

## **Safe Harbor Stipulation**

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

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that 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 its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient’s written-translation under “safe harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000 whichever is less, of the population of persons 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 and are reasonable.

No LEP language groups in the City of Marion jurisdictional area constitute the 5% or 1,000 persons of population threshold for which written translations of vital documents can be provided meet the safe harbor standard. However, given the small number of LEP language group members, the City of Marion budget and the number of staff, it is deemed that written translations of core documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for the City of Marion to proceed with oral interpretation options for compliance with LEP regulations.

## **Providing Notice to LEP Persons**

USDOT LEP Guidance says:

Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP person of services available free of charge. Recipients should provide this notice in language LEP persons would understand.

1. Signage when free language assistance is available with advance notice.
2. Stating in outreach documents that language services are available from the agency.
3. Working with community-based organization and other stakeholders to inform LEP individual of the recipient's services, including the availability of language assistance services.
4. Using automated telephone voice mail attendant or menu which can provide information about available language assistance services and how to get them.
5. Including notices in local newspapers in languages other than English.
6. Providing presentations and / or notices at schools and religious organizations.

## **Options and Proposed Actions**

### **Options:**

Federal fund recipients have two main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis. (4)

The City of Marion is defining as interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and a translator as a person who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter. (5)

Considering the relatively small scale of the City of Marion in Grant County, the small number of LEP individuals in the service area, and limited financial resources, it is necessary to limit language aid to the most basic cost-effective services.

(4) <http://www.dotcr.ost.dot.gov/asp/lep.asp>

(5) Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-vol. 67- #11

**What the City of Marion and The City of Marion Transit Department will do. What actions with the City of Marion and the City of Marion Transit Department take?**

With advance notice of seven calendar days, the City of Marion will provide interpreter services at the public meetings. Interpreter to include foreign language, and hearing impaired.

The City of Marion will utilize the *Translators Resource List* as provided by INDOT for translation services and verbal interpretation.

Placement of statements in notices and publication that interpreter services are available for these meetings, seven days advance notice.

Publication of the federal complaint form on the website and available at public meetings.

The U.S. Census Bureau has developed language identification flashcards that the staff will use.

**City of Marion Training**

- 1) Information on the Title VI Policy and LEP responsibilities.
- 2) Description of language assistance services offered to the public.
- 3) Use of the "*I Speak*" *Language Identification Cards*.
- 4) Documentation of language assistance requests.
- 5) How to handle a potential Title VI / LEP Complaint.

**LEP Plan Access**

**Translation of Documents**

Due to the very small local LEP population, the City of Marion and the City of Marion Transit Department does not have a formal outreach procedure in place as of 2015. Translation resources have been identified and are limited in the region. However, when and if the need arises for LEP outreach, The City of Marion and the City of Marion Transit Department will consider the following options:

When staff prepares a document, or schedules a meeting, for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.

**Monitoring and Updating the LEP plan:** The City of Marion and the City of Marion Transit Department will update the LEP as required by the U.S. DOT. At a minimum, the plan will be reviewed when it is clear that higher concentrations of LEP individuals are present in the City of Marion and the City of Marion Transit Departments service area. Updates will include the following:

- 1) The number of documented LEP person contacts encounter annually
- 2) How the needs of LPE persons have been addressed
- 3) Determination of the current LEP population in the service area
- 4) Determine whether local language assistance programs have been effective and sufficient to meet the need.
- 5) Determine whether The City of Marion financial resources are sufficient to fund language assistance resources needed.
- 6) Determine whether the City of Marion fully complies with the goals of this LEP Plan.
- 7) Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

**Dissemination of the City of Marion and City of Marion Transit Department LEP plan.**

Any person or agency with Internet access will be able to access and download the plan from the City of Marion. The City of Marion will post the LEP Plan on its website at [www.cityofmarionus.com](http://www.cityofmarionus.com). Alternatively, any person or agency may request a copy of the plan via telephone, fax, mail, or in person, and shall be provided a copy of the plan at no cost to the LEP.

Questions or comments regarding the LEP Plan may be submitted to The City of Marion, 301 S. Branson St. Marion, Indiana 46952. Attention Mike Graft Head of Engineering, by phone at 765-662-9931.