

**COMMONWEALTH OF PUERTO RICO  
MUNICIPALITY OF CAROLINA  
ADMINISTRATION AREA**

*Office of Equal Employment Opportunity*



# Limited English Proficiency (LEP) Plan

## Guidelines and Procedures

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## I. GENERAL LANGUAGE ACCESS POLICY

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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.

### B. Purpose And Authority

The purpose of this language access Plan is to make reasonable efforts to eliminate or reduce limited English proficiency as a barrier to accessing Municipality of Carolina programs or activities. This Plan was created by the Language Access Working Group of the Municipality of Carolina, established by the Mayor, which consists of directors and supervisors from each various departments.

This Plan establishes guidelines in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, 65 Fed. Reg. 50,121 (Aug. 16, 2000). These guidelines are designed to be consistent with the standards set forth in the Municipality's initial LEP Guidance, Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency.

It is necessary for Municipality staff to make reasonable efforts to provide timely language assistance services to ensure that LEP individuals have substantially equal and meaningfully effective access to Municipality programs or services.

## C. Definitions

1. *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).
2. *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.
3. *Language Assistance Services* – Oral and written language services needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by the Department.
4. *Limited English Proficient (LEP) Individuals* – Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing)
5. *Bilingual* – The ability to speak two languages fluently and communicate directly and accurately in both English and another language.
6. *Meaningful Access* – Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed or inferior as compared to programs or activities provided to English proficient individuals.
7. *Multilingual staff or employee* – A staff person or employee who has demonstrated proficiency in English and reading, writing, speaking, or understanding at least one other language as authorized by his or her component.
8. *Primary Language* – An individual's primary language is the language in which an individual most effectively communicates.
9. *Program or Activity* – The term "program or activity" and the term "program" mean all of the operations of the Department.
10. *Qualified Translator or Interpreter* – An in-house or contracted translator or interpreter who has demonstrated his or her competence to interpret or translate through court certification or is authorized to do so by contract with the Department or by approval of his or her component.
11. *Sight Translation* – Oral rendering of written text into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.

12. *Translation* – The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
13. *Vital Document* – Paper or electronic written material that contains information that is critical for accessing a component’s program or activities, or is required by law.

## II. BACKGROUND

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The Municipality of Carolina has a population of 165,040 habitants, according to the U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates. 98.8% of the population was Hispanic or Latino Carolina, and the 61.1% are considered white alone and only 25.6% considered themselves to race Black or African American.

In the population 5 years and over (**156,811** people), 92.3% speak only Spanish at home and 7.3% spoke English only at home and other languages are Indo-European, which constitutes 0.2%, Asian and Pacific Islander 0.1%.

### a. Executive Order 13166

On August 11, 2000, the President issued Executive Order 13166, Improving Access to Services by Persons with Limited English Proficiency. On the same day, the Assistant Attorney General for Civil Rights issued an initial LEP Policy Guidance.

The Executive Order has two broad objectives: The first directs each federal agency to develop and implement a system to ensure that LEP individuals can meaningfully access the agency’s federally conducted programs and activities; the second directs federal agencies providing federal financial assistance to issue guidance to recipients of such assistance regarding their legal obligation to ensure meaningful access for LEP persons under the national origin nondiscrimination provisions of Title VI of the Civil Rights Act of 1964 and implementing regulations. In short, Executive Order 13166 tasks the Municipality with improving accessibility for LEP persons in all DOJ programs and activities and ensuring that those entities that receive funding from the Municipality do the same.

### 1. 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.

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.

## 2. Framework for Assessing Language Service Needs

### A. Four-factor Analysis:

#### 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 data analysis using the information provided by U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates. To prepare the maps, Geographic Information System (GIS) was used.

The Municipality of Carolina has a population of 165,040 habitants, according to the U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates. Of the total population, 79,944 are male and 89,096 are female. The median age is 38.5.

Five percent (5.05%) of the people living in the Municipality of Carolina are foreign born. Ninety-three percent (93.8%) are native, including 88.19% who were born in Puerto Rico; the remaining people which are 6.20% were born in the states or in the US Island Areas.

About the race category, 150,741 (91.3%) reported one race and 14,299 (9.5%) two or more races. Of the total population, 98.8% (163,072) are Hispanic or Latino and 1.2% (1,968) Not Hispanic or Latino.

The median income of households in the Municipality of Carolina is \$28,611. Sixty-eight percent (68%) of the households (44,184 from 64,408 occupied households) received earnings, 39.7% received Social Security, and 21.1% received retirement income other than Social Security. The average income from Social Security is \$13,389. These income sources are not mutually exclusive; that is, some households received income from more than one source.

The population for whom poverty status was determined is 165,040 habitants. The percentage of people, whose income is below poverty level, are 29.9% and this percentage represents one of each three individuals. Of the total people below poverty level, 20,663 (27.3%) are male and 28,442 (32.1%) female. Forty-four percent (44.1%) of related children under 18 were below the poverty level, compared with 24.8% of people 65 years old and over. Those individuals under 150 percent of the local poverty level were estimated in 76,241 persons.

Among people of five years and over (156,811) the most common language of the Carolina population is Spanish with 92.3% of these, 27% reported speak English less than “very well”. Only 7.3% spoke English at home. Other languages are Indo-European, which constitutes 0.2% and Asian and Pacific Islander with another 0.1%.

**TABLE 2: LANGUAGE SPOKEN AT HOME  
MUNICIPALITY OF CAROLINA, PUERTO RICO**

Language Spoken at Home	Total	Percent	Speak English less than “very well”
			Total
Population 5 years and over	<b>156,811</b>	<b>100.0%</b>	<b>42,353</b>
<b>English only</b>	<b>11,429</b>	<b>7.3%</b>	<b>(X)</b>
Language other than English	<b>145,382</b>	<b>92.7%</b>	<b>30,924</b>
<b>Spanish Language</b>	144,736	92.3%	30,576
<b>Indo- European Language</b>	380	0.2%	185
<b>Asian and Pacific Languages</b>	149	0.1%	95
<b>Other languages</b>	117	0.1%	68

Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates.

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

The Municipality 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 in the Municipality of Carolina, 92.3% 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.

As noted above, in the Municipality 27% (42,353) of the population (156,811) 5 years and over speak English less than "very well". Taking into consideration this fact, the Municipality translated in Spanish the main documents related with the obligations and dispositions of the Title VI Program. Some of the documents translated were: written notices of rights, benefits of the Program, and notice of a person's rights under Title VI, among others that provide access to essential services.

##### a. Translation of Municipality

###### 1. Translating Vital Documents

The Municipality prioritizes translation of vital documents. Classification of a document as "vital" depends upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner. The determination of what documents are considered "vital" is left to the discretion of individual components, which are in the best position to evaluate their circumstances and services within their language access planning materials.

Essentially, there are two distinct types of vital documents – those that are meant for the general public or a broad audience, and those that are specific communications regarding a case or matter between an individual and the Department. Each component should exercise its discretion in creating a process for identifying and prioritizing vital documents or texts to translate. Components should also ensure that all translations are completed by qualified translators.

Documents that may be considered "vital" may include, but are not limited to, certain:

- Administrative complaints form;
- Claim or application forms;



- Letters of finding;
- Public outreach or educational materials (including web-based material)
- Letters or notices pertaining to statutes of limitations, referrals to other department, a decision to decline to investigate a case or matter, or closure of an investigation, case or matter;
- 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.

The following is a list of the documents that we have available in Spanish and English:

- Discrimination Complaint Form
- Title VI Public Policy
- Know Your Rights on Title VI
- Title VI Complaint Procedure
- Title VI Complaint Form
- Complaint Form (LEP)
- Limited English Proficient (LEP) Plan

## **2. Translating the Municipality's Web Content**

Components shall take reasonable steps to translate public website content and electronic documents that contain vital information about agency programs and services.

### **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 from 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.