

# Title VI Program

City of Chula Vista 276 Fourth Avenue Chula Vista, CA 91910 www.chulavistaca.gov

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#### Title VI of the Civil Rights Act of 1964

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Title VI of the Civil Rights Act of 1964; 42 U.S.C. § 2000d, et seq.

#### City of Chula Vista Equal Employment Opportunity Policy

Similar to Title VI, the city has an Equal Employment Opportunity Policy, Human Resources Policy #201 for City Employees.

#### City of Chula Vista Title VI Non-Discrimination Policy

The City of Chula Vista is committed to providing equal opportunities to all applicants, residents, customers, and persons doing business with the City and will ensure that people may participate in, enjoy the benefits of, and be free from discrimination under any program or activity it administers without regard to status covered by Title VI.

#### I. Summary

The City of Chula Vista's mission is to excel at providing quality services for the benefit of all residents while developing, maintaining, and enhancing the resources of the area.

Title VI of the Civil Rights Act of 1964 (Title VI) is a federal law that requires no person in the United States on the grounds of race, color, or national origin, be excluded from, be denied the benefits or be subjected to discrimination under any program or activity receiving federal financial assistance. The Federal-Aid Highway Act of 1973 added the requirement that there be no discrimination on the basis of sex. Title VI applies to recipients and sub-recipients of federal financial assistance. The Civil Rights Restoration Act of 1987 makes clear that pursuant to Title VI discrimination is prohibited throughout any department of a local agency that accepts Federal financial assistance.

The City of Chula Vista periodically receives federal funding from the Federal Highway Administration (FHWA) and other federal program funding. As a recipient of such federal aid, the City is required to comply with Title VI and the related Department of Transportation regulations (Title 49 CFR Part 21).

#### II. Introduction

#### Title VI and Related Authorities

**Title VI of the Civil Rights Act of 1964** states the following: "No person in the United States shall on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

**Section 162(a) of the Federal-Aid Highway Act of 1973** (Section 324, Title 23 U.S.C.) added the requirement that there be no discrimination on the grounds of sex.

**The Civil Rights Restoration Act of 1987**, P.L. 100-209, provides clarification of the original intent of Congress in Title VI of the 1964 Civil Rights Act, Title IX of the Educational Amendments Act of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973.

Executive Order 12898 (issued February 11, 1994) addresses Environmental Justice regarding minority and low-income populations. Agencies must develop strategies to address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations; promote nondiscrimination in federal programs substantially affecting human health and the environment; and provide minority and low-income communities access to public information and an opportunity for public participation in matters relating to human health or the environment.

**Executive Order 13166** (issued August 16, 2000) improves access to services for persons with limited English proficiency. Agencies are directed to evaluate services provided and implement a system that ensures that Limited English Proficiency (LEP) persons are able to meaningfully access the services provided, consistent with, and without unduly burdening the fundamental mission of the local agency. Agencies are directed to ensure that recipients of federal financial assistance provide meaningful access to programs, services and information to their LEP applicants and beneficiaries free of charge. Language barriers have the potential of prohibiting LEP persons from:

- Obtaining services and information relating to transportation services, programs and projects.
- Taking advantage of the transit system, which could affect their jobs and social opportunities.
- Understanding the benefits to which they are entitled when their home or business is acquired through eminent domain.

#### Limited English Proficiency (LEP)

Limited English Proficient persons refer to persons for whom English is not their primary language and who have a limited ability to read, write, speak or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well or not at all. LEP person are entitled to language assistance under Title VI of the Civil Rights Act of 1964, and federal assistance recipients shall take reasonable steps to ensure meaningful access to benefits, services, information and other important portions of their programs and activities.

#### City Governance

The City of Chula Vista is a Charter City operating under the Council-Manager form of government with four council members and one mayor. The council appointed City Manager serves as the chief administrator for a full-service city with over 1,000 employees and 13 departments.

#### III. Title VI Program

#### Title VI Statement

The City of Chula Vista, under Title VI of the Civil Rights Act of 1964, is committed to operating its programs, activities, and services in such a way that no person shall be excluded from the equal distribution of its services and amenities based on their race, color, national origin, sex, disability, or age. The City has developed a notice to the public informing them of their rights under Title VI. Appendix A includes the Title VI Notice to the Public. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of Chula Vista, Caltrans and/or Federal Highway Administration. The City's complaint process and complaint forms are included in Appendix B.

The City's objective is to:

- Ensure that the level of quality of programs, projects and services are provided without regard to race, color, national origin, sex, disability or age;
- Promote the full and fair participation of all affected populations in decision making;
- Prevent the denial, reduction, or delay in benefits related programs and activities that benefit minority populations or low-income populations; and
- Ensure meaningful access to programs and activities for persons with Limited English Proficiency.

The City is committed to complying with Title VI requirements for all programs and services delivered to the public. The Title VI Program (Program) serves as a guide and reflection of the City's commitment to preserving the civil rights for all individual and group benefactors of City programs and services.

#### Title VI Coordinator

The City's primary Title VI Coordinator, the Director of Human Resources/Risk Management, is responsible for the overall Title VI Program. The Title VI Coordinator provides guidance and technical assistance on Title VI matters and has overall program responsibility for preparing reports and developing program procedures. The Title VI Coordinator will receive additional assistance from internal subject matter/department directors as appropriate (e.g., transportation and infrastructure projects). The Title VI Coordinator responsibilities include:

- Promptly processing and resolving Title VI complaints;
- Collecting demographic data (race, color, national origin) of participants in and beneficiaries of the City's Federal-aid programs, activities, and services;
- Promptly resolving areas of deficiency;
- Conducting periodic Title VI audits;
- Ensuring that Title VI requirements are included in policy directives and that the procedures used have built-in safeguards to prevent discrimination;
- Coordinating the development and implementation of staff training regarding the City's Title VI program; and
- Developing and coordinating Title VI information for public dissemination, including where appropriate in languages other than English

#### **Title VI Requirements**

To meet the general requirements of Title VI, the City utilizes the following procedures:

- Posting Title VI notifications at public counters, Internet, etc.
- Addressing and filing Title VI discrimination complaints
- Training staff on Title VI law and requirements
- Providing access to LEP populations
- Providing information and outreach to ensure Disadvantaged Business Enterprise (DBE) involvement
- Providing contract opportunities to minority businesses
- Meeting environmental justice regulations
- Adhering to service standards
- Including FHWA Form 1273 in all Federal Aid Contracts

#### A. Notice of Rights

City of Chula Vista will display the "Notice of Rights" (Appendix A – Notice to the Public) for public view at various City facilities with customer service counters and on the public website. The notice states that the City will comply with Title VI and ensures that no person on the grounds of color, race national origin, sex, disability or age will be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs, activities, or services. The Notice is provided in English and Spanish.

#### B. Complaint Procedures

Any person who believes she or he has been discriminated against on the basis of race, color, national origin, sex, disability or age by the City of Chula Vista (hereinafter referred to as "the City") may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form (Appendix B - Complaint Form). The City investigates complaints received no more than 180 days after the alleged incident. The City will process complaints that are complete.

Once the complaint is received, the City will review it to determine if it is complete and the City has jurisdiction. The complainant will receive an acknowledgement letter informing the complainant whether the complaint will be investigated by the City.

The City will endeavor to complete the investigation within 90 days. If more information is needed to resolve the case, the City may contact the complainant. The complainant has 10 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 10 business days, the City can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF, after the completion of the investigation, summarizes the allegations and provides finding and any recommended corrective actions. If the complainant wishes to appeal the decision, they have 15 days after the date of the letter or the LOF to do so by submitting a written appeal to the City Manager detailing the basis for the appeal

A person may also file a complaint directly with the Federal Highway Administration.

#### C. Environmental Justice

In accordance with Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations), the City will identify and address the environmental effects of programs, policies, and activities on minority and low-income populations. The City will consider demographic data into their project design and involve the public in the planning and development process to assess the environmental impacts of projects on the community. The public's input and data analysis enable the City to develop measures to mitigate any potential adverse effects on minority and low-income populations. The City is not required to conduct environmental justice analyses of projects where NEPA documentation is not required.

### IV. Language Assistance Plan

#### Plan Purpose

The purpose of this Language Assistance Plan is to identify reasonable steps to provide language assistance for Limited English Proficiency (LEP) persons who seek meaningful access to City services as required by Executive Order 13166. As defined by this order, a person with Limited English Proficiency is one who does not speak English as their primary language and who has a limited ability to read, speak, write or understand English. The City of Chula Vista will ensure that individuals have meaningful access to its programs, activities, and services by developing and carrying out the Language Assistance Plan herein.

#### **Demographics**

Chula Vista's population is approximately 271,651 persons. Of the total population in the City aged five years and older and who speaks a language other than English, 55,157 individuals speak English less than very well. This number represents Chula Vista's LEP population and represents slightly less than 38% of the total population.

#### City of Chula Vista Limited English Proficiency Persons for the Population 5 Years and Over

Languages	Persons
Spanish	119,080
Other – Indo European	3,120
Asian and Pacific Island	23,873
Other	773
Total LEP Population	55,157
Total Population 5 years and over	246,395
% of LEP Population	37.6%

Source: U.S. Census American Community Survey, Table S16101, 2013-2017 Estimates

### City of Chula Vista Top Languages Spoken (>1,000 persons) Other than English and Spanish

Languages	Persons
Tagalog	17,851
Korean	2,705
Chinese	1,623
Pacific Islander	1,352
Japanese	1,082

Complied Data Sources: U.S. Census American Community Survey, U.S. Bureau of the Census, U.S. Department of Education, 50 state departments of education, U.S. Bureau of Labor Statistics

#### Analysis

To prepare the LEP Plan the City referenced the U.S. Department of Transportation's (DOT) four-factor LEP analysis, which considers the following factors:

1. Number/proportion of LEP persons served or encountered in the eligible service population.

The DOT has adopted the Department of Justice's Safe Harbor Provision, which stipulates that translations of vital documents should be available for LEP populations that comprise five percent of the general population or 1,000 persons, whichever is lowest. For the City of Chula Vista, five percent of the general population is 13,582 persons. As demonstrated in the Tables, both Spanish and Asian/Pacific Island exceed the 5% threshold. In Chula Vista, the predominant Asian/Pacific Islander languages are Tagalog, Korean and Chinese.

2. The frequency with which LEP persons come into contact with City programs, activities and services.

The City's experience with LEP individuals has been primarily Spanish language speakers. Currently, there are 200+ full time City employees that

- are compensated to provide bilingual services. They are available throughout the day during business hours. Upon request, the City will also provide these translation services at nighttime meetings and workshops.
- 3. Nature and importance of the program, activity, or service provided by City to LEP persons. The City of Chula Vista receives Federal Aid for projects that enhance safety for motorists, pedestrians and bicyclists. The City of Chula Vista is a member jurisdiction of the San Diego Association of Governments (SANDAG). As such, SANDAG prepares the Regional Plan, San Diego Forward available at <a href="https://www.sdforward.com">www.sdforward.com</a>. SANDAG has a broad outreach effort including underserved and underrepresented community groups. The San Diego Metropolitan Transit System (MTS) prepares the Public Participation Plan, which is available on their webpage. MTS provides vital documents translated into languages other than English. Written translations are available as follows: All vital and many non-vital documents are provided in English and Spanish; Title VI Complaint Form is available in Spanish, Vietnamese, Tagalog, Chinese, Syriac, Arabic, Persian, Korean, Laotian, Japanese, Russian, Mandarin, and Cambodian.
- 4. Resources available for LEP outreach
  Bilingual City staff provides basic translation and interpretation. The City
  also contracts for language interpretive services as needed. The City's
  webpage can be translated by any user in to multiple languages. The City
  also publishes some marketing and media notices in Spanish.

#### Identifying Need for Language Assistance

The City will continue to monitor the language needs of the community. The City will do the following:

 Continue to monitor the languages and English proficiency encountered by staff. Use Cal Enviroscreen's Linguistic Isolation maps to identify the languages spoken in project areas by Census tracts: https://oehha.ca.gov/calenviroscreen/indicator/linguistic-isolation

#### **Training**

The City will provide Title VI training to appropriate Staff. These trainings
are offered at minimum every two years. Trainings will be offered online or
through an instructor-led class.



### City of Chula Vista: Title VI Civil Rights Act, Discrimination

#### APPENDIX A - NOTICE TO THE PUBLIC

#### **English**

The City of Chula Vista operates its programs and services in accordance with Title VI of the Civil Rights Act of 1964 and all related acts and statutes (Title VI). Title VI and related statutes prohibiting discrimination in Federally assisted programs require that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal assistance. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a grievance with the City of Chula Vista. Any such grievance must be in writing and submitted to the City's Title VI Compliance Officer within one hundred and eighty (180) days following the date of the alleged occurrence.

For more information on the City's Title VI compliance and the procedures to file a grievance, please contact the City's Title VI Coordinator at (619) 409-5927, visit City's website at <a href="https://www.chulavistaca.gov">www.chulavistaca.gov</a> or visit the City's Human Resources Department at 276 Fourth Avenue, Bldg. C, Chula Vista, CA 91910. Grievant also has the right to file grievances directly to the appropriate State or Federal agency providing financial assistance to the City.

#### Español

La Ciudad de Chula Vista opera sus programas y servicios de acuerdo con el Título VI de la Ley de Derechos Civiles de 1964 y todos los actos y estatutos relacionados (Título VI). El Título VI y las leyes relacionadas prohíben la discriminación en los programas con asistencia federal y se exige que ninguna persona en los Estados Unidos sea discriminada por motivos de raza, color, origen nacional, sexo, edad o discapacidad, o sea excluida de la participación o negar beneficios, o ser objeto de discriminación bajo cualquier programa o actividad que reciba asistencia federal. Cualquier persona que crea que ella o él ha sido discriminado por cualquier práctica discriminatoria ilegal bajo el Título VI puede presentar una queja ante la ciudad de Chula Vista. La queja debe ser por escrito y enviarse a la Oficial de Cumplimiento del Título VI de la Ciudad dentro de los ciento ochenta (180) días siguientes a la fecha de la supuesta ocurrencia.

Para obtener más información sobre el cumplimiento del Título VI de la Ciudad y los procedimientos para presentar una queja, comuníquese con el Coordinador del Título VI de la Ciudad al (619) 409-5927, visite el sitio web de la ciudad a <a href="www.chulavistaca.gov">www.chulavistaca.gov</a> o visite el Departamento de Recursos Humanos de la ciudad, 276 Fourth Avenue, Bldg. C, Chula Vista, CA 91910. Demandante también tiene el derecho de presentar su queja(s) directamente a la agencia estatal o federal que proporciona asistencia financiera a la ciudad.



# City of Chula Vista: Title VI Civil Rights Act, Discrimination APPENDIX B - COMPLAINT FORM

Complain	nant's Name				Today	's Date	
Address							
Email				Phone Nui	mber		
			ZED REPRESENTATIVE IS FII DDRESS AND TELEPHONE N				
Represen	tative's Name	;					
Address							
Email				Phone Nui	mber		
Date of A	Alleged Incide	nt		Time of A	lleged	Incident	
Location	Address of						
Alleged I	ncident						
Describe Your Complaint and Why You Believe You Were Discriminated Against: (attach additional pages if necessary)							
If the Alleged Incident Involved a State/Federal Agency(s), list name(s):							
Name and Contact Information of Witnesses, if applicable:							
Name				Phone Nui	mber		
Name				Phone Nui	mber		

State requested remedy to your complaint: (attach additional pages if necessary)	)
Have you previously filed a Title VI complaint with the City of Chula Vista?	I YES □ NO
Have you filed this complaint with any other Federal, State or local agency, or vertex or State Court? If so, state where?	with any other
I affirm that the above is true to the best of my knowledge, information and beli	ief.
Signature (Complainant or his/her authorized representative)	Date

Note: Acknowledgement of receipt of complaint will be provided within 5 calendar days after receipt of complaint. (See Complaint Process for further details). Filing this complaint with the City of Chula Vista does not prevent you from filing a complaint with other State or Federal Agencies providing federal funding to the party against which a complaint is being lodged. For additional information on location of state and federal offices, contact the City's Title VI Coordinator.

#### Please print, complete and submit form to:

City of Chula Vista Attn: Title VI Coordinator Director of Human Resources/Risk Manager 276 Fourth Avenue, Bldg. C Chula Vista, CA 91910



# City of Chula Vista: Title VI Civil Rights Act, Discrimination APPENDIX B - FORMULARIO DE QUEJA

Nombre de	el demandante	Fecha de hoy				
Dirección						
Email			Teléfo	no		
SI UN REI	SI UN REPRESENTANTE LEGALMENTE AUTORIZADO PRESENTA LA RECLAMO EN SU NOMBRE, SU NOMBRE, DIRECCION Y NÚMERO DE TELEFONO DEBE INCLUIRSE.					
Nombre del Representante						
Dirección						
Email		Т	eléfono			
Fecha del p	oresunto	H	ora del su	puest	to	
incidente		ir	cidente			
Ubicación/	Dirección del					
supuesto in	cidente					
Describa su queja y por qué cree que fue discriminado:(adjunte páginas adicionales si es necesario):						
Si el supuesto incidente involucró a una(s) agencia(s) estatal(es) o federal(es), nombre(s) de la lista(s)):						

Nombre e Información de Contacto de los Testigos, si corresponde:

Nombre		Teléfono					
Nombre		Teléfono					
Describa como remediar su queja: (adjunte páginas adicionales si es necesario)							
¿Ha presentado una queja del Título VI ante la Ciudad de Chula Vista anteriormente? ☐ Sí ☐ No							
¿Ha presentado esta queja ante cualquier otra agencia federal, estatal o local, o con cualquier otra corte federal o estatal? Si es así, ¿indicar dónde?							
Afirmo que esta información es cierta y verdadera a mi mejor saber y entender.							
	Firma (Reclamante o su representante autorizado)		Fecha				

Nota: El acuse de recibo de esta queja será e proporcionada dentro de 5 días calendarios después de recibir la queja. (Para mas detalles lea el proceso de quejas). Al presentar esta queja ante la Ciudad de Chula Vista no le impide presentar una queja ante otras agencias estatales o federales que proporcionen fondos federales al demandante. Para obtener información adicional sobre las oficinas estatales y federales, comuníquese con el Coordinador del Título VI de la Ciudad.

### Por favor, imprima, complete y envíe el formulario a:

City of Chula Vista Attn: Title VI Coordinator Director of Human Resources/Risk Manager 276 Fourth Avenue, Bldg. C Chula Vista, CA 91910



# City of Chula Vista: Title VI Civil Rights Act, Discrimination

### APPENDIX C - COMPLAINT PROCEDURES (ENGLISH)

Any person who believes she or he has been discriminated against on the basis of race, color, national origin, sex, disability or age by the City of Chula Vista (hereinafter referred to as "the City") may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form to the designated Title VI Coordinator.

City of Chula Vista Attn: Director of Human Resources/Risk Manager 276 Fourth Avenue, Bldg. C Chula Vista, CA 91910

The City investigates complaints received no more than 180 days after the alleged incident. The City will process complaints that are complete. Once the complaint is received, the City will review it to determine if our City has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our City.

The City has 14 days to investigate the complaint. If more information is needed to resolve the case, the City may contact the complainant. The complainant has 10 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 10 business days, the City can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has 15 days after the date of the letter or the LOF to do so.



# City of Chula Vista: Title VI Civil Rights Act, Discrimination APPENDIX C - PROCEDIMIENTO PARA OUEJAS

Cualquier persona que crea que él o ella ha sido discriminada en base a su raza, color, origen nacional, sexo, incapacidad, o edad por la Ciudad de Chula Vista (Ciudad) puede quejarse por medio de completar y presentar un formulario de queja de Título VI de la agencia.

City of Chula Vista Attn: Director of Human Resources/Risk Manager 276 Fourth Avenue, Bldg. C Chula Vista, CA 91910

La Ciudad investiga las quejas que recibe dentro de 180 días a partir de la fecha del supuesto incidente. La Ciudad procesará los formularios de quejas que están completos. Al recibir una queja, la Ciudad la revisará para determinar si la Ciudad puede actuar. El demandante recibirá una carta informándole si es que la queja será investigada por la Ciudad.

La Ciudad tiene 14 días para investigar la queja. En caso de que sea necesario solicitar información adicional, la Ciudad se comunicará con el demandante. El demandante tendrá 10 días hábiles a partir de la fecha de la carta para enviar la información solicitada al investigador. Si el investigador no es contactado por el demandante o no recibe la información adicional dentro de los 10 días hábiles, la Ciudad puede cerrar la investigación de forma administrativa. Una investigación también puede ser cerrada de forma administrativa si es que el demandante no desea continuar la investigación.

Después de que el investigador revise la queja, éste enviará una de dos cartas al demandante: una carta de clausura o una carta de descubrimientos (CDD). La carta de clausura resume las alegaciones y declara que no hubo una violación del Título VI y que la investigación se clausurará. Una CDD resume las alegaciones y las entrevistas acerca del supuesto incidente, y explica si acción disciplinaria, entrenamiento adicional para el empleado, u otra acción ocurrirá. Si el demandante desea apelar su decisión, éste tendrá 15 días después de la fecha de la carta o CDD para hacerlo.



# City of Chula Vista: Title VI Civil Rights Act, Discrimination APPENDIX D - TRACKING LOG, TITLE VI COMPLAINTS

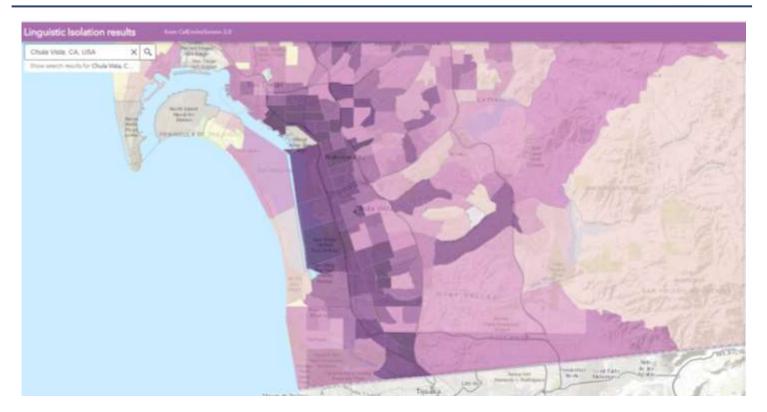
The City of Chula Vista tracks all allegations of discrimination based on race, color, national origin, sex disability or age to include active investigations, lawsuits, complaints naming the City of Chula Vista using the table format below.

Date	Type	Summary	Status	Actions Taken
	☐ Complaint			
	☐ Investigation			
	☐ Lawsuit			
	☐ Complaint			
	☐ Investigation			
	□ Lawsuit			
	☐ Complaint			
	☐ Investigation			
	□ Lawsuit			
	☐ Complaint			
	☐ Investigation			
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	☐ Complaint			
	☐ Investigation			
	☐ Lawsuit			
	☐ Complaint			
	☐ Investigation			
	☐ Lawsuit			
	☐ Complaint			
	☐ Investigation			
	☐ Lawsuit			



# City of Chula Vista: Title VI Civil Rights Act, Discrimination Prohibition

## APPENDIX E - LIMITED ENGLISH PROFICIENCY



# Legend

#### Linguistic Isolation percentile

- > 90 To 100
- > 80 To 90
- > 70 To 80
- > 60 To 70
- > 50 To 60
- > 40 To 50
- > 30 To 40
- > 20 To 30
- > 10 To 20
- 0 To 10