T O M P K I N S C O U N T Y

Limited English Proficiency (LEP) Plan

April 2014

TOMPKINS COUNTY

Limited English Proficiency (LEP) Plan

Table of Contents

A. Introduction 3

B. Four-Factor Analysis 3

1. The number/proportion of LEP persons eligible to be served or likely to be encountered by a County program, activity, or service 4
2. The frequency with which LEP individuals come in contact with County programs, activities, or services..... 5
3. The nature and importance of programs, activities, and services provided by the County to people's lives 5
4. Resources available to the County and LEP-related costs 6

C. Components of the Plan

1. Identifying LEP Individuals 6
2. Language Assistance Measures..... 7
3. Training Staff 8
4. Providing Notice to LEP Persons 9
5. Monitoring and Updating the Plan 9

D. Dissemination of the Plan 10

E. Appendices –

E1. Draft Resolution of the Legislature 11

E2. Duties Associated with LEP Implementation and Compliance 12

E3. Tracking Form A: Offer of Free Interpreter/Translator Services 13

E4. Tracking Form B: Waiver of Right to Free Interpreter/Translator Services..... 14

E5. Tracking Form C: Language Identification Flashcard 15

A. Introduction

Most individuals in Tompkins County read, write, speak and understand English. However, there are many individuals whose primary language is not English. Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English can be limited English proficient, or "LEP." This language barrier may prevent individuals from accessing Tompkins County services and benefits.

There are three pieces of legislation that provide the foundation for the development of an LEP plan: (1) Title VI of the Civil Rights Act of 1964, (2) Executive Order 13166, and (3) Resolution of the Tompkins County Legislature. In some circumstances, failure to ensure that LEP persons can effectively participate in federally-assisted programs may constitute discrimination based on national origin under Title VI.

In order to comply with Title VI, Tompkins County shall take reasonable actions for competent language assistance. Executive Order 13166 clarifies requirements for LEP persons under Title VI. As a recipient of federal funds, the Executive Order requires Tompkins County to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services.

Hence, this LEP Plan serves as a model to show Tompkins County's commitment to provide meaningful access to all individuals accessing any of Tompkins County programs, activities, and services.

Tompkins County pledges that individuals will be informed of the availability of free interpreter and translator services when it appears that the individual is not able to communicate effectively in English. Such services are provided during all normal business hours and when an emergency has been determined to exist during non-business hours. Notice of availability of free interpreter and translator services also occurs in signage at primary points of contact for County departments' reception areas.

B. Four-Factor Analysis

Tompkins County is a recipient of federal funds. These sources of funds include, but are not limited to, the following federal departments: Housing and Urban Development; Transportation; Agriculture; Homeland Security; and Health and Human Services.

As a recipient of federal funds, there are FOUR FACTORS the County considers when assessing language needs and determining what steps it should take to ensure access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a County program, activity, or service;

2. The frequency with which LEP individuals come in contact with County programs, activities, or services;

3. The nature and importance of the County program, activity, or service to people's lives; and

4. Level of resources available to the County for LEP-related costs.

A brief description of the County's self-assessment undertaken in each of these areas follows.

1. **The number or proportion of LEP persons eligible to be served or likely to be encountered by a County program, activity, or service —**

   The following charts illustrate the presence of LEP persons (over the age of 5 years) in Tompkins County, including both language-based and disability-based populations.

a.) Language-Based LEP Populations in Tompkins County*

Language Spoken At Home Is Other Than English	Multi-Lingual/English	Speaking English "Less Than Very Well"
16.7%	27.80%	4.30%

Language spoken at home other than English^
16.7 percent (16,254 persons)

↓

Of those 16.7 percent, there are:^
3.8 percent (3,726 persons) that speak English "less than very well"

↓

In the category of speaking English "less than very well" are the following:^

Spanish language	22% in category/630pp/.6% of County population
Asian/Pacific Islander languages	34.8% in category/6,380pp/2.28% of County population
Indo-European languages	11.5% in category/723pp/.74% of County population
Other languages	20.5% in category/152pp/.156% of County population

↓

Languages of Need in Tompkins County:†
Spanish, Chinese, French, Korean, and Russian are most predominantly spoken in this category within Tompkins County. No single LEP-spoken language in Tompkins County meets the threshold of 5% of the general population or 1,000 persons.

*American Community Survey, 2008-2012 Data Set.
^American Community Survey, 2008-2010 Data Set.
†2010 Census and Ithaca City School District data.

b.) Disability-Based LEP Populations in Tompkins County*

	Tompkins County
Total population	100,691
Total % with sensory disabilities	4.2%
Persons under 5 years of age	
With hearing difficulty	16 (.4%)
With vision difficulty	33 (.8%)
Persons 5-17 years of age	
With hearing difficulty	101 (.9%)
With vision difficulty	42 (.4%)
Persons 18-64 years of age	
With hearing difficulty	1,082 (1.5%)
With vision difficulty	752 (1.0%)
Persons 64+ years of age	
With hearing difficulty	1,560 (14.5%)
With vision difficulty	626 (5.8%)

*American Community Survey 2008 – 2012 Data Set.

2. The frequency with which LEP individuals come in contact with County programs —

Tompkins County shall assess the frequency at which staff has or could possibly have contact with LEP persons. This includes annually examining external data sources (U.S. Census, ACS, DOE, etc.) and internal data sources (e.g., phone inquiries, requests for interpretation and document translation services, LEP tracking forms, and staff/LEP client feedback.

3. The nature and importance of programs, activities, and services provided by the County to people's lives —

The County's health/human services and public transportation (TCAT) programs are vital to many people's lives. According to the Department of Transportation's Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons, "Providing public transportation access to LEP persons is crucial. An LEP person's inability to utilize effectively public transportation may adversely affect his or her ability to obtain health care, or education, or access to employment."

Furthermore, according to the U.S. Census Bureau, 2008-2010 American Community Survey, 27% of all TCAT bus riders traveling to work (over 16 years old), speak English as a second language, of which 11% speak English less than very well, further illustrating the need to provide LEP persons with meaningful access to County services.

4. Resources Available to the County Departments and LEP-Related Costs —

County health and human service-related departments suggest that centralized resources be used to subsidize costs related to interpretation/translation services. On an annual basis, each County department will provide estimates for these services based on the proposed number of LEP persons served. The County will use this information to estimate the County-wide cost for providing LEP services. This will help to eliminate duplication of requests for resources and eliminate administrative burdens associated with these activities.

Tompkins County shall assess available resources that could be used to provide language assistance. This includes identifying bi-lingual staff, reviewing existing contracts for professional translation services, determining which documents should be translated, and deciding what level of staff training is needed.

After analyzing the four factors outlined above, Tompkins County developed the following plan for providing language assistance to LEP persons.

C. Components of the Plan

There are five areas that comprise Tompkins County's LEP plan:

1. Identifying LEP Individuals Who Need Language Assistance
2. Language Assistance Services
3. Training Staff
4. Providing Notice to LEP Persons
5. Monitoring and Updating the LEP Plan

1. Identifying LEP Individuals Who Need Language Assistance

There are several measures that the County will take to identify individual persons who may need language assistance:

- Service-site inquiry and identification process, using LEP Tracking Forms A, B, and C. *See* Appendices E3, E4, and E5.
- When County activities and public meetings are held, set up a sign-in table, and have a staff member greet and briefly speak to each attendee, in order to informally gauge his/her ability to speak and understand English.
- Have Language Identification Flashcards at various County activities and public meetings. While staff may not be able to provide translation assistance at the time, the cards are an excellent tool to identify language needs for future activities/meetings. *See* Appendix E5.
- Post a notice of available language assistance at County activities and public meetings to encourage LEP persons to self-identify.
- Reach out to local organizations and not-for-profit service agencies for assistance in identifying LEP persons for the purpose of notifying them about the County's LEP plan.

2. Language Assistance Measures

The two types of language services are interpretation and translation. Interpretation is the immediate rendering of oral language from the source language into the target language. Translation is the rendering of a written text from one language (source language) into another language (target language).

Offer of Assistance
Where interpretation/translation is necessary to provide meaningful access to County programs, activities, and services, LEP persons will be advised that the County will provide a competent interpreter/translator at the County's expense, or they may secure the assistance of an interpreter/translator of their choice at their own expense. The provision of this notice and the LEP person's election will be documented in writing. *See* Appendices E3, E4, and E5.

Quality
The County will take reasonable steps to ensure that it provides high-quality interpretation and translation services through individuals who are competent to provide those services at a level of fluency, comprehension, and confidentiality appropriate to the specific nature, type, and purpose of the information at issue.

Competency of Bi-Lingual Services
The County will monitor, document, and report whether bi-lingual staff or contractors performing language services possess the required levels of bi-lingual proficiency and interpretation and translation skills.

Unacceptable Practices
County staff should not use family members or friends to interpret or translate for LEP persons. If the LEP person insists upon using a family member or friend, this should be allowed only after the staff person has offered free language services and such offer has been refused in writing. *See* Appendix E4. Minor children should *never* be used to provide language services, except in emergencies.

Translation of Vital Documents
In addition to oral language services, written language services will be made available for free. Documents that are determined to be vital are translated upon request. Vital documents are defined as those documents without which a person would be unable to access services.

Language Services Contract
In order to improve LEP persons' access to County programs, activities, and services, the County is committed to offering language assistance services at no cost to LEP individuals. To fulfill this commitment, the County will rely on contractors and qualified bi-lingual staff members to provide interpretation and translation services.

Language Assistance Volunteers
The County has in the past utilized the language assistance services of bi-lingual staff members, on a voluntary basis. Continuing that practice, the County will submit a notice to all department heads for the purpose of soliciting volunteers who are bi-lingual and able to assist in providing interpretation and translation services. The County will screen volunteer

candidates to ensure that they possess/obtain the required qualifications, competencies, and skills. The County will maintain the list of Language Assistance Volunteers and will make this list accessible on the County's intranet website.

Language Assistance Volunteers already will be familiar with the agency's technical terms and specific programs. Performing language services will be a collateral duty for these volunteers and is subject to supervisory approval and workload constraints. In addition, the County will organize basic appropriate training for bi-lingual staff.

Access to Public Meetings
Meetings held by the Legislature, its sub-committees, and boards are open to the public pursuant to the Open Meetings Law. These public meetings focus on topics of varying levels of interest to the public.

The County has had limited interactions with LEP persons at its Legislature, sub-committee, and board meetings, and County staff have not been aware of requests for language services to date. Regardless of a limited need in the past, however, the County remains committed to providing meaningful access to County meetings, such as an oral interpreter present at a public meeting or written translation services for the various background or supporting documents associated with the public meeting, including a summary of a presentation or the transcript.

As it might be difficult to acquire language services in advance of a public meeting for every request, staff will arrange for ways LEP persons can access relevant information after the meeting. For example, staff can display a sign, translated into the five most commonly spoken languages in Tompkins County, asking whether LEP persons want to request translated information and then make the appropriate arrangements.

3. Training Staff

County department heads, directors, and managers are crucial in implementing LEP policy. Copies of the LEP plan shall be distributed to all department heads, directors, and managers, and it is their responsibility to disseminate LEP plan information to appropriate administrative staff. Department heads should ensure staff understands Title VI responsibilities. A summary of the LEP plan shall be included in the employee handbook and addressed during new employee orientation.

It is also important that staff members, especially those having contact with the public, know their obligation to provide meaningful access to information and services for LEP persons. Even staff members who do not interact regularly with LEP persons should be aware of and understand the LEP plan. Properly training staff is a key element in the effective implementation of the LEP plan.

For this purpose, the County will develop a training program for department heads and all other County employees expected to implement the language assistance services set out in the County's LEP Plan. At the conclusion of the training, these employees should be knowledgeable about: a) LEP Program, b) LEP regulations and how to comply with requirements, c) the nature and scope of language assistance services and resources available to them and d) the procedures through which they may access those services to assist in the discharge of their respective duties.

4. Providing Notice to LEP Persons

County offices must provide reasonable notification to eligible LEP person in a way that they will understand that language services are available. An LEP person's awareness of his/her rights or the services available to him/her contributes to meaningful access. Effective outreach to the public is essential to provide reasonable notice to LEP persons. To achieve effective outreach, County offices:

- Must consider the appropriate mix of print, radio, and/or television notices in mainstream and ethnic media outlets; and
- Should continue to make contact with community organizations, who can help advise on the nature of the local population and the most effective measures to provide reasonable notice to them.

As the County continues to target outreach efforts on local communities and LEP populations, it is anticipated that it will encounter more eligible LEP populations and will have to reassess their needs.

5. Monitoring and Updating the LEP Plan

This plan is designed to be flexible and should be viewed as a work in progress. The County will evaluate and monitor its implementation on an annual basis by December 31st to ensure that the scope and nature of the language services provided under the Plan reflect updated information on relevant LEP populations, their language assistance needs, and the experience of County staff, and is consistent with the objectives of the LEP Program. *See* Appendix E2.

The County Administrator will meet with department heads on an annual basis to identify barriers to language access, consult with stakeholders, and formulate strategies and responses to overcome the barriers to meaningful language access. The group will also discuss LEP encounters and feedback from LEP persons served and share best practices in language assistance and public outreach regarding each department's LEP efforts. Feedback from the LEP community will be sought through community outreach events and presentations to determine the effectiveness of the plan in reaching LEP persons.

In evaluating the plan, it is important to consider whether new documents and services need to be made accessible for LEP persons, and also to monitor changes in demographics and types of services, and to update the LEP plan when appropriate. After consulting with the department heads, the County Administrator will make any necessary updates to this Plan.

Each update should examine the following:

- How many LEP persons were encountered?
- Is the existing language assistance meeting the needs of LEP persons?
- What is the current LEP population in Tompkins County?
- Has there been a change in the types of languages where services are needed?
- Have available resources, such as technology, staff and finances changed?
- Were any Title VI or LEP complaints received?
- Do new staff members understand the LEP plan policies and procedures?

D. Dissemination of the Limited English Proficiency Plan

The County will post the LEP Plan on its website at www.tompkinscountyny.gov. Copies of the plan will be provided to any person or agency requesting a copy. LEP persons may obtain copies/translations of the plan upon request.

Any questions or comments regarding this plan should be directed to:

Karen W. Baer, LEP Plan Coordinator
Tompkins County Office of Human Rights
120 W. Martin Luther King, Jr./W. State Street
Ithaca, New York 14850
Tel. 607.277.4080 / Fax 607.277.4016
kbaer@tompkins-co.org

Appendix E1

Draft Resolution of Tompkins County Legislature

D R A F T R E S O L U T I O N
Tompkins County Legislature

WHEREAS, although most individuals in the Tompkins County read, write, speak and understand English, there are many individuals whose primary language is not English; and

WHEREAS, individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English can be Limited English Proficient, or "LEP;" and

WHEREAS, according to recent Census data approximately 4.3% of Tompkins County residents speak English "less than very well;" and

WHEREAS, the Title VI program was created by the Civil Rights Act of 1964 to prohibit discrimination on the basis of race, color, age, sex, religion, disability, national origin and family status in programs and activities receiving federal financial assistance; and

WHEREAS, Executive Order 13166 of Title VI of the Civil Rights Act of 1964 prohibits recipients of federal finanaical assistance from discriminating based on national origin by, among other things, failing to provide meaningful access to individuals who are considered Limited English Proficient (LEP); and

WHEREAS, Tompkins County is a recipient of federal financial assistance; and

WHEREAS, the Tompkins County Legislature strongly supports the goals and objectives of Executive Order 13166 and Title VI of the Civil Rights Act of 1964, as demonstrated by its Title VI enforcement agency (Office of Human Rights) and its Limited English Proficiency Plan; and

WHEREAS, language barriers may prevent LEP individuals from having meaningful access to Tompkins County programs, activities, services, and benefits; and

NOW THEREFORE BE IT RESOLVED THAT, the Tompkins County Legislature is committed to providing meaningful access to all LEP individuals seeking or requiring access to County programs, activities, services, and benefits; and that it pledges to provide individuals with free interpreter and translation services when it appears that the individual is not able to communicate effectively in English; and that it expects all County personnel and sub-contractors to act in accordance with the County's LEP Plan.

Agreed to on this ____ day of _____, 2014.

Appendix E2

Duties Associated with LEP Plan Implementation and Compliance

County Administrator Duties

- Propose LEP-related resolution for Legislature;
- Communicate with department heads on a annual basis the value of a County-wide LEP plan and the need to formulate strategies for overcoming barriers to meaningful language access; and
- Procure funds for County-wide language assistance contracted services, including translation services for vital documents.

Director of Human Rights (LEP Plan Coordinator) Duties

- Update and analyze internal/external LEP population and service-usage data (Factors 1, 2 & 3);
- Document LEP-related resources and costs (Factor 4);
- Coordinate LEP-related training for designated County staff;
- Create and update County-wide contact list of Language Assistance Volunteers (LAVs);
- Coordinate and implement basic training for LAVs, including interpreter/translation ethics and standards;
- Monitor, document, and report whether LAVs or contractors performing language services possess the required levels of bi-lingual proficiency in interpretation and translation;
- Design and distribute LEP tracking forms to County departments;
- Collect and analyze departmental and County-wide LEP data;
- Oversee and coordinate contracted services related to interpretation and translation of vital documents;
- Monitor public meetings for the purpose of assessing the need for language assistance;
- Identify LEP persons and relevant community stakeholders in order to inform them of the County's language assistance services;
- Disseminate LEP Plan to County workforce, community stakeholders, as well as LEP individuals and populations;
- Provide due process for complainants with LEP-related complaints;
- Update LEP Plan on an annual basis; and
- Submit annual LEP Plan report to County Administrator.

Appendix E3

LEP Tracking Form A: Offer of Free Interpreter/Translator Services

All Limited English Proficiency clients must be informed of their right to free language assistance including interpreter services and translated documents. This form can be kept in the client's records for future reference. County staff should never encourage, suggest, or require a Limited English Proficiency client to use friends or family as interpreters. At no time will anyone under the age of 18 be utilized to provide interpreter services.

Department or Area:	**Name of Staff Person:**
Name of Client(s):	**Date of Visit:**
Reason for Visit:	**In which town/village/city does the client live?** ☐ City of Ithaca ☐ T/Ithaca ☐ V/Cayuga Hgts ☐ T/Caroline ☐ T/Danby ☐ T/Dryden ☐ V/Dryden ☐ V/Freeville ☐ T/Enfield ☐ T/Groton ☐ V/Groton ☐ T/Lansing ☐ V/Lansing ☐ T/Newfield ☐ T/Ulysses ☐ V/Trumansburg

Is language assistance necessary? (please circle) YES NO

If the client does not need language assistance because they have brought their own interpreter or feel they do not need one, please have them fill out the **Waiver of Right to Free Interpreter Services**. If the client needs language assistance continue below.

Language assistance needed (please circle):

Spanish	Arabic	French	Chinese	Korean	Japanese
American Sign	Russian	Hindi	Swahili	Vietnamese	Other_____

Who did you contact (please circle):

Bilingual Staff Member Staff Interpreter Contracted Interpreter

Remote Interpreter Agency Other_____

Name of Bilingual Staff Member if used:	**Name of Staff Interpreter if used:**
Name of Contracted Agency if used:	**Name of Contracted Interpreter:**
Name of Remote Agency if used:	**Name of Remote Interpreter:**
Duration of Interpreted Session:	

Appendix E4

LEP Tracking Form B: Waiver of Right to Free Interpreter/Translator Services

I, _____ (Client's Name) have been informed of my right to receive free interpretive services from _____ (Department Name). I understand that I am entitled to these services at no cost to myself or other family members, but want to provide my own interpreter at this time.

I am choosing to provide my own interpreter at this time. _____ (Name of Person Acting as Interpreter) will act as my interpreter from ____ /___ /____ (Start Date) to ____ /___ /____ (End Date). I understand I can withdraw this waiver at any time and request the services of an interpreter, which will be paid for by Tompkins County. To the best of my knowledge, the person I am using to act as my own interpreter is over the age of 18.

I also understand that this waiver pertains to interpreter services only and does not entitle my interpreter to act as my Authorized Representative.

This form was translated to me orally by the interpreter indicated below:

Signature	Date
Signature of Interpreter	Date
Signature of Staff Person	Date

Appendix E5

LEP Tracking Form C: Language Identification Flashcard

Interpreter Services Desk Guide

If someone comes to you for help and you don't know what language they are speaking, ask them to point to their language on the card. This is the first step in getting them help.

English	Do you speak…?	Please be seated while I call someone to interpret for you.
Albanian	Flisni shqip?	Uluni ju lutem derisa të thërras një përkthyes për ju.
Arabic	هل تتكلم اللغة العربية؟	تفضل بالجلوس بينما نستدعي لك مترجما
Bengali	আপনি কি বাংলা বলতে পারেন?	অনুগ্রহ করে বসুন যখন আমি আপনার হয়ে দোভাষীর কাজ করার জন্য কারও সঙ্গে যোগাযোগ করছি।
Bosnian	Govorite li bosanski?	Molimo vas da sjednete dok ja ne pozovem osobu koja će da prevodi za vas.
Chinese – Mandarin	您說中文國語嗎？	我設法爲您尋找一位翻譯，請坐下等待。
Chinese – Cantonese	您說廣東話嗎？	我設法爲您尋找一位翻譯，請坐下等待。
Chinese – Fujian	您說福州話嗎？	我設法爲您尋找一位翻譯，請坐下等待。
Chinese – Wenzhou	您說溫州話嗎？	我設法爲您尋找一位翻譯，請坐下等待。
Farsi	آیا شما فارسی حرف می زنید؟	لطفاً بفرمائید، ضمناً برای ترجمانی شما کسی را احضار می کنم.
French	Parlez-vous français?	Veuillez vous asseoir, et je vais vous appeler un interprète.
Haitian Creole	Èske w pale Kreyòl?	Tanpri chita, mwen pral rele yon entèprèt pou ou.
Hindi	क्या आप हिन्दी बोलते हैं ?	कृपया अपनी सीट पर बैठे रहें जब तक कि हम किसी दुभाषिये (इन्टरप्रेटर) को आपको समझाने के लिए कॉल करें।
Italian	Parla italiano?	Prego si accomodi e attenda mentre Le chiamo un interprete.
Korean	한국어를 사용하십니까?	제가 귀하를 위해 통역해드릴 사람을 부르는 동안 앉아서 기다리십시오.
Polish	Czy Pan/Pani mówi po polsku?	Proszę siadać, podczas gdy wołam tłumacza.
Russian	Вы говорите по-русски?	Посидите, пожалуйста, и подождите, пока вам предоставят переводчика.
Spanish	¿Habla español?	Favor de tomar asiento mientras le llamamos al intérprete.
Tagalog	Marunong ka bang mag-Tagalog?	Maupo muna habang tumatawag ako ng taong magsasalin para sa iyo.
Ukrainian	Чи Ви розмовляєте українською мовою?	Будь ласка, посидьте, поки я викликаю перекладача для Вас.
Urdu	کیا آپ اردو بولتے ہیں؟	برائے مہربانی اپنی سیٹ پر بیٹھے رہیں جب تک کہ ہم آپ کو سمجھانے کے لیے کسی ترجمان (انٹرپریٹر) کو کال کریں۔
Vietnamese	Quý vị nói tiếng Việt phải không?	Xin ngồi chờ, tôi sẽ gọi thông dịch viên cho quý vị.
Yiddish	צו רעדט איר אידיש?	ביטע זעצט אייך דערווייל וואס איך רוף עמיצן צו דאלמעטשן פאר אייך.
Deaf / Hearing Impaired	Do you use sign language?	Please be seated while I call someone to interpret for you.

PUB # 4843 (6/04)