



PUBLIC AFFAIRS

City Manager

CITY OF DURHAM

City of Durham Proposed Language Access Plan

May 23, 2019

Strategic Plan Alignment

Goal 4: High Performing Organization

Objective: Enable the Community to Effectively Engage with Local Government

Initiative: Develop and Implement a Language Access Plan to provide guidance to departments to help prioritize efforts to improve access.



The Language Access Plan supports Title VI of the Civil Rights Act of 1964

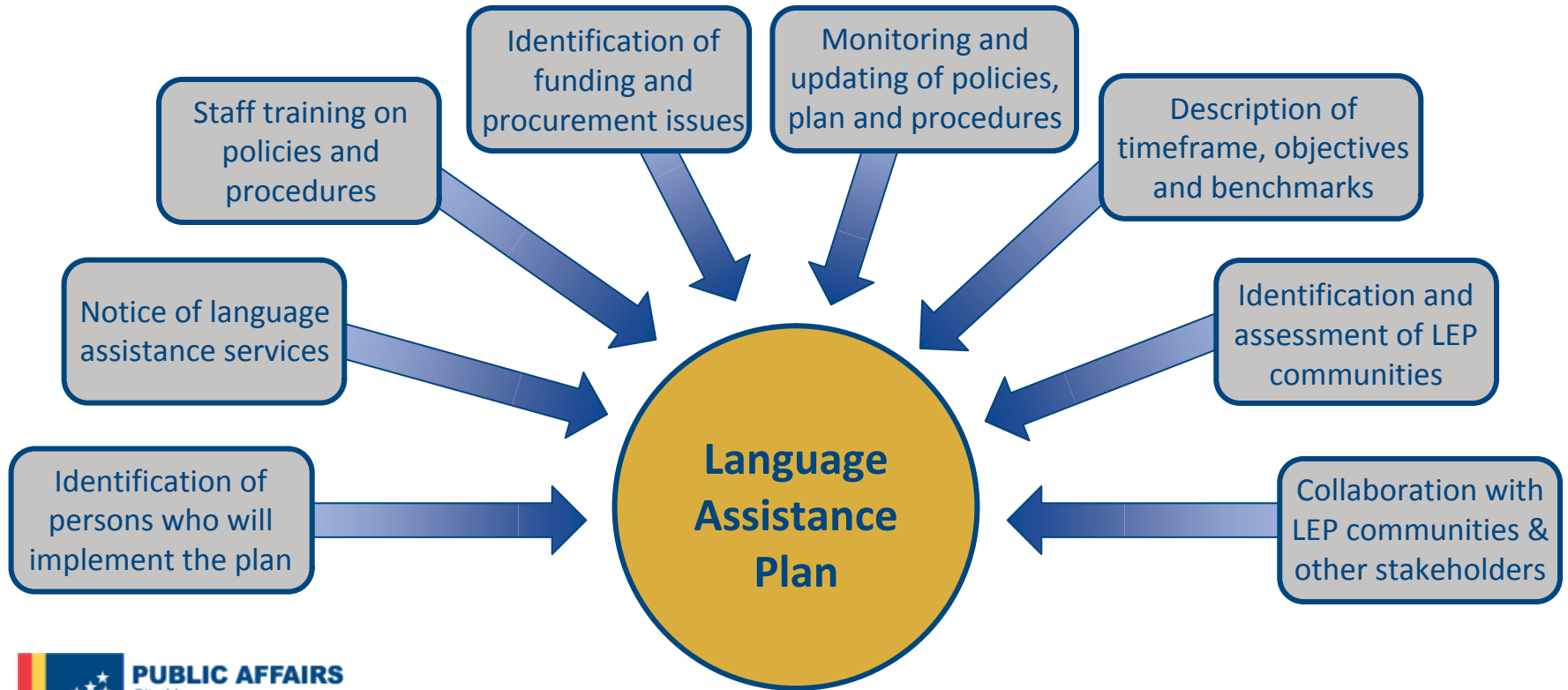
“No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”



Durham Is...

The City of Durham is committed to treating every resident with respect and dignity in the provision of City services regardless of English proficiency. In accordance with this commitment, reasonable steps will be taken to provide “meaningful access” to city services, programs, information and activities and to ensure that the City meets federal requirements under Title VI of the Civil Rights Act of 1964.

Language Access Assessment and Planning Tool



In FY Ending June 30,2018, the City of Durham Spent **\$19.5 million** in Federal Funds

- Community Development - HUD
- Police Department – U.S. Dept. of Justice
- Transportation Dept. – U.S. Dept. of Transportation
- Office of Economic & Workforce Dev. – US-EPA
- NIS – Human Relations, Fair Housing



Primary Purposes

- Show the City's commitment to effectively communicate with all members of the public.
- Serve as a citywide policy on how staff will meet the commitment to providing “**meaningful access**” to persons who speak a primary language other than English.
- Document our efforts in providing these language services to “Limited English Proficiency” individuals.

Who Does this Plan/Policy Affect?

- ✓ The City of Durham, including sub-recipients as defined under federal program requirements.
- ✓ Contractors or services providers receiving applicable sub-grants from the City.

Definitions

- **Limited English Proficiency Person:** Any prospective, potential or actual recipient of benefits or services from the City who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with the provider of services.
- **Vital Documents:** Any documents that are critical for ensuring meaningful access to the City's major activities and programs by beneficiaries generally and LEP individuals specifically. (ex. Applications, consent forms, fair housing information, notices pertaining to denial or termination of benefits, right to appeal such actions, or require a response form.



Interpreting vs Translating

Interpreting



*Interpreters communicate by **speaking**. It's essential that interpreters understand cultural differences in word choice and are able to provide meaning to conversation.*

Translating



*Translators **write**. They do not have to be conversationally fluent in the source language, but they must be fluent in the target language. Translators need to be trained and frequently rely on industry-specific resources.*

Understanding Durham's Needs

For Whom should the City of Durham provide Language Access services?

Limited English proficiency (LEP) groups are defined as:

“Five percent or 1,000 people, whichever is smaller, who speak a primary language other than English and have limited English proficiency.”

Language Access Plan Compliance

Based on the U.S. Census, American Community Survey estimate, **one** population in Durham meets the criteria for LEP.

The City is required to provide interpretation services and translated vital documents to residents who speak:

Spanish
14.3%
population

LEP Spanish speaking
households
10.2%
(4,828 households)*

Current Situation

Internal

- Four departments have five or more weekly interactions with LEP residents, one department with up to 200.
- Fire and Police interact with LEP persons daily.
- Six departments said culture-related barriers even though they provided interpreters.
- Two departments have contracted interpreters.

External

- Lack of interpreters or bilingual personnel at administrative level.
- Fear and lack of trust when providing sensitive info to staff.
- Poor quality of interpretation.
- Lack of knowledge and understanding about city processes and procedures.

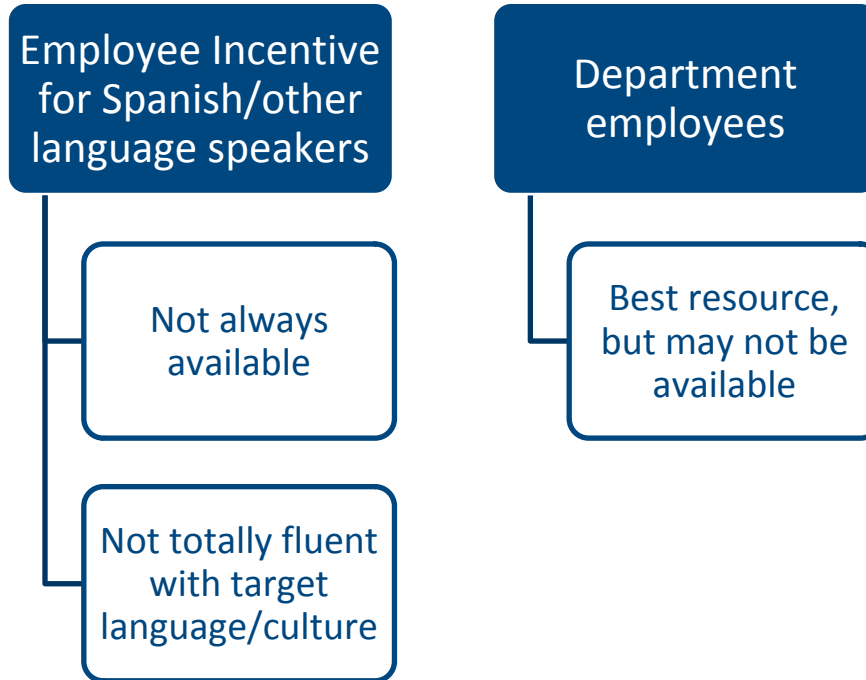
Benchmarking With Other Cities

<p>City Members of the Local Government Hispanic Network (ICMA):</p> <ul style="list-style-type: none">City of Chandler, AZCity of Glendale, AZCity of Mesa, AZCity of Phoenix, AZCity of Gilroy, CACity of Half Moon Bay, CACity of Hayward, CACity of Oxnard, CACity of San Leandro, CACity of Tracy, CAAdams County, CO	<ul style="list-style-type: none">City of Brighton, COBal Harbour Village, FLTown of Golden Beach, FLCity of Miami, FLCity of Palmetto Bay, FLVillage of Pinecrest, FLCity of Evanston, ILCity of Dodge City, KSCity of Tualatin, ORCity of Austin, TXCity of El Paso, TXCity of San Antonio, TXCity of Issaquah, WA	<p>North Carolina Peer Cities:</p> <ul style="list-style-type: none">Asheville, NCCary, NCCharlotte, NCFayetteville, NCGreensboro, NCRaleigh, NCWinston-Salem, NCWilmington, NC
---	--	---

Best Practices

- Most cities provide interpreters at City Council meetings, but only upon request.
- 8 cities pay interpreters
- 11 cities provide language services to LEP individuals using bilingual staff.
- 8 cities either provide incentives for employees who speak other languages or give hiring preference to bilingual applicants applying for customer service positions.

Current Resources



Debunking Myths

- Google Translate – Free, but are sometimes ineffective and unprofessional.
- Cannot capture past, present and future tenses and misinterpret words with double meanings.
- Because of differences in sentence structure, possessives can be lost. Ex. “she returned” may be translated “she had sent it back.”



What does the Plan Provide?

- ✓ Policy language for compliance with Title VI.
- ✓ Consistent guidance and procedures for staff to follow to comply with the LAP.



Resources and guidance to ensure that appropriate efforts are made to provide language assistance to residents who need it:

- City Manager will assign appropriate personnel to coordinate resources and to serve as coordination point in case of a DOJ audit sparked by a complaint.
- Language Service Providers will be contracted to provide interpreters or translation services.
- Guidance for assessing vital documents, website pages, signage will be provided.



Interpreter and Translation Standards

- **Interpreters must:**
 - Meet linguistic and cultural competency standards (ex., fluent in the language of the LEP; basic knowledge of specialized terms and concepts.
 - Accurately and impartially interpret to and from both languages.
 - Be tested for competency to receive language incentive pay.
- **Translation needs:** vital documents, documents that provide information about ADA services, applications for reduced service costs, ADA paratransit, public notices pertaining to Planning activities and vital documents, Title VI statements; Emergency preparedness information.

Provision of Written Translation:

- Ensure that vital documents for local programs and services are translated when there is a “substantial number” population present.
- Ensure appropriate signage, applications, public notices are translated.
- Ensure that vital documents requiring completion by the applicant or recipient is in the LEP person’s primary language.
- Signage notifying the LEP person of their right to oral translation of written notices.

Recommended Language Services Provider

- **Voiance – Advantage:** Statewide Contract, currently contracted with Durham 911.
 - Provides 100s of languages and operates 24/7, toll free and can be used on a tablet, I-pad or smart phone.
 - Pay for the time you use (Spanish: 75 cents/minute)
 - Interpreters are familiar w/terminology for specific areas; for example, fair housing, medical.
 - Translation website: translation.voiance.com (website, video, documents and other media translation and localization).
 - Provides training on how to best use the service.



Local Language Service Provider

- To be on site for meetings.
- Special one-one or group interpretation needs.
- Specialized requests, e.g., voice-over needs.

Documentation of Applicant/Recipient Records

- The City will maintain proper documents/records in sufficient detail to show compliance with the Plan.
 - This includes: waivers, consent forms for the release of information, documentation of the method used to provide bilingual services.
- The City Manager will prepare annual compliance reports, final reports.

Complaints & Investigations

- Complaints, written and verbal will be directed to the City Manager.
- Investigations will be assigned by the City Manager to the appropriate review team or staff.

Benefits of Compliance



Customer Service – providing inclusive service to all residents.



Increasing Engagement – opening the door for all residents to contribute to and participate in City programs and services.



Bridging Gaps – building understanding, instilling trust and creating a stronger, safer community for every resident.



Increasing Efficiency– collaboration between departments, doing the right thing.



Federal Funding – showing clear records if we're ever audited.

Priority Actions & Next Steps

- Implement LAP citywide – create awareness of LAP and what it means.
- Finalize and contract LAP service providers.
- Develop procedures, guidelines and training for use of Language Access Services Providers.
- Review/revise, if needed, current policy for bilingual employees incentive plan.
- Reflect LAP considerations in Human Resources hiring practices.
- Determine LAP Plan coordination point.
- Perform overall assessment procedures for vital documents, signage (including locations and notices of Title VI rights, interpretation cards and website needs.
- Develop procedure to review current policies and other documents to determine translation needs. (ex. Federally funded programs, services, bills.)





PUBLIC AFFAIRS

City Manager

CITY OF DURHAM