

**LIMITED ENGLISH PROFICIENCY (LEP) PLAN
FOR SARPY COUNTY, NEBRASKA**



February 2018

Revised 2021

Limited English Proficiency Plan

- I. **Purpose and Authority:** The purpose of this Limited English Proficiency Plan (“LEP”) is to clarify the responsibilities of Sarpy County departments receiving federal financial assistance and to assist them in fulfilling their responsibilities to LEP persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. This Plan 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 (prohibiting national origin discrimination by recipient of federal financial assistance). This Plan also serves to show Sarpy County’s commitment to ensure meaningful access to and an equal opportunity to participate in all Sarpy County programs by persons with limited English proficiency. LEP persons are those individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.

- II. **Plan Objective:** Sarpy County will provide meaningful access to LEP persons for all Sarpy County programs and activities.

- III. **Plan:** Sarpy County has developed this Plan to help identify reasonable steps to ensure LEP persons meaningful access to Sarpy County programs and activities. This Plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training, how to notify LEP persons that assistance is available, and information for future plan updates.
 - a. To decide whether Sarpy County is obligated to provide language assistance to LEP persons, Sarpy County shall consider:
 - i. Number or proportion of LEP persons eligible to be served or likely encountered by the Sarpy County program, activity or service. This analysis will include:
 1. Current and past experiences with LEP persons encountered by the department's staff.
 2. Most recent U.S. Census Bureau data regarding languages spoken in Sarpy County as well as those individuals who self-identified that they spoke English less than “very well.”
 - ii. Frequency with which LEP individuals come in contact with the Sarpy County program, activity or service.
 - iii. Nature and importance of the program, activity or service provided by the County.
 - iv. The resources available to Sarpy County and overall costs. Sarpy County departments shall assess their available resources that could be used for providing LEP assistance. This shall include identifying what staff and volunteer language interpreters are

readily available; how much a professional interpreter and translation service would cost; which documents should be translated; which organizations the department could partner with for interpreter and translation services or outreach efforts; which financial resources could be used to provide assistance; and what level of staff training is needed.

- b. Plan for providing language assistance.¹
 - i. Below are tools that may be used by Sarpy County departments to help identify persons who may need language assistance:
 - 1. When records are normally kept of past interactions with members of the public, the language of an LEP person may be included as part of the record.
 - 2. Have language identification cards or Census Bureau "I speak cards" at customer service counters in Sarpy County departments which invite LEP persons to identify their language needs to staff. While staff may not be able to provide interpreter and/or translation assistance at the initial contact with an LEP person, the cards are a good tool to identify language needs for future contacts.
 - 3. Posting notices in commonly encountered languages notifying LEP persons of language assistance to encourage LEP to self-identify.
 - 4. Evaluate current and potential over-the-phone interpretation service vendors to expand services to additional departments.
 - ii. Language assistance measures.
 - 1. When an interpreter is needed, in person or on the telephone, staff should first determine what language is required. Staff may be able to assist with written communications from LEP persons. If staff cannot, private interpreter services may provide interpretation or translation services for a fee.
 - 2. Use of informal interpreters, such as family or friends of the LEP person seeking service, or other customers, is discouraged, with minor children generally prohibited from acting as interpreters. The use of informal interpreters shall be allowed at the insistence of the LEP person or in emergencies, but shall be documented and subject to approval of a supervisor.
 - 3. No staff may suggest or require an LEP person provide an interpreter in order to receive services.

¹ To be implemented within a reasonable timeframe upon determining that Sarpy County is obligated to provide language assistance to LEP persons. See, Section III(a).

- iii. Staff training: Offices and Departments that are open to the public and have frequent public contact as determined on a case-by-case basis will be educated on procedures and services available. LEP Plan information will also be a part of the staff orientation process for new employees with public contact. Training topics may include the following:
 - 1. Sarpy County LEP Plan and procedures;
 - 2. Understanding Title VI LEP responsibilities;
 - 3. What language assistance services Sarpy County offers;
 - 4. Use of LEP language identification cards or "I speak cards";
 - 5. How to use interpretation and translation services and which services are available;
 - 6. Documentation of language assistance requests; and
 - 7. How to handle a complaint.

- iv. Offices and Departments with public contact shall maintain a log and specify the following for encounters with LEP persons:
 - 1. Date of encounter;
 - 2. Staff member(s) who interacted with LEP person(s);
 - 3. Language identified; and
 - 4. Whether interpretation/translation services were provided.

- v. Notice of available language services:
 - 1. Posting signs that language assistance is available in public areas such as intake areas, customer service areas and other entry points to Sarpy County departments.
 - 2. Statements may be placed in outreach documents indicating that language services are available from Sarpy County. Such statements could be placed in announcements, brochures, booklets, fliers, notices, advertisements, agendas or recruitment information.
 - 3. If a Sarpy County department is presenting a topic that could be of potential importance to an LEP person or if a Sarpy County department is hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, the department may have notices, fliers, advertisements, and agendas printed in an alternative language or provide notices on non-English language radio stations or media outlets about the available language assistance services and how to get them.

IV. Monitoring and Updating the LEP Plan: Human Resources will reevaluate the LEP Plan on a regular basis and will update the LEP Plan at least every three years. The reevaluation will consider changes in demographics, types of services, or other needs when determining the frequency of LEP Plan

reevaluation. Each reevaluation should examine all Plan components and assesses the following:

- a. How many LEP persons were encountered and what languages?
- b. Were their needs met?
- c. What is the current LEP population in Sarpy County?
- d. Has there been a change in the types of languages where translation services are needed?
- e. Is there still a need for continued language assistance for previously identified Sarpy County programs? Are there other programs that should be included?
- f. Has Sarpy County's or a specific Sarpy County department's available resources, technology, staff, and financial costs changed?
- g. Has Sarpy County or a specific department fulfilled the goals of the LEP Plan?
- h. Were complaints received?
- i. Are identified sources of assistance still available and viable?

V. Dissemination of the Sarpy County Limited English Proficiency Plan: Sarpy County will post the LEP Plan on its website at www.Sarpy.com. Copies of the LEP Plan will be provided to any person or agency requesting a copy. Any questions or comments regarding this LEP Plan should be directed to Human Resources.

VI. Complaint Procedure:

- a. Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct shall discuss their concerns with his or her immediate supervisor or Human Resources. In order to have the complaint considered for review, the complainant must file the complaint no later than 60 days after:
 - i. The date of alleged act of wrongdoing; or
 - ii. Where there has been a continuing course of conduct, the date of the most recent act of alleged wrongdoing.
 - iii. In either case (i) or (ii), Sarpy may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.
- b. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed policy violation. In the event that a person makes a verbal complaint to an officer or employee of Sarpy, the officer or employee who received the verbal complaint shall notify the Human Resources Director. In turn, the person who made the verbal complaint shall be interviewed by the Human Resources Director and encouraged to reduce the complaint to writing.

- c. Within 10 calendar days, the Human Resources Director will acknowledge receipt of the allegation.
- d. Within 30 calendar days after receipt of the allegation, if necessary, the Human Resources Director will begin to conduct an investigation of the allegation and will thereafter timely render a recommendation for action in a report of findings. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
- e. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.
- f. Retaliation against an individual for reporting an alleged policy violation or for participating in an investigation, is a serious violation of this policy and will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed. For purposes of this policy, retaliation occurs when an employer takes an adverse action against an individual because he or she engaged in a protected activity.
- g. False and malicious complaints of wrongdoing (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.
- h. Responsive action will be recommended as warranted and may include training, referral to counseling or disciplinary action such as a warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination.
- i. The Human Resources Director will notify the complainant in writing that a resolution has been reached and will advise the complainant of his/her appeal rights.