

COMMONWEALTH OF PUERTO RICO  
MUNICIPALITY OF CAROLINA  
ADMINISTRATION AREA

*Office of Equal Employment Opportunity*

# **Municipality of Carolina**

## ***Limited English Proficiency (LEP) Plan*** **Guidelines and Procedures**

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# LIMITED ENGLISH PROFICIENCY PLAN

## I. INTRODUCTION AND BACKGROUND

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### A. POLICY STATEMENT

It is the policy of the Municipality of Carolina to take reasonable steps to provide meaningful access to all individuals who wish to access Municipality services regardless of their national origin or limited ability to speak, read, write, or understand English.

Individuals, who have a limited ability to read, write, speak or understand English are limited English proficient, or “LEP.” In compliance with guidance and rules issued by the U.S. Department of Transportation, and Title VI of the Civil Rights Act of 1964, the Municipality of Carolina will take reasonable steps to ensure that all persons have meaningful access to its programs, services, and information, at no additional cost.

An LEP Plan starts with an assessment to identify LEP individuals who need assistance.

Implementation includes the development of language assistance measures, staff training, notification measures to LEP individuals, and monitoring of the plan.

The Municipality of Carolina has a population of 176, 762 habitants, according to the 2010 Census. 98% of the population was Hispanic or Latino Carolina, 63% are considered white and only 22.6% considered themselves to race Black or African American. In the population 5 years and over (168.726 people), 94% speak only Spanish at home, of these 82% reported speaking "not so good" English. Only 5.6% spoke English at home and 0.4% speak a language other than Spanish or English at home. Other languages are Indo-European, which constitutes 0.1%, Asian and Pacific Islander -0.1%, and other languages -0.1%.

### B. WHO IS LIMITED ENGLISH PROFICIENT (LEP)?

LEP individuals do not speak English as their primary language and have a limited ability to read, write, speak, or understand English.

- Many LEP persons are in the process of learning English and may read, write, speak, and/or understand some English, but not proficiently.
- LEP status may be context-specific – an individual may have sufficient English language skills to communicate basic information (name, address etc.) but may not have sufficient

skills to communicate detailed information (e.g., medical information, eyewitness accounts, information elicited in an interrogation, etc.) in English.

### **C. BACKGROUND AND PURPOSE**

- Federal law prohibits national origin discrimination and requires federally assisted agencies to take reasonable steps to provide meaningful access to LEP individuals.
- Language barriers can prevent LEP individuals from receiving meaningful access to Municipality services and information.

This Limited English Proficiency (LEP) Plan serves as a broad outline of the Municipality of Carolina responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with Limited English Proficiency language skills. The plan has been prepared in accordance with, and to meet the legal obligations of, Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq.

Municipality of Carolina has developed this Limited English Proficiency Plan to help identify reasonable steps for providing language assistance to persons with Limited English Proficiency (LEP) who wish to access any Municipality service.

Given the Municipality's wide array of services and extensive federal financial assistance, this plan is not intended to govern all of the specific requirements of the programs which receive Federal funding. Rather, it demonstrates the Municipality's commitments to provide meaningful access to all individuals, regardless of their ability to speak, read, write or understand English.

Numerous Federal Agencies, including the U.S. Department of Transportation, have issued technical assistance and planning tools that are to be used as guidelines in developing comprehensive language access programs. The four-factor LEP analysis was used in preparing this plan.

This plan outlines the ways in which assistance may be provided and how to notify LEP persons that assistance is available. Further, it provides a brief overview of available LEP services and the process for complaint resolution.

## D. FRAMEWORK FOR ASSESSING LANGUAGE SERVICE NEEDS

### Four-factor analysis:

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#### 1. The number or proportion of LEP persons in the service area who may be served or are likely to require Municipality of Carolina services.

The Municipality prepared demographic and service profile maps and charts in order to determine whether transit service is available to minority and low-income populations within the service area. These maps were prepared using Geographic Information System (GIS) technology. Also, these maps and charts were prepared using the 2010 Census information.

In 2006-2010 Puerto Rico Community Survey, the Municipality of Carolina had a total population of 176,762 – 94,898 (53.7%) females and 81,864 (46.3%) males. The median age was 38.1 years. Twenty-three percent (23%) of the population was under 18 years and 16.2% was 65 years and older.

For people reporting one race alone, 64.3% was White; 22.8% was Black or African American; less than 1.0% was American Indian and Alaska Native; 0.4% was Asian; less than 1.0% was Native Hawaiian and Other Pacific Islander and 8.4% was some other race. Only 3.3% reported two or more races.

Ninety-nine percent (99%) of the people in the Municipality of Carolina was Hispanic. One percent (1%) of the people in the Municipality of Carolina was White non-Hispanic. People of Hispanic origin may be of any race.

Six and half percent (6.5%) of the people living in the Municipality of Carolina in 2005-2009 were foreign born. Ninety-three and a half percent (93.5%) was native, including 88% who were born in Puerto Rico; the remaining persons were born in the states or in the US Island Areas (5.5%)

The Municipality of Carolina has a population of 176,762 habitants, according to the 2010 Census. 98% of the population was Hispanic or Latino Carolina, 63% are considered white and only 22.6% considered themselves to race Black or African American. In the population 5 years and over (168,726 people), 94% speak only Spanish at home, of these 82% reported speaking "not so good" English. Only 5.6% spoke English at home and 0.4% speak a language other than Spanish or English at home. Other languages are Indo-European, which constitutes 0.1%, Asian and Pacific Islander -0.1%, and other languages -0.1%.

**Table: Language Spoken at Home  
Municipality of Carolina, Puerto Rico**

Language Spoken at Home	Total	speak English "very well"	Speak English "less than "very well"
Population 5 years and over	<b>168,726</b>	<b>22.6%</b>	<b>77.4%</b>
Speak only English	<b>5.6%</b>	<b>(X)</b>	<b>(X)</b>
Speak a language other than English	<b>94.4%</b>	<b>18.0%</b>	<b>82.0%</b>
Spanish Language	<b>94.0%</b>	<b>17.9%</b>	<b>82.1%</b>
Indo- European Language	<b>0.1%</b>	<b>69.5%</b>	<b>30.5%</b>
Asian and Pacific Languages	<b>0.1%</b>	<b>26.6%</b>	<b>73.4%</b>
Other languages	<b>0.1%</b>	<b>53.7%</b>	<b>46.3%</b>

Source: 2006-2010 American Community Survey 5 Years Estimates (Table: S1601)

Provided that Spanish is the Official Language of the Commonwealth of Puerto Rico, we comply with this section as the information available for the public is in Spanish and the personnel that work with the program speak Spanish fluently.

**2. The frequency with which LEP persons come in contact with Municipality of Carolina services.**

The Municipal of Carolina provides a wide array of services, including: Sistema Intermodal de Transportación Carolinense (SITRAC), Day Care Center, Carolina Bella, Teleservicio Gigante and many others. The Municipality of Carolina assesses the SITRAC frequency with which staff and drivers have or could have contact with LEP persons. This includes documenting phone inquiries and verbally. The municipality has never had a request for interpreters and zero requests for translated documents.

**3. The nature and importance of services provided by Municipality of Carolina to the LEP population.**

As noted above, the Municipality of Carolina provides a wide array of services. There is no large geographic concentration of individuals who did not speak Spanish or English Languages in the Municipality of Carolina service area. SITRAC staff is more likely to meet with individuals who have limited proficiency in English at Green route (Isla Verde) covering the tourist area of the town. The majority of the population, 76.9% spoke only Spanish.

#### 4. The resources available to Municipality of Carolina and overall cost to provide LEP assistance.

Municipality of Carolina has resources for providing LEP assistance. In the Department of General Services have assistance to people with limited English skills. This department is who is responsible for monitoring SITRAC service. Also, the Municipality of Carolina have available on all buses, key printed material, in Spanish and English languages. The information includes Civil Rights notes, so as the serving areas with its routes and schedules.

## II. DEFINITIONS

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- Primary Language – The language in which an individual is most effectively able to communicate.
- Interpretation – The act of listening to a communication in one language and orally converting it into another language, while retaining the same meaning. Interpreting is a sophisticated skill needing practice and training, and should not be confused with simple bilingualism. Even the most proficient bilingual individuals may require additional training and instruction prior to serving as interpreters. Qualified interpreters are generally required to have undergone rigorous and specialized training.
- Translation – The replacement of written text from one language into an equivalent written text in another language. Translation also requires special knowledge and skills.
- Bilingual – The ability to speak two languages fluently and communicate directly and accurately in both English and another language.
- Direct Communication – Monolingual communication in a language other than English between a qualified bilingual Department employee or representative and an LEP individual (e.g., Spanish to Spanish).

## III. LANGUAGE ASSISTANCE

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- Frequently survey drivers and other first line staff of any direct or indirect contact with LEP individuals;
- The supervisors hired to monitoring the routes of the SITRAC are English and Spanish speaking persons. On their working hours, besides supervising the services, also maintain continuous communications with the drivers, just in case of any bilingual assistance is required.
- As measure of language assistance the Municipality of Carolina will implement LEP procedures. The creation of these steps are based on the very low percentage of persons

speaking other language than Spanish\* or not speaking Spanish\* at least “well”, and the lack of resources available in the Municipality of Carolina service area.

LEP individuals will be informed of the availability of language assistance services at the point when it appears that the person is not able to communicate in English. Once identified, staff has the following assistance options available:

- locate an interpreter from within their department
- contact language line or an equivalent telephone interpreter service electronic translation programs (Google translate and other smart phone applications)

Services will be provided at no cost to LEP individuals.

## IV. COMPLAINT RESOLUTION

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If a person believes they have been discriminated against because of the person’s LEP status by any provider of the services of the *Sistema Intermodal de Transportación Carolinense (SITRAC)*, or while applying for or receiving services from Municipality of Carolina, he/she may file a complaint. Additionally, if an LEP individual disagrees with any action by the County in relation to interpreter services, he/she is encouraged to attempt to resolve the issue informally with the staff person involved and/or a supervisor. If unable to solve at that level, he/she has the right to file a complaint with the Office of Equal Employment Opportunity.

### *Procedure*

Complaints should be addressed to:  
Office of Equal Employment Opportunity  
PO Box 8  
Carolina, PR 00986-0008  
787.757.2626 ext. 8243

1. A complaint should be filed in writing or verbally, containing the name and address of the person filing it, and briefly describing the allegations of non-compliance by Municipality of Carolina or any actions by Municipality of Carolina that would be prohibited by federal and state civil rights law.
2. A complaint should be filed within 180 calendar days after the complainant becomes aware of the alleged violation.
3. An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be conducted by the Office of Equal Employment Opportunity or his/her designee. Such

investigations will be informal and thorough, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

4. Request form for Title VI complaints in the Office of Equal Employment Opportunity of the Municipality of Carolina, located on the 3th Floor of the City Hall.
5. All complaints of alleged discrimination against because of the person's LEP status, occurred in the transportation services offered by the SITRAC, will be recorded in the database program of the Office of Equal Employment Opportunity and immediately given a number of complaints.
6. The Municipality of Carolina has 90 days to investigate the complaint. Title VI Officer will assess the complaint and provide the appropriate guidance to the person(s) that submit the complaint. In cases where additional information is requested for the assessment or investigation, the Title VI Officer will report in person or in writing (depending on the case), to the complainant the information needed. The complainant has 15 business days from the date of the letter to send request information to the Title VI Officer. If the Title VI Officer is not contacted by the complainant or does not received the additional information within 15 business days, the Office of Equal Employment Opportunity can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.
7. After the Title IV Officer reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding. A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed.
8. A letter of finding summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur. According to information received, the Title VI Officer will determine, under the applicable laws and regulations, if the compliant is an appropriate one or if it is an unfounded complaint.
9. If the complainant wishes to appeal the decision, she/he has 45 days after the date of the letter or the letter of finding to do so.
10. A person may also file a complaint directly with the **Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.**
11. The Office of Equal Employment Opportunity or his/her designee will submit information about the complaints that are filed with Municipality of Carolina alleging discrimination in service delivery to the Office for Civil Rights (see below) and any other appropriate State or Federal Agency as required.

**Federal Transit Administration  
Office of Civil Rights  
Title VI Program Coordinator  
East Building, 5<sup>th</sup> Floor – TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590**



## V. NOTIFICATION TO LEP PERSONS

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In accordance with Title VI regulations, the public must be informed of their rights. Municipality of Carolina provides notice to LEP persons through various practices including:

- Notice of the availability of language assistance and translation services on Municipality website.
- Documents (e.g., flyers, press releases and brochures) that describe an LEP person's right to access, Municipality of Carolina services, translated into other languages.
- Display advertisements in ethnic media outlets to promote the availability of language assistance services.



Commonwealth of Puerto Rico  
Municipality of Carolina  
Administration Area  
*Office of Equal Employment Opportunity*

### LEP LANGUAGE ACCESS PUBLIC COMPLAINT FORM

Title VI, 42 U.S.C. 2000d et seq., enacted as part of the 1964 Civil Rights Act requires that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving federal financial assistance".

Please Print Clearly

Today's Date: \_\_\_\_\_ Primary Language: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: (home) \_\_\_\_\_ (Cell): \_\_\_\_\_

Name of person affected: \_\_\_\_\_

Address of person affected: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Date of alleged occurrence: \_\_\_\_\_

Where did the alleged occurrence take place? Please identify the Municipality Department

Nature of complaint: Lack of assistance in your language Lack of translated materials

Other (please specify):

\_\_\_\_\_

Name of the Municipality employee who tried to assist you:

\_\_\_\_\_

Did you alert Municipality employee of your language preference?  Yes  No

If yes, how? \_\_\_\_\_

Did you request any translated materials from the Municipality department you were accessing?  Yes  No

If yes, how? \_\_\_\_\_

Were the documents translated in your language?  Yes  No

Have you tried to resolve the matter with the Municipality department?  Yes  No

If yes, please provide the following information:

Date when you tried to resolve the matter: \_\_\_\_\_

Name of the individual you spoke with (if know): \_\_\_\_\_

Response form the Municipality department: \_\_\_\_\_

Describe how you were not provided meaningful access to Municipality services and programs:

Please list any and all witnesses names and phone numbers:

What type of corrective action would you like to see take?

Please provide the name of the individual that assisted you in completing this form (If applicable)

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

**SUBMITTING THIS COMPLAINT FORM DOES NOT CONSTITUTE THE FILING OF A CHARGE**

The receipt of this complaint form by the Municipality of Carolina will act the filing date of the complaint.  
Keep a copy for your records

\_\_\_\_\_  
Signature\_\_\_\_\_  
Date\_\_\_\_\_  
Print Name

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Please attach any documents you have which support the complaint and send to:

Municipality of Carolina  
Office of Equal Employment Opportunity  
PO Box 8  
Carolina, PR 00986-0008

The Municipality of Carolina is committed to improving access to its programs, services and activities for individuals who are Limited English Proficient.