



# Western Berks Ambulance Title VI

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## Title VI Policy and Complaint Process

The Western Berks Ambulance Association (WBEMS) grants equal access to its programs and services to all citizens. This document serves to make citizens aware of their rights to such access and serves to educate citizens so that they may understand the civil rights laws that protect their receipt and benefit of such services as defined by Title VI of the Civil Rights Act of 1964.

WHAT IS TITLE VI? Title VI is a section of the Civil Rights Act of 1964 requiring that "No person in the United States shall on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." Note that Title VI does not address gender discrimination. It only covers \*race, \*color and \*national origin. Other Civil Rights laws prohibit gender discrimination. \* Primary Federal Discrimination Rules

### WBEMS TITLE VI COMPLAINT AND INVESTIGATION PROCEDURES

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 for alleged discrimination in any program or activity administered by the Western Berks Ambulance. These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and WBEMS may be utilized for resolution. Any individual, group of Individuals or entity that believes they have been subjected to discrimination prohibited under Title VI and related statutes may file separate complaints.

1. A formal complaint must be filed within 180 days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainant's name, address and telephone number; the name of the alleged discriminating official, the basis of complaint (race, color, national origin), and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints. A WBEMS Title VI complaint form can be obtained from the WBEMS office. WBEMS encourages individuals to submit Title VI complaints in writing using this form and mailing it to:  
Office of Human Resources, Title VI Coordinator  
Western Berks Ambulance Association  
2506 Belmont Ave  
West Lawn, PA 19609
2. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the WBEMS Office of Human Resources Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the WBEMS Office of Human Resources Title VI Coordinator will assist the complainant in completing a written statement.

3. When a complaint is received, the Office of Human Resources Title VI Coordinator will provide written acknowledgment to the Complainant, within ten (10) business days by registered mail or hand delivery.
4. If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 60 business days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
5. Within 15 business days from receipt of a complete complaint, WBEMS will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, the Executive Director or his/her authorized designee will notify the Complainant and Respondent, by registered mail or hand delivery informing them of the disposition.
  - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
  - b. If the complaint is to be investigated, the notification shall state the grounds of WBEMS's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
6. When WBEMS does not have sufficient jurisdiction, the Executive Director or his/her authorized designee will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.
7. If the complaint has investigative merit, the Executive Director or his/her authorized designee will instruct the Title VI Coordinator to investigate the complaint fully. A complete investigation will be conducted, and an investigative report will be submitted to the Executive Director within 60 days from receipt of the complaint. The report will include a description of the incident, summaries of all persons interviewed, and a finding with recommendations and proposed resolution where appropriate. If the investigation is delayed for any reason, the Office of Human Resource Title VI Coordinator will notify the appropriate authorities, and an extension will be requested
8. The Executive Director or his/her authorized designee will issue letters of finding to the complainant and Respondent within 90 days from receipt of the complaint.
9. If the Complainant is dissatisfied with WBEMS's resolution of the complaint, he/she has the right to file a complaint in the time allotted by law with:  
Federal Transit Administration Region 3  
1760 Market Street Suite 500  
Philadelphia, PA 19103-4124  
(215) 656-7100 (telephone) (215)  
656-7260 (fax)

#### POSTING OF PUBLIC NOTICE

Public notice of Title VI Policy and Complaint Procedures is posted in each vehicle and at the WBEMS Administrative Offices, 2506 Belmont Ave, West Lawn, PA 19609.

\*\*\*No Complaints filled as of 04/15/2019

## Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall, on the ground of \*race, \*color or \*national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." If you feel you have been discriminated against in transit services, please provide the following information in order to assist us in processing your complaint: \* Primary Federal Discrimination Rules

Please print CLEARLY:

Section 1				
Name				
Address				
City		State		Zip
Phone		Mobile		
Email				
Other				

Section 2				
Are you filing this complaint on your own behalf	Yes	No		
If you answered yes to the above question proceed to Section 3				
If not, please supply the name and relationship pf the person for who you are.				
Name				
Address				
City		State		Zip
Phone		Mobile		
Email				
Please explain why you have filed for a third party:				
Please confirm you have obtained the permission of the aggrieved party if you are filing on behalf of a third party:				

Section 3									
I believe the discrimination I experienced was based on (check all that apply)									
*Race		*Color		*National Origin		Religion(creed)		Gender	
Gender Expression		Age		Marital Status		Disability		Military Status	
What was the date of the alleged discrimination:									
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of all person(s) who discriminated against you (if known) as well as names and contact information of any witness. If more space is a need, please utilize the back of this form.									

\* Primary Federal Discrimination Rules

Section 4	
Name of agency complaint is against	Western Berks Ambulance
Contact Person	Anthony Tucci
Title	Executive Director
Email	atucci@wbems.org
Phone	610-678-1545

Section 5				
Have you filed a TitleVI complaint with any other Federal, State, Local, or with a Federal or State Court: if yes check all that apply:			Yes	No
Federal Agency	State Court	Local Court	Other	
Federal Court	State Agency	Local Agency		
Please provide information about a contact person(s) at the agency/court where the complaint was filed.				
Contact Person				
Title				
Email				
Phone				

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

Signature and date required below:

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Signature

Date

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Print your name

Please submit this form in person at the address below, or mail this form to  
Office of Human Resources, Title VI Coordinator  
Western Berks Ambulance Association 2506  
Belmont Ave  
West Lawn, PA 19609

## Public Participation Plan

WBEMS strives to sustain the delivery of quality transportation service to the residents of Berks County.

The committee routinely reviews all transportation programs, to determine that each program area is meeting acceptable service standards and make recommendations for improvements.

In addition, when new fares are proposed, WBEMS creates, collects, and evaluates input from these documents to aid in the decision-making process.

Any Berks county residents may ask to serve on the advisory committee. WBEMS does not appoint its board members nor any other committee members. Participation is on a volunteer basis. The committee strives to maintain a broad-based mix of members from the public and private sectors. Membership is encouraged by consumers as well as agencies and organizations serving the elderly, disabled, and indigent.

The maximum size for the advisory committee is 15 members and must have a minimum membership of nine.



## Limited English Proficiency Policy Plan

The purpose of this limited English proficiency policy guidance is to clarify the responsibilities of recipients of federal financial assistance from the U.S. Department of Transportation (DOT) and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It was prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance, and;

### Executive Order 13166

Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination against Persons with Limited English Proficiency.<sup>11</sup> (See 65 FR 50123, August 16, 2000, DOJ's General LEP Guidance). Different treatment based upon a person's inability to speak, read, write, or understand English may be a type of national origin discrimination. Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies such as the Western Berks Ambulance Association (WBEMS) and governments, private and non-profit entities, and sub-recipients.

## Plan Summary

WBEMS has developed this Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to WBEMS services as required by Executive Order 13166. A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English. This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available, and information for future plan updates. In developing the plan while determining WBEMS's extent of obligation to provide LEP services, WBEMS conducted a U.S. Department of Transportation four-factor LEP analysis which considers the following: 1) The number or proportion of LEP persons eligible in the WBEMS service area who may be served or likely to encounter an WBEMS program, activity, or service; 2) the frequency with which LEP individuals come in contact with WBEMS services; 3) the nature and importance of the program, activity or service provided by the WBEMS to the LEP population; and 4) the resources available to the WBEMS and overall costs to provide LEP assistance. A brief description of these considerations is provided in the following section.

### Four Factor Analyses

1. The number or proportion of LEP persons eligible in the WBEMS service area who may be served or likely to encounter a WBEMS program, activity, or service.
  - a. WBEMS examined the US Census report from 2010, and, using data from Census tracts in the WBEMS service area was able to determine that approximately 96.1% of people within WBEMS's service area age 5 and older spoke English as the primary or only language. Approximately 3.9% or 517 speak a language other than English.
2. The frequency with which LEP individuals come in contact with a WBEMS program, activity, or service.
  - a. WBEMS assesses the frequency at which staff and drivers have or could possibly have contact with LEP persons. This includes documenting phone inquiries and surveying drivers and customer service personnel. WBEMS has had no requests for interpreters and zero requests for translated WBEMS documents. WBEMS staff and drivers have had very little to no contact with LEP individuals.
3. The nature and importance of the program, activity, or service provided by the WBEMS to the LEP community.
  - a. There is no large geographic concentration of any one type of LEP individuals in the WBEMS service area. The overwhelming majority of the population, 96.1% of residents, speaks English as their primary language. Therefore, for the most part, LEP individuals do not use WBEMS's services. However, international students from nearby Allegheny College do use WBEMS's fixed- route system. While none of these students have ever- required language assistance, WBEMS's services are very important to these individuals in order to provide access to shopping and leisure activities outside of the Allegheny College Campus.

4. The resources available to WBEMS and overall costs
  - a. WBEMS assessed its available resources that could be used for providing LEP assistance. This included identifying costs associated with subscription to the Language Line service, the costs of additional translation services such as a professional interpreter on an as-needed basis, which documents would be the most valuable to be translated if and when the populations support, taking an inventory of available organizations that WBEMS could partner with for outreach and translation efforts, and what level of staff training is needed. After analyzing the four factors, the WBEMS developed the plan outlined in the following section for assisting persons of limited English proficiency at a low cost.

## Limited English Proficiency Plan Outline

- How to Identify an LEP Person Who Needs Language Assistance
- Below are tools to help identify persons who may need language assistance:

Examine records requests for language assistance from past Meetings and events to anticipate the possible need for assistance at upcoming meetings.

When WBEMS sponsored meetings are held, set up a sign-in sheet table, have a staff member greet and briefly speak to each attendee. To informally gauge the attendee's ability to speak and understand.

English, ask a question that requires a full sentence reply

Survey drivers and other first line staff on an annual basis at the beginning of each fiscal year regarding their experience of having any direct or indirect contact with LEP individuals.

## Language Assistance Measures

WBEMS has or will implement the following LEP procedures. The creation of these steps are based on the very low percentage of persons speaking other languages or not speaking English at least "well," and the lack of resources available in the WBEMS service area:

WBEMS Website has been redesigned to include a translator software program, which can be used at the bottom of the webpage.

When an interpreter is needed, in person or on the telephone, staff will utilize the Language Line Service.

## WBEMS Staff Training

All WBEMS staff will be made available a copy of the LEP Plan and will be educated on procedures to follow. This information will also be part of the WBEMS staff orientation process for new hires. Training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities;
- Documentation of language assistance requests;
- How to handle a Title VI and/or LEP complaint

## Outreach Techniques

WBEMS does not have a formal practice of outreach techniques due to the lack of LEP population and resources available in the service area. However, the following are a few options that WBEMS will incorporate when and/or if the need arises for LEP

outreach:

- If staff knows that they will be presenting a topic that could be of potential importance to an LEP person or if staff will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, meeting notices, fliers, advertisements, and agendas will be printed in an alternative language, based on known LEP population in the area.
- Key print materials will be translated and made available at the WBEMS Administration facility and in communities when a specific and concentrated LEP population is identified

### Monitoring and Updating the LEP Plan

This plan is designed to be flexible and is one that can be easily updated. At a Minimum, WBEMS will follow the Title VI Program update schedule for the LEP

Plan. Each update should examine all plan components such as:

- How many were LEP persons encountered?
- Were their needs met?
- What is the current LEP population in WBEMS service area?
- Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified WBEMS programs? Are there other programs that should be included?
- Have WBEMS's available resources, such as technology, staff, and financial Costs changed.
- Has WBEMS fulfilled the goals of the LEP Plan?
- Were any complaints received?

As part of the monitoring and update plan, WBEMS will track the activity of usage of its services by LEP persons and requests for assistance from Customer Service and Operator staff, and record information from passenger surveys, which will identify the language spoken by passengers and their need for assistance. WBEMS will also maintain communication with municipalities in its service area to identify LEP individuals who may have moved into a part of WBEMS's service area and may require assistance. These municipalities will also be instructed to contact WBEMS with any requests that they may receive for language assistance.

### Dissemination of the WBEMS Limited English Proficiency Plan

WBEMS includes the LEP plan on the WBEMS website ([www.wbems.org](http://www.wbems.org)) together with its Title VI Policy and Complaint Procedures. WBEMS Notice of Rights under Title VI to the public is available in the WBEMS Administration facility lobby area.

Any person, including social service, non-profit, and law enforcement agencies, along with other community partners with Internet access will be able to access the plan.

Copies of the LEP Plan will be provided upon request. LEP persons may obtain copies/translations of the plan upon request.

Any questions or comments regarding this plan should be directed to the WBEMS Title VI Coordinator.

WBEMS Human Resources, Title VI Coordinator  
Western Berks Ambulance Association  
2506 Belmont Ave  
West Lawn, PA 19609  
Phone: 610-678-1545  
Fax: 610-678-8187  
Email: [atucci@wbems.org](mailto:atucci@wbems.org)

WBEMS - Title VI Equity Analysis Procedures for Compliance with FTA C 4702.18.

### WBEMS TITLE VI - DETERMINATION OF SITE OR LOCATION OF FACILITIES

Title 49 CFR Section 21.9(b)(3) states, "In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part."

Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, "The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin." For purposes of this

Requirement, "facilities" does not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process.

Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc.

In order to comply with the regulations:

a. WBEMS shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. WBEMS will engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis will compare the equity impacts of various siting alternatives, and the analysis will occur before the selection of the preferred site.

b. When evaluating locations of facilities, WBEMS will give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. The analysis will be done at the Census tract or block group where appropriate to ensure that proper Perspective is given to localized impacts.

c. If WBEMS determines that the location of a project will result in a disparate impact on the basis of race, color, or national origin, WBEMS will only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. WBEMS will show how both tests are met. WBEMS realizes that in order to make this showing, WBEMS must consider and analyze alternatives to determine whether those alternatives would have less ( Chap. 111-12 FTA C 4702.18 ) of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

Definitions - According to the Federal Transit Administration

Minority: The FTA defines a minority person as one who self-identifies as American Indian/Alaska Native, Asian, Black or African American, Hispanic or Latino, and/or Native Hawaiian/Pacific Islander. Minority values in the WBEMS Study Area are mapped through census studies and zoning maps. (such as attached).

Low Income: The FTA defines a low-income individual as one whose household income is at or below the poverty guidelines set by the Department of Health and Human Services (DHHS).

DHHS poverty thresholds are based on household size and income and are nearly identical to the guidelines used to define poverty in the 2011 U.S. Census and American Community Survey (ACS), which form the basis of this review. Low-income values in the WBEMS study area are mapped through census studies and zoning maps. (Such as attached).

Disparate Impact: The defines "disparate impacts" as neutral policies or practices that have the effect of disproportionately excluding or adversely affecting members of a group protected under Title VI, and the recipient's policy or practice lacks a substantial legitimate justification . If the results of the analysis indicate a potential for disparate impacts, further investigation is performed. This investigation uses qualitative assessments and/or the "four-fifths rule" to determine whether disparate impacts exist. In this analysis, if the quantitative results indicate that the Concept Plan service changes provide benefits to minority/low-income groups at a rate less than 80 percent of the benefits provided to non-minority/non-low-income groups, there could be evidence of disparate impacts and mitigation measures should be identified

Approved Western Berks Board April 2018



## **Title VI Notice to the Public**

Western Berks Ambulance Association gives public notice that it complies with Title VI of the Civil Rights Act of 1964 and all related statutes. No person is excluded from participation in, denied the benefits of its services or otherwise subjected to discrimination on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, as amended. Any person who believes that he or she has been unlawfully discriminated against may file a formal complaint with Western Berks Ambulance Association within 180 days following the date of the alleged incident.

For more information on Western Berks Ambulance Association Title VI Program, obligations, procedures and/or to file a complaint, please:

- Call (610) 678-1545 and ask for the Executive Director
- Mail complaint form:  
Attn: Executive Director  
2506 Belmont Ave West Lawn, PA 19609 OR
- Visit our administrative office at 2506 Belmont Ave West Lawn, PA 19609
- Complaint procedures and forms are also available on Western Berks Ambulance Associations website at: [www.wbems.org](http://www.wbems.org)

A complaint may also be filed directly with Federal Transit Administration or U.S. Department of Transportation. The addresses are:

Federal Transit Administration Office of Civil Rights  
Attn: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor-TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590

U.S. Department of Transportation  
Federal Transit Administration's Office of Civil Rights  
1760 Market Street, Suite 500  
Philadelphia, PA 19103-4124

If information is needed in another language, please call (610)-678-1545  
Si se necesita informacion en otro idioma, por favor llame al (610)-678-1545

