

BOARD OF COUNTY COMMISSIONERS

Douglas County Nebraska

Resolved

WHEREAS, certain Douglas County departments receive federal financial assistance; and

WHEREAS, Douglas County, as a recipient of said federal funding has a responsibility to provide meaningful access to Douglas County programs by persons with limited English proficiency pursuant to Title VI of the Civil Rights Act of 1964 and its implementing regulations; and

WHEREAS, Douglas County desires to adopt a Limited English Proficiency Plan to clarify its responsibilities and to show Douglas County's commitment to ensure meaningful access to all Douglas County programs by persons with Limited English Proficiency (LEP).

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Douglas County, Nebraska that Douglas County does hereby adopt a Limited English Proficiency Plan as provided in Attachment A.

Dated this 20th day of September, 2011

Ref#: PWHL-8LPKHL

Motion by Boyle, second by Tusa to approve. I move the adoption of the resolution.

Adopted: September 20, 2011

Yeas: Boyle, Duda, Kraft, Morgan, Rodgers, Tusa, Borgeson

(CERTIFIED COPY)

DOUGLAS COUNTY CLERK

Attachment A

**Limited English Proficiency Plan for
Douglas County, Nebraska**

I. Purpose and Authority

The purpose of this limited English proficiency policy is to clarify the responsibilities of Douglas County departments receiving federal financial assistance and to assist them in fulfilling their responsibilities to Limited English Proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. This policy 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 (prohibiting national origin discrimination by recipient of federal financial assistance). This plan also serves to show Douglas County's commitment to ensure meaningful access to all Douglas County programs by persons with Limited English Proficiency (LEP).

II. General Policy Statement

It is the policy of Douglas County to provide timely meaningful access for LEP persons to all Douglas County programs and activities. All personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP person requests language services. All personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that the department will provide these services to them.

III. Plan Summary

Definition of Limited English Proficiency (LEP) persons: LEP persons are individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English.

Douglas County has developed this Limited English Proficiency Plan to help identify reasonable steps to ensure LEP persons meaningful access to Douglas County programs. This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available, and information for future plan updates.

To decide what reasonable steps Douglas County departments should take to ensure meaningful access for LEP persons, Douglas County considers the following:

1. The number or proportion of LEP persons eligible to be served or likely encountered by the Douglas County program, activity or service;
2. The frequency with which LEP individuals come in contact with the Douglas County program, activity or service;
3. The nature and importance of the program, activity or service provided by Douglas County and;
4. The resources available to Douglas County and overall costs.

A brief description of the above considerations is provided in the following section.

IV. Four Factors

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

Douglas County and Douglas County departments will use various methods to identify LEP persons with whom they have contact. These may include:

Current and past experiences with LEP persons encountered by the department's staff. The number and type of such encounters will be periodically analyzed to determine the breadth and scope of the language services required.

Most recent U.S. Census Bureau data. Douglas County and Douglas County departments shall analyze data from the most recent U.S. Census Bureau data regarding languages spoken in Douglas County as well as those who self-identified that they spoke English less than "very well".

Douglas County has examined the U.S. Census Bureau's 2009 American Community Survey data for Douglas County, Nebraska, and was able to make the following approximations:

12.7% of the Douglas County population age 5 and older speak a language other than English at home. 6.4% of the population age 5 and older reported that they do not speak English very well.

People speaking Spanish at home comprised the largest language group speaking a language other than English at home. 8.5% of the population age 5 and older speak Spanish at home. Of those, 54.6% reported they do not speak English very well.

1.7% of the population 5 and older speak Other Indo-European languages at home. Of those, 35.7% reported the do not speak English very well.

1.6% of the population 5 and older speak Asian or Pacific Islander languages at home. Of those, 47.4% reported they do not speak English very well.

2. The frequency with which LEP individuals come in contact with the Douglas County program, activity or service.

In addition to research conducted to identify LEP persons in Douglas County, Douglas County departments shall also annually compile information regarding the frequency of contact with LEP persons . The more frequent the contact and or the number of requests for other languages other than English, the more likely that

language services for a specific language will be needed. Actions taken for a department that serves a LEP person one time or occasionally will be different from those that serve LEP persons every day. Douglas County departments will assess the frequency at which staff has or could possibly have contact with LEP persons. This includes documenting phone inquiries and in person inquiries for LEP assistance or materials, requests for language interpreters or translated material, and may include surveying public meeting attendees.

3. The nature and importance of the program, activity or service provided by Douglas County.

Douglas County recognizes that within the range of programs and services it provides, the nature of some programs and services may be more important to LEP persons than others. It is Douglas County's intent to provide meaningful access to all participants and eligible persons, however, the availability of resources may limit the provision of language services in some instances and in some departments.

4. The resources available to Douglas County and overall costs.

Douglas County departments shall assess their available resources that could be used for providing LEP assistance. This shall include identifying what staff and volunteer language interpreters are readily available; how much a professional interpreter and translation service would cost; which documents should be translated; which organizations the department could partner with for interpreter and translation services or outreach efforts; which financial resources could be used to provide assistance; and what level of staff training is needed.

After analyzing the four factors, Douglas County developed the LEP Plan outlined in the following section for assisting LEP persons.

V. How To Identify An LEP Person Who Needs Language Assistance

Below are tools that may be used by Douglas County departments to help identify persons who may need language assistance.

- When records are normally kept of past interactions with members of the public, the language of an LEP person may be included as part of the record.
- Have language identification cards or Census Bureau "I speak cards" at customer service counters in Douglas County departments which invite LEP persons to identify their language needs to staff. While staff may not be able to provide translation assistance at the initial contact with an LEP

person, the cards are an excellent tool to identify language needs for future contacts.

- Posting notices in commonly encountered languages notifying LEP persons of language assistance to encourage LEP to self-identify.

VI. Language Assistance Measures

When an interpreter is needed, in person or on the telephone, staff should first determine what language is required. Staff may be able to assist with written communications from LEP persons. If staff cannot, private interpreter services can provide translation services for a fee.

Use of informal interpreters, such as family or friends of the LEP person seeking service, or other customers, is discouraged, with minor children generally prohibited from acting as interpreters. The use of informal interpreters shall be allowed at the insistence of the LEP person or in emergencies, but shall be documented and subject to approval of a supervisor.

No staff may suggest or require that an LEP person provide an interpreter in order to receive services.

VII. Staff Training

All staff will be provided with the LEP Plan and will be educated on procedures and services available. LEP Plan information will also be a part of the staff orientation process for new employees. Training topics may include the following:

- Douglas County LEP policy and procedures;
- Understanding Title VI LEP responsibilities;
- What language assistance services Douglas County offers;
- Use of LEP language identification cards or "I speak cards";
- How to use language interpretation and translation services and which services are available;
- Documentation of language assistance requests; and
- How to handle a complaint

VIII. Providing Notice of Available Language Services to LEP Persons

- Posting signs that language assistance is available in public areas such as intake areas, customer service areas and other entry points to Douglas County departments.
- Statements may be placed in outreach documents indicating that language services are available from Douglas County. Such statements could be placed in announcements, brochures, booklets, fliers, notices, advertisements, agendas or recruitment information. Statements should be translated into the most common languages.
- When running a general public meeting notice, staff should insert a clause in Spanish which asks persons who need Spanish language assistance to make arrangements with the Douglas County Clerk within two days of the public meeting.
- If a Douglas County department is presenting a topic that could be of potential importance to an LEP person or if a Douglas County department is hosting a meeting or a workshop in a geographic location with a known concentration of LEP person, the department may have notices, fliers, advertisements, and agendas printed in an alternative language or provide notices on non-English language radio stations or media outlets about the available language assistance services and how to get them.

IX. Monitoring and Updating the LEP Plan

Douglas County and Douglas County departments will reevaluate the LEP Plan on a regular basis. Consideration shall be given to changes in demographics, types of services, or other needs when determining the frequency of LEP Plan reevaluation. Each affected County department is encouraged to maintain its own LEP Plan that is more specific to its operational needs.

Each reevaluation should examine all Plan components and assesses the following:

- How many LEP persons were encountered and what languages?
- Were their needs met?
- What is the current LEP population in Douglas County?
- Has there been a change in the types of languages where translation services are needed?

- Is there still a need for continued language assistance for previously identified Douglas County programs? Are there other programs that should be included?
- Has Douglas County's or a specific Douglas County department's available resources, technology, staff, and financial costs changed?
- Has Douglas County or a specific Douglas County department fulfilled the goals of the LEP Plan?
- Were complaints received?
- Are identified sources of assistance still available and viable?

X. Dissemination of the Douglas County Limited English Proficiency Plan

Douglas County will post the LEP Plan on its website at
 Copies of the LEP Plan will be provided to any person or agency requesting a copy. Any questions or comments regarding this LEP Plan should be directed to the Douglas County Title VI Coordinator.

XI. Complaints

Title VI of the Civil Rights Act of 1964 as amended prohibits discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance. As a recipient of federal financial assistance, Douglas County, Nebraska has in place a Title VI complaint procedure.

1. Any person who believes that he or she, individually, as a member of any specific class, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with Douglas County. A complaint may also be filed by a representative on behalf of such a person. All Title VI complaints will be referred to Douglas County's Title VI Coordinator for review and action.
2. In order to have the Title VI complaint consideration under this procedure, the complainant must file the complaint no later than 180 days after:
 - a) The date of the alleged act of discrimination; or

- b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the Douglas County Title VI Coordinator or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

- 3. Title VI complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth, as fully as possible, the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of Douglas County, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person making a complaint in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to Douglas County's investigative procedures.
- 4. Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of procedures to be followed, and advise the complainant of other avenues of redress available.
- 5. Within 60 days, the Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to Douglas County's governing body. The complaint should be resolved by informal means whenever possible.

Such informal attempts and their results will be summarized in the report of findings.

**AGENDA ITEM
REQUEST/JUSTIFICATION FORM**
(To be completed by requesting Department)

Forward all requests to Sharon Bourke, LC2 Civic Center
**DEADLINE SUBMITTAL IS 3:00 P.M. WEDNESDAY
BEFORE THE TUESDAY MEETING**

Agenda Item: Human Resources Committee
(i.e. Consent/Recognition-Proclamation/Presentation/Public Hearing/Committee, etc.)
Date to be on agenda: September 28, 2011

Exact wording to be used for the agenda: Approval of a Limited English Proficiency (LEP) Plan for Douglas County

Action requested: Approval

Amount requested: \$ _____ Object Code: _____

Is item in current year's budget? Yes No

Does this item commit funds in future years? Yes No

If yes, Explain:

If an agreement or contract, has the County Attorney reviewed and approved? Yes No

Previous Action taken on this item, if any:

Recommendations and rationale or actions:

Will anyone speak on behalf of this item, if so who?

If this is a rush agenda item, please explain why:

Submitted by (Name & Dept.): Diane Carlson Ext. 7760

Date submitted:

List Attachments: Resolution, Attachment A

(Attach resolution and all pertinent documentation; i.e. contract, agreement, memorandums, etc.)

Certified resolutions can be obtained at the County Clerk's website:
<http://www.douglascountyclerk.org/county-board-records/search-for-resolutions>

Completed by receiving office

Received in Administrative Office: Date

9/14/11

Time

BOARD OF COUNTY COMMISSIONERS

Douglas County Nebraska

Resolved

WHEREAS, certain Douglas County departments receive federal financial assistance; and

WHEREAS, Douglas County, as a recipient of said federal funding has a responsibility to provide meaningful access to Douglas County programs by persons with limited English proficiency pursuant to Title VI of the Civil Rights Act of 1964 and its implementing regulations; and

WHEREAS, Douglas County desires to adopt a Limited English Proficiency Plan to clarify its responsibilities and to show Douglas County's commitment to ensure meaningful access to all Douglas County programs by persons with Limited English Proficiency (LEP).

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Douglas County, Nebraska that Douglas County does hereby adopt a Limited English Proficiency Plan as provided in Attachment A.

Dated this 20th day of September, 2011

Ref#: PWHL-8LPKHL

Motion by Boyle, second by Tusa to approve. I move the adoption of the resolution.

Adopted: September 20, 2011

Yeas: Boyle, Duda, Kraft, Morgan, Rodgers, Tusa, Borgeson

(CERTIFIED COPY)



Thomas F. Cavanaugh

DOUGLAS COUNTY CLERK