

Alabama Port Authority

Nondiscrimination Program



Alabama Port Authority Nondiscrimination Program

The Alabama Port Authority (APA) is a recipient of federal assistance from multiple federal agencies. As such, APA is required to comply with federal nondiscrimination laws. As part of complying with federal nondiscrimination laws, APA has established this Nondiscrimination Program.

Title VI and Notice of Nondiscrimination

The Alabama Port Authority complies with Federal civil rights laws and is committed to providing its programs and services without discrimination.

Title VI of the Civil Rights Act of 1964 is the overarching civil rights law that prohibits discrimination based on race, color or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures 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 benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.”

Nondiscrimination prohibitions have been further broadened and supplemented by related statutes, regulations and executive orders:

- *Title VI of the Civil Rights Act of 1964*, which prohibits discrimination based on **race, color, or national origin** (including **language**).
- *Section 504 of the Rehabilitation Act of 1973*, which prohibits discrimination based on **disability**.
- *Title IX of the Education Amendments Act of 1972*, which prohibits discrimination based on **sex** in education programs or activities.
- *Age Discrimination Act of 1975*, which prohibits discrimination based on **age**.
- *U.S. Department of Homeland Security regulation 6 C.F.R. Part 19*, which prohibits discrimination based on **religion** in social service programs.

Any person who believes that he or she has been subjected to unlawful discrimination under Title VI may file a formal complaint with APA. Any such complaint must be in writing and filed with ASPA’s Vice President of Human Resources within one hundred eighty (180) days following the date of the alleged discrimination.

It is against the law for The Alabama Port Authority to retaliate against anyone who takes action to oppose discrimination, files a grievance, or participates in the investigation of a grievance in accordance with the above authorities.

A copy of the above listed notice has been placed on the Alabama Port Authority’s website. A copy has also been placed on the bulletin board outside of the Human Resources Division.

Title VI Complaint Process

A Title VI complaint may be filed by any individual who believes he or she has been subjected to discrimination based on race, color, national origin, disability, age, sex or religion.

A formal, signed, written Title VI complaint form must be filed within 180 days of the alleged act of discrimination. The complaint form can be found in Appendix A. The complaint should be submitted to:

Heather Neese
Vice President, Human Resources
P.O. Box 1588
Mobile, AL 36633
heather.neese@alports.com

A civil rights complaint can also be filed with the U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties (CRCL). The fastest method to submit your complaint is by email, CRCLCompliance@hq.dhs.gov. The complaint can be faxed to 202-401-4708 or by U.S. Mail to U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Compliance Branch, Mail Stop #0190, 2707 Martin Luther King, Jr, Ave., SE, Washington, D.C. 20528.

Once a formal Title VI complaint is received, the Vice President – Human Resources will review the complaint and may solicit additional information from the complainant as needed. If additional information is requested and not received, the case may be closed. The case may also be closed if the complainant no longer wishes to pursue their case.

The complaint will also be reviewed to determine if the complaint is within ASPA's jurisdiction. If the complaint is outside the jurisdiction of APA, the complainant will be notified of the name and contact information for the appropriate agency with jurisdiction, if known.

The Vice President – Human Resources will keep a log that contains the name and address of the complainant, nature of the complaint, date of submission and results of the investigation.

If the complaint is within ASPA's jurisdiction, or informal resolution was not possible, it will be promptly investigated by the Vice President – Human Resources. ASPA's goal is to address complaints within 60 days of receipt, though the time to carefully investigate complaints may be longer depending on the nature of the complaint and complexity of the issue.

APA will conduct a preliminary inquiry to determine the need for further investigation. APA will notify the complainant in writing that a preliminary inquiry is underway to determine the need for further investigation. If the preliminary inquiry by APA indicates that an investigation is warranted, the complainant will be notified in writing and an interview will be scheduled. If the preliminary inquiry indicates an investigation is not warranted, the complainant will be notified in writing of the reasons why and factors considered.

The investigation will be promptly processed by the Vice President of Human Resources. The preponderance of evidence standard will be applied to all complaint investigations. The results of the investigation will be provided to the APA Director and Deputy Director for review. The

complainant will be notified in writing of the results of the investigation and what actions will be/have been taken in response and a timeline to request review.

The Title VI Program will be translated into languages other than English, as needed and consistent with ASPA's language assistance plan.

A copy of the complaint form can be found on the APA website, www.alports.com and on the bulletin board outside of the Human Resources Office.

Limited English Proficiency [LEP] & Reasonable Accommodation

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English can be Limited English Proficient (LEP) and may be entitled to language assistance with respect to services provided by recipients of federal assistance.

As directed by Executive Order 13166-Improving Access to Services for Persons with Limited English Proficiency dated August 11, 2000, all federal agencies have each published guidance to financial assistance recipients regarding Title VI prohibition against national origin discrimination affecting LEP persons. According to such guidance, financial assistance recipients are required to take reasonable steps to reduce language barriers that can preclude meaningful access to APA programs and activities by LEP persons.

Recipients of federal assistance must also provide for meaningful access to programs and activities by disabled persons. Disabled persons have a physical impairment (hearing, mobility, vision) or mental impairment that substantially limits one or more major life activities including walking, talking, hearing, seeing, breathing, learning, performing manual tasks and caring for oneself.

APA will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting: Heather Neese, Vice President, Human Resources, heather.neese@alports.com

Mobile County Population Demographics: Limited English Proficiency; Disability

Data regarding the total Mobile County populations and distribution of LEP and disabled persons was drawn from the latest available American Community Survey (ACS):

Category	Total	Percent
Population in Mobile County ¹	413,073	
Total Mobile County Household	163,750	
Population with a Disability ²	58,901	14.4%

¹ Data on population and households are from the 2021 ACS 1-year estimate (Table DP05)

² Disability status from 2021 ACS 1-year estimate (Table S1810). Disability status is determined for the civilian non-institutionalized population based on six types of difficulty: hearing, vision, cognitive, ambulatory, self-care,

Category	Total	Percent
Limited English Proficiency Demographics		
Limited English-Speaking Population 5 years and older ³	17,720	
Languages:		
Spanish	7,993	2.1%
Other Indo-European Languages	2,510	0.6%
Asian and Pacific Island Languages	5,805	1.5%
Other Languages	1,412	0.4%

Limited English Proficiency Plan

The Alabama Port Authority has developed this *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with limited English proficiency [LEP] who wish to access services provided. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available. In order to prepare this plan, the Planning Department considered the following factors:

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter an APA program, activity or service.
2. The frequency with which LEP persons come in contact with APA programs, activities or services.
3. The nature and importance of programs, activities or services provided by APA to the LEP population.
4. The resources available to APA and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.

FOUR-FACTOR ANALYSIS

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter an APA program, activity or service.

APA has reviewed the U.S. Census 2021 American Community Survey and determined that 17,720 persons in Mobile County [4.6 % of the population] speak a language other than English. In Mobile County, of those persons with limited English proficiency, 7,993 speak Spanish, 5,805 speak Asian and Pacific Island language, 2,510 speak other Indo-European languages, and 1,412 speak other languages.

and independent living difficulty. Percentages are defined by Total civilian noninstitutionalized population of 409,181

³ Data on Limited English- speaking household is from the 2021 ACS 1-year estimate (Table S1601)

2. The frequency with which LEP persons come in contact with APA programs, activities or services.

The APA reviewed the frequency with which staff had, or could have, contact with LEP persons. To date, APA has had no requests for interpreters and no requests for translated program documents. Staff has had very little to no contact with LEP persons.

3. The nature and importance of programs, activities or services provided by APA to the LEP population.

There is no large geographic concentration of any single type of LEP individuals in the Mobile area. The overwhelming majority of the population, 95.4% in Mobile, speaks English. As a result, there are few social, service, professional and leadership organizations within the APA service area that focus on outreach to LEP individuals.

4. The resources available to APA and overall cost to provide LEP assistance.

APA reviewed its available resources that could be used for providing LEP assistance, which of its documents would be the most valuable to be translated if the need should arise, and taking an inventory of available organizations that could be partnered with for outreach and translation efforts.

LANGUAGE ASSISTANCE

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to APA programs and activities. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language. APA will determine when interpretation and/or translation are needed and are reasonable. How the APA staff may identify an LEP person who needs language assistance:

- Examine records to see if requests for language assistance have been received in the past, either at meetings or over the phone, to determine whether language assistance might be needed at future events.
- When APA sponsors an event, have a staff person greet participants as they arrive. By informally engaging participants in conversation, it is possible to gauge each attendee's ability to speak and understand English.
- Have Census Bureau *Language Identification Flashcards* available at APA Pre-Bid Meetings. Individuals self-identifying as persons not proficient in English may not be able to be accommodated with translation assistance at the event, but it will assist the sponsoring agency in identifying language assistance needs for future events.
- Have *Language Identification Flashcards* available at the front desk of the department.

- Post notice of LEP Plan and the availability of *Language Identification Flashcards*.
- APA Departments will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.

Language Assistance Measures

In Mobile there is a very low percentage of LEP individuals, that is, persons who speak English “not well” or “not at all”, APA will strive to offer the following measures:

1. ASPA’s Title VI Policy and APA staff will take reasonable steps to provide the opportunity for meaningful access to LEP persons who have difficulty communicating in English.
2. There are several resources available to APA to accommodate LEP persons.
 - i. The local Foreign Consulate offices can also be accessed for interpretive services.
 - ii. The Society Mobile-La Habana can be accessed for interpretive assistance.
 - iii. Foreign or International Student Program Administrators at University of South Alabama (USA), University of Mobile (UM), and Springhill College (SHC).
 - iv. A local translation company can be utilized when needed.
3. If an individual asks for language assistance and APA determines that the individual is an LEP person and that language assistance is necessary to provide meaningful access, reasonable efforts will be made to provide free language assistance. If reasonably possible, APA will provide the language assistance in the LEP client’s preferred language. APA has the discretion to determine whether language assistance is needed, and if so, the type of language assistance necessary to provide meaningful access.
4. APA will periodically assess client needs for language assistance based on requests for interpreters and/or translation, as well as the literacy skills of the clients.
5. When an interpreter is needed, in person or on the telephone, staff will attempt to determine what language is required and then access language assistance at one or more of the available resources identified under number 2 in the Language Assistance Measures section.

Staff Training

The following training will be provided to staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of the *Language Identification Flashcards*.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

Information will be distributed to APA staff and Posted on the APA website, www.alports.com

Translation of Documents

APA weighed the cost and benefits of translating documents for potential LEP groups, considering the expense of translating the documents, the barriers to meaningful translation or interpretation of bus information, the likelihood of frequent changes in documents, the existence of multiple dialects within a single language group, the apparent literacy rate in a LEP group and other relevant factors. At this time, it is an unnecessary burden to have any documents translated.

Formal Interpreters

When necessary to provide meaningful access for LEP persons, APA will provide qualified interpreters, including any bilingual staff of the Alabama Port Authority, if available. At important stages that require one-on-one contact, written translation and verbal interpretation services will be provided consistent with the four-factor analysis used earlier.

- APA may require a formal interpreter to certify to the following:
 - a. The interpreter understood the matter communicated and rendered a competent interpretation.
 - b. The interpreter will maintain private information. Non-public data will not be disclosed without written authorization from the individual.
 - c. Bilingual APA employees, when available, can provide limited assistance to APA staff and LEP individuals as part of their regular job duties.

Informal Interpreters

Informal interpreters may include the family members, friends, legal guardians, service representatives or advocates of the LEP individual. APA staff will determine whether it is appropriate to rely on informal interpreters, depending upon the circumstances and subject matter of the communication. However, in many circumstances, informal interpreters, especially children, are not competent to provide quality and accurate interpretations. There may be issues of confidentiality, competency, or conflict of interest.

An LEP person may use an informal interpreter of his or her own choosing and at their expense, either in place of or as a supplement to the free language assistance offered by the City. If possible, APA should accommodate an LEP individual's request to use an informal interpreter in place of a formal interpreter.

If an LEP person prefers an informal interpreter, after APA has offered free interpreter services, the informal interpreter may interpret. In these cases, the LEP individual and interpreter should sign a waiver of free interpreter services.

If an LEP individual wants to use his or her own informal interpreter, APA reserves the right to also have a formal interpreter present.

Outside Resources

Outside resources may include community volunteers

Outside resources may be used for interpreting services at public or informal meetings or events if a timely request has been made.

Monitoring

Monitoring and Updating the LEP Plan

APA will update the LEP as required by federal guidance, at a minimum, the plan will be reviewed and updated when higher concentrations of LEP individuals are present in the APA service area. Updates will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Determination as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether APA financial resources are sufficient to fund language assistance resources needed.
- Determine whether APA fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

Dissemination of the Nondiscrimination Program

- A link to the Alabama Port Authority's Nondiscrimination Program will be included on the APA website, www.alports.com
- Any person or agency with internet access will be able to access and download the plan from the APA website. Alternatively, any person or agency may request a copy of the plan via telephone, fax, mail, or in person, and shall be provided a copy of the plan at no cost. LEP individuals may request copies of the plan in translation which APA will provide, if feasible.
- Questions or comments regarding the LEP Plan may be submitted to Heather Neese Alabama Port Authority, Human Resources, Post Office Box 1588, Mobile, Alabama, 36633, phone 251.441.7154 or email heather.neese@alports.com.

Appendix A
Nondiscrimination Program
Title Vi Complaint Form



ALABAMA PORT AUTHORITY TITLE VI COMPLAINT FORM

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work) :	
E-Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?				Yes* No
* If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained permission of the aggrieved party if you are filing on behalf of a third party.				Yes No
Section III:				
I believe the discrimination I experienced was based on (check all that apply): () Race () Color () National Origin Date of Alleged Discrimination (Month, Day, Year): _____				
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 the person (s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use back of this form.				
Section IV:				

Have you previously filed a Title VI complaint with this agency?	Yes	No
Section V:		
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State Court?		
() Yes () No		
If yes, check all that apply:		
() Federal Agency _____	() State Agency _____	
() Federal Court _____	() Local Agency _____	
() State Court _____		
Please provide information about a contact person at the agency / court where the complaint was filed.		
Name:		
Title:		
Agency:		
Address:		
Telephone:		
Section VI:		
Name of agency complaint is against:		
Contact Person:		
Title:		
Telephone Number:		

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

Signature and date required below

Signature

Date

Please mail this form to:
Heather Neese
Vice President – Human Resources
Post Office Box 1588
Mobile, AL 36633