

County of Delaware, Pennsylvania Non-Discrimination Grievance Policy and Procedures

Introduction:

Title 40 of the Code of Federal Regulations (C.F.R.), Parts 5 and 7—Nondiscrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency—prohibits discrimination on the basis of race, color, national origin (including limited English proficiency), age, sex, disability, sexual orientation, or marital status in programs or activities receiving financial assistance from the U.S. Environmental Protection Agency (U.S. EPA). It requires recipients of financial assistance from the U.S. EPA to:

1. Designate a person to be the Nondiscrimination Coordinator to coordinate efforts to comply with 40 C.F.R., Parts 5 and 7;
2. Collect, maintain, and provide information showing compliance with 40 C.F.R., Parts 5 and 7;
3. Adopt grievance procedures that assure the prompt and fair resolution of discrimination complaints alleging violations of 40 C.F.R., Parts 5 and 7; and
4. Provide continuing and prominent public notice of non-discrimination on the basis of race, color, national origin, age, sex, or disability, and of the identity and contact information for the Nondiscrimination Coordinator.

As set forth below, it is the policy of the County of Delaware not to discriminate on the basis of several factors, including those in 40 C.F.R., Parts 5 and 7. For definitions of terms, please refer to "Definitions" in Section 7.25 of Subpart A in 40 C.F.R. Part 7, and Section 5.105 of Subpart A in 40 C.F.R. Part 5. In addition, the County of Delaware adopts the following policy and procedures to implement the requirements of 40 C.F.R., Parts 5 and 7.

Policy:

The County of Delaware does not discriminate on the basis of race, color, national origin, age, sex, disability, sexual orientation, or marital status in administration of its programs or activities, and the County of Delaware does not intimidate or retaliate against any individual or group because they have exercised rights protected by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights.

The County of Delaware 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, 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.

A. Nondiscrimination Coordinator:

The County of Delaware's Executive Director designated the following County of Delaware Nondiscrimination Coordinator on September 1, 2026:

County of Delaware Nondiscrimination Coordinator

James Rainey, Labor Relations Specialist

Delaware County Human Resources Department

raineyj@co.delaware.pa.us

(610) 891-4852

B. Compliance Information:

1. The County of Delaware shall collect, maintain, and, on request of the U.S. EPA External Civil Rights Compliance Office within the Office of General Counsel (ECRCO), provide the following information to show compliance with 40 C.F.R., Parts 5 and 7:
 - a. A brief description of any lawsuits pending against the County of Delaware that allege discrimination which 40 C.F.R., Parts 5 and 7, prohibits;
 - b. Racial/ethnic, national origin, age, sex, and disability data, or U.S. EPA Form 4700-4 information submitted with County of Delaware applications for U.S. EPA financial assistance;
 - c. A log of discrimination complaints that identifies the complaint, the date it was filed, the date the County of Delaware's investigation was completed, the disposition, and the date of disposition;
 - d. Reports of any compliance reviews conducted by any other agencies; and
 - e. Data and information specific to certain County of Delaware programs or activities to determine compliance where there is reason to believe that discrimination may exist in a County of Delaware program or activity, or to investigate a complaint alleging discrimination in a County of Delaware program or activity.
2. When preparing compliance information, the County of Delaware shall use the racial classifications set forth in 40 C.F.R. Section 7.25 in determining categories of race, color, or national origin.
3. The County of Delaware shall keep records of the compliance information identified in paragraphs (1)(a) through (1)(e) above for at least three (3) years after completing a

project for which the County of Delaware was a recipient of U.S. EPA financial assistance. If any complaint or other action for alleged failure by the County of Delaware to comply with 40 C.F.R., Parts 5 and 7, is brought before the three-year period ends, the County of Delaware shall keep records until the complaint is resolved.

4. The County of Delaware shall:

- a. Give ECRCO access during normal business hours to its books, records, accounts, and other sources of information, including its facilities, as may be pertinent to 40 C.F.R., Parts 5 and 7;
- b. Make compliance information available to the public upon request; and
- c. Assist in obtaining other required information that is in the possession of other agencies, institutions, or individuals not under the County of Delaware's control. If such party refuses to release that information, the County of Delaware shall inform ECRCO and explain its efforts to obtain the information.

C. Grievance Procedures:

Any person who believes someone was subjected to discrimination may file a grievance under this procedure by contacting the Nondiscrimination Coordinator. It is against the law for the County of Delaware to retaliate against any person or group because they have exercised rights protected by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with any such rights.

The County of Delaware adopts the following grievance procedures to assure the prompt and fair resolution of complaints alleging a violation by the County of Delaware of 40 C.F.R., Parts 5 and 7:

1. Grievances must be submitted to the Nondiscrimination Coordinator within 120 days of the date the person filing the grievance becomes aware of the alleged discriminatory action. Grievance submissions may be emailed to raineyj@co.delaware.pa.us called in through (610) 891-4852, or mailed to the County of Delaware office address listed below:

ATTN: James Rainey, Labor Relations Specialist
Delaware County Human Resources
Delaware County Government Center, Room 220
201 W. Front Street
Media, PA 19063

2. A complaint must be in writing, containing the name and address of the person filing it and/or the identified representative. The complaint must state the date of the occurrence, the problem or action alleged to be discriminatory, and the remedy or relief sought. The complaint shall specify in as much detail as possible:
 - a. The actions or inactions by the County of Delaware that support an alleged violation of 40 C.F.R., Parts 5 and 7;
 - b. The alleged discrimination that did or will result from such actions or inactions, and the identity of the person(s) harmed or potentially harmed; and
 - c. The basis for why the action is believed to be discriminatory and, if possible, the sections of 40 C.F.R., Parts 5 and 7, allegedly violated.
3. The Nondiscrimination Coordinator, or such persons as they may designate, will acknowledge receipt of the grievance within five (5) business days and thereafter conduct an investigation of the complaint. This investigation may be informal but will be thorough, affording all interested parties an opportunity to submit evidence relevant to the complaint. The Nondiscrimination Coordinator will maintain the files and records relating to such grievances and, to the extent possible and in accordance with applicable law, will take appropriate steps to preserve confidentiality, sharing them only with those who have a need to know.
 - a. The Nondiscrimination Coordinator is responsible for making information available to non-employees regarding rights to services, aids, benefits, and participation without regard to race, color, national origin, age, sex, disability, sexual orientation, or marital status and will periodically evaluate the effectiveness of the County's efforts to offer such services, aids, benefits, and participation opportunities.
 - b. The Nondiscrimination Coordinator is responsible for ensuring that intimidation and retaliation are prohibited and that claims are handled promptly.
 - c. The Non-Discrimination Coordinator will coordinate with the County's Human Resources Department to ensure County staff receive appropriate training on non-discrimination obligations.
 - d. The Nondiscrimination Coordinator will track all complaints filed under this policy or with the EPA and will review all complaints on a semi-annual basis to identify and address any patterns or systemic problems. The Non-Discrimination Coordinator will also ensure that complainants are updated on the progress of their discrimination complaints filed with the County of

Delaware, if requested. The Non-Discrimination Coordinator will promptly inform the complainant as to any determinations made.

- e. The Nondiscrimination Coordinator is responsible for providing notice of this policy and carrying out the investigation process for non-employee complaints and may delegate an investigation to another investigator or designee on a case-by-case basis.
4. The Nondiscrimination Coordinator will issue a written decision on the grievance, based on a preponderance of the evidence, no later than 60 days after its filing, including notice to the complainant of their right to pursue further administrative or legal remedies. The written decision will describe the investigation process and state whether discrimination was found.
5. The person filing the grievance may appeal the Nondiscrimination Coordinator's decision by writing to Barbara O'Malley, Executive Director within 15 days of receiving the decision. The Executive Director shall issue a written decision in response to the appeal no later than 60 days after its filing.

Appeals should be submitted to:

ATTN: Barbara O'Malley, Executive Director
Delaware County Government Center, Room 202
201 W. Front Street
Media, PA 19063

6. The availability and use of this grievance procedure does not prevent a person from pursuing other legal or administrative remedies, including filing a complaint of discrimination in court or with the U.S. EPA External Civil Rights Compliance Office.

Complaints may be submitted electronically to [Title VI Complaints@epa.gov](mailto:Title_VI_Complaints@epa.gov), or by mail or phone at:

U.S. EPA External Civil Rights Compliance Office
Office of General Counsel (Mail Code 2310A)
1200 Pennsylvania Avenue N.W., Washington, D.C. 20460
(202) 564-3316

Complaints of discrimination or retaliation may also be filed with the Commonwealth of Pennsylvania at:

Office of Attorney General, Civil Rights Enforcement Section
14th Floor, Strawberry Square

Harrisburg, PA 17120
(717) 787-0822

The Nondiscrimination Coordinator will make appropriate arrangements to ensure that individuals with disabilities and individuals with limited English proficiency are provided auxiliary aids and services or language assistance services, respectively, as needed to participate in this grievance process.

D. Notice of Nondiscrimination:

The County of Delaware will provide continuing notice that it does not discriminate on the basis of race, color, national origin, age, sex, disability, sexual orientation, or marital status in any of its programs or activities. Methods of notice shall accommodate those with impaired vision or hearing. At a minimum, this notice will be posted in a prominent place in the County of Delaware's offices or facilities and on the County of Delaware's website. Where appropriate or upon request, notice shall be provided in a language or languages other than English. The notice shall identify the current Nondiscrimination Coordinator as the responsible employee designated to coordinate the County's compliance efforts under 40 C.F.R., Parts 5 and 7.

The text of the notice shall read:

"It is the policy of the County of Delaware to not discriminate on the basis of race, color, national origin, age, sex, disability, sexual orientation, or marital status] in administration of its programs or activities, and the County of Delaware does not intimidate or retaliate against any individual or group because they have exercised rights protected by 40 C.F.R. Parts 5 and 7 or for the purpose of interfering with such rights.

The County of Delaware 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 statutes).

If you have any questions about this notice or the County's non-discrimination programs, policies, or procedures, contact:

County of Delaware Nondiscrimination Coordinator
James Rainey, Labor Relations Specialist
Delaware County Human Resources Department
raineyj@co.delaware.pa.us
(610) 891-4852

The County of Delaware's Nondiscrimination Policy and Procedures will be reviewed on an annual basis and revised as necessary, to ensure prompt and fair resolution of discrimination complaints.