City of Brooklyn Park
Limited English Proficiency Plan

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I. Purpose

The purpose of this plan is to guide staff in providing meaningful access to city services for all Brooklyn Park residents and customers. We aim to ensure that no individual is denied or restricted access due to limited proficiency in English or any disability which may limit communication abilities.

Having these procedures in place will also help us achieve many of our Brooklyn Park 2025 community goals including goals 1c: Our community’s activities, events, and services are inclusive, multicultural and accessible and 6d: City laws are understandable, equitably enforced and relevant to the community.

Finally, this plan puts the city in compliance with federal requirements.

II. Authority

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance

Executive Order 13166 of 2000 Improving Access to Services for Persons with Limited English Proficiency directs agencies to improve and provide meaningful access to federally conducted and assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP).

Department of Justice (DOJ) - Under DOJ regulations implementing Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. (Title VI), recipients of federal financial assistance have a responsibility to ensure meaningful access to their programs and activities by persons with limited English proficiency (LEP). See 28 CFR 42.104(b)(2). For details, go to: https://www.justice.gov/crt/federalcoordination-and-compliance-section-135

Minnesota Human Rights Act, Minnesota Statutes Chapter 363A prohibits discrimination in public services based on race or national origin.
III. Needs Assessment

The City of Brooklyn Park is proud to be home to one of the most diverse populations in the state in terms of race, ethnicity, country of origin and languages spoken. Approximately 28% of residents speak a language other than English at home. According to the American Community Survey, the most spoken languages are Spanish (5.3%), Hmong (5%), and Vietnamese (3.5%).

City staff have access to Language Line telephone interpretation services. The languages that were most accessed in 2018 and the first half of 2019 were: Spanish (66%), Somali (nearly 10%), Vietnamese (6.5%) and Hmong (6%).

<table>
<thead>
<tr>
<th>Language</th>
<th>Calls</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spanish</td>
<td>141</td>
<td>66%</td>
</tr>
<tr>
<td>Somali</td>
<td>21</td>
<td>10%</td>
</tr>
<tr>
<td>Vietnamese</td>
<td>14</td>
<td>7%</td>
</tr>
<tr>
<td>Hmong</td>
<td>13</td>
<td>6%</td>
</tr>
<tr>
<td>Lao</td>
<td>8</td>
<td>4%</td>
</tr>
<tr>
<td>Mandarin</td>
<td>6</td>
<td>3%</td>
</tr>
<tr>
<td>Karen</td>
<td>4</td>
<td>2%</td>
</tr>
<tr>
<td>Oromo</td>
<td>3</td>
<td>1%</td>
</tr>
<tr>
<td>Thai</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>French</td>
<td>1</td>
<td>0%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>213</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Primary non-English languages spoken in the city may change over time. This plan will be updated as new data is available.

IV. Development of the Limited English Proficiency Plan

Staff took the following steps to determine language needs and develop the Limited English Proficiency Plan:

- Analyzed Language Line usage from 2018 and the first half of 2019
- Researched data related to languages spoken in Brooklyn Park
- Surveyed staff on the need for language services and their current uses of them
- Interviewed front desk staff on their experiences working with customers with limited English proficiency and got their feedback on proposed procedures
- Solicited input on a draft plan from the Human Rights Commission and Multicultural Advisory Committee, the City Council and key staff from various departments

V. Definitions

Interpretation – The act of listening to a communication in one language and orally converting it to another language, while retaining the same meaning.
**Limited English Proficient (LEP)** – Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (e.g. speaking or understanding), but still be LEP for other purposes (e.g. reading or writing). Similarly, LEP designations are context-specific: An individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

**Translation** – The replacement of written text from one language into an equivalent written text.

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**VI. Meaningful Access Policy**

No person will be denied meaningful access to any City program, activity, or service because he/she does not speak English or because he or she communicates in English on a limited basis. The City will foster effective communication between its staff and LEP individuals by making appropriate language assistance services available when needed.

This plan covers all City programs, services, and activities. City staff will initiate an offer for language assistance to individuals who have difficulty communicating in English. When language assistance is requested, City staff will offer free interpretation and/or translation services in a language the requesting individual understands, in a way that preserves confidentiality, and in a timely manner. Whenever possible, staff is encouraged to follow the requestor’s preferences.

**VII. Interpreter Services**

City staff will inform all LEP customers of the availability of timely and complimentary interpreter services.

Staff should use language service providers in the following priority order to provide the best customer service and reduce costs:

1. **City bilingual staff**: The City will use its best efforts to assign customers with LEP to a bilingual staff member within that respective Department/Division who can competently communicate with the customer in the customer’s own language.

2. **Contracted interpreter services**: The City contracts with Language Line who provides telephone interpretation in over 200 languages, 24 hours a day, seven days a week. Staff should use Language Line when bilingual staff are not available, when the language is one not commonly encountered by City staff, or when staff is not sure what language a customer speaks. Users of this interpreter service are charged on a per minute basis. City staff should be familiar with the interpreting process before they actually use it. Language Line instructions can be found in Appendix A of this plan.

3. **City staff volunteer interpreter**: When a bilingual staff member is not available in the immediate department, a staff volunteer who is competent in interpreting may assist other City employees with occasional interpretation services, with the permission of their supervisor.
**Maintain list of bilingual staff** - The Community Engagement division will work with departments to maintain a list of bilingual staff. Interpreting is voluntary for staff unless it is in their job description. Bilingual staff who are willing to interpret may provide interpretation services in circumstances such as general inquiries or information related to their department or area of expertise. Bilingual staff shall never be used to interpret/translate technical or legal information/documents.

**Language chart** – Staff will display and use this chart to offer interpretation services and determine the customers’ primary language.

**Notification of right of service** – City staff must ensure that customers with LEP know they have the right to free, timely language services by including an accessibility block.

Example accessibility block: “If you need an interpreter, translation, or other accommodations to access this service, activity or program, please call ________.
Language assistance will be provided at no cost.”

Example accessibility block: Accessibility: “For reasonable accommodations or alternative formats, contact __________.”

How the accessibility block should be used:
- a. On official meeting notices such as City Council, commissions, EDA
- b. Publicizing information regarding a city decision-making process
- c. Information about programs or services receiving federal funding
- d. Notices about critical or urgent information regarding services (snow emergency, emergency management, trash and recycling, etc.)
- e. Notices that have financial implications (fees, fines, license applications, property tax assessment)
- f. Issues that include a significant number or percentage of the LEP population in the service area (frequency and volume of contact and participation in a program or service, road construction)
- g. When possible, important notices should direct customers to city staff who speak the city’s primary languages

**Procedures for LEP interpretation**

In person

Ensure the language chart is displayed at the counter or front desk.

1) If staff is unable to speak in English with a customer, point to the Language Chart and ask: “What language do you speak?”

2) Once they have indicated what language they speak, say “One moment please”, in their language to the extent possible.

3) If appropriate, check if there is another staff person who speaks the indicated language and ask for assistance.

4) In the event you cannot reach anyone or no one speaks the appropriate language, connect with Language Line. Instructions located in Appendix A.
When receiving incoming phone calls

1) Ask if the caller speaks any English. Try to determine the client’s primary language. If possible, say “Please hold” in that language and check if there is a qualified bilingual staff person available in your department who speaks the indicated language.

2) If no one is available, or no one speaks the appropriate language, take the call off hold and connect with Language Line. Instructions located in Appendix A.

At meetings or events

If the city receives a request for interpretation at a meeting or event, we will hire an interpreter.

VIII. Translation services

Translation of documents

According to the Department of Justice’s safe harbor guidance for determining when written documentation of vital documents should be provided, the City should consider translation of vital documents into the city’s primary languages, spoken by 5% or more of the populations. In Brooklyn Park those languages are Spanish and Hmong.

HUD recommends a Four Factor Analysis to be considered for determining which documents are translated.

1. The number or proportion of LEP persons served or encountered in the eligible service population
2. The frequency with which LEP persons come into contact with the program
3. The nature and importance of the program, activity, or service provided by the program
4. The resources available and costs to the recipient

Level of language ability

Some LEP customers may not have the ability to read and understand written materials; therefore, oral interpretation of written materials may be necessary. Interpreters should be aware of variances within a language and should be able to communicate with customers using the appropriate colloquial speech.

City staff will assist LEP individuals who cannot read their preferred language to the same extent as they would assist English-speaking customers who cannot read English.

Contract translation services

The city maintains a list of translation services vendors. Service, rates, and turnaround time vary by vendor and the urgency of the request.

IX. Data Privacy Protection

City employees and agents, including its contractors and partners, may, on occasion, as part of job-related responsibilities, obtain, use, or disclose private or confidential data, including
protected health information, as allowed by law (referred to below, collectively, as “protected information”).

**Minimum necessary access to data**

The City, and its staff and contractors shall comply with the “minimum necessary” access and disclosure standards set forth in the Minnesota Data Practices Act and City policies on data practices. The dissemination of protected information is limited to “that necessary for the administration and management of programs specifically authorized by the legislature or local governing body or mandated by the federal government.” See Minnesota Statutes, §13.05, subd. 3.

**Use of family, friends, or minor children**

The City may expose itself to liability under Title VI of the Civil Rights Act, if it requires, suggests, or encourages the use of untrained interpreters such as friends, family members, or minor children. In addition, use of such persons could result, due to the close personal relationship, in a breach of confidentiality or a customer’s reluctance to disclose personal information critical to the customer’s situation.

If an individual wishes to have family or friends serve as interpreters, whenever possible, staff must keep in mind issues of customer confidentiality, conflict of interest, and interpreter competency. Follow these guidelines:

- Protection of confidentiality and accuracy of interpretation should always be of highest concern, particularly if the interview concerns topics that may negatively affect eligibility for services.

- Always offer free interpreter services, as customer may not be aware interpreter services are available.

- If a customer prefers to have a family member or friend serve as an interpreter, ask if the customer will allow a trained interpreter to listen in to ensure accuracy of interpretation. If the offer is refused, document the offer and refusal, and accommodate the customer’s wishes.

- Minor children should not be used as interpreters, except in serious emergency cases when a minor child is the only available potential interpreter.

- City bilingual staff or contracted interpreters should be used in situations where a customer must answer complicated or detailed questions such as legal, health or technical. If family or friends handle the interpreting, follow-up calls or letters should be done by bilingual staff, or contracted vendors.

- If private information will be disclosed by the customer, please refer to the requirements of the Minnesota Government Data Practices Act. Where required, a Tennessen Warning should be given.
X. Training

The City will distribute the LEP plan electronically and provide training and education so staff will be aware of the plan. The LEP plan information will be incorporated into the onboarding of new employees, and city staff will be made aware of:

- The City’s obligation to provide language assistance
- The substance of the City’s LEP plan, including its guidelines for accessing language assistance services

XI. Monitoring

The City will conduct periodic evaluations of its LEP plan to determine its overall effectiveness. The evaluation will include:

- Current LEP populations in the Brooklyn Park community
- Frequency of encounters with LEP language groups
- If existing assistance is meeting the needs of LEP persons
- Whether staff members know and understand the LEP plan and how to implement it
- Whether current identified sources for assistance are still available and viable
- Assessment of available resources, including technological advances and sources of additional resources, and the costs imposed

XII. Referring agencies

Individuals who have a concern about alleged discrimination will be referred to the appropriate agency, and they also may make contact directly.

Minnesota Department of Human Rights, Freeman Building, 625 Robert Street North
Saint Paul, MN 55155 (651) 539-1100 (Voice) MN Relay 711 or 1-800-627-3529
https://mn.gov/mdhr/


The U.S. Department of Justice Civil Rights Division Coordination & Review Section – NWB 950 Pennsylvania Avenue, NW Washington, DC. 20530-0001 (888) 848-5306 (voice and TTY) https://www.justice.gov/crt/fcs/

Language Line instructions

City of Brooklyn Park

HOW TO ACCESS AN INTERPRETER

■ When Receiving a call:
  1. Use your phone’s conference feature to place the Limited English Proficient (LEP) speaker on hold.
  2. Dial 1-866-874-3972
  3. Provide your Client ID # 5 0 9 2 7 7 (BPPD’s code is 509158)
  4. Select the language you need
     a. Press 1 for Spanish
     b. Press 2 for all other languages and state the name of the language you need
     ** Press 0 for agent assistance if you do not know the language

   You will be connected to an interpreter who will provide his/her name and ID number.

  5. Brief the interpreter. Summarize what you wish to accomplish and provide any special instructions.
  6. Add the LEP onto the call.
  7. Say “End of Call” to the interpreter when your call is completed.

■ Note:
When placing an outbound call to a LEP, begin at Step 2. If you need assistance placing a call to the LEP, Please inform the interpreter or agent at the beginning of the call.

When the LEP is face-to-face with you begin at Step 2. Once the interpreter joins the line, brief him/her and place the phone on “Speaker” mode or pass the handset back-and-forth.

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i ACS 5 year (2013-2017) estimates, table S1601