

## NOTICE OF NON – DISCRIMINATION

### Waynesburg Borough POLICY AND PROCEDURE Nondiscrimination in EPA Funded Projects

The purpose of this directive is to establish a uniform policy on nondiscrimination to comply with 40 C.F.R. Parts 5 and 7 (Non-discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency), including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. Waynesburg Borough does not discriminate on the basis of any factor protected by law, including race, color, national origin, age, sex or disability in programs or activities funded with Federal assistance from the U.S. Environmental Protection Agency. Waynesburg Borough does not intimidate or retaliate against any individual or group because they have exercised their rights to participate in actions protected, or oppose action prohibited, by 40 C.F.R Parts 5 and 7, or for the purpose of interfering with such rights.

As a recipient of Federal assistance, the Borough is required to:

1. Collect, maintain, and at the request of the U.S. EPA Office of Civil Rights (OCR), provide certain information to show compliance with 40 CFR, Part 7;
2. Designate a Borough employee to be the Nondiscrimination Compliance Coordinator (NCC) who will manage the Borough's efforts to comply with 40 CFR, Part 7;
3. Adopt grievance procedures that ensure the prompt and fair resolution of discrimination complaints alleging violations of 40 CFR, Part 7; and
4. Provide continuing and prominent public notice of nondiscrimination on the basis of race, color, national origin, age, sex, or disability.

The Borough shall collect, maintain, and on request of the U.S. EPA, Office of Civil Rights (OCR), provide the following information to demonstrate compliance with 40 CFR, Part 7:

1. A brief description of any lawsuits pending against the recipient that allege discrimination as prohibited in 40 CFR, Part 7;
2. Racial/ethnic, national origin, age, sex and disability data, as set forth in 40 CFR Section 7.25, or that information as outlined on EPA Form 4700-4;
3. A log of discrimination complaints which identifies the complaint, the date it was filed, the date the recipient's investigation was completed, the disposition, and the date of disposition;

4. Reports of any compliance reviews conducted by any other agencies; and
5. Additional relevant compliance information as requested by the U.S. EPA, Office of Civil Rights (OCR) where there is reason to believe that discrimination may exist in order to investigate a complaint alleging discrimination in a related program or activity.

All compliance information as listed above will be maintained for three (3) years after completion of any U.S. EPA funded project, or until any pending complaints are resolved. The Borough shall give the US EPA Office of Civil Rights access during normal business hours to its books, records, accounts, and other sources of information including facilities as may be pertinent to ascertain compliance with 40 CFR, Part 7.

When preparing related reports under EPA grant funded programs, the Borough shall use the racial classifications as set forth in 40 CFR, section 7.25. The Borough will make compliance information available to the public upon request and assist in obtaining other required information that may be in the possession of other agencies, institutions, or persons not under the Borough's control. If such party refuses to release that information, the Borough shall inform OCR and explain its efforts to obtain the requested information.

Appropriate assistance shall be provided to individuals with disabilities and individuals with limited English proficiency. Complaints in alternate formats shall be accepted from individuals with disabilities, for example, complaints filed electronically, or audio recorded or in Braille.

If you have any questions about this notice or any of Waynesburg Borough's non-discrimination programs, policies or procedures, you may contact the non-discrimination coordinator.

As required under 40 CFR, Part 7, the Borough designates the following employee as the Nondiscrimination Compliance Coordinator (NCC):

Borough Manager  
Athena Bowman  
Waynesburg Borough  
90 E. High Street, Waynesburg, PA 15370  
(724) 627-8111  
wbgboro@wbgboro.comcastbiz.net

Athena Bowman; Waynesburg Borough Manager, is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7 (Non-discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency), including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (hereinafter referred to collectively as the federal non-discrimination laws)

## WAYNESBURG BOROUGH GRIEVANCE PROCEDURE

The Borough adopts the following grievance procedures in order to ensure the prompt and fair resolution of complaints that allege violations of 40 C.F.R. Parts 5 and 7 (Non-discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency), including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972:

1. The complaint shall be submitted within 180 calendar days after the alleged discriminatory acts.
2. The complaint shall be in writing (or via email) and signed by the complainant or the complainant's representative and shall include contact information for the complainant or their representative.
3. The complaint shall be filed with the Borough's Nondiscrimination Compliance Coordinator (NCC contact information listed above).
4. The complaint shall be in writing (or via email), and shall specify with as much detail as possible:
  - A. The actions or inactions by the Borough that support an alleged violation of 40 CFR, Part 7.
  - B. The alleged discrimination that did or will result from such actions or inactions.
  - C. The identity of the person(s) harmed or potentially harmed by the alleged discrimination.
  - D. The identity of any witnesses to the alleged action.
  - E. The section of 40 CFR, Part 7 and/or this policy that the Borough allegedly violated.

Complaints meeting the above criteria shall be logged. The Borough shall retain a copy of all documents on file in accordance with the records retention schedule.

Appropriate assistance shall be provided to individuals with disabilities and individuals with limited English proficiency. Complaints in alternate formats shall be accepted from individuals with disabilities, for example, complaints filed electronically, or audio recorded or in Braille.

All complaints should be mailed (or emailed) to the Borough Manager/NCC at the following address:

Borough Manager  
Athena Bowman

Waynesburg Borough  
90 E. High Street, Waynesburg, PA 15370  
(724) 627-8111  
wbgboro@wbgboro.comcastbiz.net

The Borough may request additional information from the complainant if needed to assist with meeting the complaint requirements listed above. Upon receipt of a complaint and any additional information supporting or otherwise associated with the complaint, a case file shall be established containing all the documents and information pertaining to the complaint and an initial review of the case shall be conducted.

The Borough Manager/NCC shall determine if an informal resolution process should be engaged in, and if so, shall inform the complainant how to engage the available options for the informal resolution process. The informal resolution process will conclude once a solution has been agreed upon by all parties.

The Borough Manager/NCC, based on the information in the complaint and other information available, shall determine if there is sufficient merit to warrant further investigation. Within fourteen (14) days of receipt of the complaint, the Borough Manager/NCC shall inform the complainant if the complaint has or has not been accepted for further investigation. If it is determined that further investigation is not warranted, the reason for such determination shall be recorded in the case file.

If the Borough Manager/NCC determines that the complaint warrants further investigation, the Borough Manager shall conduct or designate a third party to conduct an investigation. The investigation may include interviews of Borough employees, witnesses, or others named in the complaint.

At the conclusion of the investigation, a report and determination shall be issued. The report shall include a narrative summarizing the incident, identification of the individuals interviewed and written and/or physical evidence reviewed, and findings/determination of whether the Borough's policy and/or 40 CFR, Part 7 was violated. The report and determination shall be placed in the complaint file. After the investigation concludes, the complainant will receive a written notice detailing:

- a. The findings of the investigation
- b. Whether discrimination or retaliation was found
- c. A summary of the investigation process
- d. Any corrective actions that will be implemented (if applicable)

Within 180 days of receiving the complaint that warranted investigation, the Borough Manager/NCC shall notify the complainant and/or their representative in writing of the findings of the investigation and recommendations for resolution.

The decision of the Borough Manager/NCC or its designee may be appealed to the Borough Council within thirty (30) days of receiving written notification of the outcome of the investigation. Borough Council shall issue a written decision in response to the appeal not later than 45 days after its filing.

All appeals should be mailed (or emailed) to the attention of Waynesburg Borough Council at the following address:

Waynesburg Borough Council  
Council President: Ben Humble  
90 E. High Street, Waynesburg, PA 15370  
(724) 627-8111  
wbgboro@wbgboro.comcastbiz.net

The Borough explicitly prohibits retaliation against any individual for the purpose of interfering with any right or privilege guaranteed under state or Federal statutes or regulations, or because that individual has filed a complaint or has testified, assisted, or participated in any way in an investigation, proceeding, or hearing under 40 CFR, Part 7. Prohibited retaliatory acts include intimidation, threats, coercion, or discrimination against any such individual or group. Any claims of intimidation or retaliation related to the complaint process will be handled promptly and fairly pursuant to the below procedure and in the same manner as other claims of discrimination.

The Borough is committed to taking reasonable steps to provide meaningful access to this grievance process for individuals with limited English proficiency. Individuals with disabilities may request reasonable modifications or auxiliary aids or services needed to obtain equal access to and enable participation in the Borough's grievance process. Auxiliary aids or services may include qualified interpreters to individuals who are deaf or hard of hearing.

The Borough shall provide initial and continuing notice that it does not discriminate on the basis of race, color, national origin, age, sex, or disability in a program or activity receiving EPA assistance. Where appropriate, notice may be provided in a language or languages other than English.

For more information or further assistance, please contact the Borough's Nondiscrimination Compliance Coordinator.

If you believe that you have been discriminated against with respect to a Waynesburg Borough program or activity, you may contact the non-discrimination coordinator identified above or visit our website at [www.waynesburgboro.com](http://www.waynesburgboro.com) to learn how and where to file a complaint of discrimination.