LIMITED ENGLISH PROFICIENCY PLAN

Sussex County, Delaware

Approved _____ Sept. 27, 2016

Todd Lawson, County Administrator Date

LIMITED ENGLISH PROFICIENCY PLAN

A. Introduction

This Limited English Proficiency Plan has been prepared to address Sussex County's responsibilities as a recipient of federal financial assistance to take reasonable steps to provide Limited English Proficiency (LEP) individuals with meaningful access to County programs and services.

It is the policy of Sussex County Government to provide timely meaningful access for LEP persons to all County programs and activities. All personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. All personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that the organization will provide these services to them.

B. Purpose

The purpose of this Plan is to establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964 and Executive Order 13166, for agency personnel to follow when providing services to, or interacting with, individuals who have limited English Proficiency. Further, Title VI regulations prohibit discrimination on the basis of race, color, or national origin. Following these guidelines is essential to the success of our mission to *promote public safety, well-being, prosperity and an enriched quality of life in a personal, professional and fiscally responsible manner for those who live, work and vacation in Sussex County*.

This Plan will assist Sussex County Government ("County") staff in providing meaningful access to County programs and activities by persons with Limited English Proficiency. The County is committed to complying with federal requirements in providing free, meaningful access for LEP individuals. No LEP individual will be denied access to a County program because the individual does not speak English or communicates in English on a limited basis.

In order to prepare this plan, the County used the four-factor LEP analysis (updated June 2016) which considers the following factors:

1. The number or proportion of LEP persons in the eligible service population.
2. The frequency with which LEP individuals come into contact with the County.
3. The nature and importance of the program, activity, or service to the LEP person.
4. The resources available to the County and the cost of providing various types of language services.

A summary of the results of the four-factor analysis is in the following section.

C. Meaningful Access: Four-Factor Analysis

1. FACTOR 1: Number or proportion of LEP persons served or encountered in the eligible service area

Source: 2007-2011 American Community Survey 5-Year Estimates, Survey Tables B16001 & S1601

Language Group	Total number of persons 5 years and over speaking the language at home	LEP Persons: Speaks English less than "very well"
Spanish or Spanish Creole	**14,000**	**7,387**
Other Indo-European Languages	**3,581**	**1,303**
French	525	99
French Creole	1,146	686
Italian	197	92
German	357	37
Russian	334	132
Asian & Pacific Island Languages	**1,185**	**487**
Chinese	253	117
Korean	132	36
Vietnamese	296	219
Tagalog	365	44
Other Languages	**265**	**42**
TOTAL LEP PERSONS SPEAKING ENGLISH LESS THAN "VERY WELL"		**9,219**

Source: 2010-2014 American Community Survey 5-Year Estimates, Survey Tables B16001 & S1601

The above data demonstrates that 80 percent of Sussex County's LEP population is Spanish speaking and that no other language meets the 5 percent or 1,000-person threshold for requiring written translation of vital documents.

2. FACTOR 2: The frequency with which the LEP persons come into contact with the program

Based on a review of the Community Development & Housing Department's year-end reports from the last 5 years, approximately 5 percent of beneficiaries annually are Spanish-speaking, with only 1 percent of beneficiaries being LEP persons. Informal interviews with department staff were conducted to confirm how many LEP persons visited, called the office, or were program beneficiaries, and what has been their primary language. These interviews revealed that while there were several Spanish-speaking LEP persons contacting the department and receiving program benefits, there were no LEP persons who spoke languages other than Spanish.

3. **FACTOR 3: The nature and importance of the program, activity, or service provided by the program**

   Sussex County provides direct assistance to project area beneficiaries related to affordable housing, water/sewer hookups, demolition, rehabilitation, and acquisition; therefore, the nature of the activity or service is of significant importance to Sussex County residents.

4. **FACTOR 4: The resources available and costs to Sussex County**

   Translation of vital documents (written and oral) will be contracted by a certified third party. Sussex County will utilize any documents provided by the Delaware State Housing Authority and the U.S. Department of Housing & Urban Development in languages other than English. Further, Sussex County will retain professional interpretation services, to provide oral interpretation in languages other than Spanish, as needed.

   Sussex County employs one bilingual (Spanish) individual with the Community Development & Housing Department. The individual is not yet certified for formal interpretation or translation. Until such certification is obtained, and pending work-load, translation of vital documents (written and oral) will be provided primarily through a contracted local and certified third-party agency. That employee is utilized regularly by the Community Development & Housing Department, and other County Departments when applicable, for informal interpretations.

   As of February 2015, Sussex County has a contract with CTS Language Link to provide Interactive Voice Response interpretation service. At its immediate disposal, CTS has access to interpreters for more than 240 languages. County staff have quick reference guides at every phone to allow for a quick call to an interpreter in the event an LEP individual walks-in or calls for service. CTS provides "Point to Your Language" posters to aid staff in determining the language for which to interpret. This service is available 24 hours a day, 7 days a week, 365 days a year, and available to staff in the field.

D. Definitions

1. Effective Communication – Effective communication occurs when County staff has taken reasonable steps to provide meaningful access to an LEP individual. Effective communication also means that the LEP individual is able to provide and receive required or necessary information.
2. Interpretation – Interpretation means the oral or spoken transfer of one language into one or more other languages. Interpretation can take place in-person, through a telephonic interpreter, or via internet or video.
3. Language Assistance – Language assistance includes interpretation and translation. The County has the sole discretion to determine whether to provide the language assistance in the form of interpretation or translation.
4. Limited English Proficient (LEP) – A person who does not speak English as their primary language **and** who has a limited ability to read, write, speak or understand English may be LEP and be entitled to language assistance with respect to a particular program, benefit or right. The focus is on the client's lack of English proficiency. An individual who proficiently speaks English is not a LEP individual.

5. Meaningful Access – Meaningful access is free language assistance in compliance with federal requirements. The County's goal is to provide meaningful access to the County's programs and services by LEP persons in a manner that balances the following four factors:
    a. The number or proportion of LEP persons eligible to be served or likely to be encountered by the County.
    b. The frequency with which the County comes into contact with a particular language.
    c. The nature and importance of the program, activity, or service to the person's life. A compulsory activity is evidence of importance. For example, voluntary attendance at a public meeting/hearing does not have the same importance as the application and contract process for rehabilitation assistance.
    d. The County's resources and the cost of providing meaningful access. Reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits. The County determines the budget for language assistance.
6. Translation – Translation means the written transfer of a message from one language into one or more other languages.
7. Vital Written Documents – Vital written documents include, but are not limited to, consent and complaint forms; intake and application forms with the potential for important consequences; written notices of rights; notices of denials, losses, or decreases in benefits or services; notice of disciplinary action; signs; and notices advising LEP individuals of free language assistance services.

E. Language Assistance

The Fair Housing Compliance Officer will serve as the County's Language Assistance Coordinator.

Contact:
Fair Housing Compliance Officer
Sussex County Community Development & Housing
22215 DuPont Boulevard, P.O. Box 589
Georgetown, DE 19947
Phone: (302) 855-7777
Fax: (302) 854-5397

1. Translation of Documents

Sussex County will translate critical documents into a language when 5 percent of Sussex County's population of persons eligible to be served or likely to be affected or encountered are LEP and all speak a common language other than English. Sussex County will translate critical documents for each eligible LEP language group meeting this threshold. For all non-critical or vital documents, the County will work to ensure that documents include a statement in Spanish that informs LEP persons free language assistance is available upon request.

To date, the only LEP language group meeting the threshold for vital document translation is Spanish. Sussex County's Community Development & Housing office has already translated all vital documents and will continue to translate other important program documents. Attachment A-1 is a listing of all County documents currently translated.

Sussex County will contract with a local certified agency to provide translation (written and oral) of vital documents. To support this effort, the County will seek proper training and certification for government translation and interpretation services for existing bilingual County staff.

2. Use of Interpreters

A contracted interpreter is considered a formal interpreter. Formal interpreters are to be used whenever an LEP individual signs a legally-binding document which includes, but is not limited to, Neighborhood Stabilization Program settlements and the signing of Rehabilitation/Demolition Liens and Contracts. If available, a certified Spanish-speaking bilingual County staff person may also provide formal interpretation services for Spanish-speaking individuals.

As of February 2015, Sussex County has a contract with CTS Language Link to provide Interactive Voice Response interpretation service. At its immediate disposal, CTS has access to interpreters for more than 240 languages. County staff have quick reference guides at every phone to allow for a quick call to an interpreter in the event an LEP individual walks-in or calls for service. CTS provides "Point to Your Language" posters to aid staff in determining the language for which to interpret. This service is available 24 hours a day, 7 days a week, 365 days a year, and available to staff in the field.

Informal interpreters may be family members, friends, legal guardians, service representatives or advocates of the LEP individual. Informal interpreters may be appropriate depending upon the circumstances and subject matter. However in many circumstances, informal interpreters, especially children, are not competent to provide quality and accurate interpretations. There may be issues of confidentiality, competency or conflict of interest.

An LEP person may use an informal interpreter of their own choosing and expense in place of or as a supplement to the free language assistance offered by Sussex County. If possible, Sussex County should accommodate a LEP individual's request to have an informal interpreter. In these cases the individual and interpreter should sign a waiver of free interpreter services. The waiver will make clear the quality and accuracy limitations and confidentiality and conflict of interest issues that may arise with the use of an informal interpreter. The waiver will state that persons under the age of 18 cannot be used as interpreters. The waiver will be provided in both English and Spanish.

An outside resource may be community volunteers, members of the faith-based community, or representatives from non-profit or state agencies. Outside resources may be used for interpretive services at public or informal meetings or events. Public meeting notices and advertisements will clearly state the availability of formal interpreters by request.

In an emergency situation, Sussex County may use any interpreter available. Sussex County should first respond to the emergency and follow-up with language assistance as appropriate.

3. Contracts

Interpreters and Translators working for Sussex County will sign a "Data Privacy Statement" form (Attachment A-2) as part of the contract documents.

F. Sussex County Staff Training

1. Sussex County will make the Title VI Policy and LEP Plan available to staff.
2. Sussex County will inform existing and new employees of the County's duty to offer free language assistance in compliance with federal requirements.
3. Sussex County will post the LEP Plan on the County's Intranet, as well as the County's Affordable & Fair Housing website.
4. Sussex County will provide all departments and divisions copies of 'I Speak' cards, as well as contact information for sign language and language interpreter services available.

G. Guidelines for Staff Using an Interpreter

1. State the purpose of your communication and describe the type of information you may convey.
2. Speak in short sentences, expressing one idea at a time and allow the information to be interpreted.
3. Speak to the LEP individual and not to the interpreter.
4. Avoid using slang and acronyms. If you must do so, please explain their meaning.
5. Provide brief explanations of technical terms or terms of art, such as household income, recertification, etc.
6. Occasionally ask if the interpreter understands the information or if you should slow down or speed up your speech. If the interpreter is confused, the individual may also be confused.
7. Occasionally ask if the LEP individual understands the information. You may have to repeat or clarify some information by saying it in a different way.
8. Be patient and thank the interpreter.

H. Notice of Free Language Assistance for Sussex County Business

The County will post a sign in English and Spanish in the lobby of the Administration Building and the West Complex Administrative Offices Building informing the public of the availability of the Interactive Voice Response (CTS Language Link) Service at any County department or division.

Community Development & Housing will publish all public meetings and pre-bid meetings for contractors in at least one Hispanic paper and/or website in Spanish.

The County's website will provide a notice in every public meeting event regarding the availability of sign language and language interpreters in both English and Spanish.

I. Reporting

Sussex County staff will document in the LEP individual's file or record when an interpreter is used for the application or contract signing of a Sussex County program, or when an interpreter is used for an LEP

client's public hearing for a proposed subdivision, change of zoning, conditional use, or variance. These records will be maintained for determining the frequency of contact with LEP individuals.

J. Monitoring

Sussex County will review the LEP Plan every 5 years, at minimum. The review will include a summary report of the number of Sussex County individuals accessing federally-assisted programs who are LEP. The summary will also include a listing of the languages used by LEP individuals. When reasonably available, the report will also include data regarding Sussex County individuals accessing County programs and resources not assisted by federal funding.

Sussex County will also determine whether 5 percent of Sussex County's assisted individuals speak a specific language requiring the translation of vital documents as provided in E-1 above.

The Language Assistance Coordinator will do an annual assessment to ensure that all departments and divisions have access to the LEP Plan and tools, as well as sufficient 'I Speak' cards.

K. Distribution and Public Posting

The County Administrator will notify all existing and new employees of the Policy and the location of the LEP Plan and other language-related resources on the County's internal Intranet. In addition, the LEP Plan, quick-reference phone stickers, and 'Point to your language' posters will be distributed to all Department and Division heads.

The LEP Plan will be available to the public on the County's Affordable & Fair Housing website. The public may also view a copy of the Plan in the Human Resources Department and the Community Development & Housing Department.

L. Standard of Care

The LEP Plan does not create a standard of care, a covenant of habitability or any rights to third parties or Sussex County assisted individuals. The Policy does not enlarge Sussex County's duty under any law, regulation, or ordinance. In cases of conflict, the applicable law, regulation or ordinance shall prevail. The Policy is a general guideline as to a standard of care to which Sussex County aspires.

ATTACHMENT A-1

SUSSEX COUNTY SPANISH DOCUMENTS & PROGRAMS

Name of Document/Program	Department/Division	Date Translated/Reviewed/Updated
Condado de Sussex Reclamación Por Discriminación en el Acceso a la Vivienda (Sussex County Housing Discrimination Complaint Intake Form)	Community Development & Housing	February 5, 2014
Política de Igualdad de Acceso a la Vivienda (Fair Housing Policy)	Community Development & Housing	February 5, 2014
Contrato de Construcción (Construction Conract)	Community Development & Housing	February 5, 2014
Acuerdo (Lien Agreement)	Community Development & Housing	February 5, 2014
Aplicación de Reparaciones (Rehabilitation Application)	Community Development & Housing	July 8, 2014
Estudio de las Comunidades Afectadas del Condado de Sussex (Sussex County Impacted Communities Study Explanation)	Community Development & Housing	July 8, 2014
Estudio de las Comunidades Afectadas del Condado de Sussex (Sussex County Impacted Communities Study Survey)	Community Development & Housing	July 8, 2014
Alojamientos Públicos de Reunión (Public Meeting Accommodations Notice)	Sussex County Government	July 28, 2014
Solicitud de Subsidio Para Alcantarillado Sanitario del Condado de Sussex (Sussex County Sewer Assistance Program)	Billing	August 8, 2014
Feria de la Vivienda (Sussex County Homebuyer Fair Flyer)	Community Development & Housing	September 4, 2014
Formulario de la Feria de la Vivienda (Homebuyer Fair Online Registration Form)	Community Development & Housing	September 4, 2014
Sabía Que… El Condado de Sussex (Sussex County Information Rack Card)	Community Development & Housing	October 1, 2014

Capítulo 96: Mejoras a la Comunidad de Sussex (Chapter 96: Sussex County Improvements)	Engineering	March 26, 2015
Programa de Mejoras a la Comunidad de Sussex en virtud del Capítulo 96 del Código de Sussex County (Chapter 96 of the Sussex County Code - Sussex Community Improvement Program)	Engineering	March 26, 2015
Capítulo 96 del Código de Sussex County Programa de Mejoras a la Comunidad de Sussex Sinopsis del programa (Chapter 96 of the Sussex County Code - Sussex Community Improvement Program - Program Synopsis)	Engineering	March 26, 2015
Formulario de queja por unidad en alquiler (Rental Unit Complaint Form)	Constable	September 10, 2015
Cómo solicitor una licencia de matrimonio (Applying for a Marriage License)	Marriage Bureau	October 6, 2015
Atencion Oficiantes (Officiator Letter)	Marriage Bureau	October 6, 2015
Copias certificadas (Certified Copies)	Marriage Bureau	October 6, 2015
Pareja comprometida (Engaged Couple Letter)	Marriage Bureau	October 6, 2015
Ceremonias de matrimonio (Marriage Ceremonies)	Marriage Bureau	October 6, 2015
Tarifas de la ceremonia (Marriage Fees)	Marriage Bureau	October 6, 2015
Solicitudes de copias certificadas de licencias de matrimonio (Requests for Certified Copies of Marriage License)	Marriage Bureau	October 6, 2015

INTERPRETER DATA PRIVACY STATEMENT

DATA PRIVACY POLICY

Interpreters working for Sussex County Government (the "County") will have access to various types of confidential information. This includes, but is not limited to, personal and financial information acquired from homeowners and homebuyers applying for County programs. One of the most important responsibilities of the County is to ensure that this information remains confidential.

To that end, no Interpreter may knowingly divulge or disclose confidential information obtained while performing interpreting duties unless the County has given its prior written consent or the Interpreter is complying with a valid legal request. Interpreters must treat confidential information in a professional manner so as to avoid disclosure to unauthorized persons.

The obligation of the Interpreter to protect confidential information is an ongoing obligation and shall survive the termination of the Interpreters' employment or relationship with the County.

I have read, and understand the above privacy statement and agree to ensure the confidentiality of any information obtained during the providing of interpreting services on behalf of the Sussex County Government.

INTERPRETER

Signed Name: _____

Printed Name: _____

Date: _____

SUSSEX COUNTY GOVERNMENT

Signed Name: _____

Printed Name & Title: _____

Date: _____

DATA PRIVACY POLICY

Translators working for Sussex County Government (the "County") will have access to various types of confidential information. This includes, but is not limited to, personal and financial information acquired from homeowners and homebuyers applying for County programs. One of the most important responsibilities of the County is to ensure that this information remains confidential.

To that end, no Translator may knowingly divulge or disclose confidential information obtained while performing translation duties unless the County has given its prior written consent or the Translator is complying with a valid legal request. Translators must treat confidential information in a professional manner so as to avoid disclosure to unauthorized persons.

The obligation of the Translator to protect confidential information is an ongoing obligation and shall survive the termination of the Translator's employment or relationship with the County.

I have read, and understand the above privacy statement and agree to ensure the confidentiality of any information obtained during the providing of translating services on behalf of the Sussex County Government.

TRANSLATOR

Signed Name: _____

Printed Name: _____

Date: _____

SUSSEX COUNTY GOVERNMENT

Signed Name: _____

Printed Name & Title: _____

Date: _____

Waiver of Rights to Free Interpreter Services

Free interpreter services are available through Sussex County Government ("the County"). The County offers interpreter services provided by a skilled interpreter who is trained to protect your privacy. That person understands your primary language and also words related to the program or service you are seeking or receiving. Anyone under the age of 18 will not be considered an acceptable interpreter.

There are risks involved if you choose to proceed without the help of an interpreter or to have a family member or friend interpret for you. That person may:

- Have a conflict of interest
- Not know the correct words and give you wrong information
- Add or leave out information
- Learn things about you that you may not want to share
- Tell others about your health condition or life situation
- Misunderstand what your caregiver or service provider says

The risks of using my own interpreter have been explained to me in my own language. I understand these risks and still choose not to have a skilled interpreter. To the best of my knowledge, the person I am using as my own interpreter is over the age of 18 or older.

I understand that this waiver pertains to interpreter services only and does not entitle my interpreter to act as my Authorized Representative. I also understand that the service agency may secure a skilled interpreter to observe the interpreter I choose during the session to ensure the accuracy of the communication and follow-up instructions.

I also understand that I may withdraw this waiver at any time and request the services of a skilled interpreted provided for free by the County.

_____
Client Name (Printed)

_____
Client Name (Signature & Date)

_____
Service Provider (Signature, Title, & Date)

_____
Interpreter (Signature, if present)

Sussex County Community Development & Housing
Limited English Proficient (LEP)/Deaf Client Services
LEP Client Service Record

Case Name	**Case Number**
Interpreter/Translator Services Needed ☐ Yes ☐ No Language:	
List Name & Primary Language of Each Household Member	
Name	**Language**
Person #1	
Person #2	
Person #3	
Person #4	
Person #5	
Person #6	
Person #7	
Person #8	
Signature & Title of Staff Completing Form:	**Date:**
Comments:	

RECORD ALL INTERPRETER/TRANSLATION SERVICES PROVIDED TO EACH LEP AND DEAF/HARD OF HEARING CLIENT, INDICATING THE DATE, NAME OF THE CLIENT SERVED, THE NAME OF THE INTERPRETER/TRANSLATOR, AND TRANSLATED DOCUMENTS PROVIDED				
DATE	**CLIENT NAME**	**SERVICE PROVIDED**	**NAME OF PROVIDER**	**STAFF INITIALS**

*Service Codes:

1	Telephone Interpretation	4	Certified Bilingual Staff
2	American Sign Language Interpreter	5	Certified or Skilled Contracted Interpreter
3	Translated Document	6	Other (Specify)