Washington County, Maryland Grievance Procedure and Policy on Nondiscrimination in Programs Receiving Federal Assistance from the U.S. Environmental Protection Agency

The purpose of this policy is to collect, maintain, and provide information showing compliance with 40 CFR, Part 7; to designate a person to be the Nondiscrimination Coordinator (NDC) to coordinate efforts to comply with 40 CFR, Part 7; to adopt grievance procedures that assures the prompt and fair resolution of discrimination complaints alleging violations of 40 CFR, Part 7; and to provide continuing and prominent public notice of nondiscrimination on the basis of race, color, national origin, age, sex, sexual orientation, or disability, and of the identity and contact information for the NDC.

As set forth below, it is Washington County, Maryland's policy not to discriminate on the basis of several factors, including those covered by 40 CFR Parts 5 and 7. In addition, Washington County, Maryland adopts the following procedures to implement the requirements of 40 CFR Parts 5 and 7.

Requirements

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

a. A brief description of any lawsuits pending against Washington County, Maryland that allege discrimination which 40 CFR Part 7 prohibits;

b. A log of discrimination complaints that identifies the complaint, the date it was filed, the date Washington County, Maryland's investigation was completed, the disposition, and the date of disposition;

c. Reports of any similar compliance reviews conducted by any other agencies;

d. Additional data and information specific to certain Washington County, Maryland programs or activities to determine compliance where there is reason to believe that discrimination may exist in a program or activity or to investigate a complaint alleging discrimination in a Washington County, Maryland program or activity;

e. Give OCR access during normal business hours to its books, records, accounts, and other sources of information, including its facilities, as may be pertinent to ascertain compliance with 40 CFR Part 7;

f. Prominently display a Notice of Nondiscrimination and present this policy on the official Washington County, Maryland website; and

g. Make compliance information available to the public upon request; and

h. Assist in obtaining other required information that is in the possession of other state agencies, institutions, or persons not under Washington County, Maryland's control. If such party refuses to release that information, Washington County, Maryland shall inform the OCR and explain its efforts to obtain the information.

General Policy

Washington County, Maryland adopts the following grievance procedures in order to assure the prompt and fair resolution of complaints that allege a violation by the County of 40 CFR Part 7:

1. In order to have a complaint submittal considered for investigation under this procedure, the complainant shall file the complaint **no later than 60 calendar days** after the date(s) of the alleged act(s) of discrimination. The County may be willing to waive the 60-calendar day requirement if the complainant shows good cause and/or under severe circumstances.

   The complaint shall be in writing and signed by the complainant or the complainant's representative and shall include contact information for the complainant or their representative.

   The complaint shall specify with as much detail as possible:
   a. The actions or inactions by Washington County, Maryland 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; and
   d. The identity of any witnesses to the alleged action; and
   e. The section of 40 CFR Part 7, that Washington County, Maryland allegedly violated.

   Washington County, Maryland may request additional information from the complainant if needed to assist with meeting the complaint requirements listed above. Washington County, Maryland is committed to taking reasonable steps to provide meaningful access to its grievance process for individuals with limited English proficiency and provide individuals with disabilities the right to request reasonable modifications or auxiliary aids or services needed to obtain equal access to and enable participation in Washington County, Maryland's grievance process. Auxiliary aids and services may include qualified interpreters to individuals who are deaf or hard of hearing and must be provided in a timely manner and in such a way as to protect the privacy and independence of the individual. Additionally, complaints in alternate formats shall be accepted from individuals with disabilities (i.e.: complaints filed on audio tape or in Braille).

   All complaint submittals should be mailed (or e-mailed) to the NDC at the following:
   Director of Environmental Management

Washington County, Maryland
16232 Elliot Parkway
Williamsport, MD 21795
240-313-2615
mbradsha@washco-md.net

2. All complaint submittals are to be logged. The NDC shall retain a copy of all documents on file in accordance with the records retention schedule. The NDC shall also notify the relevant program manager(s).
3. Upon receipt of a complaint and any additional information supporting or otherwise associated with the complaint, a case file shall be established containing all documents and information pertaining to the complaint and an initial review of the case shall be conducted.
4. The NDC, based on information in the complaint submittal and other information available, shall determine if:
    a. Washington County, Maryland has jurisdiction to pursue the matter; and
    b. The complaint submittal contains sufficient merit to warrant further investigation.

   If NDC determines that further investigation is not warranted, they must consult the County Attorney's Office to confirm that decision. **Within 14 calendar days** of receipt of the complaint submittal, the NDC shall either inform the complainant if the complaint has not been accepted for further investigation or that it has been accepted and set up an interview with said complaint.
5. The complainant will be informed that they have a right to have a witness or representative present during the interview and can submit any documentation they perceive as relevant to proving their complaint.
6. The investigation may include interviews of employees, other relevant witnesses, or others named in the complaint. Relevant employees shall make themselves available as necessary. The NDC will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.
7. The Investigation may also include investigating departmental records, policies, or procedures, as well as, observing behaviors of individuals whose actions were cited in the complaint.
8. Any employee or official who is alleged to have provided a discriminatory service or program will be given an opportunity to respond to all aspects of the complainant's allegations.
9. The NDC will contact the complainant after the investigation (but prior to writing the final report) and give the complainant an opportunity to give a rebuttal statement at the end of the investigation process.
10. All steps taken and findings in the investigation will be documented in writing and included in the complaint file.
11. After the investigation and **within 60 days** of the interview with the complainant, the NDC shall issue a report and determination on whether there is a violation of 40 CFR Parts 5 and/or 7. The NDC shall prepare a written report of the investigation that shall include a narrative of the incident, an identification of individuals interviewed,

evidence reviewed, and findings and a determination. This report will be provided to the Authorizing Official, the EPA, and the County Attorney's Office.

12. The NDC will send a letter to the complainant notifying them of the outcome of the investigation **within 30 days** of the issuance of the final report. If the complaint was substantiated, the letter will indicate the course of action that will be followed to correct the situation. If the complaint is determined to be unfounded, the letter will explain the reasoning. This letter will be copied to EPA.
13. A complaint may be dismissed for the following reasons:
    - the complainant requests the withdrawal of the complaint.
    - an interview cannot be scheduled with the complainant after reasonable attempts.
    - the complainant fails to respond to repeated requests for additional information needed to process the complaint.
14. Nothing in this procedure prohibits any of the parties from attempting to informally resolve the issue. If any party elects to or attempts to resolve the issue informally, it does not waive or postpone any of the above referenced deadlines unless written consent by both parties.

Assurances

Washington County endeavors to keep the complainant's identity confidential during this procedure, but there is no guarantee of confidentiality.

No Washington County representative or any other entity or person contracted by Washington County, shall intimidate, threaten, coerce, or discriminate against any individual or group because the individual has filed a complaint or has testified, assisted, or participated in any way in an investigation, or proceeding under this procure, or has opposed any practice made unlawful by this policy.

Review & Questions

These procedures are subject to annual review and revision as necessary to ensure prompt and fair resolution of discrimination complaint.

Appropriate assistance shall be provided to individuals with disabilities and individuals with limited English proficiency. Also, complaints in alternative formats shall be accepted from individuals with disabilities. Please reach out to the nondiscrimination coordinator for more information.

Any other questions on the application of this policy should be addressed to the Nondiscrimination Coordinator.