



Memorandum Date: September 12, 2023

Order Date: September 26, 2023

TO: Board of County Commissioners

DEPARTMENT: Administration

PRESENTED BY: Steve Adams, Lane County Policy Director

AGENDA ITEM TITLE: ORDER: ADOPTION OF LIMITED ENGLISH PROFICIENCY PLAN

I. MOTION

MOVE TO ADOPT A LIMITED ENGLISH PROFICIENCY PLAN.

II. AGENDA ITEM SUMMARY

Lane County is eligible to apply for a 2023 Community Development Block Grant (CDBG) from Business Oregon¹. CDBG funds come from the U.S. Department of Housing and Urban Development (HUD). Grants can be used for housing improvements and must serve households with low and moderate incomes.

Business Oregon, which administers the CDBG funding, requires that applicants submit a Limited English Proficiency (LEP) Plan (Attachment 1, Exhibit A), to comply with U.S. Department of Housing and Urban Development (HUD) guidance and Title VI of the Civil Rights Act of 1964, before funds pursuant to the CDBG grant can be disbursed. The proposed LEP Plan is attached for Board review and approval.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

On August 1, 2023² the Board of Commissioners held a public hearing and

¹ See Business Oregon Method of Distribution:

<https://www.oregon.gov/biz/Publications/CDBG/2023ProposedMOD.pdf> .

² See <https://cdnsm5->

hosted.civiclive.com/UserFiles/Servers/Server_3585797/File/Government/BCC/2023/2023_AGENDAS/080123agenda/08-01-02-23agenda.pdf

authorized staff to submit an application for CDBG funding for the Regional Housing Rehabilitation Loan Program of Lane County for \$500,000.

The Lane County 2021-2022 Racial Equity Plan was adopted in January of 2021³.

Lane County adopted an Affordable Housing Action Plan in 2020⁴.

Lane County has received millions of dollars in Community Development Block Grant funding through various competitions via the State of Oregon since the CDBG program was established in the mid-1970s. The last time Lane County applied for CDBG funding through the State was in 2009.

B. Policy Issues

CDBG funding is an avenue to enable the Board of Commissioners to achieve many of its stated policy objectives. Lane County's Affordable Housing Action Plan highlights that Lane County has a large number of buildable lots that need infrastructure to support housing. Infrastructure is one of the approved uses of CDBG funding.

Lane County is the recipient of a variety of federal funds. Having a Limited English Proficiency (LEP) Plan will assist Lane County in complying with federal requirements related to providing services to, or interacting with, individuals who have limited English proficiency.

An LEP Plan will reinforce strategic initiatives contained in Lane County's Racial Equity Action Plan, which include training and communication, data collection, a review of policies and practices that are barriers to racial equity, and setting core competencies for staff.

C. Board Goals

Lane County's *2022-2024 Strategic Plan* uses three overarching lenses to view policy issues. Approving an LEP Plan will support Lane County's Equity lens.

Equity – Adopting an LEP Plan will support the goal that everyone, regardless of their language, has access to the same opportunities, tools and supports necessary to satisfy essential needs, advance their well-being, and achieve their full potential. Lane County is committed to ensuring people have access to information and supports, regardless of language.

The Limited English Proficiency Plan also supports several Strategic Priorities

³ See

https://www.lanecounty.org/UserFiles/Servers/Server_3585797/File/Government/Advisory%20Boards%20and%20Commissions/Equity%20and%20Access%20Advisory%20Board/REP%20One%20Pager%20Landscape.pdf

⁴ See <https://cdnsm5->

[hosted.civiclive.com/UserFiles/Servers/Server_3585797/File/Government/BCC/2020/2020_AGENDAS/121520agenda/T.14.B.pdf](https://cdnsm5-hosted.civiclive.com/UserFiles/Servers/Server_3585797/File/Government/BCC/2020/2020_AGENDAS/121520agenda/T.14.B.pdf)

contained in the *2022-2024 Strategic Plan*.

Priority #2, Objective B, #4: “Enhance and standardize data collection to inform and advance our equity work as an organization in order to provide equitable services to the community.” Priority #4, Objective B, #s 1 and 3: “Identify employee training and development needs... and [support the creation of] an Equity Action Plan.”

D. Financial and/or Resource Considerations

Adoption of this Limited English Proficiency (LEP) Plan obligates Lane County to provide interpretation and translation services as needed for specific language populations. Several County Departments already do this through existing staff who receive differential pay for this work, through contracts with translators, and through contracts with language line interpreting services. These expenditures are already required. Adopting the plan does require that staff be trained on an annual basis on how to best support people with limited English proficiency and it obligates the County to create a web page for the public, notifying those who interact with County staff of their rights and Lane County’s responsibilities under various federal requirements. Adopting the LEP Plan will also require data collection to determine how well the Plan is supporting LEP populations.

E. Health Implications

A critical component in eliminating health inequities is ensuring meaningful access to services in Lane County, regardless of language. Meaningful access means access that is not significantly restricted, delayed or inferior as compared to programs or activities provided to English proficient individuals. Barriers to language access can affect individual autonomy and decision making in health care and in access to a variety of services. Therefore, it is important to ensure that Lane County services are compliant with federal laws which have set minimum standards regarding language access.

F. Analysis

To access CDBG funding this fall, the County must adopt a county-wide Limited English Proficiency (LEP) Plan. Recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP person to important benefits, rights, programs, information, and services. Title VI of Civil Rights Act of 1964 forbids discrimination against anyone in the United States because of race, color, or national origin by any agency receiving Federal funds. Executive Order 13166 (see Appendix B) requires Federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities who, due to limited English proficiency, cannot fully and equally participate in or benefit from those programs and activities. These federal obligations extend to agencies that provide federal programs and services (i.e. that receive federal funds).

Many Lane County Departments have adopted their own plans that comply with these requirements. The County as a whole, however, must adopt an LEP plan to access CDBG funds through the State of Oregon.

The proposed LEP Plan obligates Lane County to:

- Identify LEP individuals who need language assistance by analyzing Census Data on an annual basis, using a four-factor analysis to determine which languages we are obligated to accommodate;
- Translate vital documents upon request into the languages identified by the four-factor analysis and provide interpreting as needed;
- Train staff who interact with Limited English Proficiency populations annually and provide them with resources and instruction on how to best serve LEP individuals;
- Provide notice to LEP persons by developing a webpage that outlines rights and responsibilities of LEP persons and Lane County regarding language access; and
- Monitor and update the LEP plan annually.

G. Alternatives/Options

CDBG funds can only be accessed if a county-wide LEP Plan is adopted. The Board may decline or delay adoption of the LEP Plan. Declining adoption of an LEP Plan would make the County ineligible to apply for CDBG funding. The Board may also choose to delay adoption of the LEP Plan. Having this in place before the application is due will add points to the application score, making it more competitive. The LEP Plan must be adopted before we can be reimbursed for any costs covered under the CDBG grant.

IV. RECOMMENDATION

Staff recommend adopting the LEP Plan in Exhibit A to Attachment 1. This will position the County to apply for CDBG funding for the this and future years.

V. TIMING/IMPLEMENTATION

Business Oregon opened the fall application period for CDBG funding on July 1, 2023. Applications are due September 30, 2023. If we choose to apply, Lane County must submit a notice of intent to apply before September 1, 2023. Having an adopted LEP Plan before the application round closes may result in additional points for the CDBG application. Lane County must have an adopted LEP Plan before any funding from Business Oregon can be drawn.

VI. FOLLOW-UP

If the recommendation is approved, staff will work on creating a structure for

implementing the LEP plan.

VII. ATTACHMENTS

1. Board Order and Exhibits

a. Exhibit A: LEP Plan and Attachments

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 23-09-26-06

In the Matter of ADOPTING A LIMITED ENGLISH PROFICIENCY
PLAN

WHEREAS, Lane County is eligible to apply for a 2023 Community Development Block Grant (CDBG) from Business Oregon, CDBG funding originating from the federal Department of Housing and Urban Development (HUD); and

WHEREAS, Lane County staff are preparing an application for CDBG funding for the Regional Housing Rehabilitation Loan Program of Lane County, requesting \$500,000 for owner-occupied housing rehabilitation; and

WHEREAS, Business Oregon, which administers the CDBG funding, requires that applicants adopt a Limited English Proficiency Plan; and

WHEREAS, Adopting an LEP is a requirement for receiving funding from several federal Departments, including U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Transportation and the U.S. Department of Health & Human Services, and of Title VI of the Civil Rights Act of 1964.

NOW, THEREFORE, the Board of Commissioners of Lane County ORDERS as follows:

1. Adoption of the Limited English Proficiency Plan contained in Exhibit A.

ADOPTED this 26th day of September, 2023.

Pat Farr, Chair
LANE COUNTY BOARD OF COMMISSIONERS

Exhibit:

- A. Lane County Limited English Proficiency Plan and Attachments

LANE COUNTY

Limited English Proficiency Plan

DRAFT

August 2023



Prepared by
Lane County Policy Division

Chapter 1: Introduction

Policy

It is the policy of Lane County to provide timely, meaningful access for limited English proficient (LEP) persons to all programs and activities. All personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever a LEP person requests language assistance services. All personnel will inform members of the public that Lane County will provide language assistance services free of charge to LEP persons. (See Appendix A for full policy statement.)

Limited English Proficiency (LEP): People who do not speak English as their primary language and have limited ability to read, speak, write, or understand English

Purpose

The purpose of this policy and plan is to establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964 and Executive Order 13166¹, for Lane County staff to follow when providing services to, or interacting with, individuals who have limited English proficiency (LEP). As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write, or understand English. Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other vital information. These individuals may be entitled to language assistance for programs and services that receive assistance from the federal government. Executive Order 13166 requires agencies to develop creative solutions to address the needs of this ever-growing population of individuals whose primary language is not English.

Population

According to the latest available U.S. Census American Community Survey (ACS) data for Lane County², out of a total population of 362,797 there were 8378 people over five years of age who spoke English less than very well. This is 2.3% of the County's population and below the national LEP rate of 8.3%. The majority of the LEP population were identified as Spanish speaking (4739 persons). The language with the greatest percentage LEP potential is Chinese with almost half (49%) of the Chinese-speaking population (approximately 1163 people)

¹ Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency, President Clinton, August 11, 2000. (See Appendix B)

² ACS B16002: Detailed Household Language by Household Limited English-Speaking Status

identified as speaking English less than very well. Spanish is the most common language other than English spoken in Lane County, although it is spoken by only 4.6% of the total population of Lane County; further, most (71.5%) Spanish speakers also speak English very well. See Chapter 3 for more information.

Plan

This plan was developed in accordance with federal guidelines³. Recipients of federal financial assistance, such as Lane County, have an obligation to reduce language barriers that can preclude meaningful access by LEP person to important benefits, rights, programs, information, and services (see **Chapter 2 Regulatory Framework**). Recipients of federal funding are required to conduct a Four-Factor Analysis to determine the extent of the recipient's obligation to provide LEP services. The four factors are: 1) the number or proportion of LEP persons eligible to be served or likely to be served by the program; 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 program to people's lives; and 4) the resources available and cost (see **Chapter 3 Four Factor Analysis**). Consistent with federal guidelines for an effective LEP policy, this plan includes the following elements: (a) identification of LEP persons who need language assistance (see Chapter 3); (b) identification of ways in which language assistance will be provided (see **Chapter 4 Language Assistance**); (c) staff training (see **Chapter 5 Staff Training**); (d) providing notice to LEP persons (**Chapter 6 Outreach and Notification Techniques**); and (e) monitoring and updating LEP policy (**Chapter 7 Monitoring and Updated LEP Plan**).

³ On January 22, 2007 HUD published its guidance for recipients of HUD funding.

Chapter 2: Regulatory Framework

Federal Funding Obligations

Lane County is a recipient of and applies for Federal financial assistance from various federal departments, including the Department of Transportation, the Department of Housing and Urban Development, and the Department of Health and Human Services. All recipients and applicants are required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964.

Civil Rights

Title VI of Civil Rights Act of 1964 forbids discrimination against anyone in the United States because of race, color, or national origin by any agency receiving Federal funds. Subsequently, related authorities have expanded Title VI protections to include gender, age, and disability.

Limited English Proficiency Program -- Authorities

- Title VI of the Civil Rights Act of 1964
- US DOT Title VI Regulation (49 CFR 21)
- FHWA Title VI Regulation (23 CFR 200)
- Executive Order 13166
- US DOJ LEP Policy Guidance (June 18, 2005)
- US DOT LEP Guidance (Dec 14, 2005)
- HUD LEP Guidance, (December 19, 2003)

Lane County Public Works approved a Title VI Plan in 2016 which includes the following policy statement:

Lane County, acting through its Public Works Department, assures that no person shall, on the grounds of race, color, national origin, sex, age, disability or income as provided by the Title VI of the Civil Rights Act of 1964 and related authorities, be excluded from participation in, be denied benefits of, or otherwise subjected to discrimination under any County sponsored program or activity. The County further assures that every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

Lane County Health and Human Services (H&HS) Department adopted its own policy to comply with applicable laws relating to civil rights in 2017. It was amended in 2022 and is called the Healthcare Equity Policy. H&HS employs a Quality & Compliance Manager who acts as the Civil Rights Coordinator and oversees activities to ensure compliance with associated regulations. Each Division of H&HS provides auxiliary aids and services that are appropriate for the specific work in that Division. These aids and services are provided in a timely manner upon request and free of charge. Each Division of H&HS provides language assistance services in a timely manner upon request and free of charge. Language assistance services may be

provided via an approved H&HS vendor or qualified bilingual staff. Contracts for all approved H&HS language assistance vendors comply with the requirements set forth in Oregon House Bill 2359. There are approximately 79 staff in H&HS in bilingual classifications, most speaking Spanish as well as English.

This LEP Plan builds upon these efforts and in accordance with Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency."

Limited English Proficiency

Executive Order 13166 (see Appendix B) requires Federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities who, due to limited English proficiency, cannot fully and equally participate in or benefit from those programs and activities. These federal obligations extend to agencies that provide federal programs and services (i.e. that receive federal funds). Federal guidelines provide the following prompts to agencies to determine applicability:

Does the agency (i.e. Lane County) receive Federal financial assistance by means of grants, cooperative agreements, training, use of equipment, donations of surplus property, or other assistance?

Executive Order 13166 directs each agency to prepare a plan to improve access to federally conducted programs and activities by eligible LEP persons consistent with the standards set forth in the LEP Guidance. Building upon the related policy guidance developed by the U.S. Department of Justice (DOJ LEP Guidance), the U.S. Department of Transportation issued the "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons," dated December 14, 2005 and the federal Department of Housing and Urban Development (HUD) "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" dated January 22, 2007 . As a recipient of federal funds, Lane County's LEP Plan was developed following these guidelines.

The DOJ LEP Guidance advises each Federal department or agency to "take reasonable steps to ensure 'meaningful' access [to LEP individuals] to the information and services they provide." The DOJ LEP Guidance goes on to provide the following:

[W]hat constitutes reasonable steps to ensure meaningful access will be contingent on a number of factors. Among the factors to be considered are the number or proportion of LEP persons in the eligible service population, the frequency with which LEP individuals

come in contact with the program, the importance of the service provided by the program, and the resources available to the [agency].

This national policy guidance for complying with Executive Order 13166 is referred to as the Four Factor Analysis. The DOJ LEP Guidance explains that the identification of "reasonable steps" to provide oral and written services in languages other than English is to be determined on a case-by-case basis through a balancing of all four factors. After completing the four-factor analysis and deciding what language assistance services are appropriate, federal guidance establishes that a recipient should develop an implementation plan to address the identified need of the LEP population it services with, at a minimum, the following elements:

- Identification of LEP individuals who need language assistance
- Language assistance measures
- Training staff
- Providing notices to LEP persons
- Monitoring and updating the LEP plan

FHWA recipients are required to submit their LEP Plan as part of their standard Title VI assurances, Title IV Plan and implementing Title VI regulations. In certain circumstances, such as in complaint investigations or compliance reviews, recipients may be required to provide Federal agencies with a copy of any plan created by the recipient.

Chapter 3: Four Factor Analysis

The following factors are required to be considered to determine the reasonable steps to take to provide LEP individuals with meaningful access to programs, activities, and services:

- 1) number or proportion of people
- 2) frequency of contact
- 3) nature and importance of the program
- 4) available resources and costs.

An assessment of these four factors relative to Lane County is provided below. The following federal guidance was also taken into consideration:

Safe Harbor: The following action will be considered strong evidence of compliance with the recipient's written-translation obligations:

- (a)** The recipient provides written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
- (b)** If there are fewer than 50 persons in a language group that reaches the 5 percent trigger in (a), the recipient does not translate vital written materials but instead provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These “safe harbor” provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP persons through competent oral interpreters where oral language services are needed and are reasonable.

Factor 1: Number or Proportion of People

The purpose of this factor is to determine the number or proportion of people served or likely to be encountered who would potentially be excluded from the program or activity absent efforts to remove language barriers. LEP populations exist within Lane County and staff has encountered LEP individuals in the course of their work. Demographic data was collected from on-line sources (the *American Community Survey*⁴ from the United States Census

Lane County Demographics (ACS 5-Year Estimate 2021)				
Language	Number of People	% of Total Population	% LEP Potential	LEP Potential Population
Spanish	16,655	4.6%	28%	4,739
Chinese (incl. Mandarin, Cantonese)	2,374	0.7%	49%	1,163
Other Asian and Pacific Island languages	2,091	0.6%	30%	628
Other Indo-European languages	1,945	0.5%	22%	432
German or other West Germanic languages	1,788	0.5%	7%	127
French, Haitian, or Cajun	1,408	0.4%	18%	258
Other and unspecified languages	939	0.3%	23%	219
Tagalog (incl. Filipino)	805	0.2%	19%	153
Korean	749	0.2%	37%	280
Russian, Polish, or other Slavic languages	701	0.2%	18%	125
Vietnamese	656	0.2%	34%	223
Arabic	221	0.1%	14%	31
Totals	30,332			8,378

Bureau). According to census data, LEP populations are a small fraction (2.3%) of the total population of Lane County (which was 362,797 in 2021), which is significantly less than the 5% threshold of the federal Safe Harbor provision; however, that provision also establishes a secondary threshold of 1,000 people. In terms of populations in which there could be 1,000 or more people with limited English proficiency, the languages of concern are Spanish (4739 people estimated to have LEP) and Chinese (1163 people estimated to have LEP).

The majority of people who speak other languages also speak English very well. The exception is Chinese, in which almost half (49%) speak English less than very well. Chinese is spoken by only 0.7% of the total population of Lane County.

Spanish is the most common language other than English spoken in Lane County, although it is spoken by only 4.6% of the total population of Lane County; further, most (71.5%) Spanish speakers also speak English very well.

Factor 2: Frequency of Contact

Title VI obligations will differ for programs with little contact with LEP individuals compared to ones that serve a large LEP population and where its core business is to provide projects, products, and services to the public. Frequency of contact may also vary based on specific geographic areas. The LEP population is a small fraction (2.3%) of the total population of Lane County; as such, contact with LEP individuals is expected to be infrequent. Lane County's core

⁴ <https://www.census.gov/programs-surveys>

business, however, is to provide services to the public; and any interaction with the public has the potential to interact with LEP individuals.

To gauge frequency of contact, Lane County has undertaken several steps. In 2018, Lane County Public Works Department surveyed staff regarding encounters with LEP communities. Of those staff surveyed who have direct contact with the public, 51% encountered language barriers based on Limited English Proficiency. The languages most frequently encountered were Spanish and Chinese. The Lane County Community Health Center's data shows that in 2021 they reported that 9.33% of the 22,696 patients they serve were best served in a language other than English. In future, more systematic efforts to capture the frequency of contacts with LEP persons are warranted.

Public Works staff can plan for encounters with LEP persons, since much of their interaction with the public is through targeted outreach related to federal funded roads and bridges projects. H&HS staff employ bilingual staff in key positions that regularly interact with the public. H&HS also utilizes a translation service for key written documents and an interpreting service for oral interpretation where bilingual staff do not speak the language needed.

Factor 3: Nature and Importance of Program

The purpose of this factor is to assess the nature and importance of the program, activity or service provided by the agency. The more important the activity, information, service or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services will be needed. Federal guidelines prompt agencies to consider whether denial or delay of access to services or information could have serious or even life-threatening implications for LEP individuals.

Public Works is the agency receiving federal funding and the activity is predominantly capital roadway and bridge projects. The project development and delivery process includes planning, design, right-of-way and construction phases. Each of these phases involve public engagement opportunities, especially at the planning stage which enables the public to get involved early in the life of a project and enables staff to customize communication tools (particularly language access) for subsequent steps of project development and delivery. LEP implications along the project development and delivery process include: comprehending the scope of the project and how it may affect individual properties; effectively participating in the public dialogue to influence the design; consent to right-of-way acquisition; and understanding construction activities and potential detour routes or other temporary restrictions.

As mentioned above, H&HS is most likely to encounter LEP persons seeking services. H&HS has a Department Policy that requires translations of key documents, interpreting services in Spanish and Chinese, and also many other languages. Their bilingual staff must be credentialed to provide interpretation, and grievances are tracked and reviewed by a Quality Compliance Manager.

Other Departments not directly funded with federal funds where staff may interact with LEP persons on a regular basis are the Department of Taxation, Deeds and Records and the Lane County Sheriff. Efforts are currently being made in these Departments to accommodate the needs of LEP persons. Key documents are translated into Spanish and bilingual staff are available to assist with oral interpretation.

Factor 4: Available Resources and Costs

Vital documents must be translated when a significant number or percentage 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. A document is considered vital if it contains information that is critical for obtaining 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 letters or notices that require a response from the beneficiary or client.

The “significant number or percentage” is explained in the federal Safe Harbor as 1,000 people or 5% of the population; accordingly, Lane County’s vital documents should be translated into Spanish and Chinese.

For the Public Works Department, vital documents are predominantly notices mailed to abutting properties that include information about a project, opportunities for involvement, public meetings and public hearings, construction schedules and detour routes. The other set of vital documents is a complex packet of real-property negotiation materials such as appraisals and deeds. Rather than mail notices with three sets of languages (English, Spanish, and Chinese), a more cost-effective and efficient approach would be to include a statement in Spanish and Chinese on all notices about the right to free translation services with instructions about how to access those services. Each Division in H&HS posts notices in prominent physical locations, on websites, and in significant publications and communications as required under federal civil rights laws. Taglines in alternate languages are also made available in significant publications, communications, and websites.

Lane County has contractual services with translators with costs ranging from \$0.18 to \$.22 per word for written translation and \$1.99 to \$2.19 per minute for phone interpretation.

The Safe Harbor provision applies to translating written vital documents into the languages determined to be the most significant. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed. There could also be instances in which interpreters would be needed a public meetings, particularly public hearings.

Chapter 4: Language Assistance

Executive Order 13166 directs recipients of federal financial assistance to take reasonable steps to provide LEP individuals with meaningful access to their programs, activities and services. The key to providing meaningful access is to ensure effective communication exists. “Reasonable steps” may cease to be reasonable where available resources and the costs imposed substantially exceed the benefits.

There are two main ways to provide language services: 1) oral interpretation either in person or via telephone interpretation services; 2) written translation services. Oral interpretation can range from on-site interpreters for critical services provided to a high volume of LEP persons, to access through commercially available telephonic interpretation services. Written translation can range from translation of an entire document to translation of a short description of the document.

Regardless of the type of language services provided, quality and accuracy of those services is critical to avoid potential consequences to both LEP individuals and Lane County. The correct mix of interpretation and translation services should be based on what is both necessary and reasonable in light of the four-factor analysis. Given the four-factor analysis, reasonable steps to provide meaningful access to LEP individuals are as provided below.

Lane County LEP Policy

Lane County has committed to providing language assistance to all customers, regardless of whether the service is related to a federally funded program (see policy statement in Appendix A). Lane County’s LEP policy also prohibits certain practices, such as relying on a child to interpret. This policy provides clear direction to staff to support meaningful access to LEP individuals and to ensure compliance with federal regulations.

Over the course of the next year, Lane County will work collaboratively to ensure that the LEP Policy is implemented throughout the organization. Staff will also develop a list of Best Practices that Lane County should strive to achieve, beyond the basic requirements contained in this plan.

Notice to LEP Individuals

Lane County will post notices in prominent physical locations, such as in building lobbies or entryways, about translation services being available upon request at no charge. The notice will include an “I Speak” list of languages to enable the LEP individual to identify their preferred language (see Appendix C). Front-line staff will be instructed on how to assist customers with

language access services. Lane County's webpages can be translated into a variety of language using Google Translate. Because these translations are not always helpful, Lane County will develop a webpage specific to LEP persons, which will include information about language access services. Public notices will also include taglines in Spanish and Chinese, the most likely encountered LEP languages, about language access.

Staff Resources & Instructions

Front-line staff will be provided with resources and instructions on how to respond to LEP individuals, such as the following:

- Lane County's LEP Policy Statement
- "I-Speak" language list to enable the LEP individual to self-identify their language needs
- List of bilingual staff to solicit assistance
- List of approved vendors to secure translation services

As stated in the Lane County LEP Policy, bilingual staff would not be used as translators unless they were qualified. The list of bilingual staff maintained by Lane County includes self-identified proficiency and availability to assist, but employees are neither certified nor obligated to provide translation or interpretation services. Soliciting assistance from bilingual staff would be a helpful interim measure while certified translation services are in the process of being secured.

Certified Translation Services

Federal guidelines note that the quality of interpretation should be a focus of concern for all recipients. Interpreting is a complex task that combines several abilities beyond language competence to enable delivery of an effective professional interpretation in a given setting. From the standpoint of the user, a successful interpretation is one that faithfully and accurately conveys the meaning of the source language orally, reflecting the style, register, and cultural context of the source message, without omissions, additions or embellishments on the part of the interpreter. Lane County has committed to providing certified translation services for all program areas. Staff will be instructed on the use of contract services to provide written translation and oral interpretation. See Chapter 5 Staff Training.

On-Demand and Planned Translation Services

The Safe Harbor provision would require translating vital documents into Spanish and Chinese. This provision provides greater certainty for agencies with regard to written translation. Actions consistent with this provision are considered strong evidence of compliance. However, this provision is not a mandate and a different translation strategy does not equate to

noncompliance. This provision also provides no safeguards regarding oral interpretation obligations.

Considering the infrequent encounters with LEP individuals, the variety of languages spoken in Lane County, the expense of translating documents, the likelihood of frequent changes in documents, and the wide variety of documents that may not be considered “vital” per federal regulations, at this time it would be an unnecessary burden to have any documents translated. Lane County will expend a reasonable portion of the budget to meet its customers’ language assistance needs and will continue to monitor translation requests to determine the appropriateness of upfront translation of documents. See Chapter 7 Monitoring and Updating LEP Plan.

The notice provisions will enable LEP individuals to request translation to meet their specific needs. Further, due to limited bilingual staff, Lane County may not be prepared to have meaningful communications with LEP individuals regardless of whether materials are translated or not. Interpretation services would likely be necessary to provide further instruction to the LEP individual about the translated document. Outreach materials, however, can be planned to determine the best method of providing language assistance services. See Chapter 6 Outreach and Notification Techniques.

Chapter 5: Staff Training

Staff training is an important step to provide meaningful access to LEP individuals. Training will be provided to staff with the potential to interact or communicate with LEP individuals, staff whose job it is to arrange for language assistance services, and managers. Even if management staff may not interact regularly with LEP persons, they should be fully aware of, and understand the plan so they can reinforce its importance and ensure its implementation by staff. All staff will periodically receive refresher courses on policies, processes and resources – particularly as language access methods evolve. Lane County's LEP policy and the availability of translation and interpretation services at no cost to the customer will be promoted throughout Lane County through on-going notice practices.

Trainings will occur annually and will focus on the importance of providing language assistance services. Trainings will include procedures to help staff identify the language needs of a LEP individual, access and provide the necessary language assistance services, work with interpreters, request document translations, and track the use of language assistance services.

Chapter 6: Outreach and Notification Techniques

Within the context of federally-funded programs, which include roadway projects, public health services, and other programs, encounters with LEP individuals will most commonly be the result of Lane County staff reaching out to communities and working in locations where LEP individuals live and work.

For Public Works projects, for example, the project development and delivery process includes planning, design, right-of-way and construction phases. Each of these phases involve public engagement opportunities, especially at the planning stage which enables the public to get involved early in the life of a project and enables staff to customize communication tools (particularly language access) for subsequent steps of project development and delivery. The Public Works public involvement planning effort has been reinvented and incorporates tools for identifying and meeting the needs of Title VI populations.

Other Departments will encounter LEP persons in the course of their work. H&HS staff are directed to will provide auxiliary aids and services that are appropriate for the specific work in that Division. These aids and services will be provided in a timely manner upon request and free of charge. Any advance public notice should discover LEP needs in which case staff could make special arrangements to translate customized documents and/or arrange for oral translation of the documents with a certified interpreter. Meetings with staff would likely necessitate on-site interpretation to accommodate LEP individuals. There could also be instances in which interpreters would be needed in public meetings, particularly public hearings.

As resources allow, Lane County will explore how to provide meaningful engagement with LEP populations in its online presence. Staff will create an LEP webpage that will list consumer rights and Lane County responsibilities. Additional pages may be added as needs are identified and resources are available.

Outreach materials and techniques will continue to be an emphasis area for annual performance monitoring. Lane County is interested in working more closely with community-based organizations and agencies that serve LEP populations, particularly to determine culturally-appropriate contact materials and methods. See Chapter 7 Monitoring and Updating LEP Plan.

Chapter 7 Monitoring and Updating LEP Plan

Federal guidelines prompt agencies to have an ongoing process to monitor its language assistance policies and procedures at least annually, to evaluate its effectiveness at serving LEP individuals and to modify accordingly. Lane County's LEP Plan will be reviewed annually. Annual review will include the following:

- Changes in demographics, updated census data and population maps
- Staff and customer surveys with targeted solicitation from stakeholders about the effectiveness and efficiency of language access policy and procedures
- Additional documents, programs, services, and activities that need to be made accessible to LEP individuals
- a review of whether complaints have been received concerning the failure to meet the needs of LEP individuals
- Consideration of new resources including funding, collaborations with other agencies, emerging technology, and other mechanisms for ensuring improved access for LEP individuals

Lane County staff will monitor the primary language of LEP individuals that seek and receive programs and services. This data will help Lane County to accurately identify and efficiently address the changing needs of LEP communities. Outreach methods are recommended for continuous improvement. Lane County staff will solicit feedback from community-based organizations and other stakeholders about the LEP Plan's performance.

Appendices

- A. Lane County LEP Policy
- B. Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency
- C. I-Speak Notice



Lane County Limited English Proficiency Policy

It is the policy of Lane County to provide timely, meaningful access for limited English proficient (LEP) persons to all program and activities. All personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever a LEP person requests language assistance services. All personnel will inform members of the public that Lane County will provide language assistance services free of charge to LEP persons.

Language assistance services may be provided via an approved vendor of a qualified bilingual staff member. Bilingual staff will not be used as interpreters unless they have been credentialed as either qualified or certified interpreters. Additionally, as required by law, further quality standards will be adhered to in the delivery of language assistance services. Per regulations, the following practices will be prohibited:

- Requiring an individual to provide his/her/their own interpreter;
- Relying on a minor child to interpret;
- Relying on interpreters that the individual prefers when there are professional competency, confidentiality, or contractual concerns;
- Relying on unqualified bilingual or multilingual staff; and
- Using inexperienced interpreting services.

All Lane County Departments and Divisions will post language assistance notices in prominent physical locations, on websites, and in significant publications and communications as required under federal civil rights laws. Taglines in alternate languages will also be made available in significant publications, communications and websites. These postings and taglines will serve to notify individuals of the details contained in this policy.

Approved By: _____

Title: _____

Date: _____



Federal Register

**Wednesday,
August 16, 2000**

Part V

The President

**Executive Order 13166—Improving Access
to Services for Persons With Limited
English Proficiency**

Department of Justice

**Enforcement of Title VI of the Civil
Rights Act of 1964—National Origin
Discrimination Against Persons With
Limited English Proficiency; Notice**

Federal Register

Vol. 65, No. 159

Wednesday, August 16, 2000

Presidential Documents

Title 3—

Executive Order 13166 of August 11, 2000

The President

Improving Access to Services for Persons With Limited English Proficiency

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

Section 1. Goals.

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Sec. 2. Federally Conducted Programs and Activities.

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. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

Sec. 3. Federally Assisted Programs and Activities.

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order,

each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the **Federal Register** for public comment.

Sec. 4. Consultations.

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

Sec. 5. Judicial Review.

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.



THE WHITE HOUSE,
August 11, 2000.

I Speak...

Language Identification Guide



Public Works provides free interpretation services upon request to ensure meaningful access to our programs.



English Please select your spoken language. We will contact an interpreter for you.

Amharic አባዘዎ የእርስዎን የሚናገሩትን ቋንቋ ይምረጡ።
እስተርጓሚ ለእርስዎ እናገኛለን።

Arabic الرجاء تحديد اللغة المنطوقة. سوف نتصل لك بـ مترجم.

Burmese ကျေးဇူးပြု၍ သင့်ပြောသည့် ဘာသာစကားကိုရွေးချယ်ပါ။
သင့်အတွက် စကားပြန်တစ်ဦးကို ကွန်ပရိဆက်သွယ်ပေး
သွားပါမည်။

Chinese Cantonese (Chinese Traditional)
請選擇您的口語。我們將為您聯繫口譯員。
Mandarin (Chinese Simplified)
请选择项您的语言。我们会为您联系一名口译员。

Chuukese Kose mochen kopwe Intlnl kapasen
fenuom pun slpwe tongenl aora ngonuk
noum chon aweve.

Farsi لطفاً زبان خود را انتخاب کنید. ما برای شما با یک
مترجم همزمان تماس می گیریم.

French Veuillez sélectionner la langue parlée. Nous
contacterons un interprète pour vous.

Hindi कृपया अपने वार्तालाप की भाषा चुनें। हम आपके लिए
किसी दुभाषिया से संपर्क करेंगे।

Japanese お話しになる言語をお選びいただければ、通訳を手配させていただきます。

Korean 귀하의 언어를 선택해 주시면, 귀하를
위해 통역 서비스를 제공할 것입니다.

Nepali कृपया आफूले बोल्ने भाषा चयन गर्नुहोस्। हामी तपाईंका
लागि दोभाषेलाई सम्पर्क गर्नेछौं।

Kinyarwanda Hitamo ururimi uvuga. Tuzagushakira
umusemuzi

Russian Пожалуйста, укажите язык, на котором
вы говорите. Мы предоставим вам
переводчика.

Somali Fadlan dooro luuqadaada aad ku hadashid.
Waxaan kula xiriirineynaa turjubaan.

Spanish Por favor seleccione el idioma que usted
habla. Nos pondremos en contacto con un
Intérprete para usted.

Vietnamese Xin vui lòng chọn ngôn ngữ nói chuyện
của quý vị. Chúng tôi sẽ liên lạc với thông
dịch viên cho quý vị.

Romanian Vă rugăm să selectați limba vorbită. Vă
vom pune în legătură cu un interpret.

Swahili Tafadhali chagua lugha unayozungumza.
Tutakutia mkalimani.

Tigrinya ብኸብረትካ እትዛረቦ ቋንቋ ምረጽ። ተርጓሚ
ከነዳልወልካ ኢና።

Zomi Na kampau zat honggen in. Kamphen
hong zonsakding hl ung.