

APPENDIX F

Limited English Proficiency Plan

Mackinac County Road Commission
706 North State Street
Saint Ignace, MI 49781
April 24, 2012

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RESOLUTION
MACKINAC COUNTY BOARD OF ROAD COMMISSIONERS
April 24, 2012

The Board of Mackinac County Road Commissioners met at the office of the Mackinac County Road Commission at 706 North State Street, St. Ignace, Michigan, for a regular meeting on Tuesday, December 20, 2011.

Commissioners Present: Lester Livermore, Jr., Tom Doty and Frank Luepnitz

It was moved by Commissioner Doty and seconded to adopt the following resolution. Resolution carries unanimously.

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 MCRC 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 Mackinac County Road Commissioners approve and adopt the Limited English Proficiency Plan for the Mackinac County Road Commission, adopted this 24th day of April, 2012,

STATE OF MICHIGAN
COUNTY OF Mackinac County Road Commission

I, Vicki Hough, Clerk of Mackinac County, do hereby certify that the above is true and correct copy of a resolution of the April 24, 2012 meeting of the Board of Mackinac County Road Commissioners as appears of record in its office.

Vicki Hough, Clerk

Introduction

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency¹, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write, and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular service, benefit, or encounter². These individuals are referred to as being limited English in their ability to speak, read, write, or understand English, hence the designation, “LEP”, or Limited English Proficient. The Executive Order states that:

“Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, **recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.**

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. Title VI covers a recipient’s entire program or activity. This means all parts of a recipient’s organization receives the federal assistance. **Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.**

The Mackinac County Road Commission receives funds from the US Department of Transportation via the Federal Highway Administration.

The US Department of Transportation published *Policy Guidance Concerning Recipient’s Responsibilities to Limited English Proficient Persons* in the December 14th, 2005 Federal Register³.

¹The executive order verbatim can be found online at: <http://www.justice.gov/crt/about/cor/Pubs/eolep.php>

²Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005
(Volume 70, Number 239)

³The DOT has also posted an abbreviated version of this guidance on their website at <http://www.dotcr.ost.dot.gov/asp/lep.asp>

The Guidance implies Road Commissions as organizations that must follow this guidance:

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 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.

Elements of an Effective LEP Policy

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing an LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Identifying ways in which language assistance will be provided
3. Training staff
4. Providing notice to LEP persons
5. The recommended method of evaluating accessibility to available transportation service is the Four-Factor Analysis identified by the USDOT.

These recommended plan elements have been incorporated into this plan.

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 they should take 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 MCRC 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 imposing undue burdens on 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 Department of Justice's guidance and requires recipients and sub recipients to take steps to ensure meaningful access to their programs and activities to LEP persons. More information for recipients and sub recipients can be found at <http://www.lep.gov>.

The Four-Factor Analysis

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

Factor 1: The Proportion, Numbers and Distribution of LEP Persons

The Census Bureau has a range of four classifications of how well people speak English. The classifications are 'very well', 'well', 'not well', and 'not at all'. For our planning purposes, we are considering people that speak English 'less than very well' as Limited English Proficient Persons.

Table 1 shows the Number of People 5 Years and Over Who Speak English Less Than "Very Well" for all Townships in our jurisdiction.

As seen in Table 1, less than one percent (598 people) of the jurisdiction of the Mackinac County Road Commission speaks English "less than very well". Chart 1 shows the distribution of non-English speaking people. Of the LEP persons within our area, fifty-three percent speak Spanish. Thirty-two percent of LEP persons speak Indo-European languages (such as Urdu, Hindi, Portuguese, Bengali, Russian, Persian and German) at home. About ten percent speak Asian and Pacific languages (such as Chinese, Korean, Japanese and others) at home and about five percent speak other languages at home.

Table 1

	Total Population	English Less Than Very Well			
		Spanish	Other Indo-European	Asian and Pacific Islander	Other
BOIS BLANC	85	0	0	0	0
BREVORT	529	0	0	0	0
CLARK	1744	0	15	0	0
GARFIELD	1115	0	3	0	0
HENDRICKS	133	0	0	0	0
HUDSON	177	0	0	0	0
MARQUETTE	530	0	0	2	0
MORAN	854	0	2	0	0
NEWTON	379	0	0	0	0
PORTAGE	1008	0	4	60	0
ST. IGNACE	1038	0	4	0	0
TOTALS	7592	0	28	62	0

Factor 2: Frequency of Contact with LEP Individuals

The majority of the work we do once we leave the garage is performed on the roadway with the use of large trucks and heavy equipment. Very infrequently do the operators have direct contact with the public. Most of the contact would be done with hand signals regarding traffic movement. The office staff handles service requests regarding road issues and processes permits for work in the right of way. Regular Board meetings are held bi-weekly and public hearings are held when needed, which would bring interested residents to the Boardroom.

Factor 3: The nature and importance of the Program, Activity, or Services to LEP

The Road Commission’s main function is to maintain the road network throughout Mackinac County. This network is incredibly sound and new roadways will not be added, thus requiring acquisition of land is not an issue. Our services are straight forward and garnered by the weather and wear and tear on the roads by motorists and out of the way face to face contact.

Occasionally, the road surface of the road surface of a roadway is changed, trees are cut or ditches are dug to improve the conditions for the motoring public and Public Hearings are held.

Denial or delay of access to services or information provided by the Mackinac County Road Commission would not have life-threatening implications on a LEP individual. It is believed that denial or delay of access to services or information provided by the Mackinac County Road Commission would not have serious implications on a LEP individual, especially compared to the services, such as health, emergency transportation, water, sewer, fire protection, police protection and other emergency services.

Factor 4: The Resources Available to the Mackinac County Road Commission and Overall Cost

US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan.

What the MCRC Will Do. What actions will the MCRC take?

The Mackinac County Road Commission will, at a minimum, ensure the following:

- All employees know about the LEP Plan;
- All employees who are in contact positions will work with telephone interpreters and translators;
- Training will be provided, including having the LEP Plan available at all permanent work sites.
- Employees that may encounter an LEP individual outside of the Mackinac County Road Commission office will be trained to contact the office during normal business hours or other emergency services during off office hours so an interpreter can be contacted.
- Provide translations services upon request as warranted.
- Provide "I Speak" cards to receptionist desk personnel and to road maintenance crews.