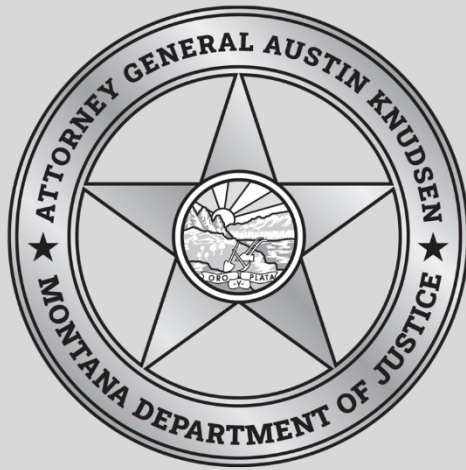


MONTANA DEPARTMENT OF JUSTICE

TITLE VI PROGRAM PLAN



Montana Department of Justice
Central Service Division
840 Helena Ave-PO Box 201401
Helena, MT 59601

**MONTANA DEPARTMENT OF JUSTICE
TITLE VI PROGRAM MANUAL**

Table of Contents



Table of Contents

Table of Contents	Page 1
Policy Statement	Page 2
Agency Organization & Staffing	Page 3
Description of Federal Aid Programs	Page 5
Motor Vehicle Division	Page 5
Notifications & Training/Monitoring Process	Page 6
Public Notice of Title VI Program Rights Poster	Page 7
DOJ Responsibilities	Page 8
Program Complaint Process	Page 9
FMCSA Title VI Program Assurance	Page 10
Sub-Recipient Compliance Reports	Page 10
Access to Records	Page 10
Status of Corrective Actions	Page 10
Motor Vehicle Division Community Participation Process	Page 11-12

Documents

Documents	Document	Issue Date
EEO-AA Plan	EEO/AA	
MDT & MHP MOU	1A	12-16-2016
Notice for Contracts, bids & RFP's	2A	03-13-2017
MVD Non-Discrimination Assurances Plan	3A	01-17-2017
Title VI Complaint Brochure	4A	03-13-2017

MONTANA DEPARTMENT OF JUSTICE TITLE VI PROGRAM MANUAL

Policy Statement



Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall on the grounds of race, color, or national origin be discriminated against under any program or activity receiving Federal Financial Assistance. The Federal Aid Highway Act of 1973 (23 U.S.C. 324) added “sex” as a protected status. The Title VI Program also refers, where appropriate, to related Nondiscrimination authorities. The State of Montana forbids discrimination in many areas through its Constitution, codes and rules.

Title VI was clarified by the Civil Rights Restoration Act of 1987 (P.L. 100-259), effective March 22, 1988, which added section 606, defining the terms “programs and activities” to include all of the operations of an educational institution, government entity, or private employer that receives federal funds if any one operation receives federal funds.

The Montana Department of Justice (MDOJ) is a State governmental entity. It is the policy of MDOJ to ensure compliance with Title VI of the Civil Rights Act of 1964 and related Nondiscrimination authorities as identified in the signed FMCSA Title VI Program Assurance, including 49 CFR Part 21 and 49 CFR Part 303, in all programs and activities.

MDOJ assures that no person shall, as provided by Federal and State civil rights authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. MDOJ further ensures every effort will be made to ensure non-discrimination in all programs and activities, whether these programs and activities are federally funded or not.

The Department recognizes the need for continuous Title VI Program training for Department personnel. When MDOJ distributes federal-aid funds to another governmental entity, MDOJ will include Title VI Program language in all written agreements and will monitor for compliance.

Title VI Program-related activities are delegated by the Central Services Division, Human Resources (HR) Bureau. Title VI Program –related responsibilities are delegated to the appropriate Division program managers. The CSD Human Resources Bureau charges them with the responsibility to develop and implement procedures and guides to adequately monitor their programs. In turn, HR conducts periodic Compliance reviews to assure implementation is adequate.

The Attorney General has delegated the authority to administer and monitor the Title VI Program as promulgated under Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities to the Central Services Division. The CSD Human Resource Bureau Chief will coordinate the effective implementation of the Title VI Program with all Department of Justice personnel.

Austin Knudsen, Attorney General

Date

MONTANA DEPARTMENT OF JUSTICE TITLE VI PROGRAM MANUAL

Organization & Staffing



The Department of Justice was created on September 1, 1972, through the Executive Reorganization Act of 1971. The Attorney General, who is elected to serve a four-year term, heads the department. The Department's primary functions are to provide for effective statewide law enforcement, legal services and public safety.

The eight operating divisions of the Department of Justice are listed below:

Central Services Division - provides centralized administrative support for the accounting, budgetary and fiscal, and human resources function of the Department. Administers the county attorney payroll and extradition and prisoner transportation program expenditures.

Division of Criminal Investigation - provides professional investigative and training assistance to local law enforcement and fire services agencies and promotes cooperation among federal, state and local agencies. Administers the Montana Law Enforcement Academy, which provides a professional education and training program in criminal justice for Montana law enforcement officers and other qualified personnel.

Forensic Science Division - performs scientific analyses of specimens submitted by law enforcement officials, coroners, and state agencies, promotes forensic science training and scientific criminal investigations in the state and manages a statewide system of death investigations.

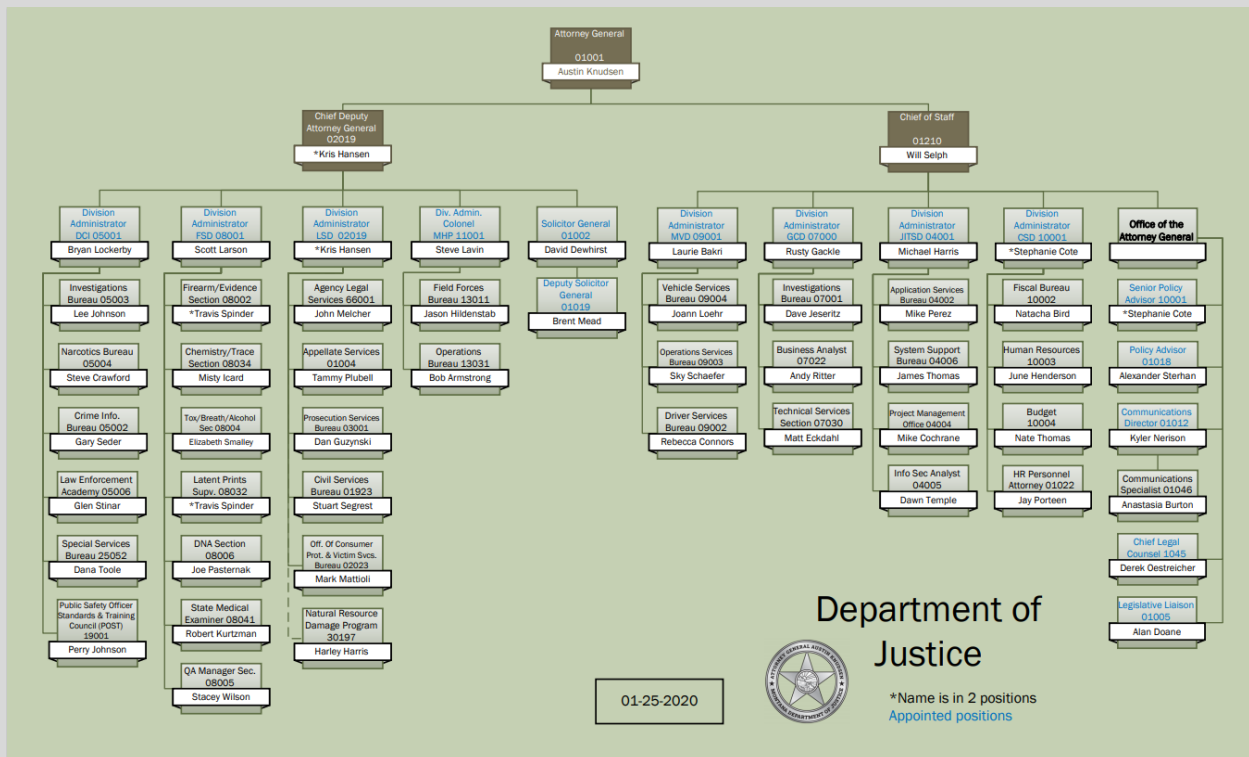
Gambling Control Division - responsible for licensure, regulation and enforcement of gambling activities in the State of Montana. The division was created by the 51st Legislature in 1989 in a bill generally revising gambling laws.

Highway Patrol Division – responsible for highway traffic safety through officer traffic patrol activities; vehicle crash investigations; motorist assistance; auto theft investigation; vehicle inspection and general traffic enforcement; commercial vehicle regulation and provides executive protection for the Governor's Office.

Information Technology Services Division - supports the Department's information technology environment and provides law enforcement telecommunication and identification services.

Legal Services Division - provides the Attorney General with legal research and analysis; represents the state in cases before state and federal courts; provides legal assistance to state and local governments on issues involving Indian jurisdiction; provides legal assistance, training, and support for county prosecutors; provides legal advice and support for all state agencies and administers Crime Victims' Compensation and Restorative Justice Programs.

Motor Vehicle Division - provides for vehicle titling through the Title & Registration Bureau; vehicle registration and inspection, driver licensing and regulation, and motor vehicle dealer investigation and compliance.



MONTANA DEPARTMENT OF JUSTICE TITLE VI PROGRAM MANUAL

Description of Federal Aid Programs



Motor Vehicle Division

Commercial Driver's License Program Implementation

The Department of Justice, Motor Vehicle Division's (MVD) federally funded program is the Commercial Driver's License Program Implementation GRANT Program (CDLPIGP). The CDLPIGP purpose is to reduce the number and severity of commercial motor vehicle crashes in the United States by ensuring that only qualified drivers are eligible to receive and retain a CDL. This goal focuses on maintaining the concept that for every commercial driver, there is only one driving record and only one licensing document, commonly referred to as "One Driver One License One Record". States are required to conduct knowledge and skills testing before issuing a CDL; to maintain a complete and accurate driver history record for anyone who obtains a CDL; and to impose driver disqualifications as appropriate.

The CDLPIGP projects have a direct impact protecting members of the public and serving the public on Montana and US highways. Additionally, MVD continually evaluates and enhances its CDL program to improve its services to commercial drivers, CDL applicants, including the increased number of Native American CDL applicants.

MVD's CDL program supports the primary mission of the Federal Motor Carrier Safety Administration (FMCSA), which is to reduce crashes, injuries and fatalities involving large trucks and buses.

MVD received CDLPIG funding in the past. These programs include:

- 2007 Automated Knowledge Testing system
- 2008 CDLIS Modernization
- 2009 Enhancements to MVD Legacy system
- 2010 CDL Helpdesk
- 2011 E-citation and outreach
- 2012 Project Management
- 2016 Indexing and CD31

In 2019, MVD is submitting a 2019 CDLPI funding request for State to State pointer resolution, record clean-up, and to improve conviction reporting.

MONTANA DEPARTMENT OF JUSTICE TITLE VI PROGRAM MANUAL

Notifications & Training



Notification to Beneficiaries/Participants:

Under this compliance plan, DOJ gives written notification to beneficiaries, participants, and members of the public detailing our Title VI Program obligations. This written notification includes:

1. Posters and brochures are available at all DOJ publicly accessed facilities.
2. Title VI information is on the DOJ website <https://dojmt.gov/title-6-information/>

Written Correspondence with Title VI Complainants:

1. Investigation Authorization form releasing complainant information
2. Initial letter describing investigation process and timeline
3. Final Report describing the investigation process and outcome
4. Resolution Letter closing the investigation and communicating the outcome

Training

DOJ offers all employees an online Title VI course and DOJ Human Resources provides yearly in person training to DOJ employees and management.

MONTANA DEPARTMENT OF JUSTICE
TITLE VI PROGRAM MANUAL
Public Notice of Title VI Program Rights



Public Notice of Title VI Program Rights

The Montana Department of Justice gives public notice of its' policy to uphold and assure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and related Nondiscrimination authorities. Title VI and related Nondiscrimination authorities stipulate that no person in the United States of America shall on the grounds of race, color, national origin, sex, age, disability, income level or limited English proficiency be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

You may find out more information on the DOJ Title VI Program by visiting our website at <https://dojmt.gov>. Any person who desires more information regarding Montana Department of Justice's Title VI Program can contact its Title VI Coordinator – Human Resource Manager, June Henderson at jhenderson@mt.gov or 406-444-5528.

If you believe you have, individually or as a member of any specific class of persons, been discriminated against based on race, color, national origin, sex, age, disability, income level or limited English proficiency, you have the right to file a formal complaint. Your complaint must be in writing and submitted within 180 days following the date of the alleged occurrence to:

Department of Justice Human Resources Office
Attn: Human Resources Manager
840 Helena Ave, PO Box 201404
Helena, MT 59620
(406) 444-5528

MONTANA DEPARTMENT OF JUSTICE TITLE VI PROGRAM MANUAL

Responsibilities



Title VI Coordinator Responsibilities

1. Develop/implement procedures for prompt processing and dispositions of Title VI complaints.
2. Conduct Title VI reviews of program areas.
3. Review DOJ program directives and include Title VI Program-related requirements.
4. Conduct Title VI training for DOJ program staff.
5. Prepare an annual Title VI accomplishments report and work plan by October 1.
6. Submit an updated Title VI plan within time frames for each federal agency.
7. Disseminate Title VI Program information (i.e., Notice to the Public) to the general public.
8. Establish procedures to identify and eliminate discrimination when found to exist.
9. Establish procedures for promptly resolving deficiency status through voluntary means.

DOJ Program Representatives Responsibilities

1. Complete and submit Title VI Periodic Report every four months.
2. Report all written Title VI complaints immediately to Coordinator.
3. Seek opportunities to train staff/public on Title VI and notify coordinator.
4. Ensure Title VI Notices are posted/pamphlets are available to the public.
5. Monitor Division activities for potential Title VI Program impact and consult with the Title VI Coordinator as necessary.

MONTANA DEPARTMENT OF JUSTICE TITLE VI PROGRAM MANUAL

Complaint Process



Title VI Program Complaint Disposition Process

DOJ is an equal employment opportunity employer and prohibits discrimination based on race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, or sexual orientation unless based on a bona fide occupational qualifications (BFOQ), as well as prohibiting retaliation. DOJ also prohibits discrimination in providing services, activities and programs unless providing reasonable accommodation or reasonable modification would cause an undue hardship.

Any employee, client, beneficiary, participant, or applicant for employment who alleges to have been discriminated against due to any DOJ regulation or policy or the official action of any DOJ employee may, as soon as possible, but within one hundred eighty (180) calendar days of the alleged discriminatory occurrence, initiate complaint proceedings by notifying the Human Resource Services Bureau Chief (ADA/EEO Officer). An employee or applicant may notify the ADA/EEO Officer, their immediate supervisor, or any DOJ supervisor, even if s/he is not the employee's direct supervisor. If the complaint is not filed within one hundred eighty (180) calendar days of the alleged discriminatory occurrence, the individual will lose the right to file an internal complaint.

Title VI Program Complaint Form-Appendix A

Title VI Program Assurance-Appendix B

Sub-Recipient Compliance Reports

Department of Justice, Motor Vehicle Division

MVD has not and does not plan to provide any federal funding to another entity. Since MVD does not have any sub-recipients, the division does not need to identify such an entity, make sure they understand Title VI Non-Discrimination, monitor its effectiveness, or require periodic reporting.

Access to Records

Montana Department of Justice, Motor Vehicle Division (DOJ/MVD) will make all Title VI Non-Discrimination Program records, or any relevant records, available to FMCSA upon request.

Complaint Disposition Process

The Department of Justice, Motor Vehicle Division (DOJ/MVD) adheres to the Department of Justice Central Services Division (DOJ/CSD) public Title VI nondiscrimination complaint procedures. Currently, DOJ/MVD has non-discrimination complaint procedures for employees. The procedures for handling Title VI Program discrimination complaints received from the public meet legal standards with a goal to be timely and effective. The procedures include steps for the submission of a complaint, the investigation, and appropriate actions based on final report. The procedures include a Title VI complaint log with all relevant information. The complaint log will be made available to FMCSA.

Status of Corrective Actions, Implemented by Applicant to Address Deficiencies Previously Identified During a Title VI Program Compliance Review

FMCSA OCR or other Federal Agency has not completed a Title VI Program compliance review of DOJ/MVD. DOJ/MVD is not under a corrective action plan.

Motor Vehicle Division Community Participation Process

In the event that a motorist licensure/motor vehicle registration-related site will be increasing or decreasing the number of publicly-accessed facilities and/or the services provided/activities conducted at certain publicly-accessed facilities, the Motor Vehicle Department (MVD) and DOJ Human Resources (HR) will conduct an evaluation of the impact to members of the Public to determine what outreach to the members of the Public (if any) may be necessary to inform them of the change in availability of activities/services and/or facilities. In the event of a proposed increase of activities/services and/or facilities, minimal outreach to the public (if any) will most likely be determined by the MVD and HR to be sufficient. However, in the event of a decrease of activities/services and/or facilities, MVD will at a minimum consider the following questions:

- Is the decrease localized, regional, or state-wide?
- Are there other facilities or methods of conducting activities/services (i.e., applying for licenses/registrations or renewals on-line, activities/services at County facilities or available through other 3rd-Party Testers, etc.) available in the local or regional area?

The answers to these questions will then lead to the determination by MVD and HR as to how extensive and intensive the outreach/Notice to the Public will need to be. If the impact is local or regional and there are other methods of obtaining the services in the area, then the outreach may be as simple as a notice to the Public regarding the change and identification of other available methods to obtain those services. In the event that multiple facilities regionally or state-wide will be affected and there will be a marked diminution of available facilities and services offered, then MVD and HR may determine that an intensive outreach effort to include meetings will be necessary to notify and then solicit feedback regarding the impact of the proposed changes. In the event that MVD and HR determines that an intensive outreach effort is necessary, the following will be conducted:

- 1) Prepare a Stakeholders List. This Stakeholders List is to identify both affected customers (both benefited and burdened by the program) and any advocacy groups, churches, community-based organizations, other advisory bodies, etc. The list will also include demographic information for affected customers regarding race, color, national origin (including Limited English Proficient individuals), sex, age, disability, and income-level.
 - a) The Stakeholders List will be inclusive to ensure that the news of the proposed change(s) is communicated to the greatest number of customers;
- 2) Plan Public Meetings. Determine an effective number of Public Meetings to hold in strategically-significant areas and at appropriate times to reach the greatest number of customers. Determine the method for and communicate news of the Public Meeting(s) to the greatest number of customers via hard copy publications (i.e., newspapers, newsletters, posters, etc.), electronic media (i.e., website, social media to include Facebook, twitter, etc.), and stakeholder groups listed above.
- 3) Publicize Proposed Changes. Determine how to communicate the news of the proposed change(s) to the greatest number of customers via hard copy publications (i.e., newspapers, newsletters, posters, etc.), electronic media (i.e., website, social media to include Facebook, twitter, etc.), and stakeholder groups listed above. This news will be communicated in an accessible and inclusive manner (including foreign language translations, if necessary) that promotes effective public participation and is free of linguistic, cultural, economic or historical barriers.

- 4) Conduct the Public Meetings. Ensure that reasonable time is provided for attendees to provide comments regarding the proposed change(s);
- 5) Review and Analysis. At the conclusion of the outreach effort, review the comments and analyze the impacts to all customers (regardless of a customer's race, color, national origin, sex, age, disability, income-level, or LEP) regarding their ability to access the facilities/services both prior to the proposed change(s) and following the proposed change(s). This analysis is required to be sufficiently detailed so that the ultimate conclusion as to how the proposed change(s) will impact customers is well-documented;
- 6) Written Report. Prepare a detailed record to capture all aspects of the outreach effort;
- 7) Submission to FMCSA. Submit the record to FMCSA. Please note that FMCSA reserves the right to offer comments as deemed appropriate following a review of the record;
- 8) Implement the change(s);
- 9) Monitor Feedback. Monitor customer communications for a period of time (i.e., six months, one year) for reactions to the change;
- 10) Re-Evaluate. Be prepared to adjust the change(s) as appropriate dependent upon the actual impact to customers;
- 11) Adjust. Adjust the change(s) as appropriate dependent upon the actual impact to customers.
- 12) Notification of Title VI Program Protections. Notify beneficiaries of protections available to them under the Title VI Program. Notify the public of procedures for filing a Title VI complaint. Please refer to the **Notification to Beneficiaries/Participants** section of this Plan regarding how to implement this requirement.

The steps taken to accomplish the preceding will be as comprehensive and intensive as is required by the nature of the proposed change(s). For example, the effort required for an increase in the number of publicly-accessed facilities may not be as comprehensive and intensive as the decrease of publicly-accessed facilities and/or decrease of services provided at identified locations;