



Pitkin County Civil Rights Plan

Pitkin County
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Civil Rights Contact Person

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ADA Contact Person

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The Pitkin County Nondiscrimination and State Nondiscrimination Statements, and how to access the Pitkin County Civil Rights Plan are posted in the lobby of each Pitkin County building and on the Pitkin County website at [Civil Rights Plan](#).

Purpose

Pitkin County has a Civil Rights Plan to ensure that all eligible individuals receive equal access to all programs, services, activities, employment and general information. All programs are operated in a nondiscriminatory way, without regard to race, color, ethnic or national origin, ancestry, age, disability, sex, gender, sexual orientation, gender identity or expression, religion, political beliefs, creed and public assistance status. In medical assistance programs, sex includes sex stereotypes and gender identity under any health program or activity receiving federal funds.

The Civil Rights Plan serves as a source of information for Pitkin County staff and the public. The plan sets out the County's civil rights administrative policies and procedures, identifying key contacts within the County and identifying applicable state and federal civil rights laws and resources.

Policy

Non-Discrimination Statement

It is the policy of Pitkin County to provide equal services, programs and activities to eligible individuals without discrimination and in compliance with civil rights laws. Pitkin County prohibits unlawful discrimination or harassment because of race, color, ethnic or national origin, ancestry, age, disability, sex, gender, sexual orientation, gender identity or expression, religion, political beliefs, creed, public assistance status, military status, veteran status, or any other legally protected characteristic.

Equal Access and Opportunity

Pitkin County is an equal opportunity employer as stated in the Policy and Procedures Manual, Policy 2.1. Pitkin County expects all employees to adhere to and cooperate with the principles of equal employment opportunity ("EEO"). The EEO policy and non-discrimination applies to all aspects of the relationship between the County and its employees, including recruitment, employment, promotion, transfer, training, working conditions, termination,

wages and salary administration, and employee benefits. The policies and principles of EEO also apply to the selection and treatment of independent contractors, personnel working on County premises who are employed by temporary agencies and any other persons doing business for or with the County. The County will not tolerate illegal discrimination or harassment between its coworkers, supervisors and/or managers, customers or vendors.

The policy of equal access is to ensure programs, services and activities are accessible to all eligible persons without regard to race, color, ethnic or national origin, ancestry, age, disability, sex, gender, sexual orientation, gender identity and expression, religion, political beliefs, creed and public assistance status by providing information on how to access accommodations, being transparent with its policies, requiring training for all employees and instituting a resolution process.

Disability Compliance

In accordance with the requirements of Section 504 of the Rehabilitation Act of 1973 (504), Title II of the Americans with Disabilities Act of 1990 ("ADA"), and Section 1557 of the Patient Protection and Affordable Care Act of 2010, Pitkin County does not discriminate against qualified individuals with disabilities on the basis of disability in employment, admission or access to, treatment or participation in, or receipt of the services and benefits under any of its programs, services and activities. All of its programs, services and activities of Pitkin County are accessible to and usable by individuals with disabilities.

Pitkin County will make reasonable modifications to policies, practices, procedures, and programs to ensure that individuals with disabilities have an equal opportunity to enjoy all of its programs, services and activities. The County can make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship to the County or cause a direct threat to health or safety. An employee with a physical or mental impairment wishing to request an accommodation through the ADA should contact Human Resources.

Legal Authority

1. Federal
 - a) Title VI of the Civil Rights Act of 1964
 - b) Section 504 and Section 508 of the Rehabilitation Act of 1973
 - c) American with Disabilities Act of 1990
 - d) Title II of the Americans with Disabilities Act of 1990
 - e) The Age Discrimination Act of 1975
 - f) Section 1557 of the Patient Protection and Affordable Care Act of 2010
 - g) U.S. Department of Health and Human Services Regulations:
 - i. Title 45 Code of Federal Regulations (CFR) Parts 80, 84, and 91
 - ii. Title 28 CFR Part 35
2. State of Colorado regulations:
 - a) Title 24 Colorado Revised Statutes (CRS) Parts 4, 6, 8 and 34
 - b) Title 10 Code of Colorado Regulations (CCR) Section 8.100
 - c) The Colorado Anti-Discrimination Act

Civil Rights Plan Administration

Pitkin County will administer its Civil Rights Plan by:

- 1) Appointing a qualified Civil Rights Contact Person. The Civil Rights Contact Person will be the point of contact for civil rights complaints. This person will be impartial and independent and act as a point of contact for applicants, employees, members, and individuals of the County's Civil Rights Plan and requirements. This person will maintain up-to-date information on civil rights laws and requirements and ensure updates are shared with County staff regularly.

- 2) The Civil Rights Contact Person will be responsible for ensuring civil rights notices and updates are posted in lobbies and on the County website. This person will manage the discrimination investigation procedures, conduct investigations and address issues of civil rights non-compliance. This person is also responsible for monitoring Pitkin County's compliance with the Civil Rights Plan, including ensuring all staff complete required training, and that investigations are completed per the plan.
- 3) Pitkin County's Civil Rights Plan will be made available to the public on www.pitkincounty.com.
- 4) Pitkin County will offer training to staff on this plan as described below. Training will also be completed based on the findings of investigations conducted. The County will also ensure any contractors, vendors, partners or other parties that do business on behalf of the County are aware of this Plan.
- 5) The Pitkin County complaint resolution process is outlined below. How to access this process is posted in the lobby of all County buildings and is available on the County's website at [Civil Rights Plan](#) along with the County's Nondiscrimination Statement.

This plan will be reviewed annually by the county and updated as necessary, including changes to the Civil Rights Contact Person and/or their contact information.

Training

Pitkin County will offer training on the agency's civil rights plan to all staff. County staff will be trained on how to access the Civil Rights Plan, how to make the Plan available upon request and for providing contact information for the County's Civil Rights Contact Person. Training will also provide staff with information on how to access auxiliary aids and services and language access services for applicants and/or members. Training on the Pitkin County Civil Rights Plan will be a part of new hire orientation and completion will be tracked by the Human Resource Department.

Medical Assistance Staff Training

Agency staff appointed to fulfill duties relating to the administration of Medical Assistance and who have direct contact with applicants and members or who supervise those who have direct contact with applicants and/or members are required to complete annual State Civil Rights and Nondiscrimination training.

Specific required training topics will be added as needed when investigations on complaints determine that there was a violation and/or founded discrimination. This training will be conducted to ensure that future occurrences of civil rights complaints are prevented to the best of the staff member's ability. Additional action may be taken including but not limited to a staff performance improvement plan and/or termination.

Accessibility

Upon request, the County will provide, free of charge, appropriate and reasonable auxiliary aids and services to ensure that individuals with disabilities have an equal opportunity to participate in, and benefit from, the County's programs, services, and activities. The County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications, such as providing an American Sign Language (ASL) interpreter for effective communication, ensuring physical access to all areas open to the public. All notifications, including approvals or denials of requests for effective communication referenced in this policy, will be provided in an alternate format, upon request.

Auxiliary Aids and Services

Auxiliary aids and services include a wide range of services and devices that promote effective communication for people with disabilities. The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the length and complexity of the communication involved.

Anyone who requires an auxiliary aid or service or to request a reasonable modification to participate in a program, service or activity should contact the Civil Rights Contact Person or ADA Contact Person at civilrights@pitkincounty.com. Upon notification of a request, County staff may consult with the individual with a disability to determine the most appropriate auxiliary aid or service to meet their needs. The County will endeavor to respond promptly to requests for auxiliary aids and services so that delays in responding do not deny individuals with disabilities an equal opportunity to participate in, and benefit from, the County's programs, services and activities.

Pitkin County is not required to take any action that would fundamentally alter the nature of its programs, services and activities, or impose an undue financial or administrative burden.

Examples of free aids and services include, but are not limited to:

- Qualified sign language interpreters
- Written information in other formats
- Foreign language interpreters
- Information translated into other languages

Civil Rights Complaint Resolution Process

Pitkin County has a procedure for complaints alleging disability discrimination or violations of Section 504, Title II of the ADA, or Section 1557 of the Patient Protection and Affordable Care Act of 2010. Pitkin County is required to promptly investigate Civil Rights complaints. The complaint process is as follows:

A) Employees

Employees wishing to file a civil rights complaint must follow the same procedure as outlined in the employee Policy Manual, Policy 5.2.

B) Non-Employees

If an individual believes that Pitkin County has failed to provide services or discriminated in another way, a grievance can be filed with the Civil Rights Contact Person by mail, phone, fax, or email (civilrights@pitkincounty.com) within sixty (60) days of the incident. The Civil Rights Contact Person can also help file the grievance.

The Civil Rights Contact Person will conduct informal investigations within 60 days of receiving the complaint. Investigative procedures will depend on the nature and extent of the discrimination alleged and the context in which the alleged incidents occurred. Appropriate investigative procedures may include informal review or a formal investigation. Investigations should be conducted in a timely manner and completed within 120 days.

The individual who had a complaint received against them cannot be the individual conducting the investigation. If there is a potential conflict of interest, Pitkin County will identify an alternative designee who will be used to conduct the investigation.

The applicant, member and/or the individual who submitted the complaint will be able to provide information to the Civil Rights Contact Person to assist with the investigation; this can be in writing or by contacting the Civil Rights Contact person at civilrights@pitkincounty.com. County

Departments and recipients of services are expected to cooperate in all phases of an investigation and ensuing actions.

Once an investigation is completed, the Civil Rights Contact Person will notify the applicant, member, and/or individual that submitted the complaint in writing, via certified mail and email, within three (3) business days of the investigation being completed. The Civil Rights Contact Person shall track all investigations and maintain the confidentiality of all files and records of any complaint unless disclosure is authorized or required by law. Based on facts obtained through investigations, the County will continue to evaluate business processes and training will be implemented as needs arise.

Retaliation

Retaliation against the person filing the complaint or persons participating or cooperating in the Investigation is prohibited by federal law.

Pitkin County prohibits retaliation against an employee for filing a complaint regarding illegal harassment or discrimination, for reporting a violation (or potential violation) of Pitkin County policy in good faith, or for assisting in an investigation. The initiation of harassment, discrimination, or retaliation complaints shall not affect any complainant's conditions of employment, career development, or future business dealings with the County.

Civil Rights Complaint Appeal Process

At the time of notifying the applicant, member and/or the individual that submitted the complaint of the results of the investigation, they will also be notified of the right to appeal the initial decision rendered by the County. Applicants, members and/or the individuals who submitted a complaint shall notify the Civil Rights Contact Person, in writing, of their intent to appeal a decision within thirty (30) calendar days of any decision made. The appeal will be forwarded to the Department and the County determined appeal designee by the Civil Rights Contact Person.

When making an appeal decision, the County determined appeal designee shall consider all testimony and relevant evidence introduced during the appeal. The applicant, member, or the individual that submitted the complaint and the agency's Civil Rights Contact Person may both be allowed to introduce witnesses and evidence in a fair and consistent manner and may be represented by counsel if desired.

Appeal decisions must be rendered by the County determined appeal designee within fifteen (15) calendar days of appeal being received by the Agency. All decisions shall be in writing and provided to the agency's Civil Rights Contact Person, the applicant, the member, and/or the individual who submitted the complaint, and the Department.