

# FACT LEP PLAN

## Introduction

The purpose of this limited English proficiency policy guidance is to clarify the responsibilities of recipients of federal financial assistance from the U.S. Department of Transportation (DOT) and 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. It 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 provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance, and; **Executive Order 13166**

Executive Order 13166 "Improving Access to Services for Persons With Limited English proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English Proficiency." (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance). Different treatment based upon a person's inability to speak, read, write, or understand English may be a type of national origin discrimination. Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies such as Fayette Area Coordinated Transportation (FACT) and governments, private and non-profit entities, and subrecipients.

## Plan Summary

FACT has developed this Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to FACT services as required by Executive Order 13166. A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English. 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. In developing the plan while determining FACT's extent of obligation to provide LEP services, FACT undertook a U.S. Department of Transportation four factor LEP analysis which considers the following: 1) The number or proportion of LEP persons eligible in FACT service area who maybe served or likely to encounter a FACT program, activity, or service; 2) the frequency with which LEP individuals come in contact with any FACT services; 3) the nature and importance of the program, activity or service provided by FACT to the LEP population; and 4) the resources available to FACT and overall costs to provide LEP assistance. A brief description of these considerations is provided in the following section.

## Four Factor Analysis

### **1. The number or proportion of LEP persons eligible in the FACT service area who maybe served or likely to encounter a FACT program, activity, or service.**

FACT examined the US Census report from 2010 and was able to determine that approximately 2.7%, or 3,688 people within FACT's service area age 5 and older spoke a language other than English. Of the 3,688 people reporting they speak other languages than English, 1,365 or 37% of respondents either speak English "not well" or "not at all." Spanish comprised the largest non-English speaking language groups. FACT provides translation of vital documents into Spanish

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and will translate vital documents into other languages consistent with the Safe Harbor Provision.

### **2. The frequency with which LEP individuals come in contact with a FACT program, activity, or service**

FACT assesses the frequency at which staff and drivers have or could possibly have contact with LEP persons. This includes documenting phone inquiries and verbally surveying drivers. Since June 2011, FACT has had no requests for interpreters and zero requests for translated FACT documents. The staff and drivers have had very little to no contact with LEP individuals.

### **3. The nature and importance of the program, activity, or service provided by the FACT to LEP community**

There is no large geographic concentration of any one type of LEP individuals in the FACT service area. The overwhelming majority of the population, 97% speaks only English. Therefore, there is a lack of any social, service, professional and leadership organizations within the FACT service area that focuses on outreach or membership of LEP individuals.

### **4. The resources available to the FACT and overall costs**

FACT assessed its available resources that could be used for providing LEP assistance. This included identifying how much a professional interpreter and translation service would cost on as needed basis, which documents would be the most valuable to be translated if and when the populations supports, taking an inventory of available organizations that the FACT could partner with for outreach and translation efforts, and what level of staff training is needed. After analyzing the four factors, FACT developed the plan outlined in the following section for assisting persons of limited English proficiency.

## LIMITED ENGLISH PROFICIENCY PLAN OUTLINE

### How to Identify an LEP Person who Needs Language Assistance

Below are tools to help identify persons who may need language assistance:

- Examine records requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings;
- When FACT sponsored workshops or conferences are held, set up a sign-in sheet table, have a staff member greet and briefly speak to each attendee. To informally gauge the attendee's ability to speak and understand English, ask a question that requires a full sentence reply;
- Have the Census Bureau's "I Speak Cards" at the workshop or conference sign-in sheet 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. Also, have the cards available at the FACT Transit Center Customer Service Area; and
- Survey drivers and other first line staff on an annual basis at the beginning of each fiscal year regarding their experience on having any direct or indirect contact with LEP individuals.

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## Language Assistance Measures

The FACT has or will implement the following LEP procedures. The creation of these steps are based on the very low percentage of persons speaking other languages or not speaking English at least “well,” and the lack of resources available in the FACT service area:

- Census Bureau’s “I Speak Cards” are to be located at the Customer Service window in the Transit Center at all times.
- The FACT’s website is designed with Free Language Translation available.
- When an interpreter is needed, in person or on the telephone, and the FACT staff has exhausted the above options, staff will first attempt to determine what language is required. Staff shall use the telephone interpreter service – Language Line Services at <http://www.language.com>. On the Language Line home page the staff will select the Need an Interpreter Now link and follow the directions to receive and access code.
- Additionally, FACT states that a county of 50 persons requesting service who need translation in a specific language will activate FACT to translate written materials in that specified language. FACT will also translate vital documents consistent with DOJ’s Safe Harbor Provision.

## FACT Staff Training

All FACT staff will be provided with the LEP Plan and will be educated on procedures to follow. This information will also be part of the FACT staff orientation process for new hires. Training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities;
- What language assistance services the FACT offers;
- Use of LEP “I Speak Cards”;
- How to use the Language Line interpretation and translation services;
- Documentation of language assistance requests;
- How to handle a Title VI and/or LEP complaint

## Outreach Techniques

FACT does not have a formal practice of outreach techniques due to the lack of LEP population and resources available in the service area. However, the following are a few options that the FACT will incorporate when and/or if the need arises for LEP outreach:

- If staff knows that they will be presenting a topic that could be of potential importance to an LEP person or if staff will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, meeting notices, fliers, advertisements, and agendas will be printed in an alternative language, based on known LEP population in the area.
- When running a general public meeting notice, staff will insert the clause, based on the LEP population and when relevant, that translates into “A (insert alternative Language) translator will be available”. For example: “Un traductor del idioma español estará disponible” This means “A Spanish translator will be available”.

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- Key print materials, including but limited to schedules and maps, will be translated and made available at the FACT Transit Center, on board vehicles and in communities when a specific and concentrated LEP population is identified.

### Monitoring and Updating the LEP Plan

This plan is designed to be flexible and is one that can be easily updated. At a minimum, the FACT will follow the Title VI Program update schedule for the LEP Plan.

Each update should examine all plan components such as:

- How many LEP persons were encountered;
- Were their needs met;
- What is the current LEP population in FACT service area;
- 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 FACT programs? Are there other programs that should be included;
- Have the FACT's available resources, such as technology, staff, and financial costs changed;
- Has the FACT fulfilled the goals of the LEP Plan?; and
- Were any complaints received?

### Dissemination of the FACT Limited English Proficiency Plan

The FACT includes the LEP plan on the FACT website ([www.factbus.com](http://www.factbus.com)) together with its Title IV Policy and Complaint Procedures. The FACT's Notice of Rights under Title VI to the public posted in the FACT Transit Center, on all FACT vehicles, and in selected printed materials also refers to the LEP Plan's availability.

Any person, including social service, non-profit, and law enforcement agencies and other community partners 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 via phone, in person, by mail or email. LEP persons may obtain copies/translations of the plan upon request.

Any questions or comments regarding this plan should be directed to the FACT Title VI Coordinator/Director.

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