

CATEGORY: General/Administrative

NUMBER: 140

SUBJECT: Notice of Non-Discrimination and Discrimination Complaint Policy & Limited English Proficiency (LEP) Plan

PURPOSE: St. Clair County enacts this policy to notify clients, customers, program participants, or consumers of St. Clair County and any subrecipients of the bases for prohibited discrimination and the procedures for filing a discrimination complaint with the recipient and the U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties (CRCL).

AUTHORITY: St. Clair County Board of Commissioners has the authority and responsibility for adoptions of all policies and amendments.

APPLICATION: This policy shall apply to all departments, divisions, elected and non-elected officials of St. Clair County.

POLICY:

Prohibited Discrimination

St. Clair County complies with Federal civil rights laws and is committed to providing its programs and services without discrimination in accordance with:

- *Title VI of the Civil Rights Act of 1964*, which prohibits discrimination based on **race, color, or national origin** (including **language** and persons with **limited English proficiency (LEP)**).
- *Section 504 of the Rehabilitation Act of 1973*, which prohibits discrimination based on **disability**.
- *Title IX of the Education Amendments Act of 1972*, which prohibits discrimination based on **sex** in education programs or activities.
- *Age Discrimination Act of 1975*, which prohibits discrimination based on **age**.
- *U.S. Department of Homeland Security regulation 6 C.F.R. Part 19*, which prohibits discrimination based on **religion** in social service programs.

It is against the law for St. Clair County to retaliate against anyone who takes action to oppose discrimination, files a grievance, or participates in the investigation of a grievance in accordance with the above authorities.

Timeline for Filing Complaints

Any clients, customers, program participants, or consumers of St. Clair County and any subrecipients who feel they have been discriminated against may file a complaint no later than 180 days after the date of the alleged discrimination.

Complaint Procedures

Any clients, customers, program participants, or consumers of St. Clair County and any subrecipients who feel they have been discriminated against may, via phone, email, in-person, or letter, file a complaint with County of St. Clair Office of the Administrator/Controller, Attn: Karry Hepting, Administrator/Controller,

200 Grand River, Suite 203, Port Huron, MI 48060. Telephone: 810-989-6900 or email: citizens@stclaircounty.org.

Individuals may also file a complaint directly with CRCL:

E-mail: CRCLCompliance@hq.dhs.gov (fastest method to submit your complaint)

Fax: 202-401-4708

U.S. Mail: U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Compliance Branch, Mail Stop #0190 2707 Martin Luther King, Jr. Ave., SE Washington, D.C. 20528

Information and Services for Persons with Disabilities and Persons with Limited English Proficiency

- St. Clair County provides free aids and services, such as qualified sign language interpreters and written information in other formats (large print, audio, accessible electronic formats, etc.), to communicate effectively with persons with disabilities.
- St. Clair County expects that few, if any, program participants may have limited English proficiency (LEP). St. Clair County provides free language services, such as qualified foreign language interpreters and information written in other languages, to ensure meaningful access to programs and activities for persons with limited English proficiency. Information regarding the availability of free language services for LEP persons will be provided in all program materials.
- St. Clair County's LEP Plan is attached as Exhibit A.

If you need these services during any portion of the Complaint process, please contact: St. Clair County Human Resources Department, 200 Grand River, Suite 206, Port Huron, MI 48060. Telephone: 810-989-6910 or email: citizens@stclaircounty.org. Further information can be found in the enclosed Requesting a Reasonable Accommodation document.

Accepting and Responding to Complaints

- The St. Clair County Human Resources Director is responsible for coordinating the acceptance and response to Complaints.
- St. Clair County will provide the client, customer, program participant, or consumer with a written acknowledgement of the complaint within ten (10) days of receipt. St. Clair County will also inquire whether the individual has filed the complaint with another agency, such as CRCL, in order to prevent duplicative investigations.
- St. Clair County will correspond with the complainant throughout the investigation.
- The St. Clair County Human Resources Director will conduct an internal investigation of the Complaint that will take place within six months of acknowledgment of receipt of the Complaint. However, if the individual has submitted dual filings, St. Clair County will contact the relevant agency to determine a coordination approach for the investigation.
- The St. Clair County Human Resources Director will track all complaints received and the status of complaints on a spreadsheet maintained on the St. Clair County server.

Subrecipient Procedures

St. Clair County requires that subrecipients take the following actions if a discrimination complaint is filed by clients, customers, program participants, or consumers of a subrecipient directly with the subrecipient:

- the complaint will be forwarded to St. Clair County, CRCL, or another appropriate external agency, such as a local or state human rights commission;
- the complainant will be notified that he or she may file a complaint of discrimination directly with St. Clair County or with CRCL.

A subrecipient also must notify St. Clair County of any discrimination complaints that the subrecipient does not refer to St. Clair County.

REVIEW: The Administrator/Controller has reviewed and approved this policy as to substance and Corporation Counsel has reviewed and approved as to legal content. The Human Resources Director shall periodically review this policy and make recommendations for changes as needed.

ADOPTED: March 21, 2024

LIMITED ENGLISH PROFICIENCY (LEP) PLAN

PURPOSE:

In accordance with Title VI non-discrimination laws in regard to providing appropriate access to services and activities provided by federal agencies and recipients of federal assistance, the Limited English Proficiency Plan was drafted to define how the County of St. Clair, MI will accommodate persons with Limited English Proficiency (LEP). In addition, individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter.

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

The Executive Order states that: “Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.” Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient’s entire program or activity. This means all parts of a recipient’s operations are covered, even if only one part of a recipient’s organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The Department of Homeland Security utilizes the following five elements as the guideline for a successful LEP plan:

- I. IDENTIFY LEP INDIVIDUALS WHO NEED LANGUAGE ASSISTANCE
- II. LANGUAGE ASSISTANCE MEASURE AND AVAILABLE RESOURCES
- III. DISTRIBUTION OF PLAN AND TRAINING FOR STAFF
- IV. PROVIDING NOTICE TO LEP PERSONS
- V. MONITORING, ASSESSING AND UPDATING THE LEP PLAN

St. Clair County’s LEP Plan utilizes this recommended 5-factor assessment as outlined above.

I. IDENTIFY LEP INDIVIDUALS WHO NEED LANGUAGE ASSISTANCE

Census Information

As outlined in Table #1, the Census Data (year) for St. Clair County, Michigan shows a very small amount of the population that would speak English less than “very well”.

LANGUAGE SPOKEN AT HOME	Past - 2021		Present - 2022		Percent Change	
	Number	Percent	Number	Percent	2021-22	
Population 5 years and over	152,111		152,372		261	0.2%
Speak only English	148,005	97.3%	148,716	97.6%	711	0.5%
Speak a language other than English	4,106	2.7%	3,656	2.4%	-450	-11.0%
Speak English less than "very well"	1,117	0.7%	1,039	0.7%	-78	-7.0%
SPEAK A LANGUAGE OTHER THAN ENGLISH						
Spanish	1,774	1.2%	1,519	1.0%	-255	-14.4%
Speak English less than "very well"	564	31.8%	493	32.5%	-71	-12.6%
Other Indo-European languages	1,583	1.0%	1,324	0.9%	-259	-16.4%
Speak English less than "very well"	276	17.4%	221	16.7%	-55	-19.9%
Asian and Pacific Island languages	437	0.3%	421	0.3%	-16	-3.7%
Speak English less than "very well"	134	30.7%	142	33.7%	8	6.0%
Other languages	312	0.2%	392	0.3%	80	25.6%
Speak English less than "very well"	143	45.8%	183	46.7%	40	28.0%

Source: U.S Census Bureau's American Community Survey 2021 AND 2022 5-Year Estimates: Table S1601 Language Spoken at Home

II. LANGUAGE ASSISTANCE MEASURE AND AVAILABLE RESOURCES

Client Assessment

1. As the need is identified, clients calling or presenting for services are informed that communication, language or translation assistance is available at no cost to the

- client. Whenever possible, appointments should be made *in advance* for clients who are in need of these communication services.
2. Documentation of the client’s language and offer of free interpretation services is noted in the client record.
 3. If the client requests an interpreter of the same gender, the employee forwards request to the service provider.
 4. If the client presents without an appointment, the employee may request a supervisor or coordinator to assist in determining the client’s needs.
 5. Language: Client’s language is determined using “I Speak” or the Language Identification Cards. Once identified, interpreter services are arranged. When required, program forms and materials can be translated from English to another language, however the request must be in writing and approved by the supervisor or division head prior to submission to the contractor.
 6. Hearing and Visual Impairments: Staff assists visually /hearing impaired clients with reading and completion of client data sheets, permission and authorization forms, and other program materials. Large print materials are provided as needed. DeafBlind interpreter services and resources are also available and its clients through a contractor and Michigan-based hotlines. Also see Other Language and Translations Resources tab.

Interpretation Options

1. Contract Agents or State Services

Language Line Services: (877) 261-6608 www.language.com
Provides translation services in over 140 languages for non-English speaking clients and visitors.

Signing Pros LLC: (586) 932-6090 Emergency Interpreter (586) 718-0344
Signing Pros LLC provides American Sign Language services for deaf and hard of hearing clients.

Michigan Bureau of DeafBlind Services www.michigan.gov/bsbp
(517) 373-2062 V (800) 292-4200 V
(517) 373-4025 TTY (888) 864-1212 TTY

Michigan Online Interpreter System <https://w2.lara.state.mi.us/interpreter>
(877) 499-6232 V/TTY –or- (517) 335-6004 V/TTY

2. Use of Friends, Family and Minor Children as Interpreters

- This is ONLY an option IF after staff informs client of their right to free interpreter services, the client declines such services and requests the use of a family member or friend, AND IF the use of such a person would not compromise the effectiveness of services or violate the client’s confidentiality.
 - A client IS NEVER required to use friends, family, or children as interpreters.
 - Even if a client elects to use a family member or friend, staff should suggest that a trained interpreter sit in on the encounter to ensure accurate interpretation.
3. Additional Resources and Services: refer to *Work Resources* section of the County’s Intranet.

III. DISTRIBUTION OF PLAN AND TRAINING FOR STAFF

Distribution of Plan

The LEP Plan will be posted on the intranet for all County staff, along with resources, for ease of access. In addition, the LEP Plan will be discussed annually at the County’s Department Heads meeting to ensure that all understand the obligations as well as how to access the resources for clients.

Staff Orientation and Training

Employee training to this policy first occurs during new employee orientation, and is later followed-up (as needed) by divisional or program meetings and/or the annual staff training day. LEP materials are made available and easily accessible via the County’s Intranet in the Work Resources folder and a hard copy in Human Resources and County Administration.

As part of employee training, staff is reminded of the following points when working with and speaking through an interpreter:

1. Verify the credentials of the translator. Ask to see his/her ID card.
2. Use the client’s name when giving instructions to the interpreter. People enjoy hearing their name, and for those who do not speak English at all, it will give them something to recognize during the exchange with the interpreter and will make them feel like they are part of the conversation.
3. Establish a rapport with the non-English speaking client. Even when using an interpreter, request the non-English speaking client’s opinion or thoughts. As an example, “*Interpreter, can you please ask Mr. Rios if he is satisfied with the service we have given him today?*”
4. Use the same phrases used with an English-speaking customer. Some suggestions are: *I am sorry this happened; I understand what she is going through; or Everything is going to be all right.*

5. If the client prefers an interpreter of the same gender, forward the request to the contract agent or service provider.
6. Remember that the interpreter's job is to be a neutral third party and to follow instructions on what to convey to the client.

IV. PROVIDING NOTICE TO LEP PERSONS

In order to ensure that LEP individuals are informed of these free language services, St. Clair County shall:

- Notice of the LEP plan and services shall be posted on the county's website.
- Public Notices shall be posted at all the county facilities via bulletin boards or other means, as well as high usage departments.
- Public Notices shall be posted on the county's social media page(s).

V. MONITORING, ASSESSING AND UPDATING THE LEP PLAN

Program and Service Monitoring

Annually and/or as needed the Human Resources Director reviews *LEP Plan*, including:

1. Documentation or records identifying the languages needed for client translation
Note: no client personally identifiable information is recorded on these types of records, and all staff are oriented and trained to HIPAA Compliance Laws, as needed.
2. Reviews demographic statistics of St. Clair County, Michigan and evaluates whether existing policy is meeting the needs of clients. Demographic and census resources include:
 - American Community Survey - http://www.mla.org/map_data and/or
 - U. S. Census Bureau - American Fact Finder www.census.gov
3. Reviews potential policy changes with Administrator/Controller as necessary to address new issues, resources and lessons learned, and provides updates and refresher training to all staff.

Business Associate and HIPAA Compliance

All qualified interpreters are issued cards identifying them and their skill level. Staff is required to ask to see these cards. Further, all card-carrying interpreters are bound by NAD-RID Code of Professional Conduct which stresses confidentiality.

In order to assure privacy and confidentiality - *all contracted agencies / interpreters may be required to sign a Business Associate Privacy Agreement* with St. Clair County.

Signed agreements are maintained by Administrator/Controller's Office and maintained according to record retention schedule.

Complaints

Complaints with regard to LEP can be filed online or by phone to: Human Resources Director.

Phone: 810-989-6910

Email: citizens@stclaircounty.org

OR

Complaints with regard to LEP can be filed online or by phone to: MI Dept. of Civil Rights

Phone: 313-456-3700

Fax: 313-456-3701

Toll-Free: 800-482-3604

TTY: 877-878-8464

Email: MDCRServiceCenter@michigan.gov

If no resolution can be made, an individual may contact: US HHS Region V -
Regional Manager, Office for Civil Rights, 233 N. Michigan Avenue, Suite 240
Chicago, IL 60601 Phone: (312) 886-2359

Adopted: March 21, 2024