

City of Albany, Oregon

Limited English Proficiency Plan



Updated November 1, 2023
City Manager's Office

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Introduction

The City of Albany's mission is to provide quality public services for a better Albany community. We are committed to do our best to reach all people as best we can as our City resources allow. Our [Strategic Plan](#) provides direction on how we achieve this. Specifically, Goal 2, Effective Government, describes objectives to develop a city communications and engagement strategy that will support an engaged and informed citizenry and build public trust. This Limited English Proficiency (LEP) Plan helps to improve accessibility to local government services. (It should be noted that Transit also has an LEP Plan.)

In order to update the citywide LEP Plan, staff in the City Manager's Office used information from the 2020 Census, as well as internal staff surveys. Many of the Census results for Albany can be found on the City's [Demographic Data](#) webpage.

[Portland State University Population Research Center](#)

Albany's population as of July 1, 2021, was 57,322. Albany spans two counties: Benton County's population on July 1, 2021, was 95,594, and Linn County's was 131,194.

[U.S. Census Bureau QuickFacts: Albany, Oregon](#)

Quick Facts includes several categories, including age and sex; race and Hispanic origin; and population characteristics.

[U.S. Census Community Profile dashboard](#)

According to the 2020 Census, 7,949, or 14%, of people in Albany are Hispanic or Latino, based on the Census population count of 56,472. The occurrence of languages other than English spoken at home in Albany is 10% (the rate for Oregon is 15.2%). Languages spoken at home are English (90%), Spanish (7.7%), and Asian and Pacific Islander (1.5%). For the US overall, 21.6% of the population speak a language other than English at home.

We hope the information on our website along with this LEP Plan is useful to our Albany community, especially our LEP persons.

Purpose

What is a Limited English Proficiency (LEP) plan?

A LEP Plan is a document that describes how an organization will provide services to individuals who are non-English speaking or have limited English proficiency. Transit has their own LEP Plan.

Why does Albany have a LEP Plan?

The LEP Plan fulfills the City's responsibilities as a recipient of federal financial assistance towards the needs of individuals with limited English language skills. This plan was originally prepared in 2015, in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color, or national origin.

The City of Albany receives funds from the U.S. Department of Housing and Urban Development under Title I of the Housing and Community Development Act of 1974, as amended, 42 U.S.C. §5301 (1994), via the State of Oregon through its Oregon Infrastructure Finance Authority (IFA).

The 2015 LEP Plan was adopted by the City Council in 2015 by [Resolution No. 6402](#).

Why are we updating the LEP Plan?

The 2020 Census provided information about the Albany community and an opportunity to evaluate the LEP Plan. Doing so ensures that the City of Albany continues to provide excellent customer service for our LEP people, and also helps us to work toward effective governance and transparency. This is the second update to the LEP Plan.

How will the LEP Plan be updated in the future?

Staff who regularly encounter the public will receive annual training. Staff surveys can be conducted as needed to consider changing demographics and measure the City's effectiveness in reaching LEP people. Following each Census, the City Manager's Office will facilitate a comprehensive review of the LEP Plan.

Elements of an Effective LEP Plan

The U.S. Department of Justice, Civil Rights Division, has developed a set of five elements to include in the LEP Plan (needs assessment, language services offered, notices, training for staff, and evaluation).

Section 1: Needs Assessment (identifying LEP persons who need language assistance)

Information about the needs of current and future customers whose preferred spoken and written language is a language other than English, including the number of individuals with limited English proficiency based on Census results and a staff survey.

Section 2: Language Services (identifying ways in which assistance can be provided)

Description of the types of services the organization will provide, such as in-person interpretation and remote interpretation.

Section 3: Providing Notice (providing notice to LEP persons)

Description of how the City will inform customers about the availability of services.

Section 4: Training (training staff)

Description of how the City will train staff on its policies and procedures for providing language assistance services. The training may also include information about other tools the City uses to communicate with the public.

Section 5: Evaluation (monitoring and updating the LEP Plan)

The City's plan for when and how the organization will monitor and update the LEP Plan, including a process for complaints.

Section 1: Needs Assessment

The Four Factor Analysis is a federal requirement used to determine community needs. The four factors evaluate the various kinds of contacts the City has with the public where access to languages other than English may be needed, and the reasonable steps the organization should take to ensure meaningful access for LEP people to City programs and services.



Graphic from: [Guide to Developing a Language Access Plan](#), U.S. Centers for Medicare & Medicaid Services, U.S. Department of Health and Human Services - 2018

Four Factors:

1. Proportion: The number or proportion of LEP persons eligible to be served or likely to be served by a program, activity, or service.
2. Frequency: The frequency with which LEP individuals come in contact with the program, activity, or service.
3. Nature and Importance: The nature and importance of the program, activity, or service.
4. Resources Available: The resources available and the cost of language services.

Recommendations are based on the results of the four-factor analysis. The City used a combination of 2015 Department of Labor data, the 2020 Census data, and a 2023 City staff survey for this analysis.

Factor 1: The Proportion, Numbers, and Distribution of LEP Persons

A review of the data from the [2015 Language Map App Accessible Version | LEP](#) revealed that in Linn County, Oregon, the number of people over age 5 who speak a language other than English at home was >1% and <=5% of the total population. 2.3% of the County population reported that they speak English less than “very well.” The most common language other than English spoken at home was Spanish, with 2,181 people recorded as speaking Spanish in 2015.

In 2020, the Census results include four classifications of how well people speak English (‘very well,’ ‘well,’ ‘not well,’ and ‘not at all.’) The results of the 2010 Census showed that 2,043 out of a population of 46,430 (or 4.4 %) spoke English less than ‘very well.’ The 2020 Census showed that 3,474 out of a population of 56,472 (or 6.1%) spoke English less than ‘very well.’ It also showed that 7,949 people in Albany (14%) are Hispanic or Latino. The occurrence of languages other than English spoken at home in Albany was 10%.

Label	Estimate
LANGUAGE SPOKEN AT HOME	
Population 5 years and over	51,556
English only	46,425
Language other than English	5,131
Speak English less than “very well”	1,737
Spanish	3,975
Speak English less than “very well”	1,418
Other Indo-European languages	339
Speak English less than “very well”	72
Asian and Pacific Islander languages	764
Speak English less than “very well”	243
Other languages	53
Speak English less than “very well”	4

Source: [DP02: SELECTED SOCIAL ... - Census Bureau Table](#)

Factor 2: Frequency of Contact with LEP Individuals

The City offers several public services: water, sewer, transit, police service and fire service, two libraries, several parks, recreation opportunities, community development activities, municipal court, and public works activities. Staff in Human Resources and other central services departments such as Finance, IT, City Manager’s Office, and Information Technology also have aspects of job duties that may require interaction with LEP persons. Several of the City’s offices and buildings are accessible to the public and there are many staff working in the field. The frequency of a City employee having contact with an LEP individuals is reflected in the survey completed by staff in 2023.

Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP

Some City services are necessary for health and safety, such as police, fire, and access to water and sewer service; the consequence of a person's inability to procure these services would be severe. Other City services are necessary for the public's personal home and business needs, such as getting permits in Community Development, access to city council meeting materials, or communication with municipal court staff. Other services, like library, and parks and recreation programs, are meaningful to LEP persons because they affect their ability to find information and engage with their community.

Factor 4: The Resources Available to the City of Albany

In recent years many communication-centered technical platforms have been created, especially with the move to virtual meetings. The City of Albany has access to the same products that other local governments do, although budget constraints are a factor both in terms of the programs or platforms available for purchase and in staffing levels needed to operate and maintain them.

Survey results:

In September 2023, representatives from every City department were surveyed using the four-factor analysis in order to learn more about current steps Albany is taking to address community needs. Results indicate that some departments have been proactively reaching LEP persons by making outreach materials available in Spanish; and most departments already know how to access translation tools when the need may arise. Departments that have Spanish speakers rely on them for translation, and they sometimes assist other departments. All departments reported that lack of financial resources prevented them from being able to do more. The City will continue to incorporate new training materials for staff as resources allow, and implement a review process for the LEP Plan so that we can continue to improve our service to LEP persons.

Section 2: Language Services

Based on the results of the four-factor analysis and the survey results, the City will use the following language services:

1. Gengo for “major” messages that are urgent or safety related and affect the entire city; or for messages for subjects or programs specifically targeted to native Spanish speakers.
2. Language Line Solutions identification cards distributed to employees likely to encounter LEP persons.
3. LingaLinx is on the state contract and can be used as an alternative.
4. Spanish-speaking employees, when available. (The City of Albany provides an incentive pay for Spanish-speaking employees who pass a proficiency test coordinated by Human Resources and whose position requires them to use Spanish regularly.)
5. Translation of written materials upon request and as resources allow.
6. Live translation accommodation for certain events and meetings upon request to the City Manager’s Office.

Section 3: Providing Notice

Signage for buildings:

City Hall directional signage includes labels in Spanish.

Website notice:

The City links to [Google Translate](#), which provides an automated translation of the website. The tool is not perfect, and the context of the text may not be taken into account when it is translated. As a result, sometimes the translation of the website may lose some of its intended meaning.

For more information, visit the Translation/LEP Plan tab at [Website Terms and Conditions \(albanyoregon.gov\)](#).

Federal funds:

There are two options for recipients of federal funds to provide language services: oral interpretation in person or over the telephone, and written translation. An interpreter is a person who translates spoken language orally. A translator translates written language from one language into another.

Section 4: Training

The City Administrative Support Services (CASS) group will receive training on the LEP Plan on an annual basis. CASS members represent each of the City's departments and they will be asked to disseminate the information throughout their departments as needed. The City Manager's Office oversees CASS.

The training will include the information about Language Services in Section 2, and the information on the City of Albany employee portal.

Section 5: Evaluation

The City Manager's Office will be responsible for evaluation of the LEP Plan and training employees, including:

1. Conducting staff surveys as needed to measure the City's effectiveness in providing for LEP individuals.
2. Following each Census, reviewing and updating the LEP Plan.
3. Training staff on how to use language assistance services.
4. Regularly assessing and improving the language assistance program.
5. Confirming that complaints are fully processed.

Complaint Process

An LEP person believing that he or she has been denied a City service because of their language barrier should contact the City's Human Resources Director. Complainants are encouraged to come forward as soon as possible after the alleged discriminatory conduct. A written complaint will ensure that the alleged conduct is stated in the complainant's own words. The complaint should include date, time and location of incident(s); to the extent known, the names and job titles of persons involved; a concise statement of the facts; names of witnesses, if any; and the complainant's full name, address, telephone number, and email address.

Upon receiving the complaint, the Human Resources Director will consult with the director of the department in which the alleged discrimination occurred. The director will be given an opportunity to investigate the matter (unless the complaint is against the director) and report back. The Human Resources Director will determine whether further investigation is necessary

and, if so, who will conduct the investigation. Consultation with the city manager and/or city attorney may take place at any time during this process.

It is the intent of the City to investigate complaints promptly and efficiently. Although it is hoped that an investigation can be completed within 14 days, some investigations may require more time. In such cases, the Human Resources Director will keep the complainant advised of the status of the investigation at least every 14 days.

At the conclusion of the investigation, the affected department director, HRD and city manager will review the findings and determine whether discrimination has occurred and an appropriate remedy, if warranted. The determination and remedy, if any, will be communicated to the complainant by the HRD and/or affected department director.

As it is the City's desire to resolve complaints amicably, the City may engage the complainant in conciliation discussions at any time before, during, or after the investigation.

Safe Harbor

Federal law provides a safe-harbor stipulation so that recipients of federal funds can ensure that they comply with the obligation to provide written translations in languages other than English. Safe harbor means that, if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

Failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients who would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis. For example, even if a safe harbor is not used, if written translation of (a) certain document(s) would be so burdensome as to defeat the legitimate objectives of this program, it is not necessary. Other ways of providing meaningful access, such as an effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written-translation obligation under safe harbor includes providing written translation of vital documents for each eligible LEP language group eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

This safe-harbor provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed.