

West Central Florida Metropolitan Planning Organizations
Chairs Coordinating Committee (CCC)

Limited English Proficiency (LEP) Policy

Limited English Proficiency (LEP) Plan



www.regionaltransportation.org

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Table of Contents

	Page
Limited English Proficiency Policy Statement	
Introduction	1
Requests for Translation	2
Maintaining Files	2
Review Process	2
Discrimination-Complaint Procedures	3
Annual Update	3
Limited English Proficiency Plan	
Introduction	4
Executive Order 13166	4
Definitions	4
Plan Summary	5
What Documents Apply to the LEP Executive Order?	5
How an LEP Population is Identified in Our Locality	5
What Documents or Materials Are Included	5
Public Meetings/Workshops/CCC Website	5
Monitoring and Updating the LEP Plan	6
Appendix	
Title VI Complaint Form (in English)	7
<i>FORMULARIO DE QUEJA</i> (Complaint form in Spanish)	8

West Central Florida MPOs Chairs Coordinating Committee (CCC) Limited English Proficiency (LEP) Policy Statement

Executive Order (E.O.)13166 and Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating based on national origin by, among other things, failing to provide meaningful access to individuals who are limited English proficient (LEP).

All recipients and sub-recipients of federal funding are required to take reasonable steps to provide meaningful access to LEP individuals. The CCC is a sub-recipient of federal funding through its member Metropolitan Planning Organization (MPO) agencies: the Hernando MPO, the Hillsborough MPO, the Pasco MPO, the Pinellas MPO, the Sarasota-Manatee MPO, and in Polk County, the Transportation Planning Organization (TPO). The Citrus County Board of County Commissioners also receives Federal funding. The CCC executes its Title VI and LEP plans and policies through its member agencies.

As recipients of federal funding, each of the member agencies have their own, approved Title VI and LEP policies and procedures. Included among their policies and procedures are factors to be considered in determining what constitutes reasonable steps to ensure meaningful access, which are: **(1)** the number or proportion of LEP persons in the eligible service population; **(2)** the frequency with which LEP individuals come into contact with the program or activity; **(3)** the importance of the service provided by the program; and **(4)** the resources available to the recipient.

It is important to ensure that written materials routinely provided by the CCC in English also are provided in regularly encountered languages other than English. It is particularly important to ensure that vital documents are translated into the non-English language of each regularly encountered LEP group eligible to be served or likely to be affected by the program or activity. A document will be considered vital if it contains information that is critical for obtaining the federal services and/or benefits, or is required by law. Vital documents include, for example: applications; consent and complaint forms; notices of rights and disciplinary action; notices advising LEP persons of the availability of free language assistance; and written tests that do not assess English language competency, but rather competency for a particular license, job or skill for which English competency is not required; and letters or notices that require a response from the beneficiary or client.

Vital documents must be translated when 1000 people or 5% of the population eligible to be served or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively. For many larger documents, translation of vital information contained within the document will suffice and the documents need not be translated in their entirety.

It may sometimes be difficult to draw a distinction between vital and non-vital documents, particularly when considering outreach or other documents designed to raise awareness of rights or services. It is impossible from a practical and cost effective perspective to translate every piece of outreach material into every language, and Title VI and EO 13166 do not require this of their recipients. However, in some circumstances lack of awareness of the existence of a particular program may effectively deny LEP individuals meaningful access. It is important for recipients, sub-recipients and contractors to continually survey/assess the needs of eligible service populations in order to determine whether certain critical outreach materials should be translated into other languages.

The obligation to provide meaningful opportunity to individuals who are LEP is not limited to written translations. Oral communications between recipients and beneficiaries often is a necessary part of the exchange of information. Thus, a recipient that limits its language assistance to the provisions of written materials may not be allowing LEP persons “effectively to be informed of or to participate in the program.”

There are several steps which can assist recipients in providing such oral assistance. They range from hiring bilingual staff or staff interpreters competent in the skill of interpreting, to contracting qualified outside in-person or telephonic interpreter services, to arranging formally for the services of qualified voluntary community interpreters who are bound by confidentiality agreements. As an agency whose boundaries cover a broad geographic area and that does not employ staff, the CCC relies upon its local member agencies to provide direct services to LEP individuals. Generally, it is not acceptable for agencies or recipients to rely upon an LEP individual’s family members or friends to provide the interpreter services. The agency or recipient should meet its obligations under EO 13166 and Title VI by supplying competent language service free of cost.

The CCC will comply with this federal requirement by assigning responsibility for LEP assistance as follows:

- **Requests for Translation of Vital Documents**

LEP services will be provided by the local MPO (CCC member agency) in which the LEP individual resides, in accordance with that MPO’s LEP policy and plan. The local MPO may request assistance from the MPO that authored the document.

- **Requests for Translation Assistance at Public Meetings and Workshops**

All ads for a public meeting sponsored by the CCC will contain the following language:

“Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact (*name of local contact*) at (*telephone number of local contact*) at least 10 working days in advance of the Public Meeting.”

Telephone numbers in the advertisement will direct the individual making the request to the local MPO. The local MPO will be responsible for intake and for relaying all requests to the host MPO, which will provide the translation and interpreter assistance.

As covered under Title VI requirements for nondiscrimination, at each meeting the CCC will provide the Title VI material and will include this material in an alternate language when applicable.

- **Maintaining Files**

Member MPOs will maintain LEP status for their communities in files to assure consistent communication in the appropriate language. The member MPO/TPO will provide a follow-up report to the CCC as to how individual LEP requests, complaints or issues were resolved and/or what assistance was provided. A summary of LEP reports and complaints will be provided to the CCC concurrent with the annual renewal of the LEP.

- **Review Process**

Member MPOs/TPO will review their respective delivery processes to determine whether any local or CCC program process denies or limits participation by LEP persons within that agency’s respective community.

▪ **Discrimination-Complaint Procedures**

LEP persons should be provided notice of their opportunity to file a discrimination complaint in accordance with Title VI. LEP persons may be advised orally of the opportunity to file a discrimination complaint pursuant to the regulations using an interpreter. LEP persons should be made aware of the free, oral translation of vital information that member MPOs/TPO will provide upon request.

▪ **Annual Update**

Annual assessment of the language needs will be conducted by member MPOs/TPO when this policy is updated by review of census and county labor-market data or review of statistics from school systems, community agencies and organizations and comparison to demographic data.

The CCC's LEP Policy Statement will be updated annually to ensure compliance with federal laws.

DATE _____

SIGNATURE _____
Chairman, West Central Florida MPOs Chairs Coordinating Committee

West Central Florida MPOs Chairs Coordinating Committee (CCC) Limited English Proficiency (LEP) Plan

Introduction

The purpose of this Limited English Proficiency (LEP) policy guidance is to clarify the responsibilities of recipients of federal financial assistance from the U.S. Department of Transportation (DOT) and assist them in fulfilling their responsibilities to persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It 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 provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance, and;

Executive Order 13166

Executive Order 13166 ``Improving Access to Services for Persons With Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English Proficiency." (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance). Different treatment based upon a person's inability to speak, read, write or understand English may be a type of national origin discrimination.

Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies and governments, private and non-profit entities and subrecipients. This includes the Chairs Coordinating Committee.

Definitions

Limited English Proficiency - The LEP program provides assistance for people whom English is not their primary language and who have a limited ability to read, speak, write or understand English.

Chairs Coordinating Committee (CCC) The CCC is composed of chairpersons from the six member-MPOs in Florida's west central region, which includes the MPOs of Hernando, Hillsborough, Pasco, Pinellas, and Sarasota/Manatee counties. The Transportation Planning Organization is the name of the member MPO in Polk County. In addition, Citrus County is represented by the Board of County Commissioners as a voting member for Transportation Regional Incentive Program (TRIP) issues. FDOT District Secretaries (District 1 and District 7), the Tampa Bay Area Regional Transportation Authority (TBARTA), the Regional Planning Councils located within the member counties are represented on the CCC in a non-voting capacity. The CCC board meets quarterly. Additionally, directors from member MPOs/TPO meet bi-weekly to identify regional transportation issues and to coordinate planning efforts.

Plan Summary

Staffing for the CCC is provided through member organizations (MPOs and TPO). Issues such as discrimination complaints or requests for special services at CCC events may come through the MPO/TPO, from the CCC website, from responses to the CCC's advertisements for regional events, or from other sources.

Because requests are handled by local programs, the CCC will assume that these issues are addressed in the LEP plans of the local agencies, who will ultimately be handling the request or complaint. This approach is intended to avoid the difficulties that may arise due to inconsistencies between regional and local plans.

Instead, this plan will define the link between the CCC and the member agencies that will provide LEP assistance. It will also describe the CCC's responsibilities to offer language assistance and to support the LEP activities of the local programs.

Each MPO/TPO has developed an LEP program for their respective service area that complies with federal guidelines that include:

What Documents Apply to the LEP Executive Order

All documents that are vital are included under this provision. A document will be considered vital if it contains information that is critical for obtaining the federal services and/or benefits, or is required by law.

How an LEP Population is Identified in our Locality

An LEP Person does not speak English as a primary language AND has limited ability to read, speak, write or understand English.

- Hearing or visual impairments - sign language interpretation and Braille texts are accommodations of disabilities provided under the Americans with Disabilities Act and/or Section 504 of the Rehabilitative Acts of 1973.
- Illiteracy - LEP individuals protected by the Executive Order and Title VI are those who not only cannot speak, read, or write English, but primarily speak, read or write an language other than English

What Documents or Materials are Included

Vital documents must be translated when 1000 people or 5% of the population eligible to be served or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively.

Public Meetings / Workshops / CCC Website

All ads for a public meeting will contain the following language:

Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact *(insert name of designated LEP staff at county where event will occur)* at *(insert phone number)* at least 10 working days in advance of the Public Meeting.

As covered under Title VI requirements for nondiscrimination, at each meeting it is necessary to provide the Title VI material and include this material in an alternate language when applicable.

On the website, provide contact phone numbers, email addresses and links to LEP web pages of member MPOs/TPO.

Monitoring and Updating the LEP Plan

This plan is designed to be flexible and is one that can be easily updated. The CCC will annually update their Title VI and LEP Program. The next required Title VI Program update must be forwarded to the FTA by July 30, 2011.

Dissemination of the CCC Limited English Proficiency Plan

The CCC will post the offer for translation services for LEP individuals on its website, *www.RegionalTransportation.org*. The CCC will also maintain its Spanish language web page at <http://regionaltransportation.org/Spanish.htm>.

Any person, including social service, non-profit and law enforcement agencies and other community partners with internet access will be able to access the plan. Copies of the CCC's LEP Plan will also be available to the Florida Department of Transportation, Federal Highway Administration, the Federal Transit Administration, and to any person or agency requesting a copy.

Any questions or comments regarding this plan should be directed to the CCC Title VI Specialist:

Linda Manoleros
Pinellas County MPO
600 Cleveland Street, Suite 750
Clearwater, FL 33755
Phone 727.464.8200
Fax: 727.464.8201
E-mail: lmanoleros@pinellascounty.org

APPENDIX

**WEST CENTRAL FLORIDA MPOs CHAIRS COORDINATING COMMITTEE (CCC)
TITLE VI PROGRAM AND RELATED STATUTES DISCRIMINATION COMPLAINT**

(For Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk and Sarasota Counties)

Name		Home Phone		Work Phone	
Address (Street No., P.O. Box, Etc.)			City, State, Zip Code		
Name of Person(s) Who Discriminated Against You, Position (if known), and Name of Agency:					
Address (Street No.)			City, State, Zip Code		
Date of Alleged Incident					
Discrimination Because Of:					
<input type="checkbox"/> Race	<input type="checkbox"/> Retaliation	<input type="checkbox"/> Sex	<input type="checkbox"/> Familial Status	<input type="checkbox"/> Religion	
<input type="checkbox"/> Color	<input type="checkbox"/> National Origin	<input type="checkbox"/> Age	<input type="checkbox"/> Disability		
<p>Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently than you. Also attach any written material pertaining to your case. (You may continue on the other side.)</p>					
Signature			Date		
<p>Mail to: Linda Manoleros, Pinellas County MPO, 600 Cleveland St., Suite 750, Clearwater, Florida 33755.</p>					

**Comité Coordinador de las Organizaciones Metropolitanas de Planificación
Region Centro Occidental Central de Florida**

(Condados de Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, y Sarasota)

Nombre de la persona discriminada		Número de teléfono (Residencia)	Número de teléfono (Trabajo)	
Direccion de residencia (Número y calle, número de departamento)		Ciudad, estado, y código postal de residencia		
Nombre de la persona que discriminó contra usted, y nombre de la dependencia (si los sabe)				
Direccion de la persona o dependencia que discriminó contra usted		Ciudad, estado y código postal de la persona o dependencia que discriminó contra usted		
Fecha del incidente discriminatorio.				
Causa de la discriminación:				
<input type="checkbox"/> Raza	<input type="checkbox"/> Retaliación	<input type="checkbox"/> Sexo	<input type="checkbox"/> Estado Civil	<input type="checkbox"/> Religión
<input type="checkbox"/> Color de Piel	<input type="checkbox"/> Nacionalidad	<input type="checkbox"/> Edad	<input type="checkbox"/> Impedimento Físico o Mental	<input type="checkbox"/> Otro
Eplique claramente como sucedió la discriminación y quienes participaron en ella. Incluya en su explicación cualquier conocimiento que tenga de tratamiento diferente a otras personas. Adjunte cualquier otro escrito relacionado con su caso.				
Firma			Fecha	

Envíe por correo a Linda Manoleros, Pinellas County MPO
600 Cleveland Street, Suite 750, Clearwater, Florida 33755.

