

Town of Guilford  
223 Marble Road  
Guilford, NY 13780

## POLICY AND PROCEDURE

### LANGUAGE ACCESS PLAN POLICY

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Policy: It is the policy of the Town of Guilford to commit to providing meaningful access to its programs and services to persons who, as a result of their national origin, are limited in English proficiency. It is our policy to ensure no person is subjected to prohibited discrimination based on national origin in any program receiving Federal financial assistance from USDA Rural Development (RD).  
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#### **Purpose**

This Language Access Plan (LAP) sets forth the policy and procedures for ensuring that persons with Limited English Proficiency (LEP) have meaningful access to our programs and activities receiving Federal financial assistance from the U.S. Department of Agriculture/Rural Development (USDA/RD). This LAP applies to all programs and activities of recipients receiving Federal financial assistance from the USDA Rural Development.

#### **Authorities**

Section 601 of Title VI of the Civil Rights Acts of 1964, 42 U.S.C. 2000d *et seq.*, and its implementing regulations provide that 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 otherwise subjected to discrimination under any program or activity that receives Federal financial assistance. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI regulations promulgated by the former U.S. Department of Health, Education, and Welfare to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination.

Executive Order 13166, "Improving Access to Services for Person with Limited English Proficiency," reprinted at 65FR 50121 (August, 16,2000), directs each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. The Executive Order states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. Federal agencies were instructed to publish guidance for their respective recipients in order to assist them with their obligation to LEP person under Title VI. The Executive Order recommended uniform guidance to recipients on the preparation of a plan to improve access to its federally assisted programs and activities by Eligible LEP persons. Each plan shall be consistent with the standards set forth in the U.S. Department of Justice's Policy Guidance Document entitled, "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against Nation Origin Discrimination Affecting Limited English Proficient Persons" ("DOJLEP Guidance"), reprinted at 67FR 41455 (June 18, 2002). The DOJLEP Guidance drafted and organized to function as a model for similar guidance by other federal agencies.

Consistent with the DOJLEP Guidance, USDA published its Final "Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency" on November 28, 2014. The Guidance does not create new obligations for recipients, but provides guidance to recipients in meeting their existing LEP obligations. It clarifies the responsibilities of recipients and will assist them with fulfilling their responsibilities to LEP persons under Title VI and its regulations.

7 CFR Part 15 Subpart A effectuates the provisions of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Act”) to the end 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 otherwise subjected to discrimination under any program or activity of an applicant recipient receiving Federal financial assistance from the U.S. Department of Agriculture or any agency thereof.

7 CFR Part 1901 Subpart E which contain policies and procedures for implementing the regulations of the U.S. Department of Agriculture issued pursuant to Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1968, Executive Order 11246, and the Equal Credit Opportunity Act of 1974, as they regulate Rural Development. Nothing herein shall be interpreted to prohibit preference to American Indians on Indian Reservations.

## **Definitions/Key Terms**

- (1) Federally Assisted Programs and Activities. Programs and activities that receives Federal Financial Assistance.
- (2) Interpretation. The process by which the spoken word is used when transferring meaning between languages.
- (3) Limited English Proficient (LEP) Persons. Persons who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English or are limited English proficient, or LEP.

## **The Town of Guilford Program/Mission**

The Hamlet of Guilford’s water system currently has 84 customers. It is the mission of the water system to provide residents safe drinking water at the most reasonable cost. The hamlet is located in the western part of the Town of Guilford at the junction of Chenango County routes 35 and 38.

## **Part 1: LEP Individuals Who Need Language Assistance**

The Town of Guilford conducted an assessment of the number or proportion of LEP individuals eligible to be served or encountered and the frequency of encounters. Our assessment identified the following language groups in our service area are (Spanish or Spanish Creole, Italian, West Germanic, Other Slavic)

**B16001: LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER – American Community Survey 5-year Estimates**

2010-2014 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey (ACS) website in the Methodology section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau’s Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

Town of Guilford, Chenango County, New York

	Estimate	Margin of Error
Total:	2,770	+/-81
Speak only English	2,717	+/-79
Spanish or Spanish Creole:	24	+/-24
Speak English "very well"	6	+/-11
Speak English less than "very well"	18	+/-21
French (incl Patois, Cajun)	0	+/-11
Speak English "very well"	0	+/-11
Speak English less than "very well"	0	+/-11
French Creole:	0	+/-11
Speak English "very well"	0	+/-11
Speak English less than "very well"	0	+/-11
Italian:	8	+/-11
Speak English "very well"	8	+/-11
Speak English less than "very well"	0	+/-11
Portuguese or Portuguese Creole:	0	+/-11
Speak English "very well"	0	+/-11
Speak English less than "very well"	0	+/-11
German:	0	+/-11
Speak English "very well"	0	+/-11
Speak English less than "very well"	0	+/-11
Yiddish:	0	+/-11
Speak English "very well"	0	+/-11
Speak English less than "very well"	0	+/-11
Other West Germanic languages:	16	+/-24
Speak English "very well"	16	+/-24
Speak English less than "very well"	0	+/-11
Scandinavian languages:	0	+/-11
Speak English "very well"	0	+/-11
Speak English less than "very well"	0	+/-11
Greek:	0	+/-11
Speak English "very well"	0	+/-11
Speak English less than "very well"	0	+/-11
Russian:	0	+/-11
Speak English "very well"	0	+/-11
Speak English less than "very well"	0	+/-11
Polish:	0	+/-11
Speak English "very well"	0	+/-11
Speak English less than "very well"	0	+/-11
Serbo-Croatian:	0	+/-11
Speak English "very well"	0	+/-11
Speak English less than "very well"	0	+/-11
Other Slavic languages:	5	+/-9
Speak English "very well"	0	+/-11
Speak English less than "very well"	5	+/-9

	Estimate	Margin of Error
Armenian:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Persian:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Gujarati:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Hindi:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Urdu:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Other Indic languages:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Other Indo-European languages:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Chinese:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Japanese:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Korean:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Mon-Khmer, Cambodian:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Hmong:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Thai:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Laotian:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Vietnamese:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Other Asian languages:	0	+/-11
Speak English “very well”	0	+/-11

	Estimate	Margin of Error
Speak English less than “very well”	0	+/-11
Tagalog:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Other Pacific Island languages:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Navajo:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Other Native North American languages:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Hungarian:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Arabic:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Hebrew:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
African languages:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11
Other an unspecified languages:	0	+/-11
Speak English “very well”	0	+/-11
Speak English less than “very well”	0	+/-11

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to non-sampling error (for a discussion of non-sampling variability, see Accuracy of the Data). The effect of non-sampling error is not represented in these tables.

Methodological changes to data collection in 2013 may have affected language data for 2013. Users should be aware of these changes when using multi-year data containing data from 2013.

While the 2010-2014 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates

1. Information gathered from community organizations that serve LEP persons.
  - a. Guilford Water Superintendent Jeff Fuller 607-764-8783 to date has had no contact with LEP persons. (12/7/16)
  - b. Guilford Town Clerk Gail Hoffman 607-895-9966 (office) to date has had no contact with LEP persons. (12/7/16)
  - c. Guilford Fire Department Chief Ken Haynes to date the Fire Department 607-764-8208 has had no contact with LEP persons. (12/7/16)
  - d. The Chenango County Department of Social Services Commissioner Bette Osborne 607-337-1552. Research by the Dept.
  - e. The Chenango County Department of Public Health Marcus Flindt 607-337-1729 outreach Public Nursing Staff and Environmental Health. Research by the Dept.
  - f. Opportunities for Chenango Head Start Karen Randall 607-336-4515 to date there are no LEP families receiving LEP services.

## Part 2: Language Assistance Measures

Language assistance for the groups identified above will be provided as follows. By resolution of the Guilford Town Board.

WHEREAS, on occasion the Town of Guilford requires the services of an interpreter for various languages, and

WHEREAS, MAMI (Multicultural Association of Medical Interpreters) of Utica, New York can provide said services, either in-person, or via telephone conference call at a rate of \$55.00 per hour plus IRS mileage rate per mile in person, or \$1.50 per minute if by telephone.

NOW, THEREFORE, be it

RESOLVED, the Supervisor of the Town of Guilford is hereby authorized to sign an agreement for interpretive services with MAMI of Utica, New York for interpreter service, at rates set forth in the agreement.

Moved by Councilmember	Odell
Seconded by Councilmember	Ives

Councilmember Odell	Yes
Councilmember Ives	Yes
Councilmember Miles	Absent
Councilmember Ward	Yes
Supervisor Seneck	Yes

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the Guilford Town Board, Town of Guilford, County of Chenango, State of New York on the 14<sup>th</sup> day of December 2016 and the whole thereof.

Dated, Guilford, N.Y.

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Town Clerk

- The types of services available are described in the MAMI agreement.
- Recipient staff can obtain services by making a request to the town clerk or town supervisor.
- Staff can respond to LEP callers using caller ID and requesting services from MAMI.
- Written communication from LEP individuals on request will be translated by MAMI.
- In person contact with program staff will be responded to by telephone communication with MAMI.
- MAMI services are bonded and insured.

### Part 3: Staff Training

In house training for staff (supervisor, town clerk, water superintendent) responsible for contact with the general public will be knowledgeable about our Language Access Plan and how to provide services to persons that are limited English proficient in the languages identified through the assessment in Part I. Refresher information will be provided to our staff when updates are made to the LAP to ensure consistency.

- Staff member in contact with the public LEP individuals will participate in a telephone training practice session with MAMI staff and complete a practice “request for services” form.

### Part 4: Vital Document Translations

The following documents have been identified as vital documents and will be translated into the language groups identified in Part I and using safe harbor provisions.

- Application for Water Services Form
- Rules and Regulations for the Guilford Water System

RD recipients may use the “Safe Harbor” provisions for translation for vital written materials found in the USDA LEP Guidance. The provision outlines the circumstances that can provide a “Safe Harbor” for compliance with LEP requirements. If a recipient provides written language services under the conditions identified in the below table, such action will be considered strong evidence of compliance with written translation obligations under Title VI:

Size of Language Group	Written Language Assistance
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents
5% or more of the eligible population or beneficiaries and 50 or more in number	Translated vital documents
5% of the eligible population or beneficiaries and fewer than 50 in number	Translated written notice of right to receive free oral interpretation of documents
<i>Less than 5% of the eligible population or beneficiaries and less than 1,000 in number</i>	<i>*No written translation is required*</i>

### Part 5: Notice to LEP Persons

The Town of Guilford will provide notice to the public that languages series are available and the services are free of charge. Notice will be provided in the languages identified in Part 1 and in the following methods:

- Posting signs in intake areas and other entry points. This is important so that LEP persons can learn how to access language services at initial points of contact.
- Services will be provided through MAMI using the procedures outlined in this document.

## **Part 6: Monitoring and Updating**

Periodically, the Town of Guilford will review that the LAP remains current to the LEP populations in our service area. At a minimum, the LAP will be reviewed every (5) years to ensure our LEP policies and procedures remain current and result in effective language services remaining meaningful.

Adopted: December 14, 2016