



Limited English Proficiency (LEP) Plan

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Introduction

On August 11, 2000, President William J. Clinton signed Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiencyⁱ to clarify Title VI of the Civil Rights Act of 1964. Its purpose was to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounterⁱⁱ. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, “LEP,” or Limited English Proficient. The Executive Order states that:

“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.”

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies to nonprofits and organizations. Title VI covers a recipient’s entire program or activity. This means all parts of a recipient’s operations are covered, even if only one part of a recipient’s organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The Grand Valley Metropolitan Council (GVMC) receives funds from the U.S. Department of Transportation via the Federal Highway Administration.

The U.S. Department of Transportation published *Policy Guidance Concerning Recipients’ responsibilities to Limited English Proficient Persons* in the December 14th, 2005 Federal Register.ⁱⁱⁱ

The Guidance implies that the GVMC is an organization that must follow this guidance:

This guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient’s entire program or activity, i.e., to all parts of a recipient’s operations. This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides

assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation—not just the particular highway program or project—are covered by the DOT guidance.

Elements of an Effective LEP Policy

1. Identifying LEP persons who need language assistance.

The GVMC Metropolitan Transportation Plan (MTP) and the Transportation Improvement Program (TIP) will provide the program and project level basis for determining the need for public involvement and public engagement. As part of the MTP and TIP planning process, an Environmental Justice Analysis for low-income and minority populations is conducted. In conjunction with this analysis, Limited English Proficiency populations and other cultural variables are expected to be considered, using the latest census and community demographics.

2. Identifying ways in which language assistance will be provided.

GVMC will provide oral and written translation; written interpretation and translation; and sign language, if requested, or as a result of an LEP analysis on any given project or projected program requiring translation or interpretation. In addition, video visualization techniques will be used to illustrate planning elements as feasible, as suggested in GVMC's Public Participation Plan.

3. Training staff and others.

All GVMC staff will receive training on identifying LEP populations and providing LEP translation and interpretation as part of the Title VI training. GVMC is required to provide LEP services to be in compliance with Title VI and Executive Order 12898 and will be reviewed by MDOT to ensure compliance.

4. Providing notice to LEP persons.

After LEP populations have been identified, strategies will be developed to provide notice of a program, service, or activity, using appropriate media and brochures (in languages other than English). Community groups serving LEP populations will be contacted, as well as schools, church groups, chambers of commerce, and other relevant entities as part of the regular public outreach and participation process.

5. Utilizing the Four-Factor Analysis identified by the UDOT.

These recommended plan elements have been incorporated into this plan. Please see page 5 for more information on the Four-Factor Analysis.

Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy

The DOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

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

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 recipient to the LEP Community.
4. The resources available to the GVMC and overall cost.

The greater the number or proportion of eligible LEP persons, the greater the frequency with which they have contact with a program, activity, or service, and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The DOT guidance is modeled after the Department of Justice's guidance and requires recipients and sub-recipients to take steps to ensure meaningful access to their programs and activities to LEP persons. More information for recipients and sub-recipients can be found at <http://www.lep.gov>.

The Four-Factor Analysis

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to the GVMC services and activities that may affect an individual's quality of life. Recommendations are then based on the results of the analysis.

Factor 1: The Proportion, Numbers and Distribution of LEP Persons

The Census Bureau has a range for four classifications of how well people speak English. The classifications are: "very well," "well," "not well," and "not at all." For our planning purposes, we are considering people that speak English less than "very well" as Limited English Proficient persons.

As seen in Table #1 below, the Census 2012 data for GVMC shows that 64,659 (11.5%) of our total Kent County population speaks a language other than English; of those individuals, 27,976 (5.0%) have identified themselves as speaking English less than "very well." With 18,493 individuals (3.3%) consisting of the Spanish languages group, followed by the "Asian Pacific Islander languages" groups with 4,630 individuals (0.8%), 2,567 individuals (0.5%) consisting of the Vietnamese language group (see Appendix B)], the "Other Indo-European languages" group with 3,522 individuals (0.6%), 1,236 individuals (0.2%) consisting of the Serbo-Croatian language group (see Appendix B)], and 1,331 individuals (0.2%) in the Other languages group.

TABLE #1 – Kent County LEP population

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	561,097	561,097
English only	496,438	88.5%
Language other than English	64,659	11.5%
Speak English less than "very well"	27,976	5.0%
Spanish	39,495	7.0%
Speak English less than "very well"	18,493	3.3%
Other Indo-European languages	13,201	2.4%
Speak English less than "very well"	3,522	0.6%
Asian and Pacific Islander languages	8,673	1.5%
Speak English less than "very well"	4,630	0.8%
Other languages	3,290	0.6%
Speak English less than "very well"	1,331	0.2%

(See Appendix A for the LEP population of other GVMC alliance members.)

Factor 2: Frequency of Contact with LEP Individuals

GVMC has conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions and found that no LEP individuals have attended a public meeting within the last five years. We have offices accessible to the public and therefore accessible to LEP individuals. Additionally, GVMC Board, Technical Committee, and Policy Committee meetings are held monthly, and because all of these meetings include an opportunity for public comment, LEP individuals could potentially attend these meetings. Given the large concentration of LEP individuals as displayed in Table #1 (above), the probability of our employees to encounter an LEP individual is high.

Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP

As the regional MPO, GVMC must make sure that all segments of the population, including LEP persons, have been involved or have had the opportunity to be involved with the transportation planning process. The impact of proposed transportation investments on underserved and under-represented population groups is part of the evaluation process.

GVMC develops three main documents: the Metropolitan Transportation Plan (MTP), Transportation Improvement Program (TIP) and Unified Planning Work Program (UPWP), and as needed, other studies. The MTP provides direction for transportation investments out to 20 years in the future. The TIP is a program or schedule of short-range transportation improvements and activities intended to be implemented through a combination of State, Federal, and local funding.

The UPWP outlines tasks to be performed in the upcoming year. LEP persons, low-income, minority populations, the elderly, and the disabled must be considered in these processes. The denial of programs, services, and/or services provided by GVMC to an LEP individual could have a significant detrimental effect. Due to the high concentration of LEP language groups in our area, we will ensure accessibility to all of our programs, services, and activities.

Factor 4: The Resources Available to the GVMC and Overall Cost

U.S. Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

“A recipient’s level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, “reasonable steps” may cease to be reasonable where the costs imposed substantially exceed the benefits. Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns.”

Based on this guidance, we have reviewed our resources and deemed that, given the high concentration of LEP individuals in our area, we will translate all of our vital documents into the Spanish, Serbo-Croatian, Vietnamese languages upon request. Although there will not be a fixed amount allocated from our yearly budget for the translation of documents, the cost associated with the necessary translation of each document in order to comply with LEP requirements will be derived entirely from existing GVMC planning funds and allocated on an as-needed basis.

Safe Harbor Stipulation

Federal law provides a “Safe Harbor” stipulation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A “Safe Harbor” means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient’s written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is non-compliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis. For example, even if a Safe Harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient’s written translation obligations under “Safe Harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% 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.

This “Safe Harbor” provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Given the high concentration of LEP language group members (see Appendix B), it is deemed that written translations of vital documents should be translated into Spanish, Serbo-Croatian, and Vietnamese dialects. GVMC will translate all vital documents which will include, but not be limited to: the complaint form, complaint procedures, and all public meeting notices, upon request.

Providing Notice to LEP Persons

USDOT LEP guidance says:

Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage in languages that an LEP individual would understand when free language assistance is available with advance notice.
2. Stating in outreach documents that free language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of the recipient’s services, including the availability of language assistance services.

Statements in languages that an LEP individual would understand will be placed in public information and public notices informing LEP individuals that those requiring language assistance and/or special accommodations will be provided the requested service free of charge, with reasonable advance notice to GVMC. GVMC will utilize a variety of local translator resources/companies (see Appendix C) as necessary. GVMC will also revisit and update the LEP and Title VI plans every four years when the Public Participation Plan is assessed prior to the development of the MTP.

Options and Proposed Actions

Options:

Federal fund recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.^{iv}

The GVMC is defining an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and a translator as a person who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.^v

Considering the high concentration of LEP individuals in the service area and GVMC's financial resources, it is necessary to limit language aid to the most basic and cost-effective services. Other than the previously mentioned vital documents, if there are any additional language assistance measures required for any LEP individuals, GVMC shall proceed with oral interpretation options to meet all requests for those language groups to ensure equal access while also complying with LEP regulations.

What the GVMC will do.

What actions will the GVMC take?

- Notify the public that interpreter services are available upon request, within seven day advanced notice.
- With advance notice of four calendar days, GVMC will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.
- GVMC will utilize the *Translators Resource List* (see *Appendix C*) for translation services and verbal interpretation.
- Ensure placement of statements in notices and publications in languages other than English that interpreter services are available for public meetings.
- The Census Bureau "I-speak" Language Identification Card will be distributed to all employees that may potentially encounter LEP individuals.
- Once the LEP individual's language has been identified, an agency from the *Translators Resource List* will be contacted to provide interpretation services.
- Publications of the GVMC complaint form will be made available at public meetings.
- In the event that a GVMC employee encounters a LEP individual, they will follow the procedure listed below:

OFFICE ENCOUNTER

1. Provide an I-speak language identification card to determine the language spoken of the LEP individual.

2. Once the foreign language is determined, provide information to the Title VI Coordinator who will contact an interpreter from the *Translators Resource List*.
3. If the need is for a document to be translated, the Title VI Coordinator will have the document translated and provided to the requestor as soon as possible.

ROAD ENCOUNTER

Does not apply.

IN WRITING

1. Once a letter has been received, it will be immediately forwarded to the Title VI Coordinator.
2. The Title VI Coordinator will contact a translator from the *Translators Resource List* to determine the specifics of the letter request information.
3. The Title VI Coordinator will work with the selected agency to provide the requested service to the individual in a timely manner.

OVER THE PHONE

1. If someone calls into our office speaking another language, every attempt will be made to keep that individual on the line until an interpreter can be conferenced into the line and, if possible, determine the language spoken of the caller.
2. Once the language spoken by the caller has been identified, we will proceed with providing the requested assistance to the LEP individual.

LEP Complaint Procedures

Complaints of discrimination involving LEP, Title VI, and related statutes will be investigated using the Title VI complaint procedures and form described in the Title VI Plan.

Monitoring and Updating the LEP Plan

This plan is subject to revision based on the changes in demographics as reported by the Census and any Environmental Justice (EJ) analysis done as part of the MTP or TIP. It is viewed as a work in progress and will be updated as needed, but at a minimum every four years prior to the development of the MTP. GVMC will also use self-reported information from public meeting sign-in sheets during LEP Plan updates. The LEP will be examined and updated based on the following:

- How the needs of LEP persons have been addressed
- Whether local language assistance programs have been effective and sufficient to meet the needs of LEP persons
- Whether GVMC's financial resources are sufficient to fund language assistance resources

- Whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals

The GVMC Staff Training

The GVMC staff will be provided training on the requirements for providing meaningful access to services for LEP persons.

LEP Plan Access

GVMC will post the LEP Plan in English on its website at www.gvmc.org with a notification (in other languages) regarding the translation of this document upon request; so that any person, including but not limited to social service and civic organizations, non-profits, law enforcement agencies, and other community partners with Internet access will be able to access the plan. For those without in-home Internet service, libraries may offer free Internet access and should be contacted to determine if this service is available. Alternatively, any person or agency may request a copy of the plan via telephone, fax, mail, or in person, and shall be provided a copy of the plan for a small copying fee. A hardcopy of all of GVMC's planning documents are available for review at the GVMC office during regular business hours. Any person or agency may also request a copy by contacting:

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Appendix A – City of Hudsonville & Eastern Ottawa County Townships Language Data

City of Hudsonville

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	6,647	6,647
English only	6,502	97.8%
Language other than English	145	2.2%
Speak English less than "very well"	21	0.3%
Spanish	42	0.6%
Speak English less than "very well"	9	0.1%
Other Indo-European languages	103	1.5%
Speak English less than "very well"	12	0.2%
Asian and Pacific Islander languages	0	0.0%
Speak English less than "very well"	0	0.0%
Other languages	0	0.0%
Speak English less than "very well"	0	0.0%

Georgetown Township

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	43,630	43,630
English only	41,909	96.1%
Language other than English	1,721	3.9%
Speak English less than "very well"	597	1.4%
Spanish	1,093	2.5%
Speak English less than "very well"	402	0.9%
Other Indo-European languages	457	1.0%
Speak English less than "very well"	119	0.3%
Asian and Pacific Islander languages	171	0.4%
Speak English less than "very well"	76	0.2%
Other languages	0	0.0%
Speak English less than "very well"	0	0.0%

Jamestown Charter Township

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	6,459	6,459
English only	6,308	97.7%
Language other than English	151	2.3%
Speak English less than "very well"	23	0.4%
Spanish	29	0.4%
Speak English less than "very well"	6	0.1%
Other Indo-European languages	73	1.1%
Speak English less than "very well"	0	0.0%
Asian and Pacific Islander languages	49	0.8%
Speak English less than "very well"	17	0.3%
Other languages	0	0.0%
Speak English less than "very well"	0	0.0%

Allendale Township

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	19,400	19,400
English only	18,361	94.6%
Language other than English	1,039	5.4%
Speak English less than "very well"	305	1.6%
Spanish	501	2.6%
Speak English less than "very well"	187	1.0%
Other Indo-European languages	295	1.5%
Speak English less than "very well"	55	0.3%
Asian and Pacific Islander languages	166	0.9%
Speak English less than "very well"	63	0.3%
Other languages	77	0.4%
Speak English less than "very well"	0	0.0%

Tallmadge Township

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	7,206	7,206
English only	6,936	96.3%
Language other than English	270	3.7%
Speak English less than "very well"	151	2.1%
Spanish	146	2.0%
Speak English less than "very well"	56	0.8%
Other Indo-European languages	124	1.7%
Speak English less than "very well"	95	1.3%
Asian and Pacific Islander languages	0	0.0%
Speak English less than "very well"	0	0.0%
Other languages	0	0.0%
Speak English less than "very well"	0	0.0%

Appendix B – Kent County Language Data

Kent County	# of Individuals
Total:	561,097
Speak only English	496,438
Spanish or Spanish Creole:	39,495
Speak English less than "very well"	18,493
French (incl. Patois, Cajun):	1,169
Speak English less than "very well"	179
French Creole:	336
Speak English less than "very well"	131
Italian:	353
Speak English less than "very well"	86
Portuguese or Portuguese Creole:	158
Speak English less than "very well"	18
German:	1,437
Speak English less than "very well"	184
Other West Germanic languages:	1,504
Speak English less than "very well"	213
Greek:	172
Speak English less than "very well"	68
Russian:	689
Speak English less than "very well"	159
Polish:	555
Speak English less than "very well"	160
Serbo-Croatian:	2,871
Speak English less than "very well"	1,236
Other Slavic languages:	390
Speak English less than "very well"	62
Persian:	363
Speak English less than "very well"	119
Gujarati:	52
Speak English less than "very well"	16
Hindi:	603
Speak English less than "very well"	95
Urdu:	269
Speak English less than "very well"	32
Other Indic languages:	1,200

Kent County	# of Individuals
Speak English less than "very well"	585
Other Indo-European languages:	884
Speak English less than "very well"	179
Chinese:	1,603
Speak English less than "very well"	726
Japanese:	177
Speak English less than "very well"	37
Korean:	771
Speak English less than "very well"	348
Mon-Khmer, Cambodian:	69
Speak English less than "very well"	21
Hmong:	361
Speak English less than "very well"	110
Thai:	31
Speak English less than "very well"	18
Laotian:	79
Speak English less than "very well"	24
Vietnamese:	3,936
Speak English less than "very well"	2,567
Other Asian languages:	908
Speak English less than "very well"	604
Tagalog:	534
Speak English less than "very well"	132
Other Pacific Island languages:	204
Speak English less than "very well"	43
Other Native North American languages:	235
Speak English less than "very well"	28
Arabic:	983
Speak English less than "very well"	487
Hebrew:	28
Speak English less than "very well"	8
African languages:	1,711
Speak English less than "very well"	667
Other and unspecified languages:	326
Speak English less than "very well"	141

Source: U.S. Census Bureau, 2008-2012 American Community Survey

Appendix C – GVMC Translators Resource List

Agency	Telephone	Languages
A + Spanish Translations	(616) 742-0805	Spanish
CALL Immigration Services	(616) 452-2433	Bosnian (Serbo-Croatian), French, Italian, Russian, Spanish, Vietnamese
Catholic Human Development Outreach	(616) 248-3030	Bosnian (Serbo-Croatian), French, Spanish, Vietnamese
Encouraging Words International	(616) 363-5993	Bosnian (Serbo-Croatian), Chinese, Czech, French, German, Italian, Spanish, Ukrainian, Vietnamese
Español Translations	(616) 451-6777	Spanish
Hispanic Center of Western Michigan	(616) 742-0200	Spanish
Languages International	(616) 285-0005	Any language
Moore Interpreter, Inc.	(616) 247-4810	Creole, Spanish, Vietnamese
Pimentel Multiple Services	(616) 475-0755	Spanish
Sanchez Income Tax & Translation Services	(616) 248-3688	Spanish
Translations Unlimited	(616) 942-5742	Any language

ⁱ The executive order verbatim can be found online at <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>.

ⁱⁱ Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

ⁱⁱⁱ The DOT has also posted an abbreviated version of this guidance on their website at <http://www.dotcr.ost.dot.gov/asp/lep.asp>.

^{iv} <http://www.dotcr.ost.dot.gov/asp/lep.asp>

^v Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.