged discriminatory action or practice.

Once you have completed the Complaint Form on the following page, follow the steps listed after the complaint form for filing your complaint. It is important for you to keep copies of your original complaint, notifications you receive after meeting with Associate Personnel Director, Chief Financial Officer, Chief Operating Officer or Chief Executive Officer, as well as any other correspondence or other documentation that is related to your complaint, and bring those copies to all meetings, reviews, and appeals related to your complaint.

The Arc of Delaware County

Civil Rights Complaint Form

Name of person filling out form: _____

Address: _____ City: _____ Zip: _____

Telephone: _____

Name of person allegedly discriminated against (if different from person filling out form):

Do you have the permission of the person allegedly discriminated against to file this complaint or are you an authorized representative?

Yes _____ No _____

Basis of Complaint: (Check all that apply)

Race _____ National Origin _____ Color _____ Disability _____

Did the alleged discrimination involve a transit-related program, benefit, activity, or service receiving federal assistance?

Yes _____ No _____ Not Sure _____

Who allegedly committed discrimination?

Name/position/program: _____

Describe the alleged discrimination

Where did the alleged discrimination occur?

Date(s) and Time(s) alleged discrimination occurred?

Were there any witnesses? If, yes, please provide name and telephone or other contact information

Have you filed your complaint with anyone else? (Who? When? Complaint number if known):

Do you have an attorney in this matter? _____ Yes _____ No

If yes Name of attorney: _____

Address: _____ City: _____ Zip: _____

Telephone: _____

When did you retain the attorney? _____

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

Signed: _____

Date: _____

STEPS FOR FILING YOUR TITLE II ADA COMPLAINT

Step 1: Fill Out and Deliver Your Complaint

Hand deliver or mail your complaint to Jodi Kerstetter, Associate Personnel Director. If you need a reasonable accommodation, such as an interpreter or an alternative format, list this on your complaint form so Jodi Kerstetter, Associate Personnel Director, will be able to effectively communicate with you at your meeting.

Step 2: Contact with Associate Personnel Director, Chief Financial Officer, Chief Operating Officer or Chief Executive Officer

- a) Within 10 business days of having received the complete complaint, DeArc's Associate Personnel Director, Chief Financial Officer, Chief Operating Officer or Chief Executive Officer, will meet with you personally, or contact you by telephone.

Step 3: Resolution of Your Complaint

- b) If a **satisfactory resolution** is reached, a written agreement will be jointly developed and signed by you, and Associate Personnel Director, Chief Financial Officer, Chief Operating Officer or Chief Executive Officer. The agreement of resolution will be issued to you within **10 business days**. The written agreement will include:
- 1) A description of the complaint
 - 2) A finding of facts
 - 3) A description of how the complaint will be resolved
 - 4) When the complaint will be resolved
 - 5) An assurance that the agency will comply with the specific terms of the agreement
- c) If The Arc of Delaware County, is **unable to resolve** the complaint with you, you will be notified of this non-resolution **within 10 business days**. The notification will include:
- 1) A description of the complaint
 - 2) A summary of any resolution proposed
 - 3) A statement addressing the issues that were not resolved at the meeting.

Mail to:

The Arc of Delaware County
34570 State Highway 10, Suite 1
Walton, New York 13856
Attn: Personnel

If a satisfactory resolution is not reached complaints may be filed directly with the:

Federal Transit Administration
Office of Civil Rights
Title VI Program Coordinator East Building, 5th Floor-TRC
New Jersey Ave, SE
Washington D.C. 20950

