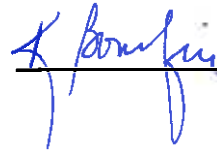


Town of Breckenridge POLICY MEMORANDUM	Contact: Human Resources	Phone Number: 547-3159/547-4308
	Effective Date: January 11, 2011	
	Category/Policy Name Limited English Proficiency Policy	

TO: All Dept. Heads, Managers, and Supervisors

FROM: Kate Boniface, Assistant Town Manager



DATE: January 11, 2011

SUBJECT: Limited English Proficiency Policy

Purpose: As stipulated by law and to meet Justice Department and other granting agency requirements, the Town is clarifying the Town's procedures and establishing a policy related to individuals with limited English proficiency.

Applicability: The policy applies to all current employees

Policy:

A. BACKGROUND

Title VI of the Civil Rights Act was passed in 1964 and prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance. In August of 2000, President Bill Clinton issued an Executive Order 13166 entitled "Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons With Limited English Proficiency"(LEP). The Executive Order merely clarified existing responsibilities under the Civil Rights Act.

B. POLICY & PROCEDURE SUMMARY

The Town of Breckenridge (TOB) has developed this Limited English Proficiency (LEP) Policy & Procedure memorandum to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to TOB 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 policy details procedures regarding 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 policy and while determining the TOB's extent of obligation to provide LEP services, the TOB conducted the Department of Justice "Four Factor Analysis" which considers the following:

- 1) The number or proportion of LEP persons eligible in the TOB service area who maybe served or likely to encounter an TOB program, activity, or service;
- 2) The frequency with which LEP individuals generally come in contact with a representative providing TOB services;
- 3) The nature and importance of the program, activity or service provided by the TOB to the LEP population; and,
- 4) The resources available to the TOB and overall costs to provide LEP assistance.

A brief description of these considerations is provided in the following section.

C. FOUR FACTOR ANALYSIS

1. The number or proportion of LEP persons eligible in the TOB service area who may be served or are likely to encounter a TOB program, activity, or service

The TOB examined the US Census report from 2000 and was able to determine that approximately 8.2%, or 189 people spoke a language other than English. Of the 189 people reporting they speak other languages than English, 100 or 4.3% of respondents either speak English "not well" or "not at all."

Note: The Town of Breckenridge was not included in any of the Bureau's American Community Surveys, and 2010 Census data is not available as of January 2011.

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

The Town has assessed the frequency with which staff generally has or could possibly have contact with LEP customers, citizens and others. These contacts most often occur when transit services are provided, through law enforcement and municipal court contacts, and visitor/guest contacts at the Recreation and Ice Center facilities. With the exception of the Police Department, most TOB departments do not receive requests for interpreters. The Police Department uses language line and on staff interpreters on these occasions. The TOB provides, on its own accord, documents that are translated into Spanish.

In summary, most TOB employees have very little contact with LEP individuals.

Most foreign tourists that visit the TOB service area appear to be bi-lingual when they seek assistance from Town employees.

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

There is no large geographic concentration of any one type of LEP individuals in the TOB service area. The overwhelming majority of the population, 91.8% or 2,123, speak only English. The Spanish speaking population appears to be bi-lingual with only 3.4% or 79 individuals that reported speaking English "less than very well".

The community has one organization, the Family and Intercultural Resource Center, which provides outreach services to LEP individuals within the TOB service area.

4. The resources available to the TOB and overall costs

The Town 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 an 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 TOB could partner with for outreach and translation efforts, and what level of staff training is needed.

After analyzing the four factors, the Town developed the policy and procedures outlined in the following section for assisting persons of limited English proficiency.

D. LIMITED ENGLISH PROFICIENCY PROCEDURES

1) How to Identify an LEP Person who Needs Language Assistance - Below are tools that may help identify persons who may need language assistance:

- Examine records requests for language assistance from past events in order to anticipate future needs.
- When TOB sponsors events, workshops or conferences where it is anticipated that LEP attendees will attend and may need assistance:
 - Set up a sign-in sheet table, have a staff member greet and briefly speak to each attendee in order to informally gauge the attendee's ability to speak and understand English.
 - Have the Census Bureau's "*I Speak Cards*" at the event. While staff may not be able to provide translation assistance at that particular day's meeting, the cards are an excellent tool to identify language needs for future meetings.
 - Survey transit drivers, police officers, municipal court staff, recreation staff and other first line staff to assess any direct or indirect contact with LEP individuals.

2) **Language Assistance Measures** - The TOB 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 TOB service area:

- **Oral Translation:** There are current TOB staff members who speak Spanish fluently and provide significant assistance to town employees when telephone or in-person contacts are encountered.

When an interpreter is needed, in person or on the telephone, and the TOB 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 an access code. Language Line provides translation in languages that the TOB is likely to encounter, such as Spanish, and in many other languages, such as Chinese, Hmong, Vietnamese, Korean, and Russian.

- **Written Interpretation:** Vital documents identified by the TOB Transit Division and Police Departments have been translated into Spanish. The Division can use the services of "Language Line" to translate other materials as necessary.

3) **TOB Staff Training** - All TOB staff will be provided with the LEP Policy during regularly scheduled staff meetings. Handouts containing access information for LEP individuals will be distributed to all staff and updated as necessary.

4) **Outreach Techniques** - As of this first draft of the Town LEP Policy dated January 2011, the Town does not have a formal practice of outreach techniques due to the lack of LEP population and resources available in the service area. The Town will translate and print key materials and make those materials available at various TOB Departments, including the Transit Center, Police Department, Municipal Court and Recreation Center when a specific LEP population or need is identified.

5) **Monitoring and Updating the LEP Plan** - This policy is designed to be flexible and is one that can be easily updated. The Town will clearly identify a responsible staff member and/or office where customers with language issues can take their concerns and complaints if they feel that they are not being understood. The Town will review and update LEP policies and procedures on a regular basis. An update of this Policy memorandum may occur after review of 2010 Census data.

6) **Dissemination of the TOB Limited English Proficiency Plan**
Copies of the LEP Policy memorandum 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.

E. Specific Departmental/Divisional LEP Plans

Specific and separate departmental and divisional LEP Plans may supplement, but may not replace this general Town policy.

F. Responsibilities

- 1) *Human Resources Staff.* Human Resources staff will provide information to departments regarding translation services and language assistance.
- 2) *Town Managers/Supervisors:* Town supervisors and managers will meet with employees to explain the LEP Policy, and to provide information regarding translation services and language assistance.
- 3) *Town Clerk Staff:* Town Clerk Staff will serve as the primary contact for questions and concerns regarding the Town's *general* LEP policy. Town Clerk staff will refer questions and concerns to departments and divisions as necessary and appropriate.
- 4) *Department and Division Staff.* Departments and Divisions will serve as the primary contact and responding official for questions or concerns related to:
 - a) specific LEP plans within a department/division;
 - b) outreach conducted by the department; and,
 - c) services provided to individuals by the department/division.
- 5) *Employees:* Employees will provide information to limited English individuals as referenced in this policy, and will advise and consult with the manager and/or supervisor when such services are provided.

Any questions or comments regarding this plan should be directed to the TOB Town Clerk's Office:

Town of Breckenridge
Town Clerk
P.O. Box 168
Breckenridge, CO 80424
Phone: 970-453-2251
Fax: 970-547-4470