

Mecklenburg – Union Metropolitan Planning Organization (MUMPO)

LIMITED ENGLISH PROFICIENCY PLAN



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Mecklenburg Union Metropolitan Planning Organization Title VI: Limited English Proficiency Plan

December 13, 2011

Agency:

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Abstract:

Limited English Proficient (LEP) persons are those who do not speak English as their primary language or who have difficulty reading, writing or understanding English. As the Mecklenburg/Union transportation planning area has grown over the last twenty years, it has also become home to a much more diverse population. The Mecklenburg Union Metropolitan Planning Organization must plan for and provide the opportunity for all of its citizens to participate in the planning process fully – regardless of their proficiency in speaking the English language – as required by Executive Order 13166. Consequently, MUMPO has prepared this LEP Plan to augment its Public Involvement Plan and to conduct a U. S. Department of Transportation (USDOT) Four-Factor LEP Analysis that considers the following:

1. The number or proportion of LEP persons who are eligible to be served or likely to be encountered by MUMPO programs, activities or services;
2. The frequency of contact by LEP individuals with MUMPO programs, activities or services;
3. The description and magnitude of the programs, activities or services that MUMPO provides to the LEP population; and
4. The resources available to MUMPO and the overall cost of providing assistance to the area's LEP population.

For more information about this plan, please contact Robert Cook at (704) 336-2205 or rwcook@charlottenc.gov.

Introduction

Most residents in the Charlotte Metropolitan Area speak, write and understand English. The directions that we give, the plans that we prepare and the documents that we report from are all in English. We move through our day with the expectation that when we ask for assistance, information or to purchase goods and services, our requests will be understood and fulfilled. Such is not the case for all residents of our community.

Like the rest of the nation, this area is changing rapidly. There are many residents of our community - and more coming - for which English is, at best, a second language and not the primary language spoken within their homes. For these individuals, language is a barrier as they carry on their daily responsibilities, conduct business, request medical assistance, make purchases or get directions for travel. The limited ability that these individuals have to read, write, speak or understand English makes them limited English proficient - LEP.

Since language barriers can inhibit an individuals' ability to access benefits or services, understand or exercise their rights or comply with certain responsibilities - the federal government has made provisions to aid in their protection. Title VI of the Civil Rights Act of 1964 provides that "no person shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

Failure of any federally funded entity to ensure that LEP persons can participate well in or receive benefits from federally assisted programs and activities may violate the Civil Rights Act of 1964 and cause the governmental entity to be subject to federal penalties.

The Mecklenburg Union Metropolitan Planning Organization has long been committed to ensuring that all persons are included in participation of its transportation planning initiatives and programs. This LEP Plan will serve as a guide to identifying those individuals or population groups requiring specialized language services that would otherwise limit or preclude their participation in services, programs or initiatives provided by the MUMPO.

Plan Summary

In conjunction with MUMPO's 2011 Public Involvement Plan: Title VI Expansion, this plan will consider:

1. The number of LEP persons in the MUMPO service area who may be affected by MUMPO transportation plans, programs and services;
2. MUMPO services and initiatives that, by their nature and intent, may be of importance to LEP persons and for which translation services should be provided;
3. Criteria by which interpretation services should be retained for use at meetings, presentations and for written translation of materials into languages other than English; and

4. The development and maintenance of a list of contacts for interpretation services and their referrals within the MUMPO planning region.

This plan was developed to provide guidance to the MUMPO in its consideration and administration of Title VI related activities.

Four Factor Analyses

Factor 1: *Number or proportion of LEP persons eligible to be served or likely to encounter MUMPO programs, activities or services.*

Based on data collected from the US Census Bureau, approximately 38% or 71,040 of the study area’s 184,341 persons who may speak another language other than English in their households, qualify as Limited English Proficient by definition. Because of the broad array of MUMPO projects across the region, all of the listed LEP population could be served by or encounter a MUMPO program, activity or project.

The largest subpopulation within the LEP population was that of Spanish speaking, which has 56,242 LEP persons 5 years and older. MUMPO’s LEP efforts, at this time, will be focused on that population. The remaining LEP population that did not speak English well was within language categories such as Indo-European, Asian and Pacific Islander languages. It should be noted that the areas’ small Native American population is also included in that number but English is not a second language for that ethnic group.

Languages Other than English Spoken at Home within LEP Populations

Indo-European Languages	Asian & Pacific Islander Languages
Spanish	Vietnamese*

The region’s growing Vietnamese population will be monitored for inclusion as a LEP population over time.

Factor 2: Frequency with which LEP individuals come in contact with MUMPO programs, activities or services.

The MUMPO staff assesses the frequency at which staff has or may have contact with LEP persons. This includes documenting phone inquiries and can include surveying attendees at public meetings. No LEP requests have been received at this point. Documentation of LEP requests will be done at least annually upon implementation of the LEP plan.

Factor 3: Nature and importance of the program, activity or service provided by the MUMPO to the LEP population.

To assess the nature and importance of the programs, activities and services provided by MUMPO to LEP and general community, an internal review was conducted and an external survey will be conducted.

Internal Review

MUMPO staff evaluated internal programs and services based on MUMPO's function as the regional entity responsible for transportation planning in the Charlotte Region, the potential public interest, and the impact upon the quality of life of the public by MUMPO initiatives. Consequently, it was determined that the following documents should be considered vital documents:

- Long Range Transportation Plan
- Transportation Improvement Plan
- Unified Planning Work Program
- Public Participation Plan

Staff will seek partnering organizations proficient in Spanish to provide information about MUMPO plans and programs. MUMPO will, as appropriate, seek organizations proficient in other languages as those populations increase within the service area. Likewise, translation and/or interpretation services for Spanish and other languages will be considered upon request and in coordination with partner agencies in the region. Public meeting notices may be classified as vital documents requiring translation services. To facilitate the translation process for public meeting notices, the staff will prepare a template – in English – for necessary documents and share with appropriate contractors for translation into primary LEP language(s).

External Review

Externally, public outreach efforts will be made within identified language communities. Community groups or organizations such as the *International House*, *ENLACE*, *Mi Casas*, *Su Casa*, the *Latin American Coalition* and others will be contacted for their input. Through this outreach, MUMPO staff will provide community groups a synopsis of the primary purpose and functions of the Mecklenburg Union Metropolitan Planning Organization and ask what the key issues, programs, services and activities they perceive as critical. These will be noted in the transportation planning process and sent forward to the appropriate agencies and/or localities as applicable.

Factor 4: Resources available to the MUMPO and overall costs to provide LEP assistance.

The MUMPO operates with a staff of three. Consequently, the efforts necessary to provide ongoing LEP assessment activities will place a considerable burden on staff. Staff will therefore seek Spanish-speaking volunteers within the jurisdictions to assist with interpretation when warranted and appropriate. Those individuals, as well as organizations or companies specializing in Spanish translation, will be listed in a directory or a Mecklenburg Union Metropolitan Planning Organization Limited English Proficiency (LEP) Employee Guide when developed.

Title VI Contact Information

Mecklenburg Union Metropolitan Planning Organization
Mr. Robert Cook, Secretary
600 E. Fourth Street
Charlotte, N. C. 28202
Phone: (704) 336-2205
rwcook@charlottenc.gov

Title VI Information Dissemination and Display

Title VI information shall be prominently and publicly displayed at the MUMPO offices. Contact information related to Title VI will be made available on the MUMPO website at www.mumpo.org.

Title VI information shall be disseminated to MUMPO employees (during orientation and MUMPO employees will be expected to refer to it when planning or initiating communication with individuals or groups within LEP populations). This information should also be reviewed by the appropriate policy boards. A statement of the MUMPO Title VI policy should be included on all materials and correspondence as a statement of their responsibility and intent regarding Title VI.

New employee orientation will include provisions of Title VI and the MUMPO's expectations to that regard. MUMPO employees shall receive a copy of the LEP Plan and be required to sign an acknowledgement of its receipt. (Appendix A)

Subcontracts and Vendors

Subcontractors and vendors desiring to work for and receive payment from MUMPO where funding originates from any federal assistance are likewise subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended.

Contracts and bid specifications packages shall include non-discrimination statement that shall be signed by the contractor.

Record Keeping

The MUMPO Secretary will maintain all pertinent records including signed acknowledgments of receipt from MUMPO employees and contractors, copies of Title VI complaints or lawsuits and related documentation and records, copies of investigation materials and of correspondence to and from complainants.

Title VI Complaint Procedures

Complainants may file a complaint in writing within one hundred eighty (180) days from the date of any alleged discrimination. The following should be included:

- Name
- Address and contact information (preferred phone number and email)
- Detail: time, place and detail of discriminatory account.
- Name and contact information of witnesses

Complaints should be submitted on the Title VI Complaint Form (Appendix B) and filed with:
Mecklenburg Union Metropolitan Planning Organization
Attention: MPO Secretary
600 E. Fourth Street
Charlotte, N. C, 28202-2853

Complainants are encouraged to certify all written complaints sent through the US Mail so that it can be easily tracked through the system. If complaints are submitted via facsimile machine, a signed copy of the complaint must still be filed within the required one hundred eighty (180) days.

Complaints alleging discrimination based on race, color, or national origin in a service or benefit provided by MUMPO will be directly addressed by the MUMPO staff and governing body. A letter acknowledging receipt of a complaint will be sent to the complainant. Complainants will also be notified if the complaint is substantiated and a formal copy of any pertinent decision or actions will be attached. MUMPO shall make every effort to address all complaints expeditiously.

MUMPO will send a final written response letter to the complainant. If the claim is not substantiated by MUMPO, a letter to that effect will be sent and the complainant shall have the right to (1) appeal the decision within seven (7) calendar days of receipt of the final written decision or, (2) file a complaint externally with the U S Department of Transportation and/or the Federal Transit Administration (FTA). Every effort will be made to respond within 60 working days of the appeal.

Limited English Proficiency (LEP) Plan

Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency,” directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. This plan is intended to make MUMPO employees aware that the organization’s practices and procedures cannot result in restricting meaningful participation in transportation programs by LEP persons.

Community Outreach

As an organization receiving federal funding, MUMPO has:

- Prepared an expanded Public Involvement Plan that focuses on outreach to Black, Latino and low-income communities for participation in MUMPO initiatives; and
- Public posting of all MUMPO meetings in local media and on the MUMPO website.

Population Changes in the MUMPO Planning Area

Over the last twenty years, Mecklenburg and Union counties, and in particular the Cities of Charlotte and Monroe, have seen major increases in the Latino or Spanish speaking population. The Asian population is, while fewer in number, is also growing fast.

MUMPO (Non-Black) Minority Population	2010	% Of Population	Rate of Change 2000 - 2010
Asian (Includes Native American and Alaskan Natives)	50,122	4.5%	307%
Black	306,797	27%	107%
Latino/Hispanic	133,131	11%	1730%
Total	183,253	16%	

More concerning, the 2010 Census indicates that within a great percentage of those households, English is either not the primary language spoken at home and/or English is not spoken very well by members of the household.

Changes in MUMPO LEP Population			
Population	1990	2000	2005 - 2009
≥ 5 Years: Language other than English spoken at home; English spoken less than very well	10,992	48,901	71,040
≥ 5 Years: Language other than English spoken at home.	29,670	93,814	145,498

Of the 183,253 persons identifying as Asian or Latino in the 2010 census, 38% speak a language other than English in their home and speak little if any English. Seventy-nine (79%) of those identifying as minorities other than Black speak a language other than English in their homes.

Maps identifying areas within MUMPO planning jurisdiction that are highly populated by LEP persons will be attached and should be used when determining materials and specialized staff needed for the planning session or event. Maps to illustrate these areas are attached.

Documentation of Contact with LEP Persons

MUMPO staff will document the frequency of contact or service requests or information from LEP persons. A log should be created for documentation of such contact - whether by phone or direct contact, at MUMPO's offices.

Inquiries by LEP persons should be reported to MUMPO staff for appropriate follow-up regarding resolution to concerns or inquiries.

Language Assistance

Persons for which English is not their primary language and for which reading English is problematic, are at an immediate and constant disadvantage in maneuvering through day-to-day tasks. Interpretation assistance should be made available where possible and response to the LEP persons' translation needs should be as seamless as possible.

Planned responses should include but not be limited to:

Creating a list of staff and their contact information for use by reception staff serving MUMPO on an ad hoc basis; and

Providing written materials translated into appropriate languages, primarily Spanish, with general information that may assist LEP persons with directions until an interpreter can be located;

MUMPO staff should establish list of interpreters and the cost for their service for use at public meetings, interviews, etc. Interpretation and translation services should be an on-going part of meeting plans, plan development and meeting preparation. Fees for interpretation and written translation should be a part of MUMPO's annual operations budget.

Translation of Documents

The choice of a translation service is an important one. Much like pronouncing someone's name correctly indicates a level of respect for that person - so does the proper and accurate translation of documents into a language that they can understand - indicate the seriousness with which their participation is taken.

The ability to read or write “a little” Spanish or any other language - should not be qualification enough to take on such a task. A good translator or interpreter will understand the nuances of the language in “today’s terms” so that LEP persons are neither inadvertently offended nor misled by the information that they receive.

The resources listed below are in Charlotte. Others exist in other parts of Mecklenburg and Union Counties as well as in the City of Monroe. Any service should be check by the Better Business Bureau and the Latino or Asian Chamber of Commerce to avoid problems with translation accuracy as well as customer service. This list should be expanded based on references from with in the LEP or ESL community.

Name	Address	Phone	E mail
Choice Translating, Inc.	112 S. Tryon St. Suite 1500 Charlotte, NC 28202	(704) 717-0043	michelle.m@choicetranslating.com
International House	322 Hawthorne Ln. Charlotte, NC 28204	(704) 333-8099	info@ihclt.org

When staff prepares a document or report for public distribution and when meetings are scheduled for which target audience is expected or desired to include LEP individuals, then marketing materials, flyers, web site notifications, agendas, etc. should be translated into the language know by the LEP population.

Likewise, phone notices for key meetings that require public review and input should be provided in the language of the known LEP population.

Staff Training

MUMPO should seek assistance from existing organizations, including and not limited to, the Asian and Latino Chamber of Commerce, the Latin American Coalition, the International House, Tu Agencia Latina and Crisis Assistance Ministry (Monroe).

Evaluation

Evaluation cards that request feedback from LEP persons should be distributed at meetings left in reception areas and other MUMPO events when LEP persons’ participation is sought. Information should be translated into the LEP persons’ recognized language and request the following:

Mecklenburg Union Metropolitan Planning Organization
Service Evaluation

Date:

Thank you for allowing us to serve you. So that we can provide the best possible service, please share with us any comments regarding your experience today.

1. Were your questions answered? Yes No
2. Was the staff courteous? Yes No
3. Would you attend a MUMPO
meeting in the future? Yes No

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