

Title VI Plan for UTA FHWA Subrecipient

The Work Activity Center

Prepared by: Karina McLellan, Development Director

Approved 3/14/24 by:

A handwritten signature in blue ink, appearing to read "K. Floyd", is positioned above a solid black horizontal line.

Kristen Floyd, Executive Director

I. Nondiscrimination Policy Statement

It is the policy of The Work Activity Center that no person shall on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of The Work Activity Center as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of The Work Activity Center including its contractors and anyone who acts on behalf of The Work Activity Center This policy also applies to the operations of any department or agency to which The Work Activity Center extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.


Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quality, quantity, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; and Discrimination in any activities related to highway and infrastructure or facility built or repaired.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 U.S.C § 2000d and related statutes, and the requirements of 23 Code of Federal Regulation (CFR) pt. 200 and 49 CFR pt. 21.



Kristen Floyd, Executive Director



Date

II. Standard DOT Title VI Assurances

Ensure that Title VI compliance is integrated into the organization's internal procedures and is reviewed and updated as necessary to maintain Title VI compliance (see Attachment 2).

III. Title VI Coordinator

Miranda Wells is responsible for assuring compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes, and has directed that nondiscrimination is required of all agency employees, contractors, and agents pursuant to 23 CFR Part 200 and 49 CFR Part 21.

The Work Activity Center has created the position of Civil Rights Officer to perform the duties of the Title VI Coordinator and to ensure implementation of The Work Activity Center Title VI program. The position of the Civil Rights Officer is located within the Work Activity Center Human Resources Department.

The Title VI Coordinator is responsible for:

- Submitting an FHWA Title VI Plan and Language Assistance Plan to UTA;
- Responding to and coordinating with any UTA Title VI Compliance Reviews;
- Developing Title VI complaint procedures and forwarding any Title VI complaints to UTA within three (3) business days;
- Reviewing, monitoring, and enforcing Title VI responsibilities within the agency;
- Collecting and analyzing data related to Title VI;
- Ensuring that staff is adequately trained on Title VI policies;
- Disseminating Title VI information to the public, including providing notice and opportunities for public participation;
- Reviewing local directives for Title VI implications;
- Incorporating Environmental Justice principles into programs and activities; and
- Ensuring that the Title VI Plan remains up to date.

IV. Primary Program Area Descriptions

Program Area	General Description	Title VI/Nondiscrimination Concerns and Responsibilities
<i>Right of Way</i>	<p>The Senior Leadership Team ensures that all right of way functions and the results of right of way activities are executed according to Title VI. The activities include property appraisals, negotiations with property owners, acquisition of properties and relocation of people and departments. The organization implements any changes necessary to ensure Title VI compliance. The organization Title VI responsibilities include assisting the Title VI Coordinator with the following tasks:</p>	<p>Ensure nondiscrimination regarding procurement for right of way consultant professionals</p> <ul style="list-style-type: none"> • Ensure that necessary steps are taken to overcome language barriers during the right of way process when working with LEP individuals • Ensure that Title VI compliance is integrated into internal right of way procedures and are reviewed and updated as necessary to maintain compliance during the right of way process
<i>Planning</i>	<p>The Senior Leadership Team ensures that the planning processes are implemented in compliance with Title VI. The organization's Title VI responsibilities include assisting the Title VI Coordinator with the following tasks:</p>	<ul style="list-style-type: none"> • Coordinate efforts on nondiscrimination in the public involvement process, including the analysis and removal of potential barriers for participation • Provide training regarding solicitations and consideration of the views of affected populations regarding under represented individuals in the transportation program other public outreach efforts
<i>Communications</i>	<p>The Development Director provides communication outreach for the organization's programs and activities. This includes public information, multimedia, customer service, photography and supports all public hearings and meetings.</p> <p>The Senior Leadership Team ensures that every effort is made to prevent discrimination through the impact of all programs, policies and activities on minority populations. The Senior Leadership's responsibilities include</p>	<ul style="list-style-type: none"> • Develop data-driven public involvement strategies for engaging minority and LEP individuals in transportation decision-making • Evaluate the organization's public involvement process and develop strategies to assess the effectiveness of outreach to minorities and LEP individuals, including analysis for and elimination of potential barriers to participation

	<p>assisting the Title VI Coordinator with the following tasks:</p>	<ul style="list-style-type: none"> • Ensure that all notices, policies and complaint procedures required by Title VI are appropriately displayed on the organizations website • Ensure that Title VI compliance is integrated into internal procedures and are reviewed and updated as necessary to maintain Title VI compliance
--	---	--

V. Program Review, Compliance, and Enforcement Procedures

The Work Activity Center agrees to participate in on-site UTA Compliance/Monitoring reviews and training and will cooperate with Compliance Staff throughout the review process.

The Work Activity Center will provide the following:

1. Clearly displayed Title VI posters with the required information (in vehicles and in public spaces)
 - a. Description of Title VI
 - b. Explanation of how to obtain Title VI information
 - c. Explanation of how to file a complaint
 - d. Available complaint forms
2. Current file containing complaints
3. UTA conducts periodic on-site monitor assessments to determine the subrecipient's compliance with the FTA Title VI regulations. These reviews include service measurements, location of transit service and facilities, participation opportunities in the transit planning and decision-making processes, and communication needs of persons with limited English proficiency (LEP).

The Work Activity Center agrees to participate in training that includes Title VI and its requirements. The UTA Compliance Officer presents the following:

1. Introduces Title VI and its requirements for compliance
 - a. Provides information regarding outreach opportunities to minority populations and demographic information
2. Provides sample Title VI posters (including required signatures and contact information)
 - a. Discusses required poster locations
3. Discusses LEP and provides the sample UTA LEP tools
4. Discusses Title VI complaint forms
5. Provides sample Title VI complaint forms
6. Discusses the required maintenance of a Title VI file readily available for review
7. Discusses the reporting requirements and the annual Certification and Assurances
 - a. Discusses the required Title VI verification, including a description of lawsuits and complaints for the past year.

In addition to new subrecipients, training by the UTA Compliance Officer and UTA Civil Rights staff is also conducted as requested and as changes in the law occur, as needed. Both the Compliance Officer and the Civil Rights staff are also available any time as a technical resource for questions or concerns regarding Title VI and its requirements.

The Civil Rights Officer works with the Senior Leadership team to develop and implement an effective Title VI Program Compliance Plan that includes all necessary reviews, data gathering, monitoring, etc. The Civil Rights Officer conducts compliance reviews to:

- Ensure compliance with Title VI
- Provide technical assistance in the implementation of the Title VI Program
- Correct deficiencies

Effective Title VI compliance requires that the organization take prompt action to achieve voluntary compliance when deficiencies are identified by FHWA. The organization must correct any deficiencies within a reasonable time period according to the required guidelines.

After the receipt of a deficiency, the Civil Rights Officer develops a corrective action plan to include:

- Deficiency
- Applicable laws, rules and regulations
- Actions to be taken by the Civil Rights Officer to correct the deficiency
- Timeframe to correct the deficiency
- Plan for monitoring the progress of the corrective action plan
- Timeframe for providing updates to FHWA.

VI. Staff Training

To further enhance the identification and elimination of discriminatory patterns, the Human Resources department ensures that employees, subrecipients and beneficiaries are educated and informed regarding Title VI roles and responsibilities. Training is intended to reduce the occurrence of discrimination and is key to addressing discriminatory trends or patterns. The training includes a component that details the history and reason for the law so that individuals antagonistic to the law and its purpose will find it more acceptable. Human Resources also provides training to employees that are suspected of discriminatory behavior to ensure that the trend or pattern does not continue and will utilize UTA staff to assist with training as needed.

VII. Complaint Procedures

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by The Work Activity Center may file a Title VI complaint by completing and submitting the Agency's Title VI Complaint Form. The Work Activity Center investigates complaints received no more than 180 calendar days after the alleged incident. The Work Activity Center will process complaints that have completed all elements of the complaint form.

Once the complaint is received, the Work Activity Center will review information on the form to determine if the Work Activity Center has jurisdiction. The complainant will receive an acknowledgment letter informing her/him whether the complaint will be investigated by the Work Activity Center.

Once the investigation commences, the Work Activity Center has 10 business days to investigate the complaint. If more information is needed to resolve the case, the Work Activity Center may contact the complainant. The complainant has 10 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 10 business days, the investigator can administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue the case.

The Work Activity Center has developed procedures for investigating and tracking Title VI complaints filed against them and has made those procedures for filing a complaint available to the public. The Work Activity Center's complaint procedure is outlined below:

FHWA Title VI Complaint Procedure for The Work Activity Center

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities that receive Federal financial assistance (See 23 CFR Part 200 and 49 CFR Part 21).

Who is eligible to file an FHWA Title VI complaint?

The Federal Highway Administration (FHWA) requires that The Work Activity Center report Title VI discrimination complaints. Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any The Work Activity Center program or activity related to road and highway transportation programs because of their race, color, or national origin may file an FHWA Title VI complaint.

Discrimination includes lack of access, harassment, retaliation and disparate impacts from a program or activity. Harassment includes a wide range of abusive and humiliating verbal or physical behaviors. Retaliation includes intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they filed a complaint or otherwise participated in a discrimination investigation.

How do you file a complaint?

Title VI complaints must be filed within 180 days from the last date of the alleged discrimination, unless the time for filing is extended by the processing agency. Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a written complaint. For assistance in filing a complaint, please contact Miranda Wells, Human Resources Director.

Complaints should be filed in writing and signed, and may be submitted via mail, email, fax or in person to:

The Work Activity Center
Attn: Human Resources
1275 W 2320 S
West Valley City, UT 84119

Complaints may also be filed directly with the following agencies:

Federal Highway Administration Office of Civil Rights
HCR-20, Room E81-320
1200 New Jersey Avenue, SE
Washington, DC 20590

OR

Federal Highway Administration - Utah Division Office
2520 W 4700 S, Suite 9A
Salt Lake City, UT 84129

Additionally, complaints filed against UTA or subrecipients may be filed with the US Department of Justice at:

Federal Coordination and Compliance Section – NWB
Civil Rights Division
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Complaint and investigation files are confidential and are maintained by the organization. The organization discloses the contents of the files only to appropriate state and federal authorities according to federal and state laws. The organization retains the files according to records retention schedules and all federal requirements.

What happens after a complaint is filed?

The Work Activity Center must forward any Title VI complaint related to a Federal-aid highway program to the Utah Department of Transportation (UTA) within three (3) business days. UTA will then forward the Title VI complaint to the appropriate FHWA Division Office for further processing.

Once an FHWA Title VI complaint is received, The Work Activity Center will log the complaint information in its records. After forwarding the complaint to UTA, The Work Activity Center will provide the complainant with the name and contact information of the UTA employee responsible for coordinating the complaint.

FHWA Headquarters Office of Civil Rights (HCR) will determine whether a Title VI complaint is accepted or dismissed, as well as whether FHWA or UTA will investigate the complaint. FHWA HCR will notify the complainant, as well as appropriate agencies, on its decision. For more information, please visit the FHWA website at:

https://www.fhwa.dot.gov/civilrights/programs/title_vi/titleviqa.cfm.

Complainants are encouraged, but not required, to use the following complaint form when filing a complaint with The Work Activity Center or UTA. At a minimum, each complaint should contain a written explanation of the alleged discrimination, complainant's contact information, the basis of the complaint (e.g., race, color, national origin), the names of specific individuals or agencies involved, sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance, and date(s) of the alleged discrimination.

FHWA Title VI Complaint Form

Contact information of person completing this complaint:

Name _____
 Address _____ City _____ Zip _____
 Phone: _____
 Email: _____

Basis of Complaint (circle all that apply):

Race	Color	National Origin
------	-------	-----------------

Who discriminated against you?

Name _____
 Name of Organization _____
 Address _____ City _____ Zip _____
 Phone _____

How were you discriminated against? (Please provide specific details - attach additional pages if more space is needed)

Where did the discrimination occur?

Dates and times discrimination occurred?

Were there any other witnesses to the discrimination?

Name	Organization/Title	Work Telephone	Home Telephone

How would you like to see this situation resolved?

Have you filed your complaint, grievance, or lawsuit with any other agency or court?

Who _____ When _____
Status (pending, resolved, etc.) _____ Result, if known _____
Complaint number, if known _____

Do you have an attorney in this matter?

Name _____ Phone _____
Address _____ City _____ Zip _____

Signed: _____ Date: _____

VIII. Dissemination of Title VI Information

The Work Activity Center will provide information to the public regarding the Work Activity Center's obligations under FTA's Title VI regulations and apprise members of the public of the protection against discrimination afforded to them by Title VI. At a minimum, the Work Activity Center shall disseminate this information to the public by posting the notice on its website and in print material given to those who access the Work Activity Center services. The Work Activity Center will document where and when this information is posted.

To request additional information on the Work Activity Center's Title VI policy, or to file a discrimination complaint, please contact the Work Activity Center at 801-977-9779. (See ATTACHMENT 3: Notice to the Public).

a. Title VI Notice

Your Rights against Discrimination under Title VI of the Civil Rights Act of 1964

The Work Activity Center operates its programs and services without regard to race, color, or national origin. Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any The Work Activity Center program or activity related to road and highway transportation programs because of their race, color, or national origin may file a Title VI discrimination complaint.

To file an FHWA Title VI discrimination complaint, contact:

Work Activity Center
Attn: Human Resources
1275 W 2320 S
West Valley City, UT 84119
Email: hr@workactivitycenter.org
Phone: 801-977-9779 or Fax 801-977-9791

Title VI complaints related to Federal-aid highway programs may also be filed directly with the following agencies:

Federal Highway Administration - Utah Division Office
2520 W 4700 S, Suite 9A
Salt Lake City, UT 84129
Phone: (801) 955-3500
Fax: (801) 955-3539

UTA Civil Rights Department
Utah Department of Transportation
669 S 200 S
Salt Lake City, UT 84101
Email: civilrights2@rideuta.com

OR

Federal Highway Administration
U.S. Department of Transportation Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590
Phone: (202) 366-0693
Fax: (202) 366-1599

b. Public Participation Plan

The Work Activity Center will work with UTA staff to identify targeted minorities within the service area. UTA staff will supply demographic information to the lowest census level possible within the region to identify specifically what minority populations exist within the Work Activity Center service area. The Work Activity Center will identify the appropriate locations to disseminate information to the identified populations (e.g., church, neighborhood gathering space) to seek comment, interest in new service or service revisions and/or extensions. The Work Activity Center will document and maintain on file all activities related to Title VI outreach. The Work Activity Center staff will continue to participate in the local transportation coordinating council overseen by the Utah Transit Authority. Additionally, The Work Activity Center's Executive Director will continue to offer public testimony regarding the need for increased accessible transportation options for people with disabilities. This plan and documentation will be made available at UTA's request.

The Work Activity Center will coordinate with the regional mobility manager to ensure that the Work Activity Center is included in regional planning efforts and that regional planning efforts include outreach to targeted populations within the Work Activity Center service area.

The Work Activity Center will provide a summary to UTA of all outreach efforts upon request or prior to future plan submittals and review.

The Work Activity Center recognizes that future funding for new or revised service requires documentation of the above efforts.

IX. Review of Local Directives

The Work Activity Center will review local city and county directives for Title VI implications. If directives are identified as implicating Title VI, The Work Activity Center will provide an interpretation of how those directives impact program areas. The Work Activity Center will include such information in its Title VI Plan.

X. Language Assistance Plan

The Work Activity Center is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. By completing the Four Factor Analysis below, the Work Activity Center assures that no person shall on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any FTA service, program, or activity.

In Salt Lake County, 4.62% of the total population experiences limited English proficiency. The two largest minority groups are Hispanic or Latino (of any race) (19.9%) and Asian (5.4%). These groups are also represented by individuals who attend the Work Activity Center where virtually all individuals served by the Work Activity Center experience LEP due to the nature of their disabilities. While the LEP is typically due to the nature of the intellectual disabilities, several individual also experience deafness and a few utilize Spanish as their primary language.

- a. To accommodate the unique language needs of the population served by the Work Activity Center, the Work Activity Center employs staff who speak Spanish and staff who utilize Sign Language.
- b. The primary languages spoken by those who access Center services are limited to English, American Sign Language, and Spanish. Most individuals use a variety of methods to communicate their needs.
- c. At this time, the Work Activity Center is not aware of any population that has been unable to access our services due to a language barrier. However, "I speak" cards are available at the reception area due to over 20% of the Salt Lake County homes utilizing a language other than English as the primary language. A list of agencies and individuals who speak other languages is also kept at the reception area to facilitate communication.

Since most of the services given by the Work Activity Center result from referrals from other sources (with the Division of Services for People with Disabilities being the primary source), the bulk of individuals with LEP come from those referrals. Those with LEP that come into contact with the Work Activity Center from the following methods are extremely limited to non-existent to date. However, in the event that someone with LEP comes into contact, through one of the following methods, "I speak" cards will be available and translator services will be obtained.

- a. Buses
- b. Public meetings
- c. Customer service interactions
- d. Surveys

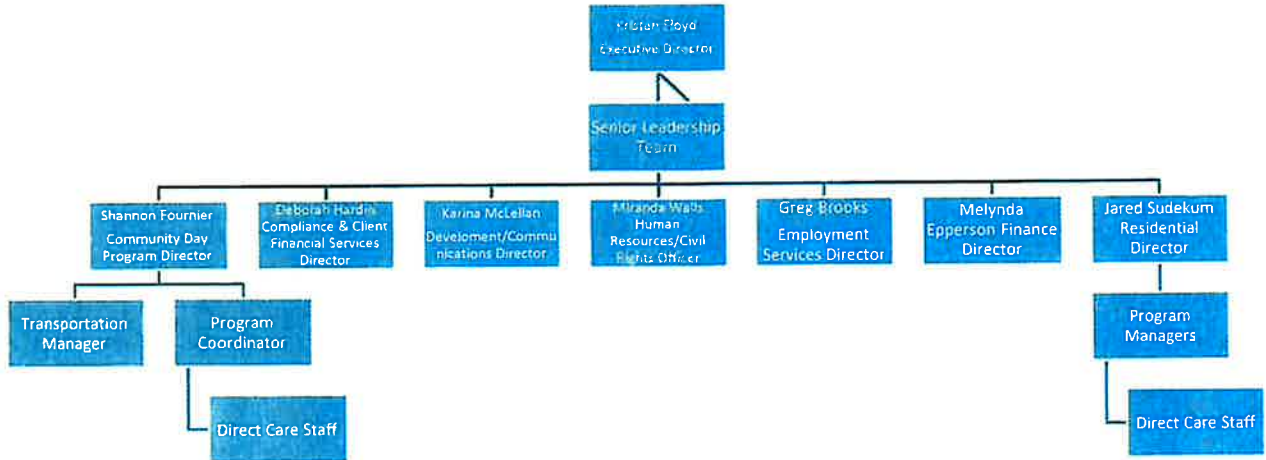
The Work Activity Center provides day and residential services to adults (both seniors and non-seniors) who experience significant intellectual disabilities. As such, none of the individuals we assist have the ability to drive and are totally reliant on others providing transportation. As such, we work with UTA to provide the necessary transportation services. Because all the individuals assisted by the Work Activity Center require language assistance of some nature, all staff members are trained in how to effectively communicate with the population we assist. Additionally, to assist individuals in understanding we utilize a variety of alternative communication methods such as sign language, pictorial representations, and other visual cues. Public informational posters are presented in both English and Spanish. Posters available in other languages will be provided or explained using translator services.

Currently, the Work Activity Center conducts outreach efforts with local referral agencies and at public events such as agency fairs. The cost of those efforts varies depending on the event but averages \$200 per event. The Work Activity Center attends a few of those events annually.

Following completion of the Four Factor Analysis, the Work Activity Center created an effective communication policy to address the needs.

ATTACHMENT 1: ORGANIZATIONAL CHART

WORK ACTIVITY CENTER CIVIL RIGHTS PROPOSED ORGANIZATIONAL CHART



ATTACHMENT 2: STANDARD USDOT TITLE VI ASSURANCES
The Work Activity Center Standard Title VI/Non Discrimination Assurances

DOT Order No. 1050.2A

The Work Activity Center (herein referred to as the "Subrecipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through Federal Highway Administration (FHWA), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Subrecipient hereby gives assurance that it will promptly take any measures necessary to ensure 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 otherwise subjected to discrimination under any program or activity, for which the Subrecipient receives Federal financial assistance from DOT, including the Federal Highway Administration (FHWA).

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Subrecipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Subrecipient agrees with and gives the following Assurances with respect to its Transportation Program:

1. The Subrecipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Subrecipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Transportation Program activities and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Work Activity Center, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Subrecipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Subrecipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Subrecipient.

5. That where the Subrecipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Subrecipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the Subrecipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Subrecipient with other parties:

- a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
- b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Subrecipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Subrecipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
- b. the period during which the Subrecipient retains ownership or possession of the property.

9. The Subrecipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other Subrecipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, The Work Activity Center also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Utah Transit Authority access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Utah Transit Authority. You must keep records, reports, and submit the material for review upon request to Utah Transit Authority, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Work Activity Center gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Transportation Program. This ASSURANCE is binding on Utah, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Transportation Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Subrecipient.

Work Activity Center



Kristen Floyd, Executive Director

Date 3-14-24

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, FHWA, as they may be amended from time to time, 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, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. canceling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the subrecipient or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance. Provided that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the subrecipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B
CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Work Activity Center will accept title to the lands and maintain the project constructed thereon in accordance with 23 U.S. Code § 107, the Regulations for the Administration of (Transportation Program, and the policies and procedures prescribed by the FHWA of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Work Activity Center all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto The Work Activity Center and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on The Work Activity Center, its successors and assigns.

The Work Activity Center, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that The Work Activity Center will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language (to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C
**CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY,
FACILITY, OR PROGRAM**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Utah Department of Transportation pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, The Work Activity Center will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, The Work Activity Center will have the right to enter or reenter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of The Work Activity Center and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by The Work Activity Center pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, The Work Activity Center will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, The Work Activity Center will there upon revert to and vest in and become the absolute property of The Work Activity Center and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. • § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC§ 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq)

ATTACHMENT 3: NOTICE TO THE PUBLIC

- The Work Activity Center 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 the Work Activity Center.
- For more information on the Work Activity Center's civil rights program and the procedures to file a complaint, contact the Work Activity Center, 1275 West 2320 South, West Valley City, UT 84119 or 801-977-9779 or at <https://workactivitycenter.org/>
- Complaints must be filed in person or in writing. Complaints should be directed to:
The Work Activity Center
Attn: Human Resources
1275 W 2320 S
West Valley City, Utah 84119
- A complainant may file a complaint directly with the Utah Department of Transportation:

UTA Civil Rights Department
Utah Department of Transportation
669 S 200 S
Salt Lake City, UT 84101
Email: civilrights2@rideuta.com
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint at:
Federal Highway Administration
U.S. Department of Transportation Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590
Email: Civilrights.fhwa@dot.gov
Phone: (202) 366-0693
Fax: (202) 366-1599
- For information in another language, contact the UTA reception desk at 801-965-4000 or go to UTA's Translators website at [www.UTA.utah.gov/go/title VI](http://www.UTA.utah.gov/go/titleVI)