

Carey Services, Inc. Title VI Plan

Adopted on: September 28, 2017

Adopted by: Carey Services Board of Directors

Revised on: N/A

This policy is hereby adopted and signed by:

Carey Services

Chairperson

Name/Title: Steve Smithley

Chairperson Signature: _____

Policy Statement

Carey Services, as a recipient of Federal Transit Administration (FTA) grant dollars either directly from FTA or through the Indiana Department of Transportation (INDOT), will comply with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the U.S. Department of Transportation implementing regulations.

Title VI Plan Elements

Carey Services' Title VI plan includes the following elements:

1. *Evidence of Policy Approval*
2. *Notice to the Public*
3. *Complaint Procedure*
4. *Complaint Form*
5. *List of transit related Title VI Investigations, Complaints and Lawsuits*
6. *Public Participation Plan*
7. *Language Assistance Plan*
8. *Minority Representation Table and Description*

Note: *Additional materials will be attached, if required.*

(Appendix 2) - TITLE VI Notice to the Public

Carey Services' Notice to the Public is as follows:

Carey Services
Consumer Rights Under Title VI

- ✓ Carey Services operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with Carey Services.
- ✓ For more information on Carey Services' civil rights program, and the procedures to file a complaint, contact (765) 668-8961; email bosmith@careyservices.com, or visit our administrative office at 2724 S. Carey St., Marion, IN 46953. For more information, visit www.careyservices.com.
- ✓ A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE Washington, DC 20590.
- ✓ Si necesita información en español, comuníquese al (765) 668-8961.

The **Section 5310 grantee's** Notice to the Public is available in all agency vehicles, on the agency web site and at the agency's main office.

(Appendix 3) – Title VI Complaint Procedure

Carey Services' Title VI Complaint Procedure is available on the agency web site and at the agency's main office. The document is available in English and Spanish.

CONSUMER RIGHTS AND CONSUMER APPEAL PROCESS

It is the policy of Carey Services, Inc. to assure that consumer rights are upheld in all agency policies, procedures and programming decisions. Consumer rights are guaranteed by the agency's compliance with state and federal laws and regulations. A copy of the consumer rights information is provided to each consumer and/or his family upon entering the program and at least annually thereafter. The agency requires that the consumer/guardian sign the list of consumer rights to indicate that the document has been read and that it is understood. The designated staff will assist the consumer or family in pursuing the consumer grievance appeal procedure. Any action which affects a consumer and/or guardian may be subject to the consumer grievance appeal procedure. The consumer or legal guardian may have representation or assistance by an attorney or advocate in pursuing the appeals process. An appeals process is established to guarantee due process for complaints regarding violation of consumer rights and redress for agency decisions.

- A. Each consumer and/or legal guardian is notified of their rights prior to beginning agency programs.

SUMMARY OF RIGHTS

1. Consumers are entitled to opportunities for personal growth and development.
2. Consumers are entitled to protection from physical, verbal, and emotional abuse, mistreatment, neglect, financial or other exploitation, retaliation, and humiliation. and exploitation. (See policy and procedures 5.13 and 5.13.1)
3. Consumers have a right to not be put in seclusion or be placed alone in a room or other area from which exit is prevented.
4. Consumers have a right to the following and will not be denied, unless otherwise stated by physician's orders: sleep, shelter, food, drink, physical movement for prolonged periods of time, medical care or treatment, use of bathroom facilities.
5. Consumers have the right to communicate, associate, and meet privately with persons of their own choosing, unless safety is at risk or there is a legal ruling that prohibits such meetings.
6. Consumers shall have the opportunity for personal privacy.
7. No Consumer is compelled to perform services for a provider.
8. Consumers have access to the use of a telephone in a private area for incoming and outgoing local and long distance calls at the consumer's expense.
9. Consumers have the right to send and receive mail unopened.
10. The parent of a minor, or guardian, or other court appointed representative may exercise the consumer's rights on their behalf.
11. Consumers may contact and consult with legal counsel and private practitioners of their choice, at their expense.
12. Consumers shall have opportunities to participate in social, religious, cultural and community activities.
13. Consumers have the right to retain and use appropriate personal possessions and clothing.
14. No consumer may engage in or be required to participate in any sectarian or political

activities while at Carey Services.

15. Information obtained from the consumer during the program will remain confidential unless specifically authorized written consent is received or as is required by HIPAA privacy rules.
 16. Consumers are entitled to commensurate wages for all production work performed that is not exclusively meant for training purposes.
 17. At no time will consumers be required to perform work that endangers their health or safety.
 18. Discrimination against consumers in terms of rights or participation on the basis of race, creed, national origin, age, sex, disability, political affiliation, or belief is strictly forbidden.
 19. Consumers may examine and obtain copies of their records in accordance with state and federal laws (HIPAA).
 20. The consumer appeal procedure is available to all consumers.
 21. Consumers have the right to understand the risks and benefits of any service, and have the right to refuse that service.
 22. Consumers have the right to know of any charges or increase in the cost of services to the consumer. The agency will notify the client, in writing by mail, 30 days prior to the increase of fees.
 23. Consumers have the right to have their personal funds and property free from misuse and/or misappropriation.
 24. Consumers are free from unnecessary medications and physical restraints
 25. Consumers have the right to reduce dependence on medications and physical restraints (See Restrictive Intervention Procedure 4.4.2)
 26. [Personal Services Agency] Consumers have the right to know that it is not within the scope of Carey Services to manage medical and health conditions of the consumer if the consumer's condition becomes unstable or unpredictable.
 27. [Personal Services Agency] Consumers have the right to file grievances regarding services furnished or regarding the lack of respect of property by Carey Services and is not subject to discrimination or reprisal for filing grievance.
 28. Consumers have the right to temporarily suspend, permanently terminate, temporarily add, or permanently add services in their service plan.
 29. Consumers have the right to have their property treated with respect.
 30. Consumers have the right to choose who will stay with them at their home, whether temporary or permanent.
 31. Consumers have the right to receive Carey Services' written statement of client rights not more than seven (7) days after providing services.
- B. Whenever a consumer or legal guardian disagrees with a decision, action or statement of any staff of Carey Services, the consumer or legal guardian should first discuss their disagreement with the staff person initiating the decision, action or statement, and attempt to resolve the issue. Timely processing and decision making will occur within two (2) weeks of receiving the complaint. Consumer or legal guardian will be informed of the complaint procedure in writing and in the individual's usual mode of communication. If the issue cannot be resolved between the consumer, legal guardian and staff, further appeal should be followed as described below.
1. Present a verbal or written description of the complaint within 3 days to the supervisor of the staff member involved in the grievance issue. Within 3 days the complaint will get a response from that person. If that decision is not satisfactory, the next step of the appeals process should be followed.
 2. Present a verbal or written description of the complaint within 3 days to the department head supervising the staff member involved in the grievance issue. Within five working days, the department head will respond to the party filing the complaint with a decision

- regarding the grievance. If the party does not agree with the decision, the next step of the appeals process should be followed.
3. Present a written description of the complaint to the agency President within three days. Within five working days, the President will respond to the party filing the written complaint with a decision regarding the grievance. If the party does not agree with the decision, the next step of the appeals process should be followed.
 4. Within three working days, present a written description of the complaint to the Chairperson of the Board of Directors of the agency. Within fifteen days, the Chairperson of the Board of Directors will respond to the party filing the written complaint with a decision regarding the grievance.
 5. If the party does not agree with the decision, the party has the option of pursuing the appeal process through the Bureau of Developmental Disabilities Services (BDDS) or the Indiana Division of Aging.
- C. If the complaint or appeal is to a disciplinary action, the disciplinary action is carried out and the appeal is to seek some form of restitution or other action. If the complaint concerns a new service or treatment proposed for the consumer, the consumer will remain in the pre-existing classes, services or treatments as to when the complaint was registered. Note that decisions regarding placement also are covered in other policies of the agency.
- D. The consumer or legal guardian may have representation or assistance by an attorney or advocate in pursuing all steps of the appeals process. The designated staff assigned to the consumer may be called upon to assist the consumer in pursuing the appeals process.
- E. All consumers who are able will provide a signature indicating their rights were explained to them. Staff will document in the consumers file the date their rights were explained if the consumer is unable to provide a signature.
- F. To file a complaint with the Indiana State Department of Health call 1-800-246-8909. Their business hours are Monday through Friday 8:15am – 4:45pm.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

Si necesita información en español, comuníquese al (765) 668-8961.

(Appendix 4) – Title VI Complaint Form

Carey Services' Title VI Complaint Form is available on the agency web site and at the agency's main office. The form is available in English and Spanish.

See attached complaint form.

(Appendix 5) – List of Transit Related Title VI Investigations, Complaints and Lawsuits

Check One:

There have been no investigations, complaint and/or lawsuits filed against Carey Services during the report period.

There have been investigations, complaints and/or lawsuits filed against us. *See list below. Attach additional information as needed.*

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations				
1.				
2.				
Lawsuits				
1.				
2.				
Complaints				
1.				
2.				

(Appendix 6) – Public Participation Plan

Strategies and Desired Outcomes

To promote inclusive consumer participation, Carey Services will use its resources to employ the following strategies, as appropriate:

- ✓ Provide for early, frequent and continuous engagement with our consumer population.
- ✓ Select accessible and varied meeting locations and times
- ✓ Employ different meeting sizes and formats
- ✓ Use social media in addition to other resources as a way to gain consumer input and involvement

Documented Consumer Outreach

Carey Services’ direct consumer outreach and involvement activities conducted by the **Section 5310 grantee** are summarized in the table below. Efforts include *meetings, surveys, focus groups, etc.*

Information pertinent to each event and/or activity will be provided to INDOT upon request. Examples include copies of: meeting announcements, agendas, posters, attendee list, etc.

Event Date	Carey Services Staff	Event	Date Publicized and Communication Method (Public Notice, Posters, Social Media)	Outreach Method (Meeting, Focus Group, Survey, etc).	Notes
Monthly	Self-Advocate group staff liaison; multiple direct care staff members	Alliance Seekers of Blackford and Grant Counties Monthly Meetings	Internal communications; website calendar; social media	Monthly meeting	A monthly meeting of agency consumers to discuss advocacy and community issues. Transportation is a monthly topic.
Monthly	Agency directors and senior managers	Alliance Seekers of Blackford and Grant Counties Monthly Officer Meetings		Monthly meeting	A monthly meeting between Alliance Seekers officers and agency upper managers to talk about agency and community issues. Transportation is a monthly topic.
Annually	Case managers	Consumer Satisfaction Survey	Conducted with consumers at annual planning meeting	Survey	All agency clients are invited to participate in an annual consumer satisfaction survey. Transportation is one

					area specifically mentioned on the survey tool.
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(Appendix 7) Language Assistance Plan

Plan Components

As a recipient of federal US DOT funding, Carey Services is required to take reasonable steps to ensure meaningful access to our programs and activities by limited-English proficient (LEP) persons.

Carey Services' Language Assistance Plan includes the following elements:

1. The results of the *Four Factor Analysis*, including a description of the LEP population(s), served.
2. A description of how language assistance services are provided by language
3. A description of how LEP persons are informed of the availability of language assistance service
4. A description of how the language assistance plan is monitored and updated
5. A description of how employees are trained to provide language assistance to LEP persons
6. Additional information deemed necessary

Carey Services – Summary of the Language Assistance Plan Components

Item #1 – Results of the Four Factor Analysis <i>(including a description of the LEP population(s) served)</i>
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Factor 1 – Demography

Carey Services provides transportation services in four counties: Blackford, Cass, Grant and Wabash. The US Census Bureau – American Fact Finder (2008-2012) reports that in those four counties, English is the predominant language. Only one county, Cass, has a population that meets the Limited English Proficiency requirements for a Safe Harbor Threshold of 5% or 1,000 individuals.

According to the American Fact Finder, Cass County has a population of 36,200, of which 2,600 qualify as speaking English less than very well. Of those 2,600, 2,400 (or 6.6 percent of the total population) speak Spanish.

Carey Services has available in Spanish to all consumers in all counties (regardless of whether those counties meet the Safe Harbor Threshold), the complaint procedure guidelines and complaint form.

As demographics change in the counties we serve and additional language groups meet the Safe Harbor Threshold, Carey Services will provide those two documents in the appropriate language.

Carey Services also provides limited oral translation services in Spanish as available based on staff training. We have had some bi-lingual staff members, but our staff turnover also factors into the availability of those services.

Factor 2 – Frequency

Carey Services will train staff members on what to do when they encounter a person that speaks English less than well. Carey Services will track the number of encounters and consider making adjustments as needed to its outreach efforts to ensure meaningful consumer access, and specifically to LEP and minority segments of that consumer population that utilize Carey Services' programs and services.

Formal data has not been collected, but Carey Services transportation staff members indicated they had identified none of our consumers who required LEP services in the past 12 months, and no consumers requested LEP services.

Factor 3 – Importance

Carey Services understands an LEP person with language-barrier challenges also faces difficulties obtaining health care, education or access to employment. Reliable transportation is a key link to connecting LEP persons to these essential services.

Carey Services' internal assessment to determine the programs, activities and services most critical included contact with community organization(s) that serve LEP persons, as well as

conversations our consumer population to obtain information on the importance of the modes or the types of services that are provided to the LEP populations.

Factor 4 – Resources and Costs

Carey Services does not have a dedicated budget for LEP outreach to our consumers, but the agency has mechanisms in place to seek feedback from our staff and consumer populations to reach and assist LEP persons the agency serves. For example, Carey Services has had Spanish-speaking staff members on a routine basis, although staff turnover does impact the number of bi-lingual staff at any given time. In addition, Carey Services works with local social services agencies and advocacy groups to better serve the community as a whole.

Item # 2 – Description of how Language Assistance Services are Provided, by Language

Carey Services has had Spanish-speaking staff members on a routine basis, although staff turnover does impact the number, and/or availability, of bi-lingual staff at any given time.

In addition, as part of the agency's normal consumer intake process, Carey Services evaluates a potential consumer's communication skills/deficits/needs; the identification of Limited English Proficiency would be part of that process. Based on that intake evaluation, agency staff members make arrangements to ensure adequate communication can be between the consumer and the staff members who serve that individual.

As that consumer progresses in agency programming, the consumer has quarterly meetings to determine goals and also to determine how the agency can better meet the consumer's needs. Language barriers/issues would be something addressed at those meetings.

Item # 3 - Description of how LEP Persons are Informed of the Availability of Language Assistance Service

As part of the agency's normal consumer intake process, Carey Services evaluates a potential consumer's communication skills/deficits/needs; the identification of Limited English Proficiency would be part of that process. As part of the consumer's overall Individual Service Plan, mechanisms are put in place as part of the overall service plan to meet those needs. Each ISP is based on that individual consumer, so the supports put in place are unique to that individual, but can include adaptive technology, picture books, documents in a second language, staff translation assistance, etc.

Item # 4 – Description of how the Language Assistance Plan is Monitored and Updated

Carey Services will review its Language Assistance Plan on an annual basis, or more frequently as specific needs dictate. In particular, Carey Services will evaluate the internal information collected to determine whether adjustments should be made to service delivery or outreach to ensure meaningful access to minority and LEP persons.

Item # 5 - Description of how Employees are Trained to Provide Language Assistance to LEP Persons

Carey Services' employees are educated on consumer rights and civil rights as part the agency's week-long Foundations training. All employees must complete a module on compliance; new employees might attend other training modules that touch on compliance issues, based on the position for which they were hired. New employees also are encouraged to seek out veteran staff members for guidance on day-to-day work situations where they might have questions.

If a driver, dispatcher or employee needs additional assistance specifically related to LEP program participants, the employee can speak with Carey Services' Title VI Coordinator in the agency's human resource department to develop strategies to meet a consumer's specific needs.

(Appendix 8) – Minority Representation Information

A. Minority Representation Table

The table below depicts the minority breakdown of Carey Services board, agency staff, agency consumers and the general population of the four counties in which we provide transportation services.

Body	Caucasian	Hispanic*	African American	Asian American	Native American	Not Defined
Agency Board	92.9%	0	7.1%	0	0	0
Agency Staff	62.5%	1.2%	4.7%	0.6%	N/A	28.9%
Consumers	94.6%	0	4.4%	0.5%	0.5%	N/A
Blackford County	96.9%	1.6%	0.6%	0.6%	0.2%	N/A
Cass County	93.4%	15.0%	2.0%	1.8%	1.1%	N/A
Grant County	88.8%	4.2%	7.3%	0.9%	0.4%	N/A
Wabash County	96.8%	2.6%	0.8%	0.5%	0.8%	N/A

* Hispanic can be of any race, so numbers might not equal 100%

County statistics are from StatsIndiana (www.stats.indiana.edu).

B. Efforts to Encourage Minority Participation

Carey Services understands diverse representation on committees, councils and boards results in sound policy reflective of its entire population. As such, Carey Services engages in the following activities to encourage minority participation:

- Meets regular with area social service agencies serving minority groups to develop partnerships
- Participates in area minority-focused events and cooperates with minority-focused organizations
- Participates in community events to seek volunteers for agency activities
- Actively works on recruiting minority members for the agency governing board and other agency committees.