

# Civil Rights, Drug Free Workplace, Drug and Alcohol and Safety & Security Programs Compliance Reviews

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&  
Renee Miller-Cotton



# Compliance Review 2018-2019

- Program Compliance Review will be conducted separately.
- Civil Rights
  - DBE, Title VI, ADA-General, ADA-Complementary Paratransit, & EEO
- Drug Free Workplace
- Drug and Alcohol Program
- Safety & Security



# Compliance Review 2018-2019

- Civil Rights

- DBE ..... Michelle Wagner

- Title VI ..... Angela Page-Smith

- ADA ..... Curtis Sims, Jr.

- Drug Free Workplace and Drug and Alcohol Program  
..... Renee Miller-Cotton

- Safety & Security ..... Curtis Sims, Jr.



## Disadvantaged Business Enterprise (DBE) Compliance Review

- Identify a DBE Liaison Officer
- List of procurements during review period. (From the last compliance review)
- Multiple procurements with same entity is counted as one procurement. Need total amount.



- Example of multiple procurements with one vendor:
  - Purchasing automotive parts periodically from the same vendor
    - Jan - \$50 – Spark Plug
    - Feb - \$25 – Windshield Wipers
    - Mar
    - Apr - \$400 – Tires
    - May - \$5 – Lightbulbs
    - June - \$75 – Batteries

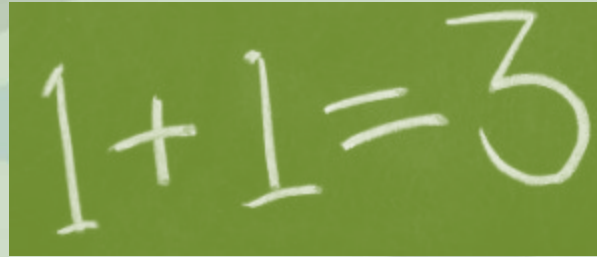
***This would be listed as one purchase to Joe's Auto Parts for \$555.00***



## Potential DBE Review Deficiency Items

- Whether DBEs were invited to bid on any procurement/contracts if available.
- Whether subrecipient is packaging bid opportunities to maximize DBE participation.
- Whether subrecipient is submitting DBE Reports timely and accurately.
- Whether agency provided list of upcoming bid opportunity for DBE Goal Setting timely.
- If subrecipient procures vehicles other than State ADA contract , they must submit the online Transit Vehicle Award Reporting Form located on FTA’s Civil Rights DBE Webpage within 30 days of making an award.

<https://www.surveymonkey.com/r/vehicleawardreportsurvey>


$$1 + 1 = 3$$

- Re-occurring Errors in DBE Reporting
  - Number of contracts awarded should be filled out. If there were none, please indicate 0.
  - Having a DBE Firm listed and then not showing how many contracts were awarded. It can't be 0 if there is a DBE Firm listed.



# 2018 Subrecipient Workshop

- Semi-Annual Report Dates
- Due from subrecipient:

Reporting period October-March:

Due April 17<sup>th</sup>

Reporting period April-September:

Due October 17<sup>th</sup>

Please submit your Semi-Annual DBE Reports to:  
Michelle Wagner at [Wagnermb@scdot.org](mailto:Wagnermb@scdot.org)





# What is Title VI?

Pursuant to the Civil Rights Act of 1964, Federal law prohibits discrimination on the basis of **race, color, or national origin**, in Federally assisted programs & activities.



# What is Discrimination ?

That **act** (action or inaction), whether intentional or unintentional, through which a person [or group] in the United States solely because of their race, color, or national origin, is subjected to **disparate treatment** or **impact**, in any program or activity receiving Federal financial assistance.



## Title VI Program Components

- Notice to the Public of their Rights under Title VI
- Nondiscrimination Policy Statement/ Management commitment to Title VI
- Introduction to Description of Service
- First time Applicant Requirement



## Title VI Program Components, Contd.

- Annual Certifications and Assurances
- Record Retention and Reporting Policy for Title VI Documents
- Primary recipient shall include a description of how the agency monitors its subrecipients to ensure they comply with Title VI.



## Title VI Program Components, Contd.

- All Contracts and subcontracts must include the standard assurance that you will not discriminate.
- Complaint Procedures and Complaint Form – A copy of recipient's instructions to the public regarding how to file a complaint.
- Complaint Log – A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient.



## Title VI Program Components, Contd.

- Public Participation Plan – A summary of public outreach plan to engage minority persons in activities undertaken, as well as a summary of out reach efforts made since the last Title VI submission.
- Title VI equity analysis if the recipient has a constructed a facility, such as a vehicle storage facility, maintenance facility, or operation center.
- Language Assistance Plan for persons with Limited English Proficiency (LEP).



## Title VI Program Components, Contd.

- Limited English Proficiency (LEP) - Person who does not speak English as primary language and has limited ability to read, speak, write or understand English.
- The Board of Directors resolution or meeting minutes demonstrating the board approved the Title VI Plan.
- Title VI Concurrence and adoption



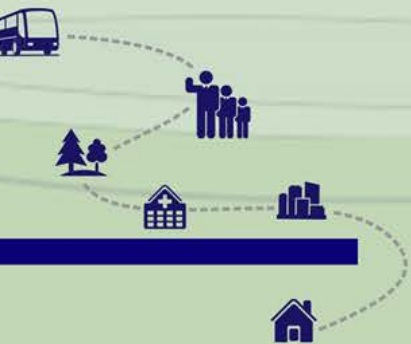
## Questions ?





# ADA - General

- ADA Requirements for Compliance Review
  - ADA procedures
  - ADA complaint form
  - ADA complaint record retention procedures.



# ADA - General

- Potential Deficiencies
  - Not having ADA procedures – {Accessible formats}
  - No ADA complaint process and form
  - Prompt response to ADA complaints
  - Not keeping an ADA complaint log
  - Vehicles meet the accessibility requirements of 49 CFR part 37
  - Policy for reasonable accommodation {Distribution}



# ADA - General

- Potential Deficiencies (continued)
  - Not having information on the website
    - Address alternate formats
    - Reasonable accommodations request
  - Not having information in print format
  - Vehicles meeting accessibility requirements
  - Vehicles used in contracted fixed route & commuter accessible
  - Equivalent service if non-ADA vehicles are used in DR
  - Certification of equivalent service



# ADA - General

- Potential Deficiencies (continued)
  - New construction
    - Must meet USDOT accessibility requirements
    - USDOT ADA regulations differ from other Federal, State, County and Municipal Building Codes
  - Alter Facilities
    - Altered portion of the facility must be accessible



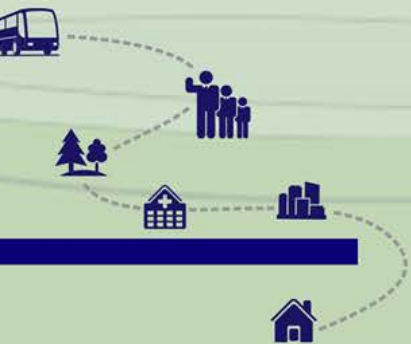
# ADA - General

- Adhering to ADA service requirements
  - Stop announcements (Fixed route service)
  - Policy for seats and wheelchair securement locations
  - Definition of a wheelchair
  - Use of lift
  - Respirators, concentrators, portable oxygen
  - Boarding Time
  - Availability of accessible formats
  - Reasonable modification



# ADA - General

- Accommodating Individuals who rely on accessible equipment
- Route deviation service open to general public
- Rail service accessibility
- Ferry services accessibility
- Monitoring contracted services



# ADA - General

- Be mindful of what could lead to a deficiency
  - Employee/Driver Handbooks
  - Policies contradict what is actually being done
  - Inadequate training/documentation
  - Printed materials
  - Website



# DRUG-FREE WORKPLACE

**Subrecipients are required to maintain a drug free environment for all award related employees and to maintain a Drug-Free Workplace Policy**





## Drug Free Workplace Policy Required Elements:

- Must have a written policy as prescribed in the Drug-Free Workplace Act (DFWA) for all award-related employees and update policy as necessary
- Determine how the policy will be distributed and communicated, i.e., employee handbook, brochures, posters, information on bulletin boards, employee assistance programs
- Document notification and distribution of the Drug-Free Workplace Policy by having each employee sign as acknowledgement of receipt of policy
- Establish an on-going drug-free awareness program



## Drug Free Workplace Policy Requirements:

- Subrecipient is to report all criminal convictions of award-related employees for drug statute violation that has occurred in the workplace
- Document any personnel action(s) taken regarding conviction notifications



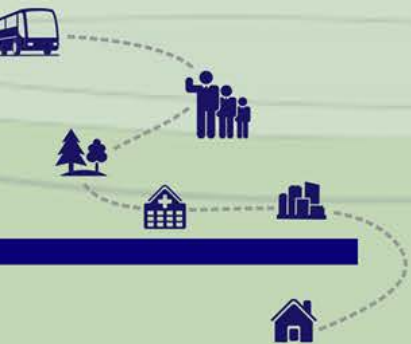
# DRUG & Alcohol Program

**Recipients of Section 5307, 5309,  
5311 and 5339 funds that have  
safety-sensitive employees must  
have a Substance and Alcohol Abuse  
Policy**



## Substance Abuse & Use Required Elements:

- Policy must be written, current and includes an effective date
- Policy requires board approval and date of adoption
- Policy identifies a contact person/position or office



## Drug & Alcohol Program Required Elements:

- Subrecipient(s) are required to provide the minimum training for all covered employees and supervisors/officers
  - One hour minimum of effects of drugs in the workplace for covered employees
  - 120 minutes of training for Reasonable Suspicion determination for supervisors



## Drug Free Workplace Policy Required Elements: continued

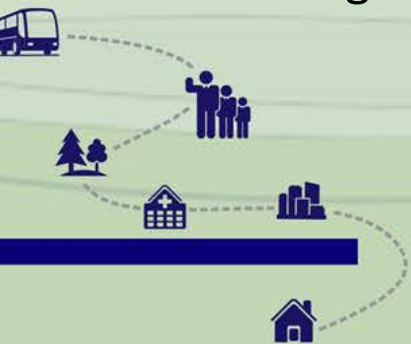
- Subrecipient(s) shall monitor the medical review officers, substance abuse professionals, breath and alcohol technicians, and collectors in the drug and alcohol testing program to ensure they have the required qualifications and certifications



## DER versus DAPM

- DER – Designated Employee Representative
  - receives test results and other communications for the employer and is required to make decisions in the testing and evaluation process
  - is the point of contact for the collector, BAT, and STT to contact in case a problem or unusual circumstances arises that requires employer notification, direction, or action.
  - authorized by the employer to take immediate action (directly or through the employee's direct supervisor) to remove employees from safety-sensitive duties.
- DAPM – Drug & Alcohol Program Manager
  - Assigned the responsibility of overall program administration and management.

One individual may serve as both DER/DAPM



## Major Issues:

- Proper training for all safety-sensitive function employees and maintaining documentation
- Collection/testing logbooks or adequate documentation related to tracking the random selection process. Recommendation to maintain a calendar/Provided spreadsheet
- Conducting pre-employment drug screening on all pre-employments – requiring/requesting drug testing history of potential new hires who previously work for DOT program
- Recordkeeping Requirements – records shall be maintained in a secure location with controlled access for the required period of retention
- Collection Site Review – develop security passwords for obtaining electronic submissions of testing results
- Substance Abuse Professional (SAP) Referrals – Anyone employee/potential employ that tests positive or is considered a refusals must be referred to SAP .





# Compliance Review 2018-2019

- Waccamaw RTA dba Coast RTA
- Bamberg COA dba Handy Ride
- City of Seneca
- Lancaster COA dba Lancaster Area Ride System
- City of Anderson
- Pee Dee RTA
- Fairfield County



# QUESTIONS

