

**XIV.B. Title VI:  
MILAN SENIORS FOR HEALTHY LIVING (MSHL)  
LIMITED ENGLISH PROFICIENCY  
(LEP) PLAN  
Table of Contents**

Introduction .....	2
Executive Order 13166 .....	2
Plan Summary .....	2-3
Four Factor Analysis .....	3-4
Limited English Proficiency Plan Outline .....	4-5-6
Appendix A....MSHL Title VI Policy .....	7
Appendix B....MSHL LEP Complaint Procedures .....	8-9
Appendix C....Title VI Complaint Form .....	10-11
Appendix D....Letter of Acknowledging Receipt of Complaint.....	12
Appendix E....Letter Notifying Complainant that the Complaint Is Substantiated.....	13
Appendix F....Letter Notifying Complainant that the Complaint Is Not Substantiated.....	14
Appendix G...Samples of Narrative to be included in Posters to be displayed in Revenue Vehicles and Facilities.....	15

## **Introduction**

The purpose of this Limited English Proficiency (LEP) policy guidance is to clarify the responsibilities of recipients of federal financial assistance from the U.S. Department of Transportation (DOT) and assist them in fulfilling their responsibilities to Limited English Proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It was prepared in accordance with **Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq.**, and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance, and;

## **Executive Order 13166**

Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English Proficiency." (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance). Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies, governments, private and non-profit entities, and sub-recipients.

## **Plan Summary**

MSHL has developed this Limited English Proficiency Plan (LEP Plan) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to MSHL transportation service as required by Executive Order 13166. A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English. This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available, and information for future plan updates. In developing the plan while determining MSHL's extent of obligation to provide LEP services, MSHL undertook the U.S. Department of Transportation's **four factor LEP analysis** which considers the following: 1) The number or proportion of LEP persons eligible in MSHL's service area who may be served or is likely to encounter a MSHL program, activity, or service that receives federal funding; 2) the frequency with which LEP individuals come in contact with MSHL's services that receive federal funding; 3) the nature and importance of the

program, activity or service that receives federal funding provided by MSHL to the LEP population; and 4) the resources available to MSHL and overall costs to provide LEP assistance. A brief description of these considerations is provided in the following section.

#### **Four Factor Analysis**

##### **1. The number or proportion of LEP persons eligible in MSHL's transportation service area who may be served or likely to encounter a MSHL program, activity, or service that receives federal funding**

Milan Seniors for Healthy Living examined data from the 2010 Census report which reported a total population for the 48160 zip code, (this is the greater Milan area and the target population of our transportation service) of 14,925. Of this total population 3.8% speak a language other than English at home. All of which declared to speak English "very well".

##### **2. The frequency with which LEP individuals come in contact with an MSHL program, activity, or service**

MSHL assessed the frequency at which staff and drivers have or could possibly have contact with LEP persons. This included documenting phone inquiries and verbally surveying drivers. MSHL's transportation service has been in existence since 2009. The staff and drivers have had very little to no contact with LEP individuals. Only one LEP person (Hispanic) uses the service. His son schedules his rides and rides along with him. There have been no other contacts with LEP individuals. Since 2009, MSHL has had no requests for interpreters or for translated MSHL documents.

##### **3. The nature and importance of the program, activity or service provided by the MSHL to the LEP community**

The transportation service MSHL provides is critical to the lives of our transit-dependent individuals. Most of our riders are dependent on the service in order to remain in their homes with independence and dignity.

There is no geographic concentration of any one type of LEP individuals in MSHL's service area. The overwhelming majority of the population (96.2%) speaks only English. Therefore, there is a lack of any social, service, professional and leadership organizations within MSHL's service area that focuses on outreach or membership of LEP individuals.

##### **4. The resources available to MSHL and overall costs**

MSHL assessed its available resources that could be used for providing LEP assistance. This included identifying how much a professional interpreter and translation service would cost on as needed basis, which documents would be the most valuable to be translated if and when the

populations supports, taking an inventory of available organizations that MSHL could partner with for outreach and translation efforts, and what level of staff training is needed.

After analyzing the four factors, MSHL developed the plan outlined in the following section for assisting persons of limited English proficiency.

## **LIMITED ENGLISH PROFICIENCY PLAN OUTLINE**

### **How to Identify an LEP Person who Needs Language Assistance**

Below are tools to help identify persons who may need language assistance:

- Examine recorded requests for language assistance from past transportation service logs to anticipate the possible need for assistance;
- Encourage staff members to greet and briefly speak to each user of the transportation service. To informally gage the attendee's ability to speak and understand English, ask a question that requires a full sentence reply;
- Have the Census Bureau's "I Speak" cards on the bus and posted in the office. While staff may not be able to provide translation assistance at initial contact, the cards are an excellent tool to identify language needs for the future;
- Survey drivers and other first line staff on an annual basis at the beginning of each fiscal year regarding their experience on having any direct or indirect contact with LEP individuals.

### **Language Assistance Measures**

MSHL has or will implement the following LEP procedures. The creation of these steps are based on the very low percentage of persons speaking other languages and 0% not speaking English at least "well," and the lack of resources available in MSHL's service area:

- Census Bureau's "I Speak" cards are to be located at the office and on the bus at all times.
- The computer(s) located in MSHL's office have AltaVista Babel Fish added to the favorites listing for easy access via Microsoft Internet Explorer for the translations of blocks of texts. This will aid MSHL staff in the interpretation of services on a one-on-one basis for LEP individuals visiting MSHL's facility.
- When the MMVTA's website is redesigned (scheduled for redesign in late summer 2012) AltaVista Babel Fish translation will be an added feature.
- When an interpreter is needed, in person or on the telephone, and MSHL's staff has exhausted the above options, staff will first attempt to determine what language is required. Staff shall use the telephone interpreter service – Language Line Services at <http://www.language.com>. On the Language Line home page the staff will select the Need an Interpreter Now link and follow the directions to receive and access code.

### **MSHL Staff Training**

All MSHL staff will be provided with the LEP Plan and will be educated on procedures to follow. This information will also be part of MSHL's staff orientation process for new hires. Training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities;
- Language assistance services MSHL offers;
- Use of LEP "I Speak" cards;
- How to access AltaVista Babel Fish via MSHL's office computers;
- How to use the Language Line interpretation and translation services;
- Documentation of language assistance requests;
- How to handle a Title VI and/or LEP complaint (See Appendix B).

### **Outreach Techniques**

As of this first draft of MSHL's LEP Plan dated April 2012, MSHL does not have a formal practice of outreach techniques due to the lack of LEP population and resources available in the service area. However, the following are a few options that MSHL will incorporate when and/or if the need arises for LEP outreach.

- If staff knows that they will be providing transportation service that could be of potential importance to an LEP person, fliers, advertisements, and agendas will be printed in an alternative language, based on known LEP population in the area.
- When running a general public meeting notice, staff will insert the clause, based on the LEP population and when relevant, that translates into "A (insert alternative Language) translator will be available". For example: "Un traductor del idioma español estará disponible" This means "A Spanish translator will be available".
- Key print materials, including but limited to schedules and maps, will be translated and made available at MSHL's facility, on board vehicles and in communities when a specific and concentrated LEP population is identified.

### **Monitoring and Updating the LEP Plan**

This plan is designed to be flexible and is one that can be easily updated. At a minimum, MSHL will follow the Title VI Program update schedule for the LEP Plan.

Each update should examine all plan components such as:

- How many LEP persons were encountered?;
- Were their needs met?;
- What is the current LEP population in MSHL's service area?;
- Has there been a change in the types of languages where translation services are needed?;
- Is there still a need for continued language assistance for previously identified MSHL programs? Are there other programs that should be included?;
- Have MSHL's available resources, such as technology, staff, and financial costs changed?;

- Has MSHL fulfilled the goals of the LEP Plan?; and
- Were any complaints received?

#### **Dissemination of MSHL's Limited English Proficiency Plan**

MSHL will include the LEP plan on MSHL's website ([www.milanseniors.org](http://www.milanseniors.org)) together with its Title VI Policy and Complaint Procedures. MSHL's Notice of Rights under Title VI to the public posted in MSHL's facility, on all MSHL transportation vehicles, and in selected printed materials also refers to the LEP Plan's availability.

Copies of the LEP Plan will be provided, on request, to any person(s) requesting the document via phone, in person, by mail or email. LEP persons may obtain copies/translations of the plan upon request.

Any questions or comments regarding this plan should be directed to:

Milan Seniors for Healthy Living  
Attn: Jennifer Michalak, Executive Director  
45 Neckel Ct.  
Milan, MI 48160  
Phone: 734-508-6229  
Fax: 734-439-4315

**Approved 4/18/2012 by MSHL Board of Directors**

## **Appendix A**

### **Title VI Policy**

Milan Seniors for Healthy Living and our staff holds high the value of all individuals and seeks to treat everyone with the utmost respect and affirmation.

Consistent with the Department of Management & Budget Policy Number 1220.05 and Title VI, it is the policy of MSHL to provide equal opportunity to all eligible persons to the extent required by applicable State and Federal laws.

MSHL in all its sponsored programs and in its hiring and employment practices will not discriminate on the basis of race, gender, color, religion, national origin, sexual orientation, height, weight, or marital status.

No person 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.

All employees of the MSHL are expected to consider, respect, and observe this policy in their daily work and duties. If a citizen approaches you with a question or complaint, direct him or her to Jennifer Michalak, MSHL's *Title VI Coordinator*.

## **Appendix B**

### **LEP (Title VI) Complaint Procedures**

#### **How to file a Title VI Complaint?**

The complainant may file a signed, written complaint up to one hundred and eighty (180) days from the date of the alleged discrimination. The complaint should include the following information:

- Your name, mailing address, and how to contact you (i.e., telephone number, email address, etc.)
- How, when, where and why you believe you were discriminated against. Include the location, names and contact information of any witnesses
- Other information that you deem significant

The Title VI Complaint Form (see Appendix C) may be used to submit the complaint information. The complaint may be filed in writing with MSHL at the following address:

Milan Seniors for Healthy Living  
45 Neckel Ct  
Milan, MI 48160

NOTE: MSHL encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. For complaints originally submitted by facsimile, an original, signed copy of the complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than 180 days from the alleged date of discrimination.

#### **What happens to the complaint after it is submitted?**

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by MSHL will be directly addressed by MSHL. MSHL shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, MSHL shall make every effort to address all complaints in an expeditious and thorough manner.

A letter of acknowledging receipt of complaint will be mailed within seven days (Appendix D). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

#### **How will the complainant be notified of the outcome of the complaint?**

MSHL will send a final written response letter (see Appendix E or F) to the complainant. If the complaint is found "not substantiated", (Appendix F), the complainant will also be advised of his or her right to: 1) appeal within seven calendar days of receipt of the final written decision from MSHL, and/or 2) file a complaint externally with the U.S. Department



of Transportation and/or the FTA. Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner. In addition to the complaint process described above, a complainant may file a Title VI complaint with the following offices:

Federal Transit Administration Office of Civil Rights  
Attention: Title VI Program Coordinator  
East Building, 5th Floor – TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590

## Appendix C

### TITLE VI COMPLAINT FORM

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground 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.” If you feel you have been discriminated against in transit services, please provide the following information in order to assist us in processing your complaint and sent it to:

Provide address here

Please print clearly:

Name:

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Address:

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City, State, Zip Code:

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Telephone Number:(home) \_\_\_\_\_ (cell)\_\_\_\_\_

Person discriminated against:

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Address of person discriminated against:

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City, State, Zip Code:

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Please indicate why you believe the discrimination occurred:

\_\_\_\_\_ race or color

\_\_\_\_\_ national origin

\_\_\_\_\_ income

\_\_\_\_\_ other

What was the date of the alleged discrimination?

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Where did the alleged discrimination take place?

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Please describe the circumstances as you saw it:

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Please list any and all witnesses' names and phone numbers:

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What type of corrective action would you like to see taken?

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Please attach any documents you have which support the allegation. Then date and sign this form and send to the Title VI Coordinator at:

Jennifer Michalak  
Title VI Coordinator/Executive Director  
Milan Seniors for Healthy Living  
45 Neckel Ct.  
Milan, Michigan 48160  
734-508-6229  
[jenniferm@milanseniors.org](mailto:jenniferm@milanseniors.org)

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Your signature

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Print your name

---

Date

## APPENDIX D

### Sample Letter Acknowledging Receipt of Complaint

Today's Date

Ms. Jo Doe  
1234 Main St.  
Clarksville, Tennessee 37040

Dear Ms. Doe,

This letter is to acknowledge receipt of your complaint against MHSL alleging

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An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning **734-508-6229** or write to me at this address.

Sincerely,

Jennifer Michalak  
Title VI Coordinator/Executive Director  
Milan Seniors for Healthy Living  
45 Neckel Ct.  
Milan, MI 48160

## APPENDIX E

### Letter Notifying Complainant that the Complaint Is Substantiated

Today's Date

Ms. Jo Doe  
1234 Main St.  
Clarksville, Tennessee 37040

Dear Ms. Doe,

The matter referenced in your letter of \_\_\_\_\_ (date) against MSHL alleging Title VI violation has been investigated.

(An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. ***(If a hearing is requested, the following sentence may be appropriate.)*** You may be hearing from this office, or from federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

Jennifer Michalak  
Title VI Coordinator/Executive Director  
Milan Seniors for Healthy Living  
45 Neckel Ct.  
Milan, MI 48160

## APPENDIX F

### Letter Notifying Complainant that the Complaint Is Not Substantiated

Today's Date

Ms. Jo Doe  
1234 Main St.  
Clarksville, Tennessee 37040

Dear Ms. Doe,

The matter referenced in your complaint of \_\_\_\_\_ (date) against MSHL, alleging \_\_\_\_\_ has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964 had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

MSHL has analyzed the materials and facts pertaining to your case for evidence of failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

You have the right to: 1) appeal within seven calendar days of receipt of this final written decision from MSHL, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at:

Federal Transit Administration Office of Civil Rights  
Attention: Title VI Program Coordinator  
East Building, 5th Floor - TCR 1200 New Jersey Ave., SE  
Washington, DC 20590

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Jennifer Michalak  
Title VI Coordinator/Executive Director  
Milan Seniors for Healthy Living  
45 Neckel Ct.  
Milan, MI 48160

## **APPENDIX G**

### **Samples of Narrative to be included in Posters to be Displayed in Revenue Vehicles and Facilities**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground 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" (42 U.S.C. Section 2000d).

MSHL is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.A. If you feel you are being denied participation in or being denied benefits of the transit services provided by MSHL, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, our contact information is:

Jennifer Michalak  
Title VI Coordinator/Executive Director  
Milan Seniors for Healthy Living  
45 Neckel Ct.  
Milan, MI 48160  
734-508-6229  
[www.milanseniors.org](http://www.milanseniors.org)