

General Overview

- Why do civil rights laws apply to the donation program?
 - Because the donation program is considered a form of Federal financial assistance to which certain civil rights laws apply.
- Generally, Title VI states that no *person* “in the United States” shall be discriminated against on the basis of race, color, or national origin by an entity receiving Federal financial assistance.
 - Includes U.S. territories and possessions.

Who is an LEP individual?

- Defined as one who, because of their national origin,
 - Does not speak English as their primary language;
and
 - Has a limited ability to read, write, speak or understand English.

The Steps a Recipient Must Take to Ensure LEP Compliance

- There are four steps a recipient must take to ensure LEP compliance. These steps include:
 1. The recipient must conduct a four-factor analysis in accordance with GSA's LEP guidance.
 2. Establish LEP procedures that are tailored to your program that will enable your staff to communicate effectively with LEP individuals.

LEP (CONTINUED)

3. Train the staff that interact with the public to ensure that each of them knows and understands the LEP procedures.

4. Monitor the effectiveness of your LEP procedures periodically to ensure that they are still meeting LEP needs.

- Note: If your location, service population or program procedures/practices change, you may need to re-evaluate your LEP procedures to ensure that they are still effective.

FOUR FACTOR ANALYSIS

- **Factor 1:** The number or proportion of LEP individuals in your serviced area.
- **Factor 2:** The frequency of contact with LEP individuals.
- **Factor 3:** The nature and importance of services/assistance/programs offered by the recipient's programs/activities.
- **Factor 4:** Resources available (availability of LEP services and costs of different services).

LEP (continued)

- If, based on the four-factor analysis, it is determined that some form(s) of LEP assistance should be provided, the recipient should look to both oral assistance and written assistance to provide meaningful LEP access.
- With regard to written assistance:
 - Only vital documents need to be translated.
 - Safe Harbor: where vital documents are translated into languages where LEP group is 1000 or 5% of population—which ever is smaller: presumption of compliance.

DISABILITY ACCESS

Section 504 of the Rehabilitation Act

- SASPs and donees must ensure that their programs and activities are accessible to individuals with disabilities:
 - Ensuring wheelchair ramp, when needed;
 - Ensuring procedures in place to communicate with individuals who are hard of hearing or deaf
 - Ensuring procedures in place to communicate with individuals with sight impairments
 - Ensuring accessible parking
 - **All of this to be compliant with Uniform Federal Accessibility Standards or ADA accessibility standards (State and local governments may elect which standards)

Service Animals

- Here is a list of ten things that recipients and sub-recipients of Federal surplus property should know regarding service animals:
- Beginning on March 15, 2011, only dogs are recognized as service animals. However in very specific instances, trained miniature horses may be used as an alternative.
- A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability.

Service Animals (continued)

- Service animals are used for more than just guiding the blind.
- Service animals are generally permitted anywhere members of the public are allowed access; this includes public buildings, office buildings, stores, and restaurants.
- You cannot ask about the individual's disability, require medical documentation or training documentation for the dog, or ask that the dog demonstrate its ability to perform the task.

Service Animals (continued)

- Never offer a service animal food or treats, and do not pet them--they are working animals--not pets.
- In addition to individuals with physical disabilities, individuals with sensory, psychiatric, or other mental disabilities may also use service animals.
- Service animals have been used to assist those who have been diagnosed with Post Traumatic Stress Disorder (PTSD), and autism.

Service Animals (continued)

- Allergies and fear of dogs are not valid reasons for denying access to service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- Individuals with disabilities who use service animals, including employees, cannot be isolated from others, treated less favorably than others, or charged fees that are not charged to individuals without service animals.

Thank you!

- Please let us know if we can be of assistance in helping you or a donee.
- Office of Civil Rights: 202-501-0767
- Evelyn Britton: 202-603-1645