

CITY OF NORTH AUGUSTA

LIMITED ENGLISH PROFICIENCY (LEP) PLAN



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INTRODUCTION

This *Limited English Proficiency Plan* is a resource tool that will serve as a guide in addressing responsibilities, as a recipient of federal financial assistance, concerning the needs of individuals with limited English language skills. This plan was prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, which states that no person shall be subjected to discrimination on the basis of race, color, or national origin under any federally-assisted program or activity because they face challenges communicating in English.

BASIS OF AUTHORITY

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency¹, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter². These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, "LEP," or Limited English Proficient. The Executive Order states that:

"Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities."

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient's entire program or activity. This means all parts of a recipient's operations are covered, even if only one part of a recipient's organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The USDOT issued policy guidance, "*DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries*" to clarify the responsibilities of recipients of

federal financial assistance and to ensure compliance with LEP regulations. These regulations impact state agencies, including the South Carolina Department of Transportation (SCDOT), private and non-profit entities, and other sub-recipients of DOT-assisted funding.

The City of North Augusta is a sub-recipient of USDOT and other federal agency funding.

PLAN SUMMARY

The City of North Augusta has developed this *Limited English Proficiency Plan* to help identify reasonable steps to provide language assistance for persons seeking meaningful access to City services as required by Executive Order 13166.

This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, the approach for training staff, how to notify LEP persons that assistance is available, and information for future plan updates.

In developing this plan, the City undertook the U.S. Department of Transportation four-factor LEP analysis. The USDOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP Community.
4. The resources available to the City of North Augusta and overall cost.

The greater the number or proportion of eligible LEP persons, the greater the frequency with which they have contact with a program, activity, or service and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of USDOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments. Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

THE FOUR-FACTOR ANALYSIS

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to City of North Augusta services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

Factor 1: The Proportion, Numbers and Distribution of LEP Persons

The Census Bureau has a range for four classifications of how well people speak English. The classifications are: “very well,” “well,” “not well,” and “not at all.” For our planning purposes, we are considering people that speak English less than “very well” as Limited English Proficient persons.

As seen in Table 1, the U.S. Census Bureau data⁵ for the City of North Augusta shows that 1,346 (6.5%) of individuals in the City speak a language other than English; of those individuals, 660 (3.2%) have identified themselves as speaking English less than “very well”. Of those individuals, there are 480 (2.3%) people in the Spanish language group, 98 (0.5%) individuals in the Indo-European languages group, 64 (0.3%) residents in the Asian and Pacific Islander languages group, and 18 (.1%) people in the “Other” language group.

Table 1. Language Spoken at Home

Subject	Estimated Total	
	Persons	Percent
Population 5 years and over	20,696	100.0
English only	19,350	93.5
Language other than English	1346	6.5
Speak English less than “very well”	660	3.2
Spanish	973	4.7
Speak English less than “very well”	480	2.3
Other Indo-European languages	244	1.2
Speak English less than “very well”	98	0.5
Asian and Pacific Island languages	94	0.5
Speak English less than “very well”	64	0.3
Other languages	35	0.2
Speak English less than “very well”	18	0.1

Factor 2: Frequency of Contact with LEP Individuals

Given the number of LEP individuals as displayed in Table 1 (above) the probability of City employees to encounter an LEP individual is relatively low. The City has offices accessible to

the public and therefore accessible to LEP individuals and it has staff that work in the field that could encounter LEP individuals. Additionally, regular City Council meetings are held at least twice per month on Mondays starting at 7:00 PM local time as posted in advertisements, which would potentially bring LEP individuals to these meetings.

The City has conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions. Contact with LEP individuals can be described as infrequent at best. All requests have been "Spanish translation" requests and have been handled by an individual on the City's staff.

Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP

The City of North Augusta serves individuals throughout the City in a variety of ways including managing roads, storm drainage, water supply, wastewater collection, solid waste collection, public safety, recreation, and other services to residents and non-residents alike. The nature of the services that the City provides is very important to an individual's day-to-day life. Therefore the denial of services to an LEP individual could have a significant detrimental effect. The City of North Augusta will continue to ensure accessibility to all of its programs, services, and activities.

Factor 4: The Resources Available to the City of North Augusta and Overall Cost

US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

"A recipient's level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, "reasonable steps" may cease to be reasonable where the costs imposed substantially exceed the benefits. Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns. "

Based on this guidance, the City has reviewed its resources and deemed that given the number of LEP individuals in the City, upon request it will translate its vital documents into the language requested to ensure accessibility.

Although there will not be a fixed amount allocated from the City's annual budget for the translation of documents, the cost associated with the necessary translation of document in order to comply with LEP requirements will be allocated on an as-needed basis. At present, cost has not been a deterrent or imposition to the City's ability to provide LEP services to its residents.

LANGUAGE ASSISTANCE MEASURES

Title VI designees will be responsible for ensuring that their program area or staff are familiar with these measures.

A. Type of Language Services Available

The type of language services available by the City include:

1. With advance notice of 48 hours, the City will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.
2. Bilingual staffing as reflected on the "Fluent Bi-Lingual Employee" list.
3. Translation services under contract with professional translators/interpreters, as needed.
4. Use of "I Speak" language identification cards or poster. These cards can be downloaded at <http://www.justice.gov/crt/lep/resources/ISpeakCards2004.pdf>.

B. How Recipients Can Obtain Services

All requests for language services should be made through the appropriate Department or Program Title VI Designee, who will make appropriate arrangements. If the Title VI Designee is unavailable, then contact should be made with the Title VI Coordinator. When utilizing City employees, consideration will be given in regards to the individual's workload, availability, and supervisor's consent. Employees who provide language services do so strictly on a voluntary basis and receive no remuneration.

C. How to Respond to LEP Callers

City personnel, including those who regularly take calls from the general public, who receive calls from LEP individuals, will forward the call to the appropriate Title VI Designee. The Title VI Designee will record the date and time of the call, name of caller, language (if it can be determined), nature of call, and disposition. If the Title VI Designee is unavailable, the call will be forwarded to the Title VI Coordinator in the Office of Human Resources. The Title VI Designee will provide a copy of the assistance provided during the submission of annual reporting.

D. How to Respond to Written Communications from LEP Persons

City personnel who receive written communications from LEP individuals will contact a Title VI Designee who in turn will record the date of receipt, name of LEP individual, language (if it can be determined), nature of the correspondence, and disposition. The correspondence will then be forwarded to the appropriate office and if unknown, it will be forwarded to the Title VI Coordinator.

E. How to Respond to In-Person Contact with LEP Individuals

City personnel, who have in-person contact with LEP individuals will, in keeping with the Department's position on customer service, address the issues and/or concerns raised. These persons will record the date of receipt, name of LEP individual, language (if it can be determined through familiarity with the language, use of "I Speak" cards, etc.), nature of the correspondence, and disposition of the encounter and forward the information to the appropriate Title VI designee. In cases where language barriers cannot be overcome, personnel will contact the Title VI Coordinator.

F. How to Ensure Competency of Interpreter and Translation Services

The City will ensure, to the greatest extent possible, the competency of interpreter and translation services. Applicable procurement procedures will be observed when selecting consultants for service. Employees who serve as interpreters and/or translators will be required to complete the "City of North Augusta's Interpreter's Code of Professional Conduct Form" and attest:

1. Their ability to communicate or translate information accurately in both English and the other language;
2. That they will not deviate into a role as counselor, legal advisor, or any other role aside from interpreting or translating;
3. That they do not have a conflict of interest on the issues they would be providing services.

G. Staff Training

The City of North Augusta staff that has Title VI responsibilities will continue to attend Title VI seminars and workshops on an annual basis. Also, the City will seek the assistance of SCDOT in training Title VI Designees and sub-recipients. All persons will be provided a copy of the LEP Plan and educated on procedures. Suggested training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities;
- What language assistance services the City of North Augusta offers?
- Use of LEP "I Speak Cards";
- How to use the interpretation and translation services;
- Documentation of language assistance requests;
- How to handle a Title VI and/or LEP complaint.

H. Outreach Techniques

Currently, the City of North Augusta does not have a formal practice of outreach techniques because of the small LEP population and resources available. However, the following are a few options that the City will incorporate when and/or if the need arises for LEP outreach:

- If staff knows that they will be presenting a topic that could be of potential importance to an LEP person or if staff will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, meeting notices, fliers, advertisements, and agendas will be printed in an alternative language, based on known LEP population in the area.
- When running a general public meeting notice, staff will insert the clause, based on the LEP population and when relevant, that translates into “A (insert alternative Language) translator will be available”. For example: “Un traductor del idioma español estará disponible” This means “A Spanish translator will be available”.

I. Monitoring and Updating the LEP Plan

This plan is designed to be flexible and is one that can be easily updated. Each update should examine all plan components such as:

- How many LEP persons were encountered?
- Were their needs met?
- What is the current LEP population in North Augusta?
- Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified North Augusta programs? Are there other programs that should be Included?
- Have the City’s available resources, such as technology, staff, and financial costs changed?
- Has the City fulfilled the goals of the LEP Plan?; and
- Were any complaints received?

J. Dissemination of the Limited English Proficiency Plan

The LEP Plan will be shared with Title VI Designees and senior management. Also, the City of North Augusta will include the LEP plan on its website, www.northaugusta.net, together with its Title IV Policy and Complaint Procedures.

Copies of the LEP Plan will be provided, on request, to any person(s) requesting the document via phone, in person, by mail or email. LEP persons may obtain copies/translations of the plan upon request.

Any questions or comments regarding this plan should be directed to the Title VI Coordinator.

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¹The executive order verbatim can be found online at <https://www.gpo.gov/fdsys/pkg/FR-2000-08-16/pdf/00-20938.pdf>

²Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

³The USDOT has also posted an abbreviated version of this guidance on their website at <https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance>

⁴Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.

⁵U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates. Viewed June 15, 2016. <http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>