



Jacksonville Human Rights Commission
117 W. Duval Street, Suite 350
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City Of Jacksonville LIMITED ENGLISH PROFICIENCY (“LEP”) PLAN

OVERVIEW

Limited English Proficiency (“LEP”) is a term used to describe individuals who do not speak English as their primary language, and who have a limited ability to read, write, speak, or understand English. In order to continue to receive federal funds, recipient jurisdictions must provide services to LEP individuals, must maintain an LEP Plan which is continuously monitored, and must certify compliance with LEP obligations to various entities of the federal government from which the recipient jurisdiction receives funding.

The following matrix outlines the law and policies relating to obligations owed to LEP individuals:

LEGAL AUTHORITY FOR LEP COMPLIANCE

Title VI of the Civil Rights Act of 1964

- Federal law
- Enacted in 1964
- Considers all persons
- Contains monitoring and oversight requirements
- Factor criteria is required, no numerical/percentage thresholds
- Provides protection on the basis of race, color, and national origin
- Focuses on eliminating discrimination in federally funded programs

LEP Executive Order 13166

- Federal Policy for Executive Branch
- Signed in August 2000
- Considers eligible population
- Contains monitoring and oversight requirements
- Factor criteria is required, no numerical/percentage thresholds
- Provides protection on the basis of national origin
- Focuses on providing LEP persons with meaningful access to services using the “four factor” analysis

The U.S. Department of Justice (“DOJ”) and various federal agencies have developed guidance concerning the responsibility of recipients of federal funds to LEP individuals. The guidance is provided to ensure individuals in the United States are not excluded from participation in programs, services and activities receiving federal funds simply because they face challenges communicating in English.

The intent of the City's LEP Plan is to ensure meaningful access¹ to programs, services and activities provided or funded by the City where substantial numbers of residents do not speak or read English proficiently. The production of multilingual publications and documents, and/or interpretation at meetings or events, will be provided to the degree funding permits based on current laws and regulations.

A. DETERMINING THE NEED TO PROVIDE LEP ASSISTANCE

As a condition of funding, the City department/division or agency which receives federal funds² must take reasonable steps to ensure LEP individuals are afforded meaningful access to the information, programs, services and activities the department/division or agency provides to the public. There are four factors to be considered in determining "reasonable steps":

1. The number and proportion of LEP individuals in the eligible service area;
2. The frequency with which LEP individuals come in contact with the program, service or activity;
3. The importance of the program, service or activity; and
4. The resources available to each department/division or agency and the overall cost of providing LEP services

Federal guidance suggests recipients have substantial flexibility in determining what language assistance is appropriate based on a local assessment of these four factors.

1. The number and proportion of LEP person in the eligible service area:

One important step towards understanding the profile of individuals who could participate in programs, services and activities and information provided by the City is a review of Census data.

U.S. Census Bureau 2015-2019 American Community Survey data, attached as Exhibits A and B, shows that 48,462 persons, or approximately 38% of the City's population, are LEP individuals. The most recent census data and data on Duval County 9-1-1 calls for which telephone translation services were requested, attached as Exhibit C, suggests that Spanish is the predominant language of LEP individuals within the City. Further review of the most recent Census data and 9-1-1 calls suggests that the next most predominant language for City residents not proficient in English are Tagalog (Filipino) and "Other Asian" languages.

Those languages which fall under the category of "Other Asian" languages are listed on Exhibit B, which indicates that in the City the predominant "Other Asian" languages spoken by LEP individuals are Vietnamese, Chinese, Korean and Cambodian.

¹Meaningful access is defined as "...access that is not restricted, delayed, or inferior as compared to programs or activities provided to English proficient individuals."

²Whether directly, or as a "pass-through" to other recipients/sub-grantees.

In summary, Census data suggests Spanish is the predominant language spoken by LEP individuals in the City, and this prong of the “four-factor analysis” suggests that the City should provide Spanish language resources, with continued monitoring of the need for services in Tagalog (Filipino) and other Asian languages.

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

The next factor to analyze is the frequency with which persons who speak languages other than English interact with City departments/divisions or agencies. To help gauge this metric, a preliminary survey of interactions with LEP individuals will be solicited from each department/division and agency which provides “essential” services (see Section 3 below).

As LEP compliance is an ongoing obligation of recipients of federal funds, future surveys will be solicited from all of the City’s departments/divisions and agencies, and other tools will be used to monitor interactions with LEP individuals.

We also reviewed requests for telephone translation services received by Duval County’s 9-1-1 system. As may be expected, these requests reinforce Census data showing that Spanish is the language spoken by the majority of LEP individuals who interact with City government, with 5,780 requests for Spanish translation services in 2019.³

Evidence gleaned from the staff of the Jacksonville Human Rights Commission (the “JHRC”) and from colleagues in other City departments/divisions and agencies also suggests that requests for language assistance predominantly come from LEP individuals who speak Spanish. In order to continuously monitor the frequency of interactions between LEP persons and each department/division or agency, the JHRC has implemented a procedure for tracking and monthly reporting of language requests.⁴ In fiscal year 2020, the City’s departments/divisions and agencies received 1,983 requests from Spanish LEP individuals and three requests from Portuguese LEP individuals.

JHRC uses a third-party vendor, Language Line Solutions, to initially process requests from LEP individuals for immediate service. Language Line Solutions provides language interpretation in over 200 languages. For more in-depth language interpretation services, the JHRC uses Language Services International Corporation. The JHRC has Pre-Interview Questionnaires available in Spanish as well as housing brochures in Spanish, Tagalog (Filipino) and Russian.

In light of the forgoing, we believe this prong of the “four-factor” analysis militates in favor of making City services available in Spanish, with continued monitoring of the need for services in Tagalog (Filipino) and other Asian languages.⁵

³See Exhibit C.

⁴See Exhibit D.

⁵As to further monitoring, see below.

3. The importance of the service provided by the program:

While all departments/divisions and agencies provide valuable services, many departments/divisions and agencies do not provide programs, services or activities that are considered essential – i.e., the program, activity or service provides immediate or emergency assistance, emergency medical treatment, or services for basic needs (like food or shelter). The majority of essential services provided by the City fall under the operations of the Mayor's Office, in particular the Jacksonville Fire and Rescue Department ("JFRD") and the Jacksonville's Sheriff Office ("JSO"). Perhaps most notable in this regard are emergency management services and emergency medical services, which may truly involve life and death circumstances.

For guidance on hurricane or storm preparation, the City's Emergency Preparedness Division ("EPD") provides 79 language options on its website, JaxReady.com. The JaxReady mobile application offers access to 9 languages. The Emergency Preparedness Guide⁶ is also available on request in Braille through Disabled Services. All postings on JaxReady.com comply with ADA accessibility regulations.

EPD's website is the City's main avenue to quickly disseminate information in a variety of languages. Due to the translation feature on the website, all announcements made through the Joint Information Center leading up to and after the storm are released on the City's website, COJ.net, which features the same translation services mentioned above and are ADA compliant with regard to screen reading technology. Leading up to the storm, JFRD's Call Center functions are transitioned to 630-CITY, which provides the caller with the option to request language translation if needed.

Shelter openings and resource distribution sites are also posted on the City's website. The Red Cross provides interpreters/translators at evacuation shelters. To assist with communication, shelter kits contain picture boards and signs with common images. The EPD's inventory also includes UbiDuo communication devices.⁷

The majority of the City's recovery functions are performed through FEMA, which offers support online or by phone in multiple languages. The EPD, along with 630-CITY, provides instructions to contact FEMA for individual assistance when necessary. After the storm, instructions to contact FEMA are posted in Spanish in various publications.

⁶The full text of the 2020-2021 Emergency Preparedness Guide is available for translation into 79 different languages by utilizing the Google translate tab at the top of the website. JaxReady.com also has a language selection tab.

⁷The UbiDuo is a communication device that enables deaf, hard of hearing, and hearing impaired people to communicate face to face without any barriers. The device has two keyboards and screen devices that allow a deaf and a hearing person to carry on a conversation.

“Next-level” important programs, services, information and documentation are geared towards the maintenance of home, health and sustenance (and applications to programs and services related thereto) and these, too, mostly fall under the purview of the Mayor’s Office and the Chief Administrative Officer.⁸

The Duval County Court system has contractually provided language services for most languages, including Spanish and Tagalog (Filipino). The court system uses the iPad virtual translator as a back-up plan when an interpreter is not available. The Duval County Court system has a separate contract to provide ASL interpretation and translation services. In addition, the Duval County Court system is in the process of modifying and upgrading the kiosk located on the ground floor of the courthouse. Representatives of the Duval County Court system anticipate that the project will be completed by the end of 2021. Upon completion of the project, the kiosk will offer interactive services in the language of the person’s choice. The Duval County Supervisor of Elections also provides language translation services by telephone if a voter or anyone else requests such services.

As the wide span of programs, services and activities offered by each Department/division or agency makes it impossible to include an evaluation of the importance of each program, service and activity in this document, the JHRC will work with each department/division and agency to identify “important services” under the “four factor” analysis.

4. The resources available to each department/division or agency and overall cost:

Proper analysis of this prong of the “four factor” analysis should address both the available resources and overall costs to each department/division or agency in providing services in languages other than English.

As to resources, each department/division or agency has their own annual budget to draw upon for LEP compliance.

Resources other than financial are also considered. Here, too, each department/division or agency will have different human resources available to provide services to LEP individuals. The City will supplement the resources of each department/division or agency by providing a list of employees who can assist with translation/interpretation for LEP individuals.

As it relates to costs, analysis of this prong requires exploring those measures which can be taken to mitigate the costs associated with providing services to LEP individuals. For instance, all departments/divisions or agencies can achieve economies of scale by collectively sourcing vendors to provide live, telephonic, and video translation services.⁹

Technology improvements continuously drive down the cost of providing translation services, and for non-vital communications designed to impart general information, use of tablet or smart

⁸Most services are provided through the City’s Neighborhoods Department; the Parks, Recreation and Community Services Department; the Kids Hope Alliance, and the Jacksonville Journey.

⁹An ancillary benefit of having a single provider for such services is the relative ease of obtaining metrics relating to the second prong of the “four factor” analysis – i.e., the frequency with which LEP persons come into contact with a City program, service or activity. For more information regarding this, see below.

phone based applications may prove sufficient.

Balancing all of these considerations, the City's representatives believe that the departments/divisions and agencies currently have sufficient resources to provide information and programs, services and activities in Spanish to LEP individuals.

B. MEETING THE NEED TO PROVIDE LEP SERVICES

Once a department/division or agency with LEP obligations has identified "important services" in consultation with the JHRC, they will then need to make resources available to serve LEP individuals. Resources which may need to be employed include (but are not limited to):

- Assistance from readily available and present staff who speak the requested language;
- Assistance from other City staff who speak the requested language and can be made available;¹⁰
- Assistance with translation/interpretation from the person accompanying the LEP individual seeking access to the program, service or activity (to the extent authorized by the LEP individual seeking access to the program, service or activity, with consideration being given to the complexity of the information to be communicated);
- Translation applications/programs available on-line, or on tablets or "smart phones"¹¹;
- Partnerships with the Mayor's Hispanic Advisory Board, the Mayor's Asian Advisory Board, as well as other community and faith based resources;
- "I speak" flash-cards as used by the Census Bureau¹²; and
- "Language Line" type telephonic or internet based translation services.

The appropriateness of using any of the above resources will, of course, depend upon the context and importance of the program, service or activity the LEP individual seeks from the City. We believe that the use of a "Language Line" type service will be of particular benefit for several reasons, including, but not limited to the following:

¹⁰In this regard, the City's Employee Services Department (i.e., Human Resources) will work with 630-CITY to update and maintain a list of languages spoken by employees of each department/division or agency.

¹¹Such as "Google Translate," with recognition of the concerns use of such programs engender as detailed in the federal guidance found at <https://www.digitalgov.gov/2012/10/01/automated-translation-good-solution-or-not/>. While the City recognizes the concerns found at this guidance, we also recognize that the decision whether to use such programs depends on the importance of the information to be conveyed, as well as the continued improvements made to such programs since the issuance of the above guidance on October 1, 2012.

¹²See Exhibit E.

- Immediate initial assessment of the reason the LEP individual is seeking a City program, activity or service;
- Provision of information/assistance without delay, with future provision of information/assistance or services in the language spoken by the LEP individual, as warranted; and
- Ability to track the frequency of interactions with LEP individuals in order to continuously perform the “four factor” analysis.¹³

It is important to underscore that providing services to LEP persons does not mandate immediate translation of all documentation and information in all languages spoken by LEP individuals seeking service. Rather, relevant federal guidance is clear that readily available translated documentation and information is only required of “vital” documents for those languages identified through application of the “four factor” analysis (which, as indicated above, suggests Spanish is currently the sole language).

Federal guidance also sets forth examples of what constitutes “vital” documents¹⁴, which includes (but is not limited to):

- Administrative complaints, release, or waiver forms;
- Claim or application forms;
- Letters of findings;
- Public outreach or educational materials (including web-based material);
- Letters or notices pertaining to statutes of limitations, referrals to other federal agencies, a decision to decline to investigate a case or matter, or closure of an investigation, case or matter;
- Written notices of rights, denial, loss, or decreases in benefits or services;
- Forms or written material related to individual rights;
- Notices of community meetings or other case-related community outreach;
- Notices regarding the availability of language assistance services provided by the component at no cost to LEP individuals; and

¹³In order to continuously monitor the frequency of interactions between LEP persons and each department/division or agency, the JHRC has implemented a procedure for tracking and monthly reporting of LEP requests. The City tracks the date, location and manner of each LEP interaction, how the person identified themselves as a LEP individual, the primary language spoken by the LEP individual, and the number of LEP individuals served.

¹⁴See, e.g., the United States Department of Justice’s LEP Plan available at: <https://www.justice.gov/sites/default/files/open/legacy/2012/05/07/language-access-plan.pdf>

- Certain consent orders, decrees, Memoranda of Agreement, or other types of pleadings or litigation materials, within the discretion of the department/division or agency (or subordinate department).

As there are no uniform standards which would be applicable to all City departments/divisions and agencies, the JHRC will assist each department/division or agency with identifying “vital” documents. In so doing, initial efforts will focus on providing summary information of available services for in-person inquiries, and improved accessibility of online information as to services available for remote access. Identification of “vital” documents will occur in parallel with these efforts.

C. SAFE HARBOR PROVISIONS

Federal law provides a “safe harbor” stipulation so recipients of federal funding can ensure compliance with their obligation to provide written translations in languages other than English with greater certainty.

A “safe harbor” means that if a recipient has created a plan for the provision of written translations under a specific set of circumstances, this will be considered strong evidence of the recipient’s compliance with its written translation obligations under Title VI.

Strong evidence of compliance with the recipient’s written translation obligations under the “safe harbor” provision includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000 persons, whichever is less, of eligible persons to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

The “safe harbor” provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable to provide.

Working with a liaison to each department/division or agency, the JHRC will consult with the department/division or agency on the advisability of the City availing itself of these “safe harbor” provisions.

D. OTHER CONSIDERATIONS

In conjunction with this LEP compliance plan, the JHRC will work with a liaison to each department/division or agency to ensure dissemination of this LEP compliance plan in Spanish, as well as in languages individually requested.

Dissemination will include, at a minimum, posting of this plan, in English and Spanish, on the JHRC’s website and distribution of hard copies to departments/divisions, agencies and

community and faith-based organizations.¹⁵ In short, the City will make all reasonable efforts to effectively disseminate information relating to the rights of LEP individuals under this LEP compliance plan.

A draft of this LEP compliance plan will also be submitted to the Mayor's Office for approval and to the Office of General Counsel ("OGC") for their review for legal sufficiency.

Upon final approval of this LEP compliance plan by the Mayor's Office and OGC, the LEP compliance plan will be distributed to all City departments/divisions and agencies.

E. COMPLAINT PROCESS

The City has implemented a "Title VI Policy and Complaint Procedures."¹⁶ This policy will be made available on-line in Spanish. Additionally, hard copies of this policy, in English and Spanish, will be provided to the liaison for each department/division or agency for further dissemination upon request.

F. FURTHER INFORMATION

Questions, concerns, or comments relating to this LEP compliance plan may be directed to:

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¹⁵This will include making this LEP plan immediately available in Spanish, Tagalog (Filipino) and other Asian languages to the Mayor's Hispanic Advisory Board and the Mayor's Asian Advisory Board.

¹⁶ The City's Title VI Policy and Complaint Procedures may be accessed at <http://www.coj.net/jhrc>.

Exhibit

A

Exhibit B

Exhibit C

Exhibit D

Exhibit

E