

Cattaraugus County Limited English Proficiency (LEP) Plan

INTRODUCTION

This Limited English Proficiency Plan (The Plan) has been prepared to address Cattaraugus County's (The County) responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency. The Plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, which states that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, states that differing treatment based upon a person's inability to speak, read, write or understands English is a type of national origin discrimination which is covered under Title VI.

It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies that receive federal funds and extends to its sub-recipients.

The County Limited English Proficiency (LEP) Plan can be reviewed in person with the office of County Administration or County Attorney or via the County's website.

PLAN SUMMARY

Cattaraugus County 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 County services. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, or understand English.

This Plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and notification to LEP persons regarding the availability of assistance.

In order to prepare this Plan, Cattaraugus County used the Four-Factor LEP analysis:

1. The number or proportion of LEP persons in the service area who may be served by Cattaraugus County.
2. The frequency with which LEP persons come in contact with Cattaraugus County services.
3. The nature and importance of services provided by Cattaraugus County to the LEP population.
4. The interpretation services available to Cattaraugus County and overall cost to provide LEP assistance. A summary of the results of the four-round analysis is provided below.

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

1. The number or proportion of LEP persons in the service area who may be served or are likely to require Cattaraugus County services:

Cattaraugus County reviewed the American Community Survey 2015-2020, 5-Year Estimates for the County and determined that:

- (a) Cattaraugus County's service area 184 individuals of the overall population speak a language other than English;

- (b) Of those, 36 individuals have limited English proficiency; that is, they speak English less than “very well” or “not at all.” This is less than 1% of the overall population in the service area;
- (c) The Limited English speaking households speak the following languages primarily: Spanish, “Other Indo-European languages”, Asian and Pacific Island languages and “other”. See the table below.

HOUSEHOLD LANGUAGE BY HOUSEHOLD LIMITED ENGLISH SPEAKING STATUS		
Survey/Program: American Community Survey	Product: 2015: ACS 5-Year Estimates Selected Populatio...	CUSTOMIZE TABLE
TableID: B16002	Universe: Households	
	Cattaraugus County (part); New York (part); Salamanca, NY Urban C...	
	Total population	
Label	Estimate	Margin of Error
▼ Total:	2,205	±119
English only	2,021	±111
▼ Spanish:	64	±19
Limited English speaking household	23	±16
Not a limited English speaking household	41	±19
▼ Other Indo-European languages:	44	±19
Limited English speaking household	3	±5
Not a limited English speaking household	41	±18
▼ Asian and Pacific Island languages:	5	±6
Limited English speaking household	5	±6
Not a limited English speaking household	0	±16
▼ Other languages:	71	±25
Limited English speaking household	5	±4
Not a limited English speaking household	66	±23

2. The frequency with which LEP persons come in contact with Cattaraugus County services:

Cattaraugus County reviewed the frequency with which their staff have, or potentially have, contact with LEP persons. This includes documenting phone inquiries or office visits.

- (a) Cattaraugus County has had requests for interpreters and requests for translated program documents from 2017-October 2021, for an average of requests per year across of the county departments as follows:
 - i. Provision of services in the Sheriff’s Office (Jail and 911 system)
 - ii. Provision of services in the Social Services Department (Medicaid application and case maintenance)
 - iii. Provision of services in the Aging Department (intake to coordinating care)
 - iv. Provision of services in the Health Department (providing home care services)
 - v. Provision of services in the Community Services Department (intake, clinical counseling)

3. The nature and importance of services provided by Cattaraugus County to the LEP population.

There is no large geographic concentration of any type of LEP persons in the service area for Cattaraugus County. According to the Census Bureau estimates from 2015-2019 4.7% of resident speak a language other than English at home. See the table below. As a result, there are few social, service or professional and leadership organizations within Cattaraugus County’s service area that focuses on outreach to LEP individuals.

Cattaraugus County’s approximate staff of 1300 is most likely to encounter LEP individuals through office visits, phone conversations, notifications from department staff regarding the results of service delivery, and attendance and participation at public meetings.

All Topics	Cattaraugus County, New York
i Language other than English spoken at home, percent of persons age 5 years+, 2015-2019	4.7%
PEOPLE	
Population	
i Population estimates, July 1, 2019, (V2019)	76,117
i Population estimates base, April 1, 2010, (V2019)	80,337
i Population, percent change - April 1, 2010 (estimates base) to July 1, 2019, (V2019)	-5.3%
i Population, Census, April 1, 2020	77,042
i Population, Census, April 1, 2010	80,317

4. The resources available to Cattaraugus County and overall cost to provide LEP assistance:

Cattaraugus County budgets for interpreter services and document translation each year. Language identification cards have been provided to our departments for assistance in providing services to LEP individuals. Language translation options include professional telephonic interpretation available 24/7 and in-person interpreters on a scheduled basis. Several departments use a portable e-translator for immediate in-field translation services where weak cellular coverage may limit the use of telephonic interpretation.

We employ one full time bilingual Spanish-speaking staff member. Our website allows users to select their language using google translator services.

LANGUAGE ASSISTANCE

Language assistance can include interpretation (that means oral or spoken transfer of a message from one language into another language) and translation (that means the written transfer of a message from one language into another language).

How Cattaraugus County can identify an LEP person in need of language assistance:

- Post availability of interpretation or translation services free of charge in languages LEP persons

would understand.

- Provide language identification cards to assist in identifying that language interpretation services is needed
- Greeting individuals at County locations and events. Conversational interaction with participants can help determine LEP needs for future events.

Language Assistance Measures

Although there is a very low percentage of LEP individuals in Cattaraugus County's service area, the County will take the following actions:

1. Cattaraugus County will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating in English.

2. We will use the interpretation services identified above at the earliest sign of necessity. 24/7 access to an interpreter is available through a contract with Language Line. At the end of this document see a guide for how to contact and interact with a Language Line interpreter.

3. The LEP person may choose to waive their right to a free oral interpreter. These instances should be captured in writing and maintained in Department records. See the end of the document for a form titled "Waiver of Right to Free Oral Interpretation Services", in English, Spanish and Chinese.

- (a) Please note any individual may change their mind at any time and we will provide interpretation services.

TRANSLATION OF DOCUMENTS

Cattaraugus County weighed the cost and benefits of translating documents for potential LEP persons. Considering the expense of translation, the likelihood of frequent changes in documents and the small LEP population, the County has determined it is an unreasonable burden to translate documents at this time. However we will provide translation of documents as requested, at no cost to the individual making the request.

STAFF TRAINING

The information below will be disseminated to staff. Training opportunities on these topics will also be provided:

- Title VI Policy and LEP Responsibilities
- Description of language assistance services offered to the public
- Proper use of interpreter service provider's language identification cards
- Documentation of language assistance requests
- Handling of Title VI/LEP complaints

All contractors and subcontractors performing work for Cattaraugus County are required to follow the Title VI/LEP Guidelines.

MONITORING

Cattaraugus County will update the LEP as required or if there is a significant change. The plan will be reviewed and updated when recent data from the U.S. Census and American Community Survey is available or when it is clear that higher concentrations of LEP individuals are present in the County's service area. Updates to the LEP Plan could include the following:

- The number of documented LEP contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of current LEP population in the service area.
- Determination of whether the need for translation services has changed.
- Determination of the effectiveness of language assistance efforts.
- Determination of the adequacy of County financial resources to fund language assistance needs.
- Determination of the County's compliance with the LEP Plan.
- Determination of the County's processing of LEP complaints.

DISSEMINATION OF CATTARAUGUS COUNTY LEP PLAN

Cattaraugus County will:

- Post signs in County public areas informing LEP persons of the LEP Plan and how to access language services.
- Notify LEP persons of the availability, upon request, of documents in other languages. This should be placed on agendas and public notices and in languages most frequently spoken in Cattaraugus County.
- The LEP Plan and procedure to access language assistance will be posted on the County's website.

COMPLAINTS

If an individual has a complaint of denial or inadequate LEP assistance they may speak with the Cattaraugus County Compliance Officer/Title VI Coordinator at 716-938-2280.

There is also a complaint form in English and Spanish used for Civil Rights Title VI complaints with an English proficiency option. The complaint form can be found on the County's website and can be printed in hard copy through the County's internal document system.

SAFE HARBOR

The following actions will be considered strong evidence of compliance with the County's written-translation obligations:

(a) The County provides written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

(b) If there are fewer than 50 persons in a language group that reaches the 5% trigger in (a), the County does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.