

Scotts Bluff County, Nebraska

LIMITED ENGLISH PROFICIENCY POLICY AND LANGUAGE ACTION PLAN

ADOPTED:

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TABLE OF CONTENTS

Nondiscrimination Statement of Policy.....	1
Authorities	2
Guidance	2
What is Limited English Proficiency? Definitions.....	2, 3
Responsibilities to Limited English Proficient Persons	3
Four-Factor Analysis	4
Nebraska: Languages Spoken within the State	5
Scotts Bluff County – Population.....	5
- Prevalent Language, Excluding English.....	6
- Prevalent Language, Excluding English and Spanish	
- Hispanic or Latino Population	
Language Assistance Measures	6
Telephone Line Interpreter Lines.....	7
Employee Volunteer Interpreter List.....	7
“I Speak Cards”	8
Training.....	8
Monitoring and Updating the LEP Plan.....	8
Communicating with an LEP Individual.....	9
Community Resources.....	9
Dissemination of the NDOR Limited English Proficiency Plan... 	9
Complaints of Discrimination.....	10, 11, 12
Appendix	
“I Speak Cards”	
LEP Tracking Form	

Nondiscrimination Statement of Policy

Scotts Bluff County is committed to providing equal opportunity in all programs and services to ensure full compliance with all civil rights laws, including Title VI of the 1964 Civil Rights Act which requires non-discrimination on the basis of national origin. Equal opportunity includes physical and program access for persons with disabilities and program access for persons with Limited English Proficiency (LEP). Program and physical access for persons with disabilities is covered in the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973 as amended, Section 504. This policy is based on HUD's suggested four prong analysis which examines the number of limited English proficiency persons served, the frequency with which those persons come into contact with services, the nature and importance of services provided and the costs to the County. This policy is intended to ensure Scotts Bluff County's compliance with the Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency and was drafted upon consideration of the services offered, the community served, the resources of Scotts Bluff County, and the costs of various language service options.

It is the policy of this agency to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or likely to be directly affected by our programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits.

It is the policy of this agency to provide the interpreter services in an efficient and timely manner so as not to delay a determination of eligibility for an individual or family, receipt of eligible services/benefits or participation in a County run program beyond that of an English speaking individual or family.

Any individual eligible for programs/services provided by Scotts Bluff County who cannot speak, read, write, or understand the English Language at a level that permits them to interact effectively with our staff has the following rights:

- A right to qualified interpreter services at no cost to them.
- A right not to be required to rely on their minor children, other relatives or friends as interpreters.
- A right to file a grievance about the language access services provided them.

Authorities

LEP Executive Order 13166. Title VI of the Civil Rights Act prohibits discrimination on the basis of national origin, among other things. The LEP Executive Order (Executive Order 13166) ensures that, consistent with Title VI, persons with Limited English Proficiency (“LEP”) have meaningful access to federally conducted and federally funded programs and activities. The Order requires all agencies that provided Federal financial assistance to issue guidance on how Title VI applies to recipients of that assistance in their contact with persons who are LEP. The Order also requires that Federal agencies create plans for ensuring that their own activities also provide meaningful access for persons who are LEP.

Guidance

August 2000 DOJ Guidance. The Department of Justice, at the time the EO was published, also issued a guidance document for agencies to follow in designing their own LEP guidance for recipients, and in creating plans for making Federal activities and programs meaningfully accessible. The guidance clarified long-standing LEP responsibilities under Title VI and the Title VI regulations, including disparate impact regulations and a 1976 DOJ regulation requiring translation of documents in certain circumstances. The DOJ guidance document told agencies to consider four factors in developing LEP guidance for their recipients, (the number of LEP persons in the eligible service population or likely to be encountered in recipient activities and programs; the frequency with which LEP individual came into contact with the program; the importance of the service or information provided by the program; and the resources available to the recipient of the Federal funds).

Definitions

Effective Communication –In a County setting, effective communication occurs when agency staff have taken necessary steps to make sure that a person who is LEP is given adequate information in his/her language to understand the services, benefits or the requirements for services or benefits offered by or through the County. These necessary steps must allow an individual the opportunity to qualify for the benefits or services provided by the County without unnecessary delay due to the person’s LEP. Effective communication also means that a person who is LEP is able to communicate the relevant circumstances of his/her situation to County Staff.

Interpretation – Interpretation means the oral or spoken transfer of a message from one language into another language.

Limited English Proficiency – A person with limited English proficiency or “LEP” is not able to speak, read, write or understand the English language well enough to allow him/her to interact effectively with County staff. A LEP individual is therefore entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit or encounter.

Meaningful Access – Meaningful access to benefits, programs and services is the standard required of the County since it receives Federal funding. Meaningful access requires compliance by the County with Federal LEP requirements as set out in relevant federal laws. To ensure meaningful access for people with LEP, the County must make available to applicants/recipients of benefits/services free language assistance that results in accurate and effective communication that does not result in undue delay or denial of benefits to which the LEP applicant/recipient is eligible.

Translation- Translation means the written transfer of a message from one language into another language.

Vital Documents- Forms or documents *designed and utilized by Scotts Bluff County that are critical for accessing federally funded services or benefits or are required by law.* Vital documents can include but not limited to: applications for County programs, consent forms designed by Scotts Bluff County or letters, forms or applications designed by the county requesting eligibility documentation.

Outreach Documents- Scotts Bluff County's designed documents utilized to provide information to general public but targeting individuals who are eligible or may be eligible for County programs or services.

Responsibilities to Limited English Proficient Persons

Scotts Bluff County is required to take reasonable steps to ensure meaningful access to our programs and activities by LEP persons, using the 4-factor analysis.

Four-Factor Analysis

1. The number or proportion of LEP persons in the eligible to be served or likely to be encountered by a program, activity or service of Scotts Bluff County.
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 Scotts Bluff County.
4. The resources available to Scotts Bluff County and costs.

Scotts Bluff County will follow the process and guidelines for the Four-Factor Analysis provided by the Nebraska Department of Roads at website www.lep.gov.

Nebraska: Languages Spoken within the State

Percentages of Languages spoken within the State of Nebraska according to the 2005 American Community Survey Resource: Modern Language Association:

English	91.12%
All other languages	8.87%

All other languages other than English :

Spanish	5.79%
Vietnamese	.39%
German	.37%
French	.30%
Other African Languages	.22%
Chinese	.13%
Czech	.13%
Arabic	.13%
Italian	.12%
Malay	.12%
Telugu	.09%
Hindi	.08%
Serbian	.08%
Tagalog	.07%
Korean	.06%
Pashto	.05%
Lithuanian	.05%
Polish	.05%
Russian	.04%
Japanese	.04%
Sebuano	.03%
Persian	.03%
Laotian	.03%
Other North American Indian	.03%
Bantu	.02%
Lettish	.02%
Dakota	.02%
Nepali	.02%
Mandarin	.02%

Scotts Bluff County Population

See attached pages for reference.

Prevalent Language, Excluding English

According to the U. S. Census Bureau 2010 Scotts Bluff County, Nebraska State & County Quick Facts information, 21.1% of the population in Scotts Bluff County is of Hispanic or Latino ethnicity and could speak a language other than English in the household. That is above the State average of 9.9%. The prevalent language is Spanish.

Prevalent Language, Excluding English and Spanish

According to the U. S. Census Bureau 2010 Scotts Bluff County, Nebraska State & County Quick Facts information, there are not other prevalent language, excluding English and Spanish.

Hispanic or Latino Population

According to the U. S. Census Bureau 2010 American Fact Finder Scotts Bluff County, Nebraska has a total population 35,431. Of that number 7,476 are classified as Hispanic or Latino. The potential exists that a large proportion of this population may be Limited English Proficiency.

Language Assistance Measures

- A. Tools to help identify persons who may need language assistance:
- 1) Examine records request for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings.
 - 2) When Scotts Bluff County sponsored meetings or public hearings are held, set up a sign –in sheet table, have a staff member greet and briefly speak to each attendee to informally gage the attendee’s ability to speak and understand English.
 - 3) Have the “I Speak Cards” (see appendix) at the meeting/hearing sign-in table. While staff may not be able to provide translation assistance at this meeting, the cards are an excellent tool to identify language needs for future meetings.
 - 4) Frequently survey the Scotts Bluff County Elected and Appointed officials of any direct or indirect contact with LEP individuals
 - 5) Maintain a record of these contacts through the use of the LEP Tracking Form (see appendix.)

- B. Scotts Bluff County has or will implement the following LEP procedures:
- 1) The Census Bureau's "I Speak Cards" are to be located at each County office and present at county meetings and events.
 - 2) When needed, staff will be able to use the telephone "Language Line" provider to connect with the language need of the LEP customers.
 - 3) A Spanish speaking staff member will be available for walk-in clients, scheduled appointments and written translation.
 - 4) Availability of on line translation sites.
- C. Scotts Bluff County outreach efforts include:
- 1) Meeting notices, fliers, advertisements and agendas will be printed in an alternative language, based on known LEP population in the area.
 - 2) When running a general public meeting notice, staff will insert the clause, based on the LEP populations and when relevant, that translates into "A (insert alternative language) will be available."
 - 3) Key print materials will be translated and made available at meetings or public hearings in communities where a specific and concentrated LEP population is identified.
 - 4) Scotts Bluff County does and will continue to provide Interpreter and Translation services at no charge to the LEP individual.

Scotts Bluff County does not require, suggest or encourage LEP individuals to use friends, family or minor children as interpreters. If a LEP individual insists that a friend or family member serve as interpreter, that choice is documented.

The County will, on a case by case basis, consider factors such as: competence of the family member or friend used as the interpreter; the appropriateness, the circumstances and ability to provide quality and accurate information, potential or actual conflicts of interest and confidentiality of the information being interpreted to determine whether the agency should provide its own independent interpreter.

Telephone Line Interpreter Lines

Scotts Bluff County has the *Language Line* (www.languageline.com) available for matters requiring language interpretation or document translation in the court system. If future activity and request warrant, the County may consider contracting with the State to provide this service to other county offices.

Employee Volunteer Interpreter List

Scotts Bluff County has developed a listing of employees fluent in language speaking skills other than English. During cases of need, these employees may be asked to serve as a short time interpreter until alternate arrangements can be made. As of the adoption of this policy, our employee resources include the following languages:

Spanish

German

“I Speak Cards”

“I Speak Cards” are a form of multi-lingual flash card used to identify the language used by the individual. Once the language has been identified, the over-the-phone interpreter service, the on line web translation site or the employee volunteer interpreter listing can be used to effectively communicate with the LEP individual (see appendix.)

Training

At a minimum, the following training will be provided to Scotts Bluff County employees:

- Information on the Title VI Policy and LEP responsibilities
- Description of language assistance services offered to the public
- Use of the “ I Speak Cards”
- Use of the internet on line translation site
- Use of the employee volunteer interpreters
- The availability of the “ Language Line” interpreter services
- Documentation of language assistance requests
- Procedure to handle a potential Title VI or LEP Complaint

Monitoring and Updating the LEP Plan

Scotts Bluff County will update the LEP Plan as required or as deemed necessary. At minimum, the plan will be reviewed and updated as the Title VI Plan is updated. Updates may include the following:

- The number of documented LEP person contacts encountered since last update.
- How the needs of the LEP person have been addressed.
- Determination of the current LEP population within the County.
- Determination as to whether the need for translation services has changed.
- Determination whether local language assistance has been effective and sufficient in meeting the need.
- Determination whether the County’s financial resources are sufficient to fund language assistance resources needed.
- Determine whether complaints have been received concerning the agency’s failure to meet the needs of the LEP persons.

Communicating with an LEP Individual

With the cultural diversity within the Country, State of Nebraska and Scotts Bluff County, it is possible to encounter an LEP individual on a project, in a program or at any one of the County's locations at any time. All employees should be informed and trained on how best to handle the situation and work with the individual.

1. Once an employee has identified that the individual has Limited English speaking ability, the employee will show the LEP individual the "I Speak Cards".
2. The customer/individual will identify the language he/she is able to communicate.
3. The employee may use with the Employee Volunteer Interpreter Listing to communicate with the individual or contact the Civil Rights Coordinator for additional options.
4. If computer and internet services are available and readily accessible to the employee and the LEP individual, free translation in many languages is available at [www. Translate.google.com](http://www.Translate.google.com). and may assist the employee and the LEP individual to communicate.

Community Resources

Within our county, cities and communities, many cultural organizations exist. These organizations are often able to provide interpreter services as needed.

Community organizations may include, but not limited to:

- Community Centers
- Churches
- Schools
- Cultural Centers
- Advocacy Groups

Dissemination of the Scotts Bluff County Limited English Proficiency Plan

Scotts Bluff County's LEP Plan will be posted on Scotts Bluff County's website where any person with internet access will be able to access the plan. Copies of the LEP Plan will be provided, on request, to any person(s) requesting the document. LEP persons may obtain copies/translations of the plan upon request.

Any questions regarding this plan should be directed to Scotts Bluff County's Civil Rights Coordinator:

Jerry Crable
Scotts Bluff County Civil Rights Coordinator
1825 10th Street
Gering, NE 69341
jcrable@scottsbuffcounty.org
Mr. Crable may be reached on weekdays from 8:00 A.M. - 5:00 P.M. at (308) 436-6726.

Complaints of Discrimination

No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program or activity administered by Scotts Bluff County or its sub-recipients, consultants and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

Persons Eligible to File: Any individual or group of individuals, or entity who believes that he or she or any specific class of persons has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities based upon race, color, sex, age, national origin or disability may file a written complaint.

DISCRIMINATION: *an act (or action) or inaction whether intentional or unintentional, through which a person in the United States, based on race, color, sex, age, national origin, or disability has been subjected to unequal treatment under any program or activity receiving Federal financial assistance.*

Filing of a complaint:

1. Complaints may be filed by the affected individual or a representative of that individual
2. Complaints must be in writing and contain as much information as possible about the alleged discrimination. Scotts Bluff County has prepared a Complaint Form to be used for the convenience of the complainant. The written complaint should include:
 - a. Complainant's name, address and telephone number
 - b. A detailed description of the issues,
 - c. Name and job titles of individuals perceived as parties in the complaint.

Complaints received by telephone will be reduced to writing and provided to complainant for confirmation or revision and signature before processing.

3. Complaint forms can be obtained by contacting the Scotts Bluff County Civil Rights Coordinator. Complaints and substantiating information should be sent to:

Jerry Crable
Scotts Bluff County Civil Rights Coordinator
1825 10th Street
Gering NE 69341
jcrable@scottsbluffcounty.org

Alternate means of filing a complaint will be made available to accommodate persons with disabilities upon request.

4. A complaint should be filed as soon as possible but must be no later than 180 calendar days after the complainant becomes aware of the alleged discrimination, unless the time for filing is extended by the designated agency for good cause shown.
5. Upon receipt of the complaint, Scotts Bluff County will notify the appropriate State Agency to coordinate all further activity regarding the complaint.
6. The Scotts Bluff County Civil Rights Coordinator, or other investigator, will contact the complainant to:
 - a. Acknowledge receipt of the complaint by the investigator
 - b. Confirm that the complainant wishes to go forward with the complaint
 - c. Confirm that there are allegations that need to be investigated and resolved, and
 - d. Gather additional facts and further clarify the complaint.

Investigation of Complaint

An investigator will review and investigate the complaint. As part of the review, the investigator will at minimum:

1. Gather relevant documentation from the complainant not included in the complaint, such as forms, memos, letters, and photographs information
2. Contact complainant to arrange and conduct interview, if needed
3. Maintain log of all activities associated with complaint
4. Complete investigation report of information, findings, photos, and recommendations for correction to the proper Federal Agency overseeing the department in which the complaint occurred.

A copy of the complaint, together with a copy of the County or State's report of investigation, shall be forwarded to the FHWA or proper Federal Agency division office within 60 days of the date the complaint was received by the County.

A Title VI finding of violation or no violation is a Federal decision that cannot be delegated. Although the County or appropriate State Office can conduct a Title VI investigation and make a recommended finding to the Federal decision-making authority, the County and State of Nebraska must submit the proposed disposition to the Federal Agency for a Final Agency Decision.

Dismissal of Complaint:

A complaint may be dismissed for the following reasons:

1. The complaint is untimely filed
2. The complaint does not allege a basis covered by the statutes for which the County is responsible.
3. The complaint does not allege any harm with regard to covered programs or statutes.
4. The complainant requests the withdrawal of the complaint.
5. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
6. The complainant cannot be located after reasonable attempts.

APPENDIX