

At a Regular Session of the County Commission of Kanawha County, West Virginia, held at the Courthouse thereof, on the 11th day of January 2024, the following Order was made and entered:

SUBJECT: Order adopting Kanawha County Commission Limited English Proficiency Plan and Notice Statements under the recently adopted Grievance Procedure for Complaints relating to alleged discrimination based on race, color, national origin, sex, age, or disability

The following Motion was offered by Ben Salango, Commissioner:

The County Commission of Kanawha County, West Virginia, hereby adopts authorizes Kanawha County Commission Limited English Proficiency Plan and Notice Statements under the recently adopted Grievance Procedure for Complaints relating to alleged discrimination based on race, color, national origin, sex, age, or disability (attached).

The adoption of the foregoing Motion having been moved by

Ben Salango, Commissioner, and duly seconded by

W. Kent Carper, Commissioner, the vote thereon was as follows:

W. Kent Carper, Commissioner AYE

Ben Salango, Commissioner AYE

Lance Wheeler, President AYE

WHEREUPON, Lance Wheeler, President declared said Motion duly adopted; and it is therefore ADJUDGED and ORDERED that said motion be, and the same is hereby adopted.

W. K. C.

W. Kent Carper, Commissioner

B. S.
Ben Salango, Commissioner

L. W.
Lance Wheeler, President

Approved by: Marc J. Slotnick
Marc J. Slotnick, County Attorney

KANAWHA COUNTY COMMISSION

LIMITED ENGLISH PROFICIENCY PLAN

This Limited English Proficiency (LEP) Plan has been prepared to address Kanawha County Commission's (KCC) responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964; EPA Notice 69 FR 35602, dated June 5, 2004, which states a general framework that EPA-assisted programs and activities may use to provide meaningful access to LEP persons, Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies that receive federal funds.

KCC has developed this LEP Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided by the KCC. As defined 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. This plan outlines how to identify a person who may need language assistance, and the ways in which assistance may be provided. In order to prepare this plan, KCC undertook the EPA four-factor LEP analysis which considers the following factors:

- 1. The number and proportion of LEP persons eligible to be served or likely to be encountered in the service area.**

Data was obtained using Census variable S1601 Language Spoken at Home by Ability to Speak English for the population 5 years and over by Kanawha County. The data in this plan is from ACS 2018-2022 5-year estimates.

The most recent five-year estimates report the municipalities of the service area include residents grouped as speaking Spanish, Other Indo-European Languages, Asian and Pacific Island languages, and other languages. The most prevalent non-English language groups are Asian and Pacific Island followed by Spanish.

The Safe Harbor Threshold is calculated by dividing the population estimate for the service area (Kanawha County) for a language group that "speaks English less than very well" by the total population of persons five years and older for the service area. The LEP Safe Harbor Threshold provision stipulates that for each LEP group that meets the LEP language threshold (5% or 1,000 individuals, whichever is less), KCC must provide translation of vital documents in written format for non-English speaking persons.

Most people in the Kanawha County area are proficient in the English language. Based on the United States Census Bureau – 2018-2022 ACS Demographic, Housing and Language Spoken at Home Estimates data, 97.60% of the population speak only English or speak another language but speak English "well." According to the survey of those that speak English less than well, 210 speak Spanish, 264 speak an Indo/Euro language, 264 speak an Asian language, and 189 speak another language. No language meets the safe harbor threshold.

Total PO over 5 years	Speak English Only or Speak English Well	Speaks English less than well			
		Spanish	Indo/Euro	Asain	Other
170,875	166,748	210	264	227	189
Percent	97.60%	0.12%	0.15%	0.13%	0.11%
					Total Combined 0.52%

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Source: American Community Surveys 2017-2022

2. Frequency of Contact by LEP Persons with KCC Services

KCC staff reviewed the frequency with which office staff have, or could have, contact with LEP persons. To date, KCC has had no requests over the past three years for an interpreter or translation of information. KCC averages over 250 phone calls per day.

KCC tracks the number of encounters and considers adjustments as needed to its outreach efforts to ensure meaningful access to all persons and specifically to LEP and minority populations of the Commission's programs and services.

If a language barrier were to ever exist, KCC would work to provide reasonable accommodations. The "I Speak" Language Identification Card is a document that can be used to by KCC staff to assist LEP individuals. The "I Speak" Language Identification Card includes languages spoken in the KCC service area as identified by the U.S. Census data. Languages can be added or removed to match the demographics of the KVTA service area.

3. The nature and importance of programs, activities or services provided by KCC to the LEP

Understanding that an LEP person with a language barrier can face difficulties accessing essential services, KCC has committed to ensuring that all segments of the population, including LEP persons, can participate in our services.

Therefore, KCC will ensure those who need translation services will be provided a translator and, if they need, have vital documents translated. KCC is of the opinion that any potential delay would not be serious or have life-threatening implications for an LEP individual.

4. The resources available to KCC and overall cost to provide LEP assistance

KCC reviewed its available resources that could be used for providing LEP assistance and determined that if required, KCC can/and will pay for all translation services. Given the small size of LEP populations in the KCC service area, full multi-language translations of our program and services are not warranted at this time. However, this information can be made upon request. KCC will contract with language interpreter services to provide interpreter services as need.

KCC Limited English Proficiency Plan Outline

If a person does not speak English as their primary language and is LEP, that person may be entitled to language assistance with respect to KCC programs and services. Language assistance can include interpretation and/or translation from one language into another language.

KCC will take reasonable steps to provide the opportunity for meaningful access to LEP individuals who have difficulty communicating in English.

How KCC staff may identify a person who needs language assistance:

1. Examine records to see if requests for language assistance have been received in the past, either at meetings or over the phone to determine whether language assistance might be needed at future events or meetings.
2. Have staff person greet participants as they arrive to KCC sponsored events. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English.
3. Have Census Bureau Language Identification Flashcards available to all KCC. This will assist KCC in identifying language assistance needs for future events, meetings and to assist staff in identifying specific language assistance needs.

Language Assistance Measures

There are various ways in which KCC staff responds to LEP persons, whether in person, by telephone or in writing.

- Post the KCC Title VI Policy and LEP Plan on the agency website, www.kanawha.us.
- To the extent feasible and to the extent bilingual individuals are on staff, assign them to attend community events, public hearings, and Commission meetings.
- Annually survey Commission offices, staff, and department heads related to their experience and contact with LEP persons during the previous year.
- Make translated versions (or provide for the language interpretation of relevant sections) of all documents/publications available upon request, within a reasonable timeframe.
- Translate our Notice of Non-Discrimination into Spanish
- The use of online resources as a last resort such as Google Translate to assist with the translation of documents. The main downside of this approach is accuracy.

Staff Training

The following training will be provided to KCC staff:

1. Information on KCC Title VI Procedures and LEP responsibilities.
2. Description of language assistance services offered to the public.
3. Use of Language Identification Flashcards.
4. Documentation of language assistance requests.
5. How to Handle potential Title VI/Nondiscrimination and LEP complaints

Providing Notice to LEP Persons/Outreach Techniques

KCC will use the following steps to inform LEP persons of the availability of language assistance.

- Post a statement on the KCC website stating "If you need special accommodation or translation into another language to view, please contact Melissa Smith, 304-357-0101. Si necesita adaptaciones especiales o traducción a otro idioma para ver los planes o programas de Comisión del Condado de Kanawha, comuníquese con Melissa Smith, 304-357-0101.
- Post the Title VI, LEP, and Notice of Nondiscrimination on its website.
- When encountering LEP persons directly, as needed KCC staff will use the "I Speak Language Identification Card" to identify the language and communication need of LEP persons. KCC may not be able to immediately accommodate or assist individuals self-identifying as a person not proficient in English but will seek means to follow up with the individual to address their needs in the language requested as soon as possible.
- Review outreach activities and information gathered from the Log of LEP encounters on the frequency of contact with LEP individuals to determine whether additional language assistance services are needed.
- Develop and maintain cooperative relationships with key agencies/community organizations that serve LEP populations in the area or the region. These entities can assist in providing or verifying translations and/or identifying gaps in assistance to persons with LEP needs.
- Utilize translation services, seeking out language assistance from community organizations.

Monitoring and Updating the LEP Plan

KCC will update the LEP plan as required by EPA. At minimum, the plan will be reviewed and updated when higher concentrations of LEP individuals are present in the jurisdiction. Updates will include the following:

- Determine the current LEP population in the service area.
- How the needs of LEP persons have been addressed.
- Determine as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the needs.
- Determine whether KCC's financial resources are enough to fund language assistance resources as needed.

- Determine whether KCC has fully complied with the goals of this LEP Plan.
- Determine whether complaints have been received concerning KCC's failure to meet the needs of LEP individuals.
- Sufficiency of Staff training.

Notice of Non-Discrimination

Kanawha County Commission does not discriminate on the basis of race, color, national origin, disability, age, or sex in administration of its programs or activities, nor does it intimidate or retaliate against any individual or group because they have exercised their rights to participate in or opposed actions prohibited by federal nondiscrimination laws, including 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights.

Melissa Smith is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7 (Non-discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency), including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972.

If you have any questions about this notice or any of Kanawha County Commission's non-discrimination programs, policies or procedures, you may contact:

Melissa Smith, Deputy County Manager
PO Box 3627
Charleston, WV 25336
304-357-0101
melissasmith@kanawha.us

If you believe that you have been discriminated against with respect to a Kanawha County Commission program or activity, you may contact Melissa Smith to learn how and where to file a complaint of discrimination or visit our website at www.kanawha.us to learn how and where to file a complaint of discrimination.

Aviso de no Discriminación

Comisión del Condado de Kanawha no discrimina por motivos de raza, color, país de origen, discapacidad, edad o sexo en la administración de sus programas o actividades, ni intimida o toma represalias contra ningún individuo o grupo por haber ejercido sus derechos de participación en acciones protegidas o prohibidas por las leyes federales de no discriminación, incluyendo el título 40 del código de regulaciones federales partes 5 y 7, o con el propósito de interferir con tales derechos.

Melissa Smith, es responsable de coordinar el cumplimiento y recepción de consultas relacionadas con peticiones de no discriminación implementados por el título 40 del código de regulaciones federales partes 5 y 7 (no discriminación en programas o actividades que reciben asistencia federal de la Agencia de Protección Ambiental), incluyendo el Título VI de la Ley de Derechos Civiles de 1964, con sus enmiendas; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de

Discriminación por Edad de 1975; el Título IX de las Enmiendas de Educación de 1972; y la Sección 13 de las Enmiendas de la Ley Federal de Control de la Contaminación del Agua de 1972.

Si tienes alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación de la Comisión del Condado de Kanawha, puedes ponerte en contacto con:

Melissa Smith, Gerente Adjunto del Condado
PO Box 3627
Charleston, WV 25336
304-357-0101
melissasmith@kanawha.us

Si cree que ha sido discriminado debido a un programa o actividad de la Comisión del Condado de Kanawha, puede contactarse con Melissa Smith para saber cómo y dónde presentar una queja por discriminación o visite nuestro sitio web en Kanawha.us para saber cómo y dónde presentar una queja por discriminación.