



OFFICE OF WATER RESOURCES

PROCEDURES FOR ADDRESSING COMPLAINTS OF DISCRIMINATION

I. Purpose:

The Alabama Department of Economic and Community Affairs (ADECA) Office of Water Resources (OWR) recognizes the necessity to establish written procedures to follow when a complaint alleging discrimination has taken place. Alleged discrimination can be received by employees, job applicants, clients, program participants, or any other consumers of funding from the United States Department of Homeland Security (DHS).

II. Policy:

Employees of the Alabama Department of Economic and Community Affairs (ADECA) Office of Water Resources (OWR) who believe that they have been unlawfully discriminated against by reason of race, color, national origin, sex, religion, disability, and/or age pursuant to the federal civil rights laws governing the federal grants awarded to ADECA OWR from DHS shall comply with the guidelines set forth within the ADECA Employee Handbook.

A. ADECA OWR will ensure compliance with the following statutes and regulations:

1. Title VI of the Civil Rights Act of 1964, as amended, and 42 U.S.C. § 2000d (prohibiting discrimination in federally assisted programs based on race, color, and national origin, including language, in the delivery of services or benefits);
2. Section 504 of the Rehabilitation Act of 1973, as amended, and 29 U.S.C. § 794 (prohibiting discrimination in federally assisted programs based on disability both in employment and in the delivery of services or benefits);
3. Title IX of the Education Amendments of 1972, as amended, and 20 U.S.C. § 1681 (prohibiting discrimination in federally assisted education programs based on sex both in employment and in the delivery of services or benefits);

4. Age Discrimination Act of 1975, as amended, and 42 U.S.C. § 6102 (prohibiting discrimination in federally assisted programs based on age in the delivery of services or benefits);
5. The U.S. Department of Homeland Security regulation 6 C.F.R. Part 19 (prohibiting discrimination based on religion in social services programs and in the delivery of services or benefits of federally-assisted programs);
6. Executive Order 13559, amending Executive Order 13279 (prohibiting discrimination in federally assisted social service programs based on religion in the delivery of services or benefits); and
7. Title II of the Americans with Disabilities Act of 1990, as amended, and 42 U.S.C. § 12132 (prohibiting discrimination based on disability both in employment and in the delivery of services or benefits).

These laws prohibit agencies from retaliating against an individual for taking action or participating in action to secure rights protected by these laws.

III. Complaint Procedures:

Written complaints must be provided to ADECA OWR at the following address:

Alabama Department of Economic and Community Affairs
Office of Water Resources
ATTENTION: OWR EEO Point of Contact
Post Office Box 5690
Montgomery, Alabama 36103-5690

The complaint should contain the following information:

1. The basis for the complaint, to include race, color, national origin, sex, religion, disability, and/or age, or retaliation;
2. The name, home address, mailing address, and telephone number of the complainant;
3. The name, business address, mailing address, and telephone number of the recipient, subrecipient, contractor, and/or service provider related to the individual(s) who is/are the subject(s) of the complaint;
4. A description of the alleged discriminatory act(s) and the date(s) on which such act(s) took place; and
5. The signature or affirmation of the complainant.

- A. A complaint alleging such unlawful discrimination that is filed with DHS, ADECA OWR, and/or a contractor of ADECA OWR are subject to federal and state laws governing such complaints, and the final determination of the validity of the complaint will be made by that agency.
- B. In the event a written complaint of unlawful discrimination is filed against ADECA OWR, a copy of said complaint must also be provided to ADECA OWR's EEO Point of Contact at the following address:

Alabama Department of Economic and Community Affairs
Office of Water Resources
ATTENTION: OWR EEO Point of Contact
Post Office Box 5690
Montgomery, Alabama 36103-5690

- C. In the event that ADECA OWR's EEO Point of Contact is determined to not be the appropriate person to process, manage, and investigate the complaint, another ADECA or ADECA OWR representative may be designated to serve in that capacity at the discretion of the ADECA Director and/or the ADECA OWR Chief.
- D. In the event a written complaint of unlawful discrimination is filed against a recipient of subgrant funds administered by ADECA OWR, and/or a contractor or service provider for that subgrantee, a copy of said complaint must be provided to the ADECA OWR's EEO Point of Contact at the above address.
- E. Upon the ADECA OWR's EEO Point of Contact's conclusion of the investigation into a complaint of discrimination, the EEO Point of Contact will draft a report of findings of compliance or noncompliance and send the draft to the ADECA Legal Section. Once ADECA's Legal Section has reviewed and approved the draft, ADECA OWR's EEO Point of Contact will finalize the draft and submit it to the ADECA Director for approval.
- F. A finalized written letter of findings of compliance or noncompliance will be sent to the DHS Security Office for Civil Rights and Civil Liberties (CRCL). The complainant will be notified in writing by ADECA OWR as to whether the case was referred to DHS CRCL or whether there were no findings of noncompliance.
- G. All records of complaints of discrimination received by the ADECA OWR's EEO Point of Contact, and investigations conducted as a result thereof, will be retained in accordance with the ADECA OWR's record keeping requirements.

H. Any person who submits a complaint of impermissible discrimination will be notified promptly that a complaint also may be filed with the DHS CRCL. There are a number of ways to file a complaint with DHS CRCL:

| | |
|---------------------------------|---|
| Online Complaint Portal: | https://engage.dhs.gov/crcl-complaint |
| Email: | CRCLCompliance@hq.dhs.gov |
| U.S. Mail: | U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Compliance Branch, Mail Stop # 0190 2707 Martin Luther King Jr Avenue SE Washington, DC 20528-0190 |

IV. Training:

The ADECA OWR Division Chief will require, to the extent determined reasonable and necessary, that staff of the ADECA OWR who serve as grant program managers, staff who are assigned civil rights compliance responsibilities, and other employees as appropriate, will participate in training concerning the Division's compliance with the federal civil rights laws that attach to federal grant awards issued from DHS and its various agencies, and such training may include awareness of:

- a) Hearing impairments and deafness;
- b) Vision impairments and blindness;
- c) Physical mobility impairments;
- d) Mental and psychological impairments;
- e) Communication options available for auxiliary aids;
- f) Responsibilities, and methods and procedures, for providing reasonable accommodations to ensure that federally-funded programs and services are accessible to persons with disabilities;
- g) How to provide reasonable accommodations for qualified individuals with disabilities who express the need for such accommodations; and
- h) Requirements for making meetings, conferences, and grant and/or subgrant programs and services accessible.