

Limited English Proficiency (LEP) Plan
MCKENZIE COUNTY
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INTRODUCTION

This *Limited English Proficiency Plan Template* has been prepared to address McKenzie County's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency. The Plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, which states that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, states that differing treatment based upon a person's inability to speak, read, write or understands English is a type of national origin discrimination which is covered under Title VI. It directs each agency (e.g., FHWA) to publish guidance for its respective recipients (e.g., NYSDOT) clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies that receive federal funds and extends to its sub recipients.

Plan Summary

McKenzie County has developed this *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. 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. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and notification to LEP persons regarding the availability of assistance. For detailed guidance regarding LEP, see NYSDOT's LEP Plan at:

[https://www.dot.ny.gov/divisions/policy-and-strategy/public-trans-respository/Attachment%20D-1%20LEP Plan.pdf](https://www.dot.ny.gov/divisions/policy-and-strategy/public-trans-respository/Attachment%20D-1%20LEP%20Plan.pdf).

In order to prepare this plan, McKenzie County used the Federal Highway Administration (FHWA) Four-Factor LEP analysis:

1. The number or proportion of LEP persons in the service area who may be served by McKenzie County.
2. The frequency with which LEP persons come in contact with McKenzie County services.
3. The nature and importance of services provided by McKenzie County to the LEP population.
4. The interpretation services available to McKenzie County and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is found in the following section.

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

1. The number or proportion of LEP persons in the service area who may be served or are likely to require McKenzie County services

The McKenzie County staff reviewed the American Community Survey 5-Year Estimates and determined that:

- a. 1,581 individuals in McKenzie County service area, comprising 13% of the population speak a language other than English;
- b. Of those, 438 individuals have limited English proficiency; that is, they speak English less than “very well” or “not at all.” This is only 3.7 % of the overall population in the service area;
- c. In the McKenzie County service area, of those persons with limited English proficiency:
 - 8% speak German
 - 74% speak Spanish
 - .5% speak Russian
 - 11% speak other Indic languages
 - 5% speak French
 - 1% speak Tagalog
 - .5% speak all other language

2. The frequency with which LEP persons come in contact with McKenzie County services

McKenzie County reviewed the frequency with which their staff have, or potentially have, contact with LEP persons. Some offices encounter LEP individuals daily or weekly, whilst most offices have minimal encounters (1-2 per year). The overwhelming majority of LEP persons in which McKenzie County encounters speak Spanish.

3. The nature and importance of services provided by McKenzie County to the LEP population

There is no large geographic concentration of any type of LEP individuals in the service area for McKenzie County. The overwhelming majority of the population, 87%, speak only English. As a result, there are few social, service, or professional and leadership organizations within the McKenzie County service area that focuses on outreach to LEP individuals. The McKenzie County Motor Vehicle Division staff is most likely to encounter LEP individuals through office visits, phone conversations, notifications from department staff regarding the results of service delivery, and attendance and participation at public meetings.

4. The resources available to McKenzie County, and overall cost to provide LEP assistance

McKenzie County has reviewed its available resources that could be used to provide LEP assistance and inventoried its documents to determine which are suitable for translation if the need arises.

McKenzie County contacted organizations willing to provide language translation and interpretation services if needed within a reasonable time period. Other language translation options could be provided by bilingual staff or by telephone from a professional interpretation service for which McKenzie County would pay a fee. McKenzie County currently has an abundance of staff members that are bilingual and able to provide translation services for the few requests that are received.

LANGUAGE ASSISTANCE

A person who does not speak English as her primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be eligible to language assistance with respect to McKenzie County services. Language assistance can include interpretation (that means oral or spoken transfer of a message from one language into another language) and translation (that means the written transfer of a message from one language into another language).

How the McKenzie County staff can identify an LEP person in need of language assistance:

- Post notices of the LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- Provide McKenzie County staff with language identification cards to assist in identifying the language interpretation services needed if the occasion arises.
- Periodically surveying McKenzie County staff regarding their interaction with LEP persons during the previous period (e.g., quarterly, semi-annually, and annually).
- Greeting participants at McKenzie County sponsored informational meetings or events. Conversational interaction with participants can help determine LEP needs for future events.

Language Assistance Measures

Although there is a very low percentage of LEP individuals in the McKenzie County service area, (i.e., persons who speak English less than “very well” or “not at all”,) McKenzie County will take the following actions:

1. McKenzie County staff will continue to take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. The following resources will be available to accommodate LEP persons:
 - Volunteer Spanish language interpreters will be provided within a reasonable time period.
 - Language interpretation services for all other languages will be accessed through a professional telephone interpretation service and/or online translation (for simple exchanges).

STAFF TRAINING

The information below will be disseminated to staff. Training opportunities on these topics also will be provided:

- Title VI Policy and LEP responsibilities
- Description of language assistance services offered to the public
- Proper use of interpreter service provider’s language identification cards
- Documentation of language assistance requests
- Handling of Title VI/LEP complaints

All contractors or subcontractors performing work for McKenzie County are required to follow the Title VI/LEP guidelines.

TRANSLATION OF DOCUMENTS

McKenzie County weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating documents, the likelihood of frequent changes

in documents and other relevant factors, McKenzie County has determined that it is an unreasonable burden to translate documents at this time.

Due to the very small LEP population, McKenzie County does not have a formal outreach procedure in place as of 2022. Translation resources have been identified and are limited in this region. However, if the need arises to conduct outreach to LEP individuals, McKenzie County will consider the following options:

- When staff prepares documents or schedules public meeting whose audience is expected to include LEP individuals, McKenzie County will provide meeting notices, flyers, and agendas in the appropriate non-English language(s).
- McKenzie County will assess requests for the translation of documents based on the potential effect and known LEP population.

MONITORING

Monitoring and Updating the LEP Plan – McKenzie County will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when recent data from the U.S. Census and the American Community Survey is available, or when it is clear that higher concentrations of LEP individuals are present in the service area. Updates to the LEP Plan will include the following:

- The number of documented LEP contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area (census data, surveys, information from community-based organizations, and other sources).
- Determination as to whether the need for translation services has changed.
- Determination of the effectiveness of language assistance efforts
- Determination of the adequacy of the financial resources to fund language assistance resources.
- Determination of the full compliance with the goals of the LEP Plan.
- Determination of the processing of LEP complaints

DISSEMINATION OF THE MCKENZIE COUNTY LEP PLAN

Choose from below the actions that **[SUB RECIPIENT NAME HERE]** will take:

- Post signs in McKenzie County public areas informing LEP persons of the LEP Plan and how to access language services.

- If a known LEP population exists, McKenzie County will notify LEP persons of the availability, upon request of documents in other languages. This would be placed on agendas and public notices and in the language that LEP persons would understand.
- On the McKenzie County website, post the LEP Plan and procedure to access language services.