



**Mayor Lori M. Stone**

# **LIMITED ENGLISH PROFICIENCY (LEP) PLAN**

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I.

A RESOLUTION OF THE  
CITY OF WARREN  
ADOPTING THE  
LIMITED ENGLISH PROFICIENCY (LEP) PLAN

WHEREAS, in accordance with Title VI non-discrimination laws in regard to providing appropriate access to services and activities provided by federal agencies and recipients of federal assistance, the Limited English Proficiency Plan was drafted to define how City of Warren will accommodate persons with Limited English Proficiency; and

WHEREAS, individuals who do not speak English well and who have a limited ability to read, write, 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 encounter; and

NOW, THEREFORE, BE IT RESOLVED that the Board of City of Warren approve and adopt the Limited English Proficiency Plan for the City of Warren.

Adopted the      day of

  
James R. Eouts, Mayor

## II. INTRODUCTION

In 2000, Executive Order (“EO”) 13166, *Improving Access to Service for Persons with Limited English Proficiency (LEP)*<sup>i</sup>, was signed, which requires federal Agencies to ensure that their programs and activities normally provided in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI's prohibition against national origin discrimination.

LEP individuals are entitled to language assistance with respect to a particular type of service, benefit, or encounter<sup>ii</sup>.

EO 13166 requires each recipient of federal assistance to prepare a plan to improve access to its programs and activities by eligible LEP persons. The plan must be consistent with the standards set forth in the LEP Guidance and include the steps the recipient will take to ensure eligible LEP persons receive meaningful access the recipient's programs and activities.

Additionally, as a condition of receiving federal financial assistance, recipients must comply with Title VI and the LEP guidelines of the federal agency from which funds are provided

Title VI covers a recipient's entire program or activity, even if only one part of a recipient's organization receives the federal assistance. Any organization that receives federal financial assistance is required to follow EO 13166.

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.

The City of Warren receives (the “City”) funds from the US Department of Transportation (“DOT”) via the Federal Highway Administration.

The DOT's *Policy Guidance Concerning Recipients' responsibilities to Limited English Proficient Person* (the “DOT Guidance”) in the December 14<sup>th</sup>, 2005 Federal Register.<sup>iii</sup>

The DOT Guidance implies that the City must comply:

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.

### **III. ELEMENTS OF AN EFFECTIVE LEP POLICY**

The US Department of Justice, Civil Rights Division developed a set of elements to help design an LEP plan, all of which have been incorporated into the City's LEP Plan (the "Plan"), and which include:

1. Identify LEP persons who need language assistance
2. Identify ways in which language assistance will be provided
3. Train Staff
4. Provide notice to LEP persons
5. Use the DOT Four-Factor Analysis to evaluate accessibility to available transportation services.

### **IV. 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 should be taken 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 City 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 unduly burdening 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 for LEP persons. For more information see <http://www.lep.gov>.

### A. The Four-Factor Analysis

This Plan uses the recommended four-factor analysis of an individualized assessment 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 City services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

#### 1. 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.’ This Plan considers an LEP person to be an individual who speaks English less than ‘very well.’

As seen in Table #1, below, the 2020 Census Data for the City shows that:

- 23,684 (18.7%) speak a language other than English and 11,673 (9.2%) of them identify as speaking English less than “very well;”
- 441 (0.3%) of the Spanish language group identify as speaking English less than “very well.”
- 3,414 (2.7%) of the Other Indo-European language group identify as speaking English less than “very well;”
- 1,007 (0.8%) of the Asian and Pacific Islander languages group identify as speaking English less than “very well.”
- 6,799 (5.4%) of the All Other languages group identify as speaking English less than “very well.”

As seen in Table #2, the primary language groups for the City are the Spanish language group with 1,596 individuals; the Other Asian and Pacific Islander language group with 2,082; the Arabic language group with 4,371 individuals; and the Russian, Polish, or other Slavic language group with 2,791 individuals.

**a. TABLE #1**

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
<b>Population 5 years and over</b>	126,884	94.1%
<b>English only</b>	103,200	81.3%
<b>Language other than English</b>	23,684	18.7%
<b>Speak English less than “very well”</b>	11,673	9.2%
<b>Spanish language</b>	1,596	1.3%
<b>Speak English less than “very well”</b>	441	0.3%
<b>Other Indo-European languages</b>	7,505	5.9%
<b>Speak English less than "very well"</b>	3,414	2.7%

Asian and Pacific Islander languages	2,082	1.7%
Speak English less than "very well"	1,007	0.8%
Arabic language	4,371	3.4%
Speak English less than "very well"	3,011	2.4%
Russian, Polish, other Slavic language:	2,791	2.2%
Speak English less than "very well"	1,308	1.0%
All Other languages	5,339	4.2%
Speak English less than "very well"	2,480	2.0%

**b. TABLE #2**

Warren city, Michigan	# of Individuals
Total population 5 years and over:	126,884
Speak only English	103,200
Spanish language:	1,596
Asian and Pacific Islander languages	2,082
Arabic language:	4,371
Russian, Polish, other Slavic language:	2,791

**2. Factor 2: Frequency of Contact with LEP Individuals**

The city conducted an informal survey of its employees and found that they encounter LEP individuals in the performance of their job. The City offices are accessible to the public and, therefore, accessible to LEP individuals; the City staff that work in the field encounter LEP individuals; and the regular Council meetings held every second and fourth Tuesday are open to the public and, therefore accessible to LEP persons. Thus, given the large concentration of LEP individuals in the City as shown in Table #1, the probability is high that a City employee will encounter an LEP individual.

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

The City serves individuals in a variety of ways throughout the City, including managing roads, elections, and water, sewer, police, fire, and other services to citizens of the City and individuals from outside of the city. The nature of these services is very important to an individual’s day-to-day life and the denial of services to an LEP individual could have a significant detrimental effect. Thus, given the significant concentration of LEP language groups, the City will ensure accessibility to all City programs, services, and activities.

**4. Factor 4: The Resources Available to the City and Overall Cost**

The DOT Guidance provides that:

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.

The City reviewed its resources and will use the most cost-effective means of delivering competent and accurate language services to the high concentration of Spanish, Asian and Pacific Islander, Arabic, and Russian, Polish, and other Slavic speaking individuals in the City. Upon request, the City will translate its vital documents into the language requested to ensure accessibility. Upon request, the City will translate documents into other foreign languages if interpretation of the requested document is not an option.

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 documents in order to comply with LEP requirements, will be allocated on an as needed basis.

## **B. Safe Harbor Stipulation**

Federal policy allows a “safe harbor” such that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. 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 Spanish, Asian and Pacific Islander, Arabic, and Russian, Polish, and other Slavic speaking LEP individuals in the City, as in Table #2, this Plan requires written translation of all vital documents into these languages. Vital documents include, but are not be limited to: the complaint form, complaint procedures, and all public meeting notices.



### **C. Providing Notice to LEP Persons**

The DOT Guidance emphasized the importance of the recipient to notify LEP person of services available free of charge, once the recipient decides, based on the four factors, that it will provide language service. Recipients should provide this notice in languages LEP persons would understand.

The DOT 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 persons requiring language assistance and/or special accommodations will be provided the requested service free of charge, with reasonable advance notice to the City.

### **D. Options and Proposed Actions**

#### **1. Options**

Federal fund recipients provide language services in mainly two (2) ways: (1) oral interpretation either in person or via telephone interpretation service and (2) written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.<sup>iv</sup>

An "interpreter" is a person who translates spoken language orally, as opposed to a "translator," who translates written language and who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.<sup>v</sup>

Considering the high concentration of Spanish, Asian and Pacific Islander, Arabic, and Russian, Polish, and other Slavic speaking LEP individuals in the services area and the City's limited financial resources, it may be necessary to provide language aid only to the most basic and cost-effective services. Other than the previously mentioned vital documents, if there are additional language assistance measures required for LEP individuals, the City shall proceed with interpretation options to meet all requests for those language groups to ensure equal access, while also complying with LEP regulations.

#### **2. What the City of Warren will do. What actions will the City of Warren take?**

- Notify the public that upon seven-day advance notice, interpreter services are available.

- With advance notice of seven calendar days, the City will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.
- The City will utilize the Translators Resource List as provided by MDOT for translation services and verbal interpretation.
- 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.
- Publication of the city’s complaint form will be made available online and upon request. A City employee who encounters an LEP individual shall follow the procedure listed below:

**a. 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 Title VI coordinator who will contact an interpreter from MDOT’s 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.

**b. Road Encounter**

1. Road crew employee will immediately contact the Title VI coordinator for assistance, and provide an I-speak language identification card to the LEP individual to determine the language spoken of the individual.
2. Once the foreign language is determined, provide information to Title VI coordinator who will contact an interpreter from MDOT’s Translators Resource List to provide telephonic interpretation.
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.

**c. In Writing**

1. All letters shall be immediately forwarded to the Title VI Coordinator.
2. The Title VI Coordinator will contact a translator from the MDOT’s 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.

**d. Over the Phone**

1. If someone calls into a City 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.

**e. The City's Staff Training**

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

**f. LEP Plan Access**

A copy of the LEP Plan can be requested at the City's main office during normal business hours and the Plan is available on the City website, [www.cityofwarren.org](http://www.cityofwarren.org). Any person or an agency may also request a copy by contacting:

Human Resources  
One City Square, Suite 410  
Warren, MI 48093  
Phone: (586) 574-4670  
Fax: (586) 574-0770

Id No. 86660

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<sup>i</sup> Executive Order No. 2000-13166, available at <https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/eolep.pdf> (accessed September 29, 2021).

<sup>ii</sup> Department of Transportation, *Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons*, Federal Register Vol. 70, No. 239 (December 14, 2005).

<sup>iii</sup> <https://www.transportation.gov/civil-rights/civil-rights-library/policy-guidance-concerning-recipients-responsibilities-limited>

<sup>iv</sup> <https://www.transportation.gov/civil-rights/civil-rights-library/policy-guidance-concerning-recipients-responsibilities-limited>

<sup>v</sup> Department of Justice, *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, Federal Register Vol. 67, No. 117 (June 18, 2002).