

Language Access Plan  
4-1

*City of Marion*

The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

In order to avoid discrimination on the grounds of national origin, all programs or activities administered by City of Marion must take adequate steps to ensure that their policies and procedures do not deny or have the effect of denying LEP individuals with equal access to benefits and services for which such persons qualify. This Policy defines the responsibilities the agency has to ensure LEP individuals can communicate effectively.

This policy and plan is effective September 30, 2010.

**I. Scope of Policy**

These requirements will apply to the Isothermal Planning & Development Commission (herein referred to as “the agency”) including subcontractors, vendors, and subrecipients.

The agency will ensure that LEP individuals are provided meaningful access to benefits and services provided through contractors or service providers receiving subgrants from the agency.

**II. Definitions**

- A. Limited English Proficient (LEP) individual – Any prospective, potential, or actual recipient of benefits or services from the agency who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies.
- B. Vital Documents – These forms include, but are not limited to, applications, consent forms, all compliance plans, bid documents, fair housing information, citizen participation plans, letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits, the right to appeal such actions, or that require

a response from beneficiary notices advising LEP persons of the availability of free language assistance, and other outreach materials.

- C. Title VI Compliance Officer: The person or persons responsible for compliance with the Title VI LEP policies.
- D. Substantial number of LEP: 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the agency and speak a primary language other than English and have limited English proficiency.

### III. Providing Notice to LEP Individuals

- A. The agency will take appropriate steps to inform all applicants, recipients, community organizations, and other interested persons, including those whose primary language is other than English, of the provisions of this policy. Such notification will also identify the name, office telephone number, and office address of the Title VI compliance officer(s).

List the current name, office telephone number and office address of the Title VI compliance officers:

Harriett Thomas, Finance Director and Human Resource Officer  
City of Marion  
PO Drawer 700 MarionNC 28752  
828) 652-3551

**(Note: The agency must notify the DCA compliance office immediately of changes in name or contact information for the Title VI compliance officer.)**

- B. The agency will post and maintain signs in regularly encountered languages other than English in waiting rooms, reception areas and other initial points of contact. The signs will inform applicants and beneficiaries of their right to free language assistance services and invite them to identify themselves as persons needing such services.

**Identify areas within the agency where these signs will be posted:**

The required posting will be posted in the Commission's reception area, and in the offices of all Community Development Staff; also in the Section 8 Office reception area located at 111 West Court Street Rutherfordton NC 28139

- C. The agency will include statements of the right to free language assistance in Spanish and other significant languages in all outreach material that is routinely disseminated to the public (including electronic text).
- D. The agency will also disseminate information in the following manner:

**The Agency will disseminate explanatory pamphlets in Spanish translation**

including copies of the approved language assistance plan and Fair Housing pamphlets in Spanish translation to the City and County government offices. Contents will also be distributed to the Department of Human Health and Services (Describe how information will be disseminated. This may include, but not be limited to: dissemination of pamphlets explaining the rights in this policy).

#### IV. Provision of Services to LEP Applicants/Recipients

##### A. Assessing Linguistic Needs of Potential Applicants and Recipients

1. The agency will assess the language needs of the population to be served, by identifying:

- a. the language needs of each LEP applicant/recipient
- b. the points of contact where language assistance is needed; and
- c. the resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use.
- d. Other (*describe*):

2. Determining the Language Needs of the Population to be Served

The agency is responsible for assessing the needs of the population to be served. Such assessment will include, but not be limited to the following:

- a. The non-English languages that are likely to be encountered in its program will be identified.
- b. An estimate of the number of people in the community for whom English is not the primary language used for communication will be completed and updated annually. To identify the languages and number of LEP individuals local entities should review:
  - i. census data
  - ii. school system data
  - iii. reports from federal, state, and local governments
  - iv. community agencies' information, and
  - v. data from client files
  - vi. Other (*specify*):
- c. The points of contact in the program or activity where language assistance is likely to be needed will be identified.

3. Determining the Language Needs of Each Applicant/Recipient

The agency will determine the language needs of each applicant/recipient. Such assessment will include, but not be limited to the following:

- a. At the first point of contact, each applicant/recipient will be assessed to determine the individual's primary language.

Check all methods that will be used:

multi-language identification cards, a poster-size language list or the use of "I speak" peel-off language identification cards for indicating preferred languages.

English proficiency assessment tools, provided they can be administered in a manner that is sensitive to and respectful of individual dignity and privacy.

Other ( describe):

- b. If the LEP person does not speak or read any of these languages, the agency will use a telephone interpreting service to identify the client's primary language.
- c. Staff will not solely rely on their own assessment of the applicant or recipient's English proficiency in determining the need for an interpreter. If an individual requests an interpreter, an interpreter will be provided free of charge. A declaration of the client will be used to establish the client's primary language.
- d. When staff place or receive a telephone call and cannot determine what language the other person on the line is speaking, a telephone interpreting service will be utilized in making the determination.
- e. If any applicant/recipient is assessed as LEP, they will be informed of interpreter availability and their right to have a language interpreter at no cost to them with a notice in writing in the languages identified in Section C. Provisions of Written Translations.

## B. Provision of Bilingual/Interpretive Services

1. The agency will ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English speaking population. The provision of bilingual/interpretive services will be prompt without undue delays. In most circumstances, this requires language services to be available during all operating hours.

This requirement will be met by: The City intends to work with the county to establish a memorandum of understanding with the Department of Human Health and Services for the use of a bilingual staff member when needed during all operating hours. When necessary the City will rely on a telephone interpreter service and/or contract with an independent agent such as teachers who are teaching spanish in the public school system or local community college. *(describe whether the agency has bilingual staff, and if so, how many and in what Sections/Programs/Divisions, whether the agency uses contractual services to meet this requirement, whether the agency relies on telephone interpreter services, etc.)*

2. The agency will provide language assistance at all level of interaction with LEP individuals, including telephone interactions.

Describe how this requirement will be met: As stated above the City intends to work with the county to establish a memorandum of understanding with the Department of Human Health and Services for the use of qualified bilingual employees and when necessary the City will rely on a telephone interpreter service and/or contract with an independent agent such as teachers who are teaching spanish in the public school system or local community college.

*(Note: The agency may use paid interpreters, qualified bilingual employees, and qualified employees of other agencies or community resources. Telephone interpreter services should only be utilized as a back-up system or where other language assistance options are unavailable.)*

3. Interpreter Standards

- a. Those providing bilingual/interpretive services will meet the linguistic and cultural competency standards set forth below. The agency will ensure that interpreters and self-identified bilingual staff, have first been screened to ensure that the following standards are met before being used for interpreter services:

- i. Can fluently and effectively communicate in both English and the primary language of the LEP individual
- ii. Can accurately and impartially interpret to and from such languages and English
- iii. Has a basic knowledge of specialized terms and concepts used frequently in the provision of the agency's services
- iv. Demonstrates cultural competency
- v. Understands the obligation to maintain confidentiality
- vi. Understands the roles of interpreters and the ethics associated with being an interpreter

Describe how the agency ensures the competency of bilingual staff and interpreters:

The City will use only qualified bilingual interpreters who are already serving in that capacity in one of local City or county government offices.

- b. When staff members have reason to believe that an interpreter is not qualified or properly trained to serve as an interpreter, the staff member will request another interpreter.
4. Using Family Members or Friends as Interpreters
- a. Applicants/recipients may provide their own interpreter; however the agency will not require them to do so.
  - b. The agency will first inform an LEP person, in the primary language of the LEP person, of the right to free interpreter services and the potential problems for ineffective communication. If the LEP person declines such services and requests the use of a family member or friend, the agency may utilize the family member or friend to interpret only if the use of such person would not compromise the effectiveness of services or violate the LEP person's confidentiality. The agency will monitor these interactions and again offer interpreter services, if it appears there are problems with this arrangement.
  - c. The agency will indicate in the LEP individual's file that an offer of interpreter services was made and rejected; that the individual was informed of potential problems associated with using friends or family members and the name of the person serving as an interpreter at the LEP individual's request.
  - d. Only under extenuating circumstances shall the agency allow a minor (under the age of 18 years) to temporarily act as an interpreter. The agency will keep a written record of when it has used a minor as an interpreter, and this information will be shared with the DCA upon request.
5. The agency will *not* require the applicant/recipient to pay for bilingual/interpretive services.

C. Provision of Written Translations

1. The agency must provide written materials in languages other than English where a substantial number or percentage of the population eligible to be

served or likely to be directly affected by the program needs services or information in a language other than English to communicate effectively.

2. Translation of Vital Documents

- a. The agency will ensure that vital documents for locally designed programs are translated into Spanish.
- b. When DCA forms and other written material contain spaces in which the local entity is to insert information, this inserted information will also be in the individual's primary language. When such forms are completed by applicants/recipients in their primary language, the information must be accepted.
- c. If, as a result of the local language assessment, it appears there are a substantial number of potential applicants or recipients of the agency (defined as 5% or 1,000 people whichever is less) who are LEP and speak a language other than Spanish, the agency will translate and provide vital documents in the appropriate language.
- d. The agency will keep a record of all vital documents translated, and will submit this information to DCA at their request.

3. If the primary language of an LEP applicant or recipient is a language other than Spanish AND the language does not meet the threshold for translation as defined in the preceding paragraph, the LEP individual will be informed in their own language of the right to oral translation of written notices. The notification will include, in the primary language of the applicant/recipient, the following language: **IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE AGENCY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.**

D. Documentation of Applicant/Recipient Case Records

1. The agency will maintain case record documentation in sufficient detail to permit a reviewer to determine the agency's compliance with this policy.
2. The agency will ensure that case record documentation, including computerized records if appropriate, identifies the applicants/recipient's ethnic origin and primary language. In those cases where the applicant/recipient is non-English speaking, the agency will:
  - a. Document the individual's acceptance or refusal of forms or other written materials offered in the individual's primary language.

- b. Document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or client provided interpreter. When a minor is used as interpreter, the agency will document the circumstances requiring temporary use of a minor and will provide this information to DCA upon request.
3. Consent for the release of information will be obtained from applicants/recipients when individuals other than agency employees are used as interpreters and the case record will be so documented.

E. Staff Development and Training

1. The agency will provide staff training at new employee orientation and continuing training programs. The training will include, but not be limited to:
  - a. Language assistance policies and procedures, resources available to support such procedures, methods of effective use of interpreters, and familiarization with the discrimination complaint process.
  - b. Cultural awareness information, including specific cultural characteristics of the groups served by the agency to provide a better understanding of, and sensitivity to, the various cultural groups to ensure equal delivery of services.
2. The agency will provide or ensure training is provided for bilingual staff and interpreters employed or utilized by the agency. This includes the ethics of interpreting, including confidentiality; methods of interpreting; orientation to the organization; specialized terminology used by the agency; and cultural competency.
3. The agency will ensure that applicable grantees, contractors, cooperative agreement recipients and other entities receiving state or federal dollars are trained in the requirements of this policy.

Describe how this provision will be met: The Agency will inform applicable grantees, contractor's cooperative agreement recipients and all other entities receiving state and federal dollars by distributing informational letters regarding updates and training with the LEP, including providing a copy of the Language Access Plan. The agency will ensure that all dates, times and location are clearly noted on the informational documentation.

4. The agency will collect and maintain the following information about training provided to staff: the date(s) of such training, the content of such

training, the number and types of credit hours awarded; and the names and identifying information of each attendee at the training. The agency will ensure that grantees, contractors, cooperative agreement recipients and other applicable funded entities collect and maintain such information as well.

## **V. Compliance Procedures, Reporting and Monitoring**

### **A. Reporting**

1. The agency will complete an annual compliance report and send this report to DCA.  
(Format will be supplied by DCA)

### **B. Monitoring**

1. The agency will complete a self-monitoring report on a quarterly basis, using a standardized reporting system providing by the DCA. These reports will be maintained and stored by the Title VI compliance officer and will be provided to the DCA upon request.
2. The agency will cooperate, when requested, with special review by the DCA .

## **VI. Applicant/Recipient Complaints of Discriminatory Treatment**

### **A. Complaints**

1. The agency will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy.
2. The agency will maintain records of any complaints filed, the date of filing, actions taken and resolution.
3. The agency will notify the appropriate agency or Division within DCA of complaints filed the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

### **B. Investigation**

1. The DCA Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested

persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.

2. The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.

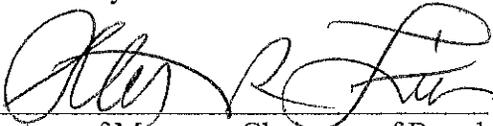
C. Resolution of Matters

1. If the investigation indicates a failure to comply with the Act, the local unit of government, agency Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.
2. If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice. This notice will be provided in the primary language of the individual with Limited English Proficiency.
3. If not resolved by DCA, then complaint will be forwarded to DOJ, HUD Field Office.

SUBMITTED AND APPROVED BY:

Steve Little, Mayor

Name of Mayor or Chairman of Board



Signature of Mayor or Chairman of Board

9-21-2010

Date