

<u>2022 Orange County Title VI Nondiscrimination Policy and Plan Recommendations</u>	<u>Draft Language of Proposed Regulation</u>
<p><u>Definitions</u></p> <ul style="list-style-type: none"> ● “Bilingual Staff” ● “Competent Translators” ● “Interpretation” ● “Limited English Proficient Persons” ● “Recipient” ● “Subrecipient” ● “Translation” ● “Vital Documents” ● “Competent Interpreters” 	<p><u>Definitions</u></p> <ul style="list-style-type: none"> ● “Bilingual Staff” ● “Competent Interpreters” ● “Competent Translators” ● “Designated Languages” ● “Interpretation” ● “Language Access Plan” ● “Limited English Proficient” ● “Translation” ● “Vital Documents”
<p><u>Oral Interpretation and Written Translation</u></p> <ul style="list-style-type: none"> ● According to 2015-19 5 year American Community Survey, there were <ul style="list-style-type: none"> ○ over 120,000 Spanish speaking LEP persons in the County ○ over 17,000 Haitian-Creole speaking LEP persons ○ over 6,500 Portuguese speaking LEP persons ○ over 5,700 Vietnamese speaking LEP persons (p.13) ● Between 2019 and October 2021, the Language Line fielded 196 requests for verbal and virtual interpretation services and the languages requested were Spanish, Haitian Creole, Portuguese, Arabic, and Vietnamese. (p. 15, 20) 	<p><u>Oral Interpretation and Written Translation</u></p> <ul style="list-style-type: none"> ● Defined Designated Languages as top five languages that requested verbal and virtual interpretation services via the County’s third-party Language Line, Between 2019 and October 2021. Currently identified as (1) Spanish, (2) Haitian Creole, (3) Brazilian Portuguese; (4) Arabic; and (5) Vietnamese.

- “For oral language services, or interpretation, DOJ Guidance emphasizes the quality and accuracy of the language service with competent interpreters. Services should also be provided in a timely manner.” (p. 24)

- LEP.gov describes vital documents as follows: ‘A document will be considered vital if it contains information that is critical for accessing the agency’s program or activities or is required by law. Vital documents include, but are not limited to:
 - Documents that must be provided by law
 - Complaint, consent, release, or waiver forms
 - Claim or application forms
 - Conditions of settlement or resolution agreements
 - Letters or notices pertaining to the reduction, denial, or termination of services or programs that require a response from the LEP person
 - Time sensitive notice, including notice of hearing, upcoming grand jury or deposition appearance, or other investigation or litigation related deadlines
 - Form or written material related to individual rights
 - Notice of rights, requirements, or responsibilities
 - Notices regarding the availability of free language assistance services for LEP individuals (p. 25)

- Required to have competent interpreters and competent translators for all designated languages
- County will hire native speaking interpreters for bilingual staff positions

- All vital documents will be translated into the designated languages
- Defined Vital Documents as those connected to a service, program or activity of the population eligible to be served or likely to be directly affected that needs the services or information in a language other than English to effectively communicate. Examples of Vital Documents include, but are not limited to, consent and complaint forms; notices of rights and disciplinary action; notices advising LEP persons of the availability of free language assistance; written tests that assess competency for a particular license, job, or skill for which English competency is not required; applications to participate in a program or activity or to receive benefits or services.

Implementation

- The U.S. DOJ recommends the following strategies:
 - Hire bilingual staff
 - Hire staff interpreter
 - Use telephone interpreter lines
 - Use community volunteers
 - Use family members, friends, other inmates, or other detainees, although it should not be used as a primary strategy and is allowable only in certain circumstances that take into account confidentiality, privacy, or conflict of interest.” (p. 24)
- 2021 internal vital communications survey results demonstrated the County’s efforts to provide meaningful language access were applied inconsistently across Divisions
- The survey further reflected the need for additional review to evaluate how Divisions use the services or resources identified in the County’s 2019 Language Assistance Plan.
 - 18 Divisions of Orange County reported having resources available for LEP persons while **10 Divisions reported that they did not have LEP resources available.** (p. 21-22)
- The County must also improve documentation of the types of documents translated across Divisions and the potential training needs of bilingual staff to be competent translators. (p. 22)
- Table 3 guide shows the inconsistent nature of current language assistance services across the county (p. 22)

Implementation

- Orange County must establish and maintain meaningful and effective communication with LEP persons. As such, departments, divisions, offices and programs shall:
 - Recruit and Hire Bilingual Staff for the Designated Languages;
 - Utilize Bilingual Staff as the primary means of communications with LEP persons who identify one of the Designated Languages as his/her preferred language;
 - Utilize and maintain an Inter Departmental Directory of Bilingual Staff;
 - Offer Interpretation services over the phone or by video conference for all LEP persons, but only when Bilingual Staff cannot be identified;
 - Translate and disseminate Vital Documents into the Designated Languages;
 - Utilize Interpretation services and Translated materials in the Designated Languages at workshops and community outreach events sponsored by the County;
 - Utilize physical “I Speak” cards, posters, and signage in facilities that are open to the public; and utilize digital “I Speak” materials online and via social media, informing LEP persons of their rights to obtain assistance in a language they can understand, free of charge. Cards, posters, signage and digital materials must, at minimum, be provided in the Designated Languages;

<ul style="list-style-type: none"> ● Translation of vital documents under Title VI includes disaster preparedness or emergency information, and the County will continue to evaluate translations completed and needed to protect the safety of all County residents. 	<ul style="list-style-type: none"> ○ Not discourage LEP persons from seeking language access services, nor refuse language access services to such persons; ○ Deliver services in a timely manner, i.e., without delays that are significantly greater than those that English proficient persons experience; ○ In the event of an emergency where Reverse 911 and OCFL Alert are utilized, the County will provide an option to receive the message in the Designated Languages. The County shall make all reasonable efforts to give the notice in additional languages. ○ Critical information, vital documents, and messages distributed to the public during an emergency response, including information distributed via press conferences, online, social media and other digital platforms, will be provided in the Designated Languages. The County shall make all reasonable efforts to provide information in additional languages. ● To ensure quality, consistency, and equity, the County shall provide Interpretation and Translation services through the list of pre-approved vendors distributed by the Procurement Office. ● County Staff will assist LEP persons who cannot read or write in their preferred language to the same extent as staff would assist English-speaking persons who cannot read or write English.
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Notice

- The DOJ Guidance provides several examples of the means of informing LEP persons that language services are available and free of charge:
 - Posting signs in intake areas and other entry points
 - Including statements translated into the most common languages that notify LEP persons language services are available from the agency in the County's outreach documents
 - Working with community-based organizations and other stakeholders to inform LEP individuals of the recipients' services
 - Using a telephone voice mail menu;
 - Including notices in local newspapers in languages other than English
 - Providing notices on non-English radio and television stations about language assistance services
 - Presentations and/or notices at schools and religious organizations. (p. 26)

Notice

- The County will provide notice in the Designated Languages of the availability of language access services by
 - Posting signs in facilities that are open to the public;
 - Posting online, via social media and other digital platforms;
 - Working with community-based organizations and other stakeholders to inform LEP persons of language access services;
 - Utilizing a telephone voice mail menu that provides the Designated Language options within the first 30 seconds of the message;
 - Publishing notices in local newspapers in languages other than English;
 - Broadcasting notices on non-English radio and television stations about language assistance services; and
 - Engaging in presentations and/or providing notices at schools and religious organizations.

Language Access During Public Meetings

- Upon adopting the Limited English Proficiency Plan, the County will publish the plan and notification of the availability of language assistance services, free of charge, prior to board and committee meetings, workshops, and public hearings. Notification will be provided on the County's website, within meeting notices, and on each agenda in Spanish and other LEP languages, as appropriate. The need for additional notification will be determined, in part, by the nature of the meeting or event and the degree to which such assistance is needed.
(p. 26)

Language Access During Public Meetings

- The County will publish notification of the availability of free language access services in the Designated Languages. This notice will be published prior to board and committee meetings, workshops, and public hearings. Notification will be provided on the County's website, within meeting notices, and on each agenda.
- The Board of County Commissioners will provide to LEP persons who speak one of the Designated Languages and who wish to participate at public meetings and hearings,
 - Speaker sign up sheets in the Designated Languages;
 - Interpreters; and
 - Equitable time to speak as well as time for the interpretation of their remarks. This means if English proficient persons get 2 minutes speaking time then LEP persons will also be afforded 2 minutes speaking time, plus additional time needed for interpretation of their remarks.

<p><u>Oversight</u></p> <ul style="list-style-type: none"> ● “Orange County has designated Ricardo Daye, Director of County’s Human Resources Department, as Title VI/Nondiscrimination Coordinator and as the individual responsible for oversight and implementation of the Limited English Proficiency Plan; the current information for this individual is noted immediately below. Responsibilities include coordinating and facilitating delivery of related services, staff training on the Plan’s policies and procedures, and ongoing monitoring and assessment of the Plan’s effectiveness.” (p. 10-11) 	<p><u>Oversight</u></p> <ul style="list-style-type: none"> ● The Title VI/Nondiscrimination Coordinator is responsible for the oversight and implementation of the LEP Plan and this regulation across all departments, divisions, offices and programs; including coordination and facilitation of delivery of relevant services, staff training on procedure, data collection, compliance monitoring and reporting, and the overall efficacy of the plan.
<p><u>Staff Training and Resources</u></p> <ul style="list-style-type: none"> ● “Federal LEP guidance recommends an effective LEP plan include staff training about LEP policies and procedures. Based on the assessment of resources and documentation noted in previous sections, more staff training on working with LEP populations would be beneficial. The designated Title VI/Nondiscrimination Coordinator, with support of all County Departments, will share the County’s LEP Plan and associated guidance with all Divisions and will require staff to complete one or more LEP trainings, depending upon their frequency of interaction with LEP persons. “ (p. 28-29) ● The County needs to provide appropriate staff training on the County’s LEP resources to assist LEP persons. The County must also improve on the potential training 	<p><u>Staff Training and Resources</u></p> <ul style="list-style-type: none"> ● The County will ensure there is adequate staff training on working with LEP populations including evaluating the potential training needs of Bilingual Staff, and that all departments, divisions, offices and programs identified for language assistance needs have available LEP resources. To this end, the designated Title VI/Nondiscrimination Coordinator shall Coordinate departmental employee training either virtually or in person; <ul style="list-style-type: none"> ○ Administer training on language access as part of the onboarding process for new staff, and as part of continued professional development for existing staff; ● Staff training should include: <ul style="list-style-type: none"> ○ Interpretation and Translation training for Bilingual Staff, ○ Cultural competency, ○ How to work with an

<p>needs of bilingual staff to be competent translators. (p. 22)</p>	<p>Interpreter (in-person, over-the-phone, and by video), and</p> <ul style="list-style-type: none"> ○ Policies and procedures that include protocols for assisting LEP populations.
<p><u>Data Collection</u></p> <ul style="list-style-type: none"> ● The Federal Highway Administration regulations require federal-aid recipients to collect racial, ethnic and other similar demographic data on beneficiaries of or those affected by transportation services, programs and activities. (p. 32) ● This information assists Orange County with improving service equity and ensuring effective outreach. (p. 32) 	<p><u>Data Collection</u></p> <ul style="list-style-type: none"> ● The County must collect data on services provided to LEP persons. This data collection shall include: <ul style="list-style-type: none"> ○ Documenting all encounters with LEP persons; ○ Tracking County department, office, or program's frequency of contact with LEP persons; ○ Recording a person's preferred language of communication in their case files, ensuring that further interactions with previously identified LEP persons include appropriate language accommodations. ● In order to determine whether the department, division, office, or program is serving a number of LEP persons that is proportional with the number of eligible LEP persons in the program or department's service area, each department or division shall conduct an annual survey of all contacts it made with the public during a period of at least two weeks, and analyze the information collected during the department's intake process.

Evaluation and Compliance

- The Orange County Limited English Proficiency Plan and Language Assistance Plan will be updated every three (3) years to ensure compliance with federal and state law by:
 - Updating the demographic statistics to accurately track Orange County's population and language needs;
 - Confirming Orange County's commitment to providing meaningful opportunities for LEP persons to access County programs, services and activities; and
 - Providing an assessment of the Plan's effectiveness in addressing nondiscrimination objectives.
- Evaluation of the Plan shall consider, at a minimum, the following performance measures:
 - Number of requests for translation and/or interpretation assistance prior to or at public hearings, meetings, or other public event, including completed "I Speak" cards received;
 - Number of unique hits to the Title VI/Nondiscrimination website portal; and
 - Current LEP populations in the service area and nature and importance of activities to such LEP persons;
 - Staff awareness of the LEP Plan and implementation;
 - Viability and availability of assistance sources;
 - Frequency of encounters with LEP language groups; and
 - Whether provided assistance is

Evaluation and Compliance

- In addition to the annual review, conduct a Self Assessment that measures meaningful access to programs/activities by LEP persons every three years. The self assessment will consider the following relevant factors as provided by the Department of Justice: (a) the number/proportion of LEP persons served; (b) the frequency of LEP interactions; (c) the nature and importance of the program, service or activity; and (d) the resources available.
- The County, by and through the designated Title VI/Nondiscrimination Coordinator, shall conduct an annual evaluation of this regulation by utilizing the following performance measures:
 - Number of requests for translation and/or interpretation assistance made across all departments, via the County's third party Language Line, at public hearings or other public events, including completed "I Speak" cards received;
 - Number of unique hits to the Title VI/Nondiscrimination website portal;
 - Current LEP populations in the service area and nature and importance of activities to such LEP persons;
 - Staff awareness of the LEP Plan and implementation;
 - Viability and availability of

<p>meeting LEP needs.” (p. 29-30)</p> <ul style="list-style-type: none"> • “All performance measures, including the above listed performance measures, shall be complied with and tracked annually by the Title VI/Nondiscrimination Coordinator and shall be used in conjunction with the best available demographic data from the American Community Survey to evaluate the Plan. The evaluation shall consider any significant changes in Orange County’s demographics that may warrant changes or updates to the Language Assistance Plan.” (p. 30) 	<p>assistance sources;</p> <ul style="list-style-type: none"> ○ Frequency of encounters with LEP populations; and ○ Whether provided assistance is meeting LEP needs. <ul style="list-style-type: none"> • The annual evaluation will be published as a report that will be distributed to the Board of County Commissioners and be made available to the public for review. • However, an initial six month evaluation will be conducted upon implementation of this regulation and an annual evaluation thereafter. • Conduct an annual review of available demographic data from the American Community Survey, Orange County Public Schools and any other reliable source to accurately track Orange County’s LEP population and language needs.
<p><u>Public Involvement</u></p> <ul style="list-style-type: none"> • To plan for efficient, effective, safe, equitable and reliable {transportation} systems, Orange County requires public involvement from residents, communities, and businesses. Orange County allocates staff and financial resources to further this goal and strongly encourages the participation of the entire community. (p. 31) 	<p><u>Public Involvement</u></p> <ul style="list-style-type: none"> • Establish a Language Access Advisory Council made up of groups and community stakeholders that provide assistance to LEP persons, including those who advocate for the interests of immigrants, refugees and others who are LEP. Members of this council will provide input to implement and improve language access services. All interested stakeholders are encouraged to contact the designated Title VI/Nondiscrimination Coordinator directly.

Complaint Procedure

- “The County has established a nondiscrimination procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based on race, color, national origin, sex, age, disability, religion, income or familial status in any of the County’s programs, services, or activities may file a complaint with the County Title VI/Nondiscrimination Coordinator in writing at Orange County Human Resources, 450 E. South Street, Orlando, FL 32801, in person, or via US mail. The written complaint should contain the identity of the complainant, the basis for the allegations, and a description of the alleged discrimination with the date of the occurrence. Based on the Self-Assessment, Orange County’s Title VI complaint forms shall be provided in English, Haitian Creole, and Spanish. The Title VI/Nondiscrimination Coordinator will respond to the complaint within thirty (30) days and will take reasonable steps to resolve the matter. Should the County be unable to satisfactorily resolve the complaint, the Title VI/Nondiscrimination Coordinator will forward the complaint, along with the record of its disposition, to the appropriate federal and/or state authority for further processing. For persons included in a regularly encountered Limited English Proficiency group, based on the Self-Assessment in Part A, the County shall provide written notification of the opportunity to file a discrimination complaint in accordance with federal

Complaint Procedure

- Any LEP person who believes they have been the victim of discrimination based on race, color, national origin, sex, age, disability, religion, income or familial status in any of the County’s programs, services, or activities may file a complaint with the County Title VI /Nondiscrimination Coordinator in writing at Orange County Human Resources, 450 E. South Street, Orlando, FL 32801, in person, or via US mail. The Title VI/Nondiscrimination Coordinator shall provide interpretation to LEP persons and complaint forms translated in the Designated Languages.
- Complaints should include the following: (a) The identity of the complainant; (b) The basis for the allegations; and (c) A description of the alleged discrimination with the date of the occurrence.
- Thereafter, the Title VI/Nondiscrimination Coordinator will take reasonable action to remedy the problem and provide a resolution to the complaint within thirty (30) days.
- A record of all complaints filed, the actions taken to address the complaint and the resolution of the complaint shall be made accessible to the public. The complainant’s personally identifiable information, such as name and address, shall be redacted for purposes of public disclosure.
- If the complainant is unable or unwilling to submit a complaint to the County, or if the complainant is

<p>regulations at www.ocfl.net. For infrequently encountered groups, LEP persons may be advised orally of the opportunity to file a discrimination complaint pursuant to federal regulations.” (p. 11)</p>	<p>dissatisfied with the Title VI/Nondiscrimination Coordinator’s handling of their complaint, the complaint may be submitted directly to FDOT for processing: Florida Department of Transportation Equal Opportunity Office, ATTN: Title VI Complaint Processing 605 Suwannee Street MS 65, Tallahassee, FL 32399.</p>
<p><u>Further Nondiscrimination Assurances</u></p> <ul style="list-style-type: none"> • “As a participant in the Florida Department of Transportation’s (FDOT) Local Agency Program (LAP), Orange County must certify to FDOT and the Federal Highway Administration (FHWA) that its programs, services and activities are being conducted in a nondiscriminatory manner. This certification is required every three years or commensurate with a change in executive leadership. These certifications are termed “assurances” and serve two important purposes. First, they document the County’s commitment to nondiscrimination and equitable service to its community. Second, they serve as a legally-enforceable agreement by which the County may be held liable for breach. Those wishing to view the Orange County’s Nondiscrimination Assurance may do so by visiting the County’s website or contacting the County’s designated Title VI/Nondiscrimination Coordinator.” (p. 3) 	<p><u>Further Nondiscrimination Assurances</u></p> <ul style="list-style-type: none"> • In accordance with the Florida Department of Transportation’s Local Agency Program, Orange County must certify that its services are being provided in a nondiscriminatory manner. This both demonstrates the commitment Orange County has to providing nondiscriminatory services, and creates a legally-enforceable agreement by which the County may be held liable for breach under its nondiscrimination ordinance. Assurances shall be provided either every three years or a change in executive leadership.