



# The State of Tennessee

Department of Commerce  
and Insurance

Hodgen Mainda  
Commissioner

TITLE VI COMPLIANCE REPORT AND  
IMPLEMENTATION PLAN

FY2019-2020

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## II. Overview

The Department of Commerce and Insurance is a diverse agency charged with protecting the interests of consumers while providing fair, efficient oversight and a level field of competition for a broad array of industries and professionals doing business in Tennessee. The statute creating the Department of Commerce and Insurance is T.C.A. § 56-1-201, and laws that guide the Department's functions are found at Title 56, Chapter 1. The Department accomplishes its regulatory responsibilities primarily through professional licensing, establishment of professional qualification and performance standards, audits and examinations of licensees, investigation of consumer complaints, enforcement actions, and consumer education. The Department houses six divisions – the Division of Fire Prevention, the Division of Insurance, the Division of Regulatory Boards, the Securities Division, and the TennCare Oversight Division. There are three agencies administratively attached to the Department – the Tennessee Emergency Communications Board, the Tennessee Law Enforcement Training Academy, and the Peace Officers Standards and Training Commission.

The **Division of Fire Prevention** is the State Fire Marshal's Office. The Division includes the state's building and safety codes enforcement operations. Training for volunteer and career firefighters and codes officials is provided through the Tennessee Fire Service and Codes Enforcement Academy (TFACA). TFACA provides training on its campus and at local fire department sites across the state. Certification of volunteer and career firefighters in Tennessee is provided through the Tennessee Commission on Firefighting Personnel and Standards Education. The Division also conducts fire safety education programs across the state.

**Tennessee Fire Service and Codes Enforcement Academy (TFACA)** is a professional educational institution associated with the Department and housed under the Division of Fire Prevention. TFACA received federal financial assistance in FY2020 and is projected to use federal financial assistance during FY2021. The students who matriculate through the training programs offered by this school are employees of local fire service agencies who have been referred for basic and advanced education. The employers pay the tuition for the students or codes officials. The diversity of the student populations at the school is determined by the recruitment efforts of the fire service agencies that use the education programs.

The **Tennessee Commission on Firefighting Personnel and Standards Education**, which is housed under the Division of Fire Prevention, is responsible for the certification of volunteer and career firefighters in the State of Tennessee. The Commission also administers the Educational Incentive Pay Program for paid firefighters. The Commission is made up of nine members appointed for six year terms and all of those members, except for the volunteer firefighter, shall be qualified by experience in the area of fire protection and related fields and shall meet the minimum training requirements of T.C.A. § 4-24-112, be a certified firefighter II or above, and be an active or retired member of a fire department currently participating in the commission's certification training program.

The ninth member shall be a volunteer firefighter who shall: (1) be qualified by experience; (2) be qualified to extinguish and control fires and fire-related emergencies as a member of a volunteer fire department recognized under T.C.A. § 68-102-301; (3) meet the minimum training requirements of T.C.A. § 4-24-112; (4) currently serve or has served as a training officer for a fire

department; and (5) not be considered a full-time employee of the fire department that they are representing. Of course, there is no prohibition against more than one member being a volunteer firefighter.

T.C.A. § 4-24-104(d) states that: “In making appointments to the commission, the governor shall strive to ensure that at least one person appointed to serve on the commission is 60 years of age or older and that at least one person appointed to serve on the commission is a member of a racial minority.”

The governor makes three appointments to the commission and, at minimum, pursuant to T.C.A. § 4-24-104(c)(3): one appointment shall be a career firefighter and one appointment shall be a volunteer firefighter. The third governor appointee may be either a career or a volunteer firefighter.

T.C.A. § 4-24-104(g) provides that: “Each grand division of the state shall be represented on the commission.”

The **Division of Insurance** regulates approximately 1,891 insurance companies and more than 228,422 insurance producers. The Division also reviews and approves insurance policy forms and rates for use in this State, mediates and investigates policyholder complaints of misconduct and fraud, and conducts consumer education programs across the State. The Consumer Insurance Services section of the Division mediated 3,400 policyholder complaints during FY2020. The insurance companies regulated by the Division paid premium taxes to this State during FY2020. In total, the fees and taxes added over \$1,080,000,000.00 to the State general fund. In addition, the Division collected and funded its budget through other fees that totaled over \$14,200,000.00 during FY2020.

The **Division of Regulatory Boards** houses 27 self-funded boards and commissions that enforce professional standards of conduct and statutory mandates for certain licensed industries – accountants, alarm system contractors, architects, the athletic commission, auctioneers, burial services, collection services, contractors, cosmetologists & barbers, court reporters, credit service businesses, debt collection businesses, embalmers, engineers, funeral directors, geologists, home improvement contractors, home inspectors, land surveyors, locksmiths, motor vehicle dealers and sellers, private investigators, private probation officers, private protective services, polygraph examiners, real estate agents, real estate appraisers, and scrap metal dealers. The Division regulates over 290,000 active licensees. Board and commission members are appointed by the Governor or the Commissioner of Commerce and Insurance in accordance with statutorily mandated composition criteria which include, but are not limited to, consideration to gender, race, age, geographic location, professional knowledge and experience.

The **Securities Division** regulates 1,443 state-registered broker-dealer firms, 152,169 broker-dealer agents, 291 investment adviser firms, 1,633 investment adviser firm notice filers, and 6,103 investment adviser representatives. The Division also registers securities products, investigates investor complaints of misconduct and fraud, and produces investor education programs across the state. The Securities Division collected \$24,054,597.00 in fees from registrants, securities offerings and notice filings during FY2020.

The **TennCare Oversight Division** monitors the financial condition and timely payment practices of the health maintenance organizations (HMOs) and other managed care companies that contract

to provide services to 1.4 million TennCare enrollees. The Division is contracted to receive a total of \$2,570,100 from the Division of TennCare for FY2021. That total is funded 50/50 state and federal.

The **Tennessee Emergency Communications Board (TECB)** is a self-funded board housed within the Department of Commerce and Insurance. The Board is charged with the establishment and maintenance of an advanced statewide emergency communications system and it is funded through a monthly emergency telephone surcharge imposed on users and subscribers of all telecommunications services capable of contacting 911. The Board also provides financial oversight, operational oversight and technical assistance to the state's 100 emergency communication districts (ECDs) and establishes technical, operational and dispatcher training standards, and manages the distribution of funds from the Emergency Communications Fund to the ECDs. The Board is composed of nine members. Four members are appointed by the Governor, two members are appointed by the Speaker of the House, and two members are appointed by the Speaker of the Senate. The ninth member is the Comptroller or his/her designee. One member appointed by the Governor is a public citizen with no connection to emergency communications. One member appointed by the Speaker of the Senate represents county governments. One member appointed by the Speaker of the House represents city governments. The five remaining members must be either current directors of emergency communication districts or current members of emergency communications boards of directors. The appointing authorities are statutorily directed to ensure that the composition of the Board reflects the diversity of the population of this state with respect to race, gender, age, and geographical and political interests.

The **Tennessee Law Enforcement Training Academy (TLETA)** trains state, county, and city law enforcement officers at all levels of responsibility. Annually, TLETA trains about half of the new police recruits in the state, provides in-service training, and assists the P.O.S.T. Commission in maintaining records for over 14,000 certified officers in the state. Specialized school offerings by TLETA on mandated, requested, and emerging subjects provide an opportunity for P.O.S.T. certified officers to receive the required 40 hours in-service training as well as learn innovative techniques in maintaining law enforcement services. TLETA trained 688 students in four basic police schools and 19 specialized schools during FY2020.

The **Peace Officers Standards and Training Commission (P.O.S.T.)** is the primary regulatory body for Tennessee law enforcement officers. The P.O.S.T. Commission develops and enforces educational, physical, and proficiency skills standards for law enforcement agencies and officers statewide. In addition to setting standards, the Commission also certifies law enforcement training, instructors, curricula, academies, specialized schools, officers, staff, and agencies. The Commission also provides an annual salary supplement to certified full time officers completing the required 40 hours of in-service training. The Commission is comprised of 14 members, nine members appointed by the Governor, two members appointed by the Speaker of the House of Representatives, two members appointed by the Speaker of the Senate, one member designated by the Attorney General as his representative, and the Director of TLETA serves as the Executive Secretary. With the exception of the Executive Secretary, each member's appointment is for a fixed term. The Governor's appointments must be comprised of two police chiefs, two sheriffs, one police officer below the rank of Assistant Chief, one non-supervisory officer, and three additional members.

As a by-product of this wide-range of professional services, the Department of Commerce and Insurance collected more than \$1,220,000,000.00 in fees in FY2020, second only to the Department of Revenue.

The Department's total operating budget for FY 2020 was \$226,135,000.

III. RESPONSIBLE OFFICIALS

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#### IV. DEFINITIONS

Assurance: A written statement or contractual agreement signed by the Commissioner of Commerce and Insurance in which a recipient, secondary recipient or contractor agrees to administer federally assisted programs in accordance with civil rights laws and regulations.

Beneficiaries: Those persons to whom assistance, services, or benefits are ultimately provided.

Compliance: The fulfillment of the requirements of Title VI, other applicable laws, implementation of regulations, and instructions to the extent that no distinctions are made in the delivery of any service or benefit on the basis of race, color, or national origin.

Complaints: A verbal or written allegation of discrimination which indicates that any federally assisted program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color, or national origin.

Compliance Reviews: Regular systematic inspections of agency programs conducted to determine regulatory compliance with the civil rights laws and regulations. Compliance reviews determine compliance and noncompliance in the delivery of benefits and services in federally assisted programs. These reviews help to measure the effectiveness of agency civil rights programs. They identify problems, such as denial of full benefits, barriers to participation, different treatment, lack of selection to advisory boards and planning committees, lack of information, and denial of the right to file a civil rights complaint. Compliance reviews may be conducted on-site or through desk audits.

Conciliatory Agreement: A voluntary agreement between a federal agency and the state or between the state and a sub-recipient or contractor that provides for corrective action to be taken to eliminate discrimination in any program receiving federal assistance.

Contractor: A person or entity that agreed to perform services at a specified price.

Desk Audit: A desk audit is a structured paper review of statistical and narrative information submitted by recipients or agency program offices of compliance information obtained before or without going on-site, conducted according to review procedures. Desk audits include routine reviews of assurance forms or other documents to ensure that they have been properly completed.

Discrimination: To make any distinction between one person or group of persons and others, either intentionally, by neglect, or by the effect of actions or lack of actions based on race, color, or national origin.

Federal Assistance: Any funding, property, or aid provided for the purpose of assisting a beneficiary.

Invitation to Bid (ITB): A procurement method where a contract is awarded to one or more bidders based on the lowest responsive and responsible price.

Minority: A person or groups of persons differing from others in some characteristics and often subjected to differential treatment on the basis of race, color, or national origin.

Noncompliance: Failure or refusal to comply with Title VI of the Civil Rights Act of 1964, other applicable civil rights laws, and implementing departmental regulations.

Parity: The proportion of minority participation to the minority eligible population of a service delivery point is the same as the proportion of non-minority participation to the non-minority eligible population of the same delivery point.

Post-Award Review: A routine inspection of agency programs during and after federal assistance has been provided to the beneficiary or recipient. These reviews may be cyclical or based on a priority system contingent upon the potential for noncompliance in individual programs. Reviews are normally conducted through on-site visits; however, desk audits and other mechanisms may also be used to assess operation of federally assisted programs. A post-award review may result in a written report that shows the compliance status of agency program offices and recipients. When necessary, the report will contain recommendations for corrective action. If the program office or recipient is found to be in noncompliance, technical assistance and guidance must be provided to bring the recipient into voluntary compliance. If voluntary compliance cannot be secured, formal enforcement action is then initiated.

Potential Beneficiaries: Those persons who are eligible to receive federally assisted program benefits and services.

Pre-Award Review: A desk audit of the proposed operations of a sub-recipient or contractor prior to the approval of the grant or contract. The Department must determine that the program or facility will be operated such that program benefits will be equally available to all eligible persons without regard to race, color, or national origin. The applicant may provide methods of administering the program designed to ensure that the primary recipient and sub-recipient(s) under the program will comply with all applicable regulations and correct any existing or developing instances of noncompliance. If the documentation provided by the applicant for the desk audit is inadequate to determine compliance, then an on-site evaluation may be necessary.

Public Notice/Notification: Process of publicizing information on the availability of programs, services and benefits to minorities and statements of nondiscrimination. This is attained through the use of newspapers, newsletters, periodicals, radio and televisions, community organizations, and grassroots and special needs directories, brochures, and pamphlets.

Recipient: Any state, political subdivision of any state, or instrumentality of any state or political subdivision, any public or private agency, institution, or organization, or other entity or any individual in any state to whom federal financial assistance is tendered, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but not including any ultimate beneficiary under such program.

Request for Proposal (RFP): A written solicitation for written proposals to provide goods or services to the State.

Service Delivery Area: The area served by a service delivery point in the administration of federally assisted programs.

Service Delivery Point: The place in which federally assisted program services or benefits are administered to the public.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-4: Federal law prohibiting discrimination based on race, color, or national origin. It covers all forms of federal aid except contracts of insurance and guaranty. It does not cover employment, except where employment practices result in discrimination against program beneficiaries or where the purpose of the federal assistance is to provide employment.

## V. NONDISCRIMINATION POLICY

It is the policy of the Department of Commerce and Insurance (the “Department”) to ensure equal opportunity in all aspects of its programs and services without regard to race, color, or national origin under Title VI of the Civil Rights Act of 1964. This policy applies to the administration of all programs and activities of the Department whenever any program or activity of the Department is assisted with federal financial assistance. The Department follows and enforces the Department of Human Resources (DOHR) Policy on Workplace Discrimination and Harassment and the State of Tennessee’s Code of Conduct, with respect to promoting equal employment opportunity (EEO) and eliminating unlawful discrimination on the basis of race, color, age, national origin, religion, sex, disability, pregnancy, veteran status, or any other category protected under state and/or federal civil rights laws. All employees are required to read and acknowledge the Code of Conduct on an annual basis and to complete the State of Tennessee’s Respectful Workplace training, the curriculum for which is based on the DOHR Workplace Discrimination and Harassment Policy. The Department also follows and enforces the provision of the State of Tennessee’s Employee Handbook pertaining to the promotion of EEO and compliance with the Americans with Disabilities Act.

The Department, its sub-recipients, and its contractors shall make available any compliance report to be reviewed by THRC upon request.

***See Appendix U, Policies.***

## VI. ORGANIZATION OF THE CIVIL RIGHTS OFFICE

### ***See Appendix A, Department of Commerce and Insurance Organizational Chart of Civil Rights Coordination.***

The Title VI Coordinator is responsible for:

1. Collecting data from the divisions/programs within the Department regarding the Department's compliance with Title VI;
2. Receiving complaints alleging violation of Title VI;
3. Coordinating the investigation of complaints alleging violation of Title VI;
4. Reporting the results of complaint investigations to the Commissioner of Commerce and Insurance, the Deputy Commissioner/Title VI Compliance Officer, the General Counsel, and the head of the affected division/program area;
5. Coordinating compliance reviews with Department auditors and/or relevant program staff;
6. Preparing the annual Title VI Implementation Plan;
7. Preparing training materials for Department staff;
8. Conducting training for Department staff; and
9. Assisting division/program heads and staff with understanding the Title VI expectations and compliance issues for their divisions/programs.

The Title VI Compliance Officer is responsible for:

1. Keeping the records of the Title VI compliance office;
2. Responding to records requests; and
3. Responding to information requests.

## VII. DISCRIMINATORY PRACTICES

The Department shall administer all programs in a nondiscriminatory manner. The Department shall not, on the basis of race, color or national origin:

- A. Deny a person the opportunity to participate as a member of a planning or advisory body that is an integral part of the program;
- B. Provide a service or benefit to an individual that is inferior (either in quantity or quality) to that provided to others by or in the program;
- C. Provide an individual with a service or benefit in a manner different from others under the program;
- D. Subject an individual to segregation in any manner related to the receipt of services or benefits under the program;
- E. Subject an individual to separate treatment in any manner related to receiving services or benefits under the program;
- F. Restrict an individual in any way in the receipt of any advantage or privilege enjoyed by others under the program;
- G. Require non-uniform standards or conditions as pre-requisites for accepting an individual into a program;
- H. Deny an individual any service or benefit provided under the program;
- I. Use criteria or methods of administration which (1) have the effect of subjecting individuals to discrimination, or (2) operate to defeat or substantially impair the accomplishment of the objectives of the program;
- J. Permit discriminatory activity in a facility built in whole or in part with federal funds;
- K. Fail to provide service or information in a language other than English when potential or actual beneficiaries are of limited English-speaking ability;
- L. Fail to advise the population eligible to be served or provided benefits by the program of the existence of the program;
- M. Subject an individual to discriminatory employment practices under any federally funded program whose object is to provide employment; or
- N. Locate a facility in any way which would limit or impede access to a federally funded service or benefit.

## EXAMPLES OF PROHIBITED DISCRIMINATORY PRACTICES

Illustrative examples of prohibited discriminatory practices, include, but are not limited to, the following:

- A. Applying licensing standards inconsistently to applicants on the basis of their race, color, or national origin.
- B. Applying job qualification standards inconsistently to applicants for positions funded by federal assistance on the basis of their race, color, or national origin.
- C. Not considering or rejecting a contract proposal on the basis of the business owner's race, color, or national origin.
- D. Not including minority owned businesses in the distribution of request for proposal notices.
- E. Refusing to accept a consumer complaint from and provide assistance to a consumer on the basis of the consumer's race, color, or national origin.
- F. Applying course completion requirements inconsistently to students on the basis of their race, color, or national origin.

## VIII. FEDERAL PROGRAMS OR ACTIVITIES

For FY2020, the total amount of federal financial assistance received by the Department was \$3,677,348.54. For FY2021, the total amount of federal financial assistance, to date, is \$3,138,148.48.

The Division of Fire Prevention has two pending applications for federal financial assistance. Additional information regarding these applications can be found in **Appendix B(2), Pending Applications for Federal Financial Assistance in FY2020 and FY2021.**

***See Appendix B(1), Federal Financial Assistance for FY2020 and FY2021; and Appendix C Federal Financial Assistance Property List.***

## STATEMENTS OF ASSURANCE

***See Appendix D, Copies of Statements of Assurances.***



IX. DATA COLLECTION AND ANALYSIS

BENEFICIARIES

The primary programmatic charge of the Department of Commerce and Insurance is professional regulation. This is accomplished through licensing and enforcement of the standards and laws applicable to the industries subject to the Department’s jurisdiction. The racial/ethnic diversity of the industry populations is determined by individual professional goals and training, as well as the recruitment efforts within those industries. However, all citizens of the state are beneficiaries of the regulatory work of the Department because of the provision of access to competent, ethical businesses and professionals and protection from unqualified, unlicensed, and/or unethical business people.

Through the State Fire Marshal’s Office, which is based in the Division of Fire Prevention, the Department is responsible for fire code and electrical installation safety inspections, residential building code standards, manufactured housing production and installation safety inspections, the investigation into the cause and origin of fires, and fire insurance fraud. As with the consumer protections provided by the professional regulation duties of the Department, the fire and building safety duties of the Department serve all of the citizens of Tennessee.

Tennessee Race and Ethnicity Census Data  
(percentage of population)

African American/ Black	American Indian/ Alaska Native	Asian	Hispanic/ Latino	Nat. Hawaiian/ Pacific Islanders	2 or more races reported	White, not Hispanic	Foreign Born	Language Other Than English At Home
16.7%	0.3%	1.4%	4.6%	0.1%	1.7%	75.6%	4.1%	5.9%

\*data from U.S. Census Bureau, 2010 Census

There are two professional educational institutions associated with the Department – the Tennessee Fire Service and Codes Enforcement Academy (TFACA), which is housed under the Division of Fire Prevention, and the Tennessee Law Enforcement Academy (TLETA). TFACA and TLETA received federal financial assistance in FY2020 and are projected to use federal financial assistance during FY2021.

The students who matriculate through the training programs offered by these two schools are employees of local fire service and state/local law enforcement agencies who have been referred for basic and advanced education. The employers pay for the students’ tuition. The diversity of the student populations at both schools is determined by the recruitment efforts of the fire service and law enforcement agencies that use the education programs. Data regarding the racial composition of the student populations served by TFACA and TLETA is requested of the students during the class registration process. There were a total of 12,505 students trained through TFACA during FY2020 and 688 students trained through TLETA during FY2020.

The Tennessee Commission of Firefighting Personnel and Standards Education (TCFP) and the Peace Officers Standards and Training Commission (POST) are responsible for establishing the

standards for fire departments and law enforcement agencies and certifying the qualifications of firefighters and law enforcement officers. TCFP collects data regarding the applicants for certification testing. There were 8,166 students trained through the TCFP during FY2020. Likewise, POST collects data concerning the race of applicants for certification. There were 317 officers certified through POST during FY2020.

**See Appendix F, TFACA Student Data and TCFP Test Applicant Data; and Appendix G, TLETA Student Data and P.O.S.T. Certification Applicant Data.**

**MINORITY REPRESENTATION OF DEPARTMENT STAFF**

<b>Racial breakdown of Employees and Members of Boards and Commissions who receive meeting per diems</b>						
<b>Race</b>	<b>Count</b>	<b>Percentage</b>	<b>Executive</b>	<b>Exec %</b>	<b>Preferred</b>	<b>Pref %</b>
White	595	80.41%	181	84.19%	414	78.86%
Black	116	15.68%	28	13.02%	88	16.76%
Hispanic/Latino	9	1.22%	2	0.93%	7	1.33%
Asian	8	1.08%	2	0.93%	6	1.14%
Native American	1	0.41%	0	0.00%	3	0.57%
Unknown	1	0.14%	0		1	0.19%
Other	4	0.54%	0	0.46%	4	0.76%
Two or More Races	4	0.54%	2	0.93%	2	0.38%
Vacant	124					
<b>TOTAL</b>	<b>864</b>	<b>100.00%</b>	<b>215</b>	<b>100.0%</b>	<b>525</b>	<b>100.0%</b>

As of June 30, 2020, the Department had a total of 740 full and part-time employees.

**See Appendix E, Report of Department Staff and Members of Governor Appointed Regulatory Boards and Commissions Who Receive Meeting Per Diems.**

## X. LIMITED ENGLISH PROFICIENCY (LEP)

### **POLICY**

It is the policy of the Department of Commerce and Insurance that all program areas take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in our services, activities, programs and other benefits. The policy of the Department of Commerce and Insurance is to ensure meaningful communication with persons that experience LEP and their authorized representatives. This policy also provides for communication of information contained in vital documents, including but not limited to, waivers of rights and consent forms, consumer complaint forms, educational materials, and notices of rights to a hearing and/or appeal of administrative orders. All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served.

Language assistance will be provided through use of competent bilingual staff, staff interpreters, contracts or formal arrangements with organizations providing interpretation or translation services, or technology and telephonic interpretation services. All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.

The Department of Commerce and Insurance will conduct a regular review of the language access needs of our service population, as well as update and monitor the implementation of this policy and these procedures, as necessary. In determining the language access needs and obligations of the Department, each program will consider the following four factors:

1. The number or proportion of LEP persons in the population;
2. The frequency of contact LEP persons have with the program;
3. Nature and importance of program; and,
4. Resources available to the program.

### **PROCEDURES:**

#### **1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE**

The Department of Commerce and Insurance will promptly identify the language and communication needs of the LEP person. If necessary, staff will use a language identification card (or "I speak cards") or posters to determine the language. In addition, when records are kept of past interactions with individuals or their family members, the language used to communicate with the LEP person will be included as part of the record.

#### **2. OBTAINING A QUALIFIED INTERPRETER**

Avaza Language Services Corp. is a vendor that is contracted with the State to provide qualified telephone based interpreter services. The agency's telephone numbers are 1-800-482-8292, (615) 534-3405 Nashville, (901) 257-3190 Memphis, (865) 342-7768 Knoxville area, (731) 410-2911 Jackson area, (931) 472-0446 Clarksville area, (423) 424-0950 Chattanooga area. The hours of

availability are 24 hours a day, 7 days a week, 365 days a year. The Avaza business address is 5209 Linbar Drive, Suite 603, Nashville, TN 37211.

Linguistica International Translation Services is also a vendor contracted with the State to provide qualified telephone-based interpreter services. The toll-free number for this service is 866-980-5744, and the website is located at [www.linguisticainternational.com](http://www.linguisticainternational.com). The hours of availability are 24 hours a day, 365 days a year. Linguistica International offers professional interpreters that cover over 250 languages and dialects.

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and **after** the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the department or agency. Such an offer and the response will be documented in the person's file. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.

Children (e.g. persons under the age of 18) will **not** be used to interpret, in order to ensure confidentiality of information and accurate communication.

### **3. PROVIDING WRITTEN TRANSLATIONS**

When translation of vital documents is needed, each division or unit in the Department of Commerce and Insurance will submit documents for translation into frequently-encountered languages to vendors contracted with the State to provide this service. Original documents being submitted for translation will be in final, approved form.

### **4. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION**

On an ongoing basis, the Department of Commerce and Insurance will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, the Department of Commerce and Insurance will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, equipment used for the delivery of language assistance, complaints filed by LEP persons, and feedback from the public and community or consumer organizations.

The Department of Commerce and Insurance generally encounters LEP beneficiaries when receiving, investigating, and mediating consumer complaints. The Department utilizes the State's current foreign language translator service contract with Avaza Language Services Corp. ("Avaza"). Avaza provides a phone-based language interpretation service. Every division and program within and administratively attached to the Department has been registered with Avaza by the Title VI Coordinator. The access codes assigned to each division, as well as language identification posters and service information kits have been distributed to each division head for dissemination among office and field staff.

The Department currently has 20 employees who fluently speak 14 languages other than English – Spanish, French, Azerbaijani, Turkish, Farsi, Urdu, Punjabi, Korean, Arabic, Telugu, Thai, Chinese, German, and Hindi. Although these employees are not certified as interpreters, they are willing to assist their co-workers and beneficiaries when needed. The current list of staff utilized by the Department can be found in **Appendix H, LEP Encounters in FY2020.**

The State Board of Cosmetology and Barber Examiners has a relatively high number of contacts with individuals who speak Spanish and Vietnamese. The Executive Director provides all Spanish assistance.

Top 6 Languages other than English Spoken in Tennessee Homes\*

% of Tennessee Population	A combination of several African languages	Arabic	Chinese	German	Korean	Spanish	Tennessee Population
5.2%	4.0%	3.2%	3.4%	3.7%	2.2%	58.7%	6,346,105

\*data from the U.S. Census Bureau, 2010 Census

For FY2020, the Insurance Division encountered a total of 75 contacts of languages other than English, including Spanish, French, Vietnamese and Arabic. Within the Division of Regulatory Boards, the Administrative Office had 6 encounters, the Cosmetology and Barber Board had 102 encounters, the Board for Licensing Contractors had 12 encounters, the Funeral Board had two encounters, the Motor Vehicle Commission had one encounter, the Private Protective Services had one encounter, and the TennCare Oversight Division had 6 encounters, for a grand total of 42 in-person encounters; 152 telephonic encounters; and 11 encounters in writing.

Division	Spanish	Arabic	Vietnamese	French	Other
Insurance	66	6	1	1	1
Regulatory Boards Administrative Office	5	1	0	0	0
Cosmetology and Barber Board	54	3	43	0	2
Board for Licensing Contractors	10	2	0	0	0
Funeral Board	2	0	0	0	0
Motor Vehicle Commission	1	0	0	0	0
Private Protective Services	0	1	0	0	0
TennCare Oversight	5	1	0	0	0
<b>TOTAL</b>	<b>143</b>	<b>14</b>	<b>44</b>	<b>1</b>	<b>3</b>

See Appendix H, LEP Encounters in FY2020.

The following documents are available in translated versions:

1. Securities Division
  - a. Financial Services Investigations Complaint Form
2. Insurance Division
  - a. Consumer Insurance Services Complaint Form – Spanish; and
  - b. All html pages on the internet can be translated into any language.
3. Division of Regulatory Boards
  - a. License Examinations – offered in Spanish and Vietnamese
    - i. Cosmetology;
    - ii. Aesthetician; and
    - iii. Manicurist.
  - b. Outreach PowerPoints – Spanish
  - c. Car buying guides for consumers- Spanish
4. Division of Fire Prevention
  - a. Informational door hangers (part of “Get Alarmed” smoke alarm installation program) – Spanish;
  - b. Carbon monoxide safety materials (part of the Consumer Product Safety Commission program) – Spanish; and
  - c. Safety materials ordered yearly from U.S. Fire Administration – Spanish.

The Department’s website is translatable in accordance with the language needs of the viewers through the use of Google Translate software. Similarly, many of the Department’s online consumer complaint forms are translatable through the use of Google Translate software.

Copies of translated documents are located in **Appendix R, LEP Translated Documents.**

## XI. COMPLAINT PROCEDURES

### COMPLAINT PROCEDURES

#### Acceptance of Complaints of Discrimination:

- A. Any person alleging discrimination based on race, color, or national origin has a right to file a complaint within 180 days of the following:
1. The date of the alleged act of discrimination; or
  2. The date when the person(s) became aware of the alleged discrimination; or
  3. Where there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct.
- B. All complaints, written or verbal, should be accepted. In the event a complainant sets forth the allegations verbally and refuses to reduce such allegations to writing, the person to whom the complaint is made should reduce the elements of the complaint to writing. Complaints may be filed online at [www.tn.gov/commerce/resources-services/file-a-complaint.html](http://www.tn.gov/commerce/resources-services/file-a-complaint.html) or using the Department's Title VI Complaint Form. **See Appendix J, Department of Commerce and Insurance Title VI Complaint Form.**
1. Allegations by fax or e-mail will be acknowledged and processed, once the identity of the complainant and the intent to proceed with this complaint have been established. The complainant is required to mail a signed, original copy of the fax or e-mail transmittal for the Department to be able to process it.
  2. Allegations received by telephone will be reduced to writing and provided to complainant for confirmation or revision before processing.  
  
A complaint form will be forwarded to the complainant to complete, sign, and return to the Department for processing.
  3. Complaints may also be filed with the Tennessee Human Rights Commission.
- C. Complaints, whether written or later reduced to writing by a staff person, should contain the following information:
1. Name, address, and telephone number of the complainant.
  2. The location and name of the entity delivering the service.
  3. The nature of the incident which led the complainant to feel discrimination was a factor. A detailed description of the issues, including names and job titles of those perceived as parties in the complained-of incident, must be included.

4. The basis of the complaint, i.e., race, color, or national origin.
5. Names, titles, addresses, and phone numbers of people who may have knowledge of the event.
6. The date(s) on which the alleged discriminatory event(s) occurred.

The Department received no Title VI Complaints in FY2019 or FY2020. **See Appendix I, 2019 and 2020 Title VI Complaint Logs.**

#### INVESTIGATION AND RESOLUTION

7. Complaints should be handled within 90 days of their receipt.
8. Upon receipt of the complaint, the Title VI Coordinator, will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint.
  - a. In order to be accepted, a complaint must meet the following criteria:
    - i. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant;
    - ii. The allegation(s) must involve a covered basis such as race, color, or national origin; and
    - iii. The allegation(s) must involve a program or activity of a federal-aid recipient, sub-recipient, or contractor.
  - b. A complaint may be dismissed for the following reasons:
    - i. The complainant requests the withdrawal of the complaint;
    - ii. The complainant fails to respond to repeated requests for additional information needed to process the complaint; or
    - iii. The complainant cannot be located after reasonable attempts.
9. Following the commencement of an investigation, Title VI Coordinator shall notify the Tennessee Human Rights Commission (Commission) within 10 days.
10. A letter should be sent by the Title VI Coordinator acknowledging receipt of the complaint and requesting a time and date an investigator can reach the complainant by phone to discuss the complaint.
11. Complainants are not parties to a Title VI investigation and do not enjoy a status different from other persons interviewed.
12. A preliminary inquiry directed by the Title VI Coordinator should be conducted on all complaints to substantiate or refute the allegations.



13. If the preliminary inquiry indicates that there may be a problem, then a full complaint investigation should be initiated. A letter should be sent to the complainant explaining that an investigation will be started and that the complainant's cooperation will be needed in the future.
14. If the allegations are not substantiated, a letter should be sent to the complainant that contains a description of the allegations investigated, the scope of the investigation, the facts learned and a closing statement summarizing the basis on which the determination was made.
15. After completion of the investigation, the Title VI Coordinator shall submit a summary of its investigation to the Commission prior to notifying the complainant.
16. If a complainant is dissatisfied with the findings of the investigation, the complainant may file an appeal with the federal agency that provides the funding.
17. The Title VI Coordinator shall also report the investigator's findings to the Title VI Compliance Officer, the Commissioner of Commerce and Insurance, and the administrative head of the division/program area directly impacted by the discrimination complaint allegations and receive recommendations regarding the appropriate resolution for the complaint and method for correcting noncompliance findings.
18. The Title VI Coordinator shall work with the administrative head of the division/program directly impacted by the discrimination complaint allegations to achieve compliance with Title VI.
19. A complaint log shall be kept for records and submission to the proper federal authorities and the THRC.

## FEDERAL COMPLAINTS

The Department received no federal complaints alleging discrimination on the basis of race, color, or national origin under any federally funded program or activity during FY2019 or FY2020.

## LITIGATION

There were no lawsuits filed alleging discrimination on the basis of race, color, or national origin under any federally funded program or activity during FY2019 or FY2020.

## XII. TITLE VI TRAINING PLAN

The Department developed an online Title VI training for staff which included informational slides as well as 15 questions presented in a multiple choice or true/false format. The online training provided a refresher on the requirements of Title VI and National Origin/LEP considerations and focused on complaint procedures. A passing score of at least 80% was required of each individual who completed the training, and completion was tracked by a notification system that generated results into the Title VI Compliance Officer's email upon completion of the training by each staff member, contractor, or subrecipient. The link for the online training was disseminated on June 30, 2020 and remained available to all employees, subrecipients, and contractors through September 15, 2020.

### Agency Staff Title VI Training

As of June 30, 2020, the Department had a total of 740 full and part-time employees and 100% successfully completed the training in FY2020.

### Sub-recipient Title VI Training

Out of a total of 53 sub-recipients: 5 schools and 41 volunteer fire departments were required to complete the training in 2020. Five of the 12 schools successfully completed the training, and the remaining 7 were public schools which provided copies of compliance documents and were not required to complete the training.

The 12 schools receiving funding in FY2020 were public and private colleges and universities in the state of Tennessee – University of Memphis, Tennessee Technological University, Christian Brothers University, Vanderbilt University, Union University, University of Tennessee at Chattanooga, University of Tennessee at Knoxville, University of Tennessee at Martin, Belmont University, Middle Tennessee State University, Lipscomb University, and East Tennessee State University. The schools received grants from the dedicated funds of the Board of Architects and Engineers. These grants were used to enhance the quality of these academic programs with the end goal of having well-educated license applicants for the Board of Architects and Engineers. Title VI training was not offered to the sub-recipient schools that provided a copy of the Title VI compliance documents regularly maintained as a condition of being a recipient/sub-recipient of federal financial assistance from other sources. Five sub-recipient schools – Christian Brothers University, Lipscomb, Belmont University, Vanderbilt University, and Union University – did not provide copies of Title VI compliance documents, and a representative from the program receiving the grant at each of those five schools completed and passed the Department's online Title VI training.

There were 41 recipients of the Department's Volunteer Firefighter Equipment and Training grant in 2020. This program serves to better protect firefighters and the communities they serve. A representative from each of the 41 volunteer fire departments completed the training.

### Contractor Title VI Training

The training was offered to 89 of the Department's contractors in 2020: 81 Deputy Electrical Inspectors (DEIs) and 8 Deputy Building Inspectors (DBIs). All 89 contractors successfully

completed the training. The DEIs and DBIs provide services to the public on behalf of the Department. The training was not offered to the contractors who do not provide services on behalf of the Department.

<b>TITLE VI TRAINING 2020</b>	Total number of Employees, Subrecipients, or Contractors	Training Offered	Training Completed	Percentage
Staff	740	740	740	100%
Subrecipients	53	46	46	100%
Contractors	289	89	89	100%

Other than the online training referenced above, which is launched annually between the months of July and September, the Department does not have any plans to offer additional training programs to staff, subrecipients, or contractors.

***See Appendix K, List of Title VI Trainees; and Appendix L, printouts of the Online Training for FY2020 including informational slides and quiz questions.***

### XIII. SUB-RECIPIENT MONITORING

#### A. Pre-Award Procedures – Assurances & Data Collection

The Department does not currently provide a pre-assessment or self-survey to sub-recipients and/or proposers/contractors or specify Title VI training standards that proposers/contractors must meet. Though there have not been recorded field reviews, on-site compliance review may be conducted if the information provided by the proposer is inadequate. If the pre-award review reveals weaknesses in the proposer's program, approval/disapproval action may be deferred pending prompt remedial action on the part of the proposer to resolve the areas of noncompliance. The proposer must be notified of the areas of apparent noncompliance and given the opportunity to take timely corrective action.

**See Appendix M(1), Professional Service Contracts FY 2020** for a list of each sub-recipient, contractor and/or vendor that has signed a "statement of assurance" provided by the department or agency for the most recent fiscal year.

The Department adheres to Central Procurement Office rules and policies in contracting for commodities, nonprofessional and professional services. All contractors selected based on the State of Tennessee's Request For Proposal (RFP) or Invitation to Bid (ITB) process are required to acknowledge compliance with Title VI at the time a proposal or bid is submitted. RFP proposers and ITB bidders must complete a Statement of Certifications and Assurances which recites that the proposer or bidder agrees to comply with Tennessee statutes and rules relating to competitive procurements, including all Standard Terms and Conditions, Special Terms and Conditions, and Contract Specifications.

Standard Terms and Conditions, included in both the ITB and commodity or nonprofessional service contracts, provide as follows:

No person on the grounds of handicap or disability, age, race, color, religion, sex, national origin, or any other classification protected by Federal and/or Tennessee State Constitutional and/or statutory law shall be excluded from participation in, or denied benefits of, or be otherwise subjected to discrimination in the performance of the Contract or in the employment practices of the vendor/contractor. The vendor/contractor shall, upon request, show proof of such non-discrimination, and shall post in conspicuous places, available to employees and applicants, notices of non-discrimination.

The following model language, specified in the Central Procurement Office Professional Service Contracting Manual, is included in all RFPs issued by the Department:

**Nondiscrimination.** No person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of a Contract pursuant to this RFP or in the employment practices of the Contractor on the grounds of handicap or disability, age, race, creed, color, religion, sex, national origin, or any other classification

protected by federal, Tennessee state constitutional, or statutory law. The Contractor pursuant to this RFP shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

The following model language, set forth in the Central Procurement Office Professional Service Contracting Manual, requires all proposers responding to RFP's issued by the Department to:

Provide documentation of the Respondent's commitment to diversity as represented by the following:

- (a) Business Strategy. Provide a description of the Respondent's existing programs and procedures designed to encourage and foster commerce with business enterprises owned by minorities, women, service-disabled veterans, persons with disabilities, and small business enterprises. Please also include a list of the Respondent's certifications as a diversity business, if applicable.
- (b) Business Relationships. Provide a listing of the Respondent's current contracts with business enterprises owned by minorities, women, service-disabled veterans, persons with disabilities, and small business enterprises. Please include the following information:
  - (i) contract description;
  - (ii) contractor name and ownership characteristics (*i.e.*, ethnicity, gender, service-disabled veteran-owned or persons with disabilities);
  - (iii) contractor contact name and telephone number.
- (c) Estimated Participation. Provide an estimated level of participation by business enterprises owned by minorities, women, service-disabled veterans, persons with disabilities and small business enterprises if a contract is awarded to the Respondent pursuant to this RFP. Please include the following information:
  - (i) A percentage (%) indicating the participation estimate. (Express the estimated participation number as a percentage of the total estimated contract value that will be dedicated to business with subcontractors and supply contractors having such ownership characteristics only and **DO NOT INCLUDE DOLLAR AMOUNTS**);
  - (ii) Anticipated goods or services contract descriptions;
  - (iii) Names and ownership characteristics (*i.e.*, ethnicity, gender, service-disabled veterans, or disability) of anticipated subcontractors and supply contractors.

NOTE: In order to claim status as a Diversity Business Enterprise under this contract, businesses must be certified by the Governor's Office of Diversity Business Enterprise (Go-DBE). Please visit the Go-DBE website at <https://tn.diversitysoftware.com/FrontEnd/StartCertification.asp?TN=tn&XID=9810> for more information.

(d) Workforce. Provide the percentage of the Respondent's total current employees by ethnicity and gender.

NOTE: Respondents that demonstrate a commitment to diversity will advance State efforts to expand opportunity to do business with the State as contractors and subcontractors. Response evaluations will recognize the positive qualifications and experience of a Respondent that does business with enterprises owned by minorities, women, service-disabled veterans, persons with disabilities, and small business enterprises and who offer a diverse workforce.

The following model language, set forth in the Central Procurement Office Professional Service Contracting Manual, is included in all professional service contracts issued by the Department:

Nondiscrimination. The Contractor hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Contract or in the employment practices of the Contractor on the grounds of handicap or disability, age, race, creed, color, religion, sex, national origin, or any other classification protected by federal or state law. The Contractor shall, upon request, show proof of nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

Assignment and Subcontracting. The Contractor shall not assign this Contract or enter into a subcontract for any of the goods or services provided under this Contract without the prior written approval of the State. Notwithstanding any use of the approved subcontractors, the Contractor shall be the prime contractor and responsible for compliance with all terms and conditions of this Contract. The State reserves the right to request additional information or impose additional terms and conditions before approving an assignment of this Contract in whole or in part or the use of subcontractors in fulfilling the Contractor's obligations under this Contract.

The following model language, set forth in the Central Procurement Office Professional Service Contracting Manual, is included in all professional service contracts paid for with federal funds issued by the Department:

Equal Opportunity. During the performance of this Contract, the Contractor agrees as follows:

- a. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion,

sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following:

- (1) Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising;
- (2) Layoff or termination;
- (3) Rates of pay or other forms of compensation; and
- (4) Selection for training, including apprenticeship.

The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

- b. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.
- c. If the State approves any subcontract, the subcontract shall include paragraphs (a) and (b) above.
- d. In addition, to the extent applicable the Contractor agrees to comply with 41 C.F. R. § 60-1.4, as that section is amended from time to time during the term.

Respondents and bidders must also provide documentation of commitment to diversity as represented by business strategy, relationships, and workforce - this documentation should detail all of the following:

- A description of existing programs and procedures designed to encourage and foster commerce with business enterprises owned by minorities, women, service disabled veterans, and small business enterprises;
- A listing of current contracts with business enterprises owned by minorities, women, service disabled veterans, and small business enterprises, including the following information:
  - (a) contract description and total value;
  - (b) contractor name and ownership characteristics (*i.e.*, ethnicity, sex, disability); and
  - (c) contractor contact and telephone number.
- An estimate of the level of participation by business enterprises owned by minorities, women, service disabled veterans, and small business

enterprises in a contract awarded to the enterprise pursuant to the RFP or ITB, including the following information:

- Participation estimate (expressed as a percent of the total contract value) that will be dedicated to business with subcontractors and supply contractors having such ownership characteristics;
- Descriptions of anticipated contracts;
- Names and ownership characteristics (i.e., ethnicity, sex, disability) of anticipated subcontractors and supply contractors; and
- Percentage of total current employees by ethnicity, sex, and disability.

Respondents are advised that a demonstrated commitment to diversity will advance the State's efforts to expand opportunities to do business with the State as contractors and sub-contractors. Proposal evaluations will recognize the positive qualifications and experience of a respondent that does business with enterprises owned by minorities, women, service disabled veterans, small business enterprises, and that offers a diverse workforce to meet service needs.

All contractors bidding on commodity or nonprofessional service contracts issued by the Department, by the Central Procurement Office on behalf of the Department, or who have been identified as a sole source provider of needed goods or services, are provided with an Efforts to Achieve Diversity Business Enterprise Participation form, designed and distributed by the Governor's Office of Diversity Business Enterprise. This form and/or documentation supporting the contractor's Diversity Utilization Plan must be included with all bids for contracts or sole source purchases.

## B. Post-Award Procedures

Each of the 12 recipients of the Board of Architects and Engineers block grant completed post-award surveys in FY2020. The surveys are distributed annually to ensure compliance with Title VI. A copy of the survey is located in **Appendix T, Post-Award Survey**. The 41 new contracts for the Volunteer Firefighter Equipment and Training Grant began on June 15, 2020 and will expire in January 2021. Those sub-recipients will complete our post-award survey during the next fiscal year. In addition to the post-award surveys, the Department conducted desk audits for each the 12 recipients of the Board of Architects and Engineers block grant in 2020. Each year, after the funds are dispersed, the Board collects receipts at the end of the grant year for itemization and tracking. Unauthorized use of funds is prohibited and required to be returned to the Department, along with any unused funds.

Because the grant money for all 53 sub-recipients is used for the purchase of equipment, the post-award surveys and desk audits are sufficient to collect the requisite compliance data. For this reason, the Department does not conduct field or on-site reviews.



Contractors are required to assist the State in monitoring performance and provide quarterly reports to the Governor's Office of Diversity Business Enterprise (Go-DBE) to document participation of Minority Business Enterprises (MBE), Woman Business Enterprises (WBE), Service-Disabled Veteran Business Enterprises (SDVBE), and Small Business Enterprises (SBE). Following the award of a Professional Services Contract, the Department sends the Contractor a brief survey to complete asking the Contractor to voluntarily indicate whether the Contractor identifies as African American, Asian, Hispanic, Native American, Female, a Person with a Disability, a Small Business, Government, Other, or Not Minority or Disadvantaged. This process allows the Department to assess the diversity of its contractors.

C. Subrecipient Title VI Training

Sub-recipient schools that provided a copy of the Title VI compliance documents regularly maintained as a condition of being a recipient/sub-recipient of federal financial assistance from other sources were not required to complete the Department's Title VI training. Five sub-recipient schools – Christian Brothers University, Lipscomb, Belmont University, Vanderbilt University, and Union University – did not provide copies of Title VI compliance documents, and a representative from the program receiving the grant at each of those five schools completed and passed the Department's online Title VI training.

D. Public Notice and Outreach

The Department does not currently monitor public dissemination of information about the following by sub-recipients and/or contractors:

- ♦ Nondiscrimination policy;
- ♦ Programs and services;
- ♦ Complaint procedures; and
- ♦ Minority participation on planning boards and advisory bodies.

E. Procedures for Noncompliance

The Department will, to the extent practicable, attempt to obtain voluntary compliance before refusing, suspending, or terminating assistance or contract for noncompliance with Title VI. Attempts to gain compliance will not be unduly protracted.

Probable noncompliance results when any civil rights compliance reviewer, federal or state, determines that there has been any significant deviation from any civil rights law or regulation.

F. Procedures for Ensuring Voluntary Compliance

- In cases where a compliance investigation or compliance review results in findings of noncompliance, the Department shall notify the sub-recipient or contractor

through certified mail of the apparent noncompliance. The notice shall clearly identify the conditions of noncompliance and offer a reasonable time to willingly comply.

- The Department shall record the date the sub-recipient or contractor received notice and shall note and record the last day afforded the sub-recipient or contractor for voluntary compliance before initiating an administrative process to terminate assistance.
- The sub-recipient or contractor may request a meeting for the purposes of discussing the problem area or requirement for compliance.
- The Commissioner of Commerce and Insurance shall approve the sub-recipient's or contractor's voluntary compliance plans, methods, procedures, and proposed actions, if such approval will result in compliance with Title VI. Such a plan should be submitted in writing. Failure of voluntary efforts will result in termination or suspension of assistance or contract.

#### G. Termination or Suspension of Assistance

- Any action to terminate or suspend assistance or a contract shall be limited to a particular sub-recipient or contractor against whom a finding of noncompliance has been made and shall be limited in its effect to the particular program, or part thereof, in which noncompliance has been found.
- General conditions for termination or suspension of assistance or contract shall not become effective until:
  - The Department has advised the sub-recipient or contractor of its failure to comply and it has been determined that compliance cannot be secured through voluntary means;
  - There is a documented finding that after opportunity for a hearing, if applicable, sub-recipient or contractor has failed to comply with the requirements of Title VI and applicable state and federal regulations; or
  - Approval has been given by the Commissioner of Commerce and Insurance.

#### H. Sub-recipients, Contractors, Vendors

- The Department, its sub-recipients or contractors shall make available any compliance report to be reviewed by THRC upon request.
- **See Appendix M(1), Professional Service Contracts FY 2020** for a list of each sub-recipient, contractor and/or vendor that has signed a "statement of assurance" provided by the department or agency for the most recent fiscal year.

- There were a total of 342 contractors (sub-recipients, contractors, or vendors) in FY2020. The total amount of liability for professional service contracts was \$122,487,675.58, and the total amount paid was \$14,872,701.93. **See Appendix M(1), Professional Service Contracts FY 2020; Appendix N, Vendor Payments; Appendix O, Diversity Vendors; and Appendix P, Agency Term Contracts** for information specifically related to each sub-recipient, contractor, or vendor. Please note all contractors are located within the United States, with exception of MicroPact Global, Inc., which has offices in Canada.
- Based on the information voluntarily reported by the Department's sub-recipients, contractors, and vendors during the procurement process, there were no minority contractors in FY2020.
- There were 55 new contractors in FY2020; 41 sub-recipients and 14 vendors. **See Appendix M(2), New Professional Service Contracts FY 2020.**

#### H. Contractual Provisions Prohibiting Discrimination

Excerpts of the contractual provisions prohibiting discrimination, which is agreed to by sub-recipients, contractors and/or vendors of the department or agency are provided above in Section A.

#### I. Federal Financial Assistance and Federal Program Monitoring

The Division of Fire Prevention has two pending applications for federal financial assistance. Additional information regarding these applications can be found in **Appendix B(2), Pending Applications for Federal Financial Assistance in FY2020 and FY2021.**

The Department is not responsible for any annual federal program monitoring.

#### XIV. PUBLIC NOTICE AND OUTREACH

The Department endeavors to inform the public about all available services and their rights under Title VI. It is also available on request made to the Title VI Compliance Coordinator. The Title VI nondiscrimination policy and complaints procedures are not published separately from the Title VI Implementation Plan. However, the Department does make copies of the Title VI nondiscrimination policy and complaint procedures available to the public on request made to the Title VI Compliance Coordinator.

The Department of Commerce and Insurance utilizes minority media on an annual basis. Any time a news release is disseminated to the public, minority media outlets are included as part of the distribution. Print, radio, television, and social media outlets are forms of media included when publicizing any event, awareness campaign, educational message and newsworthy information, and minority media is strongly represented among those outlets. For example, in FY2019, the Department launched a consumer outreach campaign in cooperation with the Tennessee Attorney General's Office. The campaign focused on scam-fighting tactics for consumers in order to avoid financial scammers and was advertised through television, radio, social media, and print. Additionally, the Department also endorsed flood insurance awareness and elder abuse prevention campaigns.

The Department of Commerce and Insurance works directly with minority communities to educate and provide awareness on the multitude of resources available. The following resources help to improve the quality of life for all Tennesseans.

- a. Get Alarmed program
- b. Insurance Awareness programs

All html pages on the Department's website can be translated to any language. There is a tab at the bottom of all state pages that allows pages to be translated. The consumer complaint form is posted in both English and Spanish.

All outreach conducted by the Securities Division is available to all audiences. The Division has also expanded its investor education outreach program to millennials, college students, and young professionals and entrepreneurs with the hopes of reaching a more diverse demographic. The Securities Division's complaint form is currently available in Spanish on Division's website.

The Division of Fire Prevention provides a home fire safety workshop two times a year as part of Habitat for Humanity's future homeowner's class. This class features participants from multiple ethnicities, races, and national origins. Additionally, they partner with fire departments across the state through the Get Alarmed Tennessee program to reach a diverse group of Tennesseans in high risk areas.

Within the Division of Regulatory Boards, the Cosmetology and Barber Examiners had minority-focused outreach in 2020. Through Conexión Américas, the Executive Director of this program presented three classes in FY2020 titled "Prosperous Businesses," which included information regarding licensing and regulations. The participants are Spanish speaking members of the community seeking to improve themselves and to gain knowledge regarding permits, relevant

laws, and what is necessary to succeed in business. The classes will also be offered in FY2021. Funeral and Burial, Board for Licensing Contractors, and Cosmetology and Barber will continue to try and reach minorities within each of the professions to ensure that they are receiving the information they need. Cosmetology and Barber, as well as the Board for Licensing Contractors, plans to continue to work with Conexión Américas.

The Office of the Board of Funeral Directors and Embalmers, also operating within the Division of Regulatory Boards, consistently communicates with the liaison of the Tennessee State Funeral Directors Morticians Association, an association comprised of predominately African American funeral establishments.

Also within the Division of Regulatory Boards, the Office of the Tennessee Motor Vehicle Commission (MVC) distributes Federal Trade Commission Car Buying Tips to 95 County Clerks in both English and Spanish, in an effort to reach diverse, high risk populations. Further, the MVC continues to team with the Department of Safety to launch the “Car Buying Tips” video in driver’s license stations across Tennessee, to reach additional ethnic populations and minorities. Further, the MVC participates in other outreach events such as “Motor Cycle Safety” and “Teen Driver Safety Training Camp.”

In 2021, the Division of Insurance will be working with the National Association of Insurance Commissioners to confront issues of race in the insurance industry. Further the Division plans to form a working group to perform outreach to research how the Division can better serve minority consumers.

Copies of signs and brochures distributed by the Department are located in **Appendix S, Public Notice and Outreach.**

The Department’s programs also:

- A. Display nondiscrimination posters;
- B. Inform eligible persons of new programs or changes in existing programs pertaining to eligibility benefits and services, including the location of local facilities or service delivery points and hours of service, by mailing information to minority and grass roots organizations in the area affected;
- C. Include civil rights requirements in all guidelines and make the guidelines available to the public;
- D. Provide access to Title VI information to beneficiaries, potential beneficiaries, and proposers, including procedures for filing complaints; program information; and rights of beneficiaries and proposers as reflected in legislation, program regulations, directives, materials, pamphlets, etc.; and
- E. Include in any published program information a statement that the program is available to all without regard to race, color, or national origin. The statement shall be in bold type and in a prominent location.

## ADVISORY BOARDS AND COMMISSIONS

The Division of Regulatory Boards, the Division of Fire Prevention, and the Tennessee Emergency Communications Board currently use advisory boards to assist with programs. Information regarding advisory board member eligibility criteria and vacancies on the advisory boards is available at the Secretary of State's website [tnsos.net/publications/oa/index.php](https://tnsos.net/publications/oa/index.php) and on the websites for the program areas [www.tn.gov/commerce](http://www.tn.gov/commerce). The existence of the advisory boards and committees is also promoted through and by the related industries. The Department's Title VI training program emphasizes that minority representation, whenever possible, is a compliance expectation for each of the Department's advisory boards and commissions.

The advisory boards and commissions that are connected to the Division of Regulatory Boards are appointed by the Commissioner of Commerce and Insurance. They advise the Commissioner regarding professional standards, testing, and assist with the promulgation of rules for their assigned programs. The advisory boards and commissions for which the Commissioner has appointment authority assist the Geology Licensing Program, the Home Inspector Advisory Committee, the Locksmith Testing Advisory Board, the Scrap Metal Advisory Committee, and the Soil Scientists Advisory Committee. Each of these boards and commissions is inactive, as the Commissioner has not appointed new members.

The advisory boards and commissions that are connected to the Division of Fire Prevention include the Blasting Advisory Council and the Code Edition Advisory Committee. The Blasting Advisory Council members are appointed by the Commissioner of Commerce and Insurance, and their duties include assisting the Department in developing reasonable policies and regulations that will protect public safety while promoting efficiency and effectiveness. The Code Edition Advisory Committee is an ad hoc advisory group that is not created by statute or rule. It is expected that a Codes Edition Advisory Committee will reconvene before the end of the calendar year 2020.

The Tennessee Emergency Communications Board has three standing committees: The Operations Advisory Committee, Policy Advisory Committee, and Technical Advisory Committee, with members for each committee serving three-year terms. At the expiration of the three-year term, the board appoints new members to these committees from a list of qualified individuals with background and experience in emergency communications and the telecommunications industry. Lists of potential committee members are created from board solicitation to the emergency communications community for voluntary nominees. The board then appoints members from this limited pool and often there are just enough nominees to fill a committee's vacancies. Ideally, the members of these committees are selected to represent a balance of interests, regions, and demographics. Representatives are appointed from the large, medium, and small sized emergency communications districts, as well as from Tennessee's three grand divisions. Members also represent city and county government interests and the professional associations for sheriffs, police chiefs, and emergency medical services. **See Appendix Q, Composition of Planning and Advisory Boards.**

Blasting Advisory Council

Total Members	African American	Amer. In. or AK Nat.	Asian	Caucasian	Hispanic or Latino	Other	Unknown
12	1			11			
Percentage	11.1%	0%	0%	88.9%	0%	0%	0%

Composition of the Tennessee Emergency Communications Operations Advisory Committee

Total Members	African American	Amer. In. or AK Nat.	Asian	Caucasian	Hispanic or Latino	Other	Unknown
9				9			
Percentage	0%	0%	0%	100%	0%	0%	0%

Composition of the Tennessee Emergency Communications Policy Advisory Committee

Total Members	African American	Amer. In. or AK Nat.	Asian	Caucasian	Hispanic or Latino	Other	Unknown
8				8			
Percentage	0%	0%	0%	100%	0%	0%	0%

Composition of the Tennessee Emergency Communications Technical Advisory Committee

Total Members	African American	Amer. In. or AK Nat.	Asian	Caucasian	Hispanic or Latino	Other	Unknown
3				2	1		
Percentage	0%	0%	0%	75%	25%	0%	0%

**See Appendix Q, Composition of Planning and Advisory Boards.**

MINORITY INPUT

Opportunities to receive public input regarding the programs of the Department are provided in several ways. All meetings of Governor appointed boards and commissions and Commissioner appointed advisory boards and commissions are public meetings. The calendars and agendas for the meetings are published on the Department’s website [www.tn.gov/commerce/resources/public-meetings.html](http://www.tn.gov/commerce/resources/public-meetings.html). Notices of public rulemaking hearings are posted on the Department’s website [www.tn.gov/commerce](http://www.tn.gov/commerce) and on the Secretary of State’s website [tnsos.org/rules/RulemakingHearings.php](http://tnsos.org/rules/RulemakingHearings.php). All of the Department’s licensees are asked to provide electronic mail addresses in order to receive copies of rulemaking notices that effect their businesses and professions. Additionally, the Department’s website provides viewers the ability to submit feedback and the regulatory boards and commissions offer online customer satisfaction surveys.

PUBLIC NOTICE FOR GRANT AND BIDDING OPPORTUNITIES

The Department is pro-active in ensuring the inclusion of minorities in the various methods of soliciting professional services, as well as relaying to proposers the priority of equal opportunity in contracts and subcontracts. The Department uses the Governor's Office of Diversity Enterprises to identify minority vendors and contractors. Department staff encourages known minority contractors to register and provides information about the Governor’s Office of Diversity Enterprises. Professional Service Requests for Proposals and solicitations are posted on the Department’s website at <https://www.tn.gov/commerce/fire-prevention.html> and on the Department of General Services’ website at [www.tn.gov/generalservices/procurement/central-procurement-office--cpo-/supplier-information-/request-for-proposals--rfp--opportunities.html](http://www.tn.gov/generalservices/procurement/central-procurement-office--cpo-/supplier-information-/request-for-proposals--rfp--opportunities.html).



## XV. COMPLIANCE/ NONCOMPLIANCE REPORTING

In addition to its submission to the THRC, upon request, the Department submitted its 2019-2020 Title VI Implementation Plan to the Office of Criminal Justice Programs of the Tennessee Department of Finance and Administration (F & A).

The Department is not responsible for any federal reporting requirements with respect to Title VI.

The Department did not receive any Title VI or discrimination related audits and/or findings from a federal or state monitoring agency in FY2020.

## XVI. EVALUATION PROCEDURES OF TITLE VI IMPLEMENTATION

The primary function of the Department of Commerce and Insurance is professional licensing and regulation. The professions and businesses under the jurisdiction of the Department require education, training and/or employment as a pre-requisite to licensure. Consequently, access to these programs and services is governed by the independent decisions of the license applicants.

The administrative office of the State Board of Cosmetology and Barber Examiners is aware, through daily interaction, that it has a significant number of Spanish and Vietnamese speaking applicants and licensees. Based on the interactions, the staff evaluates the need for program enhancements that will facilitate business transactions with these beneficiaries. As a result, this program offers the cosmetology, aesthetician, and manicurist license examinations in Spanish and Vietnamese.

The Consumer Insurance Services Section of the Division of Insurance evaluates the need for consumer assistance and education materials based on daily interactions with consumers and reviews of demographic data regarding the state's population. The effectiveness of these programs is generally assessed by the number of complaints received from consumers about the businesses and professionals under the jurisdiction of the programs.

The Department surveys all contractors and vendors in an effort to gather data about minority businesses. Information about the Governor's Office of Diversity Enterprises program is distributed with the survey. As a result, the Department has been able to increase its minority contractors and vendors. The Department makes it a practice to encourage contractors and vendors to disclose minority and other diversity data.

The Department does not have any existing Title VI compliance deficiencies.