



CITY OF MARION, NC

**FOUR-FACTOR ANALYSIS &
LANGUAGE ACCESS PLAN
FOR LIMITED ENGLISH PROFICIENCY PERSONS**

APPLICABLE TO FIRE SERVICES

Adopted by the City of Marion City Council

On

November 15, 2016

City of Marion
Four-Factor Analysis For
Limited English Proficiency

Purpose: In compliance with Executive Order 13166, the City of Marion has prepared a Four-Factor Analysis to assist in the development of a Language Access Plan (LAP) for Limited English Persons (LEP).

History: Title VI of the Civil Rights Act of 1964 is the federal law which protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who have limited English proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination.

Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

City of Marion Four-Factor Analysis: The following Four-Factor Analysis will serve as the guide for determining which language assistance measures the City of Marion will undertake to guarantee access to the City's fire department services by LEP persons.

Factor 1: Number or proportion of LEP persons served or encountered in the eligible service population. Served or encountered includes those persons who would be served by the recipient if the person received education and outreach and the recipient provided sufficient language services.

Response: Based on the service provided as a result of the City receiving USDA funds (the purchase of a fire truck), the entire City's population is considered to be the eligible area and population served. To determine if a certain population within the City meets the federal criteria as LEP which is more than 1,000 individuals or 5% of the population, the City utilized data obtained through the U.S. Census Bureau, American FactFinder, Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over, 2010-2014 American Community Survey 5-Year Estimates. Based on this data, the City meets the 1,000 or 5% LEP person's threshold for Spanish or Spanish Creole. According to the July 1, 2015 North Carolina Office of State Budget and Management's Certified Population for the City of 8,129, 9.93% (807) of our total population speak Spanish or Spanish Creole. Of those 807, 416 (52%) speak English "very well". This leaves a total of 391 (4.81%) of our total population who speak Spanish or Spanish Creole and speak English less than "very well". While there are other ESL groups represented in the City, each language is represented by fewer than 20 people which is less than ½% of the population.

Factor 2: The frequency with which the LEP persons come into contact with the program.

Response: Our USDA Rural Development project (the purchase of a fire truck) is considered to potentially affect anyone within the Marion city limits and contact with the LEP persons can occur at any time due to the nature of public safety. The present Fire Chief states that the department has rarely come into contact with Spanish speaking individuals. When contact has occurred, a child in the family has been present that could speak fluent Spanish and English and could translate. While frequency in this case does not negate the importance, experienced frequency is considered rare.

Factor 3: The nature and importance of the program, activity, or service provided by the program.

Response: In addition to responding to fire calls and other related emergencies, the Fire Department issues fire permits and performs fire inspections. In cases of “other related emergencies”, the Fire Department is not the main responder and is assisting the County EMS. While all of these services are considered important, fire calls are deemed the most important due to the potential urgency of the situation. Each call is different and verbal communication can be a life or death matter.

Factor 4: The resources available and costs to the recipient.

Response: The City has two Police Officers that can fluently and effectively communicate in both English and Spanish and have a basic knowledge of specialized terms and concepts used frequently in the provision of public safety services. One of these employees is available at all times by phone at any time of emergency to assist in translation. These employees may also be utilized to translate documents and forms if/when needed. There would be no costs to the recipient.

The City will use other translation services to translate documents and forms when needed such as www.freetranslation.com. There would be no costs to the recipient.

The City recently launched a new website which provides City departments the ability to customize the documents provided the public. The Language Access Plan and any documents that are available in Spanish can be provided on the website. There would be no costs to the recipient.

City of Marion, NC
Language Access Plan for
Limited English Proficiency

Introduction

As a result of the preceding Four Factor Analysis, the City of Marion has identified the following types of language assistance to be provided on an as needed basis by the City throughout the use of the following Federally Assisted Program(s): Fire Protection.

The City has in place a Language Access Plan which was adopted on September 30, 2010 in connection with CDBG grants which were administered by our regional Council of Government staff. That plan is targeted towards the housing population. This plan, which is targeted towards individuals potentially needing fire protection, is not intended to replace that plan, but to be utilized in conjunction with it.

Purpose

In compliance with Executive Order 13166, the City of Marion has developed the following Language Access Plan (LAP) for Limited English (LEP) Persons.

Title VI of the Civil Rights Act of 1964 is the federal law which protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who have limited English proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination.

Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

Plan Summary

The City of Marion has developed this LAP/LEP to help identify reasonable steps for providing language assistance to persons with limit English proficiency who wish to access services provided by the City. As described in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English.

Limited English Proficiency Population

According to the North Carolina Office of State Budget and Management, the City of Marion's certified population as of July 1, 2015 was 8,129. The information in the table on the following page regarding the ESL population was taken from the U.S. Census Bureau, American FactFinder, Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over, 2010-2014 American Community Survey 5-Year Estimates and provides a breakdown of the number of persons in the City whose first language is not English.

City of Marion, NC	
Analysis of ESL Population in Relation to July 1, 2015	
Total City Population	
7/1/15 Total Marion Population	8,129*
ESL Group**	Estimated Population**
Spanish or Spanish Creole	807
Italian	4
German	18
Chinese	12
Korean	9
Other Pacific Island Languages	17
* North Carolina Office of State Budget and Management	
** U.S. Census Bureau, American FactFinder, Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over, 2010-2014 American Community Survey 5-Year Estimates	

- 1) Based on this data, the City of Marion does meet the 1,000 or 5% LEP persons threshold for Spanish or Spanish Creole. 9.93% (807) of our total population speak Spanish or Spanish Creole.
- 2) While there are other ESL groups represented in the City, each language is represented by fewer than 20 people which is less than ½% of the population.

Provisions for Language Assistance

The City currently has two full-time sworn law enforcement officers that can fluently and effectively communicate in both English and Spanish and have a basic knowledge of specialized terms and concepts used frequently in the provision of public safety services. One of these two officers is available at all times via telephone for Spanish translation, particularly in emergency situations. These officers are also available to translate documents if necessary. The City will use other translation services in times of non-emergency such as the www.freetranslation.com website when time is not of the essence.

Fire Inspection Reports will be translated if a communication barrier exists between the Fire Inspector and an adult member of the household or upon request.

Fire education and safety documents currently available in Spanish on the National Fire Protection Association website will be made available to public. Burning permit brochures are currently printed in both Spanish and English.

The City recently launched a new website which provides City departments the ability to customize the documents provided the public. The Language Access Plan and any documents that are available in Spanish can be provided on the website.

Staff Training

- 1) An email will be sent to all administrative staff and Fire Department staff advising of the LAP/LEP requirements.
- 2) A copy of this plan will be available to all staff.
- 3) Appropriate staff members will be provided with contact information for the two Spanish speaking Police Officers.
- 4) Staff members will be made aware of the www.freetranslation.com website.
- 5) Staff members will be advised to document and communicate with their supervisor any requests for language assistance.

Frequency of Contact with LEP Population

Our USDA Rural Development project (the purchase of a fire truck) is considered to potentially affect anyone within the city limits of Marion and contact with the LEP persons can occur at any time due to the nature of public safety. The present Fire Chief states that the department has rarely come into contact with Spanish speaking individuals. When contact has occurred, a child in the family has been present that could speak fluent Spanish and English and could translate. While frequency in this case does not negate the importance, experienced frequency is considered rare.

Notice to LEP Persons

The City will take appropriate steps to inform all interested persons of the provisions of this policy. This plan will be translated into Spanish using www.freetranslation.com and will be posted on the City website. A notice in Spanish regarding the Language Assistance Plan will also be posted in the Fire Department and in the City's high traffic areas (City Hall and the Water/Sewer Billing & Collections Department).

Vital Document Translations

A vital document would be considered any notification that would directly impact individuals of the LEP Population.

- 1) Results of Fire Inspection Reports can be considered vital given the results of the report. Fire Inspection Reports will be translated in Spanish when a communication barrier exists between the Fire Inspector and an adult member of the household or upon request.
- 2) Information regarding Outdoor Burning and Permits will be available in both English and Spanish.
- 3) Fire educational information available from the National Fire Protection Association website in both English and Spanish will be made available to public.

Monitoring and Updating the Language Access Plan

An annual review will be conducted via U.S. Census updates to determine the following:

- Determine the current LEP population in the area
- Determine whether or not the need for translation services have changed
- Determine if there is a need for additional language populations
- Determine if the needs of the LEP population have been addressed and how

- Determine whether the LAP has been effective and sufficient
- Determine if there is an increase or decrease in LEP contacts
- Document and requests or complaints from the LEP population

In addition, the City will analyze further needs as part of planning and budget processes and as demographics shift in the future.