

**TITLE VI
NON-DISCRIMINATION PLAN
CITY OF BLOOMFIELD HILLS**



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POLICY STATEMENT

The City of Bloomfield Hills is committed to ensuring that the fundamental principles of equal opportunity are upheld in all decisions involving our employees and contractors/consultants, and to ensuring that the residents of our city are afforded access to our programs and services.

To that end, no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any City of Bloomfield Hills program or activity on the grounds of race, color, national origin, income, sex, age, disability, or limited English proficiency. The City of Bloomfield Hills assures all its programs and activities will be free from discrimination, whether those programs and activities are federally funded or not.

The City of Bloomfield Hills designates the City Manager as the Title VI officer with the responsibility of ensuring that the City of Bloomfield Hills complies with Title VI regulations.

Inquiries concerning the City of Bloomfield Hills policies, investigations, complaints, compliance with applicable laws regulations, and concerns regarding compliance with Title VI may be directed to the City Manager, 45 East Long Lake Road, Bloomfield Hills, Michigan 48304, telephone: (248)530-1404 or e-mail: manager@bloomfieldhillsmi.net.

This policy statement will be circulated throughout the City of Bloomfield Hills and included by reference in all contracts agreements, programs and services administered by the City of Bloomfield Hills.

Jay W. Cravens, City Manager

Date: _____

CITY OF BLOOMFIELD HILLS TITLE VI ASSURANCE

The City of Bloomfield Hills (hereinafter referred to as the City) hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Right Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 200d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of gender, 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 for which the City received Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and hereby gives assurance that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (l) and (b) of the Regulations.

More specifically and without limiting the above general assurance, the City hereby gives the following specific assurances with respect to the Federal Aid highway program:

1. That the City agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the City shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and, in adapted form, in all proposals for negotiated agreements:

"The City of Bloomfield Hills in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat, 252, 42 US (2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of gender, disability, race, color or national origin in consideration for an award,"

3. That the City shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That where the City receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and any facilities operated in connection therewith.
5. That where the City receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.

6. That this assurance obligates the City for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the City or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits: or (b) the period during which the City retains ownership or possession of the property.

7. The City shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he / she delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans contracts, property, discounts or other Federal financial assistance extended after the date hereof to the City under the Federal Aid highway program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid highway program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the City of Bloomfield Hills.

The City of Bloomfield Hills, Michigan

Jay W. Cravens, City Manager

Date: _____

AUTHORITIES

Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000-4; 42 USC 4601 to 4655; 23 USC 109(h);

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin (including Limited English Proficiency), or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, low income, and disability.

The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [So 557] March 22, 1988).

Federal Aid Highway Act of 1973, 23 USC 324: No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

Age Discrimination Act of 1975, 42 USC 6101: No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

Americans With Disabilities Act of 1990 PL 101-336: No qualified individual with a disability shall, by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a state or a local government.

Section 504 of the Rehabilitation Act of 1973: No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

USDOT Order 1050.2: Standard Title VI Assurances.

EO 12250: Department of Justice Leadership and coordination of Non-discrimination Laws.

EO 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; and

28 CFR 50.3: Guidelines for the enforcement of Title VI, Civil Rights Act of 1964.

EO 13166: Improving Access to Services for Persons with Limited English Proficiency.

DEFINITIONS

Adverse Effects -The totality of significant individual or cumulative human health or environmental effects including inter-related social and economic effects, which may

include, but are not limited to: (See Appendix B for additional discussion of "significant. ")

- Bodily impairment, infirmity, illness or death.
- Air, noise and water pollution and soil contamination.
- Destruction or disruption of man-made or natural resources.
- Destruction or diminution of aesthetic values.
- Destruction or disruption of community cohesion or a community's economic vitality.
- Destruction or disruption of the availability of public and private facilities and services.
- Adverse employment effects.
- Displacement of persons, businesses, farms or non-profit organizations.
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community.
- Denial of, reduction in, or significant delay in the receipt of benefits of City programs, policies or activities.

Significant Adverse Effects on Minority and Low-Income Populations -

An adverse activity that:

- a. Is predominately borne by a minority population and/or a low-income population, or;
- b. Will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Limited English Proficiency - Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the City.

Federal Assistance - Includes grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel, federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

Low-Income - A person whose median household income is at or below the Department of Health and Human Services poverty guidelines.
(<http://aspe.os.dhhs.gov/pverty/poverty.htm>)

Low-Income Population - Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Minority - A person who is:

- a. Black – a person having origins in any of the black racial groups of Africa;
- b. Hispanic – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- c. Asian American – a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or

- d. American Indian and Alaskan Native – a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population - Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Non-compliance - A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

Persons - Where designation of persons by race, color or national origin is required, the following designation ordinarily may be used: "White not of Hispanic origin," "Black not of Hispanic origin," "Hispanic," "Asian or Pacific Islander," "American Indian or Alaskan Native." Additional sub-categories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.

Program - Includes any road or park project including planning or any activity for the provision of services financial aid or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient - Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Sub-recipient -An agency such as a council of governments, regional planning agency, educational institution, for example, that receives Federal Highway Administration (FHWA) funds through the State DOT and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

ADMINISTRATION –GENERAL

The City Manager shall have lead responsibility for coordinating the administration of the Title VI and related statutes program, plan, and assurances.

- **Complaints.** If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or services, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or handicap, he / she may exercise his / her right to file a complaint with the City. Complaints may be filed with the City Manager. Every effort will be made to resolve complaints informally at the lowest level.
- **Data Collection.** Statistical data on race, color, national origin, English language ability

and sex of participants in, and beneficiaries of City programs, e.g., impacted citizens and affected communities, will be gathered and maintained by the City. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

- **City Reviews.** Special emphasis program reviews will be conducted based on the annual summary of Title VI activities accomplishments, and problems. The reviews will be conducted by the City to assure effectiveness in their compliance of Title VI provisions. The City Manager will coordinate efforts to ensure the equal participation in all their programs and activities at all levels.

The City does not have any special emphasis programs at this time.

- **Title VI Reviews on Sub-recipients.** Title VI compliance reviews will be conducted annually by the City Manager. Priority for conducting reviews will be given to those recipients of federal (US Department of Transportation) funds with the greatest potential of impact to those groups covered by the act. The review will entail examination of the recipients' adherence to all Title VI requirements. The status of each review will be reported in the annual update and reported to relevant US Department of Transportation (US DOT modes upon request)
- **Annual Report.** An annual report will be required to be compiled by August 1st of each year. The City Manager will be responsible for this report and it will be available by September 1st to the Michigan Department of Transportation and Federal Highway Administration if requested. This report will review Title VI accomplishments during the year and goals for the next year.
- **Title VI Plan Updates.** An annual update of the Title VI program will be submitted by October 1st to the Michigan Department of Transportation.
- **Public Dissemination.** The City will disseminate Title VI Program information to City employees and to the general public. Title VI Program information will be submitted to sub-recipients, contractors and beneficiaries. Public dissemination will include inclusion of Title VI language in contracts and publishing the Title VI Policy Statement on the City Internet website.
- **Remedial Action.** The City, through the City Manager will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

LIMITED ENGLISH PROFICIENCY (LEP)

Compliance with Title VI includes Limited English Proficient (LEP) persons. Language barriers prohibit people who are LEP from obtaining services and information relating to transportation services and programs. The City personnel have been made aware of LEP requirements. The City has examined the services it provides and has developed and implemented a system by which LEP persons can meaningfully access those services consistent with Title VI compliance without unduly burdening the organization. Following are some of the procedure: implemented to meet LEP:

- Material printed and distributed in languages other than English when determined

necessary. Typically this will be done when five percent or more of the individuals in an impacted area speak a language other than English.

- Individuals planning public meetings review the population of the affected area to determine LEP needs and make requests that individuals advise them of special needs.
- Reasonable steps to ensure meaningful access to City programs and activities by LEP persons have been implemented.
- Programs and activities normally provided in English are accessible to LEP persons and are therefore non-discriminatory on the basis of national origin in compliance with Title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations.

U.S. DOT guidelines require that recipients of federal financial assistance provide "meaningful access to program and activities" by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities, where appropriate. The recipient has to take "reasonable steps" to remove barriers for LEP individuals.

Reasonable steps will depend on:

- The number and proportion of LEP persons potentially served by the recipient's programs or activities and the variety of languages spoken in the recipient's service area.
- The frequency with which LEP individuals are affected by the program or activity.
- The importance of the effect of the recipient's program on LEP individuals.
- The resources available to the recipient and whether the recipient has budgeted for provision of special language services.
- The level of services provided to fully English proficient people.
- Whether LEP persons are being excluded from services or provided a lower level of services.
- Whether the recipient has adequate justification for restrictions, if any, on special language services or of speaking languages other than English.

FILING A COMPLAINT

- a. **Introduction.** The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the City programs, activities and services as required by statute.
- b. **Purpose.** The purpose of the discrimination complaint procedures is to describe the process used by the City for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.
- c. **Roles and Responsibilities.** The City Manager has overall responsibility for the discrimination complaint process and procedures. The City Manager may, at his/her discretion assign a capable person to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon the information obtained from the investigation.

- d. **Filing a Complaint.** In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal

complaint into a written complaint. All complaints however must be signed by the complainant and/or by the complainant's representative.

The complainant shall make him-or herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Applicability -The complaint procedures apply to the beneficiaries of City programs, activities and services, including but not limited to the public, contractors, sub-contractors, consultants and other sub recipients of federal and state funds.

Eligibility -Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the City or its sub-recipients, consultant and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex age or disability may bring forth a complaint of discrimination under Title VI.

Time Limitation and Filing Options -Title VI complaints of discrimination may be filed with the City Manager.

In all situations, City employees must contact the City Manager immediately upon receipt of a Title VI complaint and forward all documentation as soon as possible. Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonable be expected to know that the act was discriminatory within the 180 day period, you have 60 days after you became aware to file your complaint.

Complaints must be in writing and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

Items that should not be considered a formal complaint (unless the item contains a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

- An anonymous complaint that is too vague to obtain required information.
- Inquiries seeking advice or information.
- Courtesy copies of court pleadings.
- Courtesy copies of complaints addressed to other local, State or Federal agencies.
- Newspaper articles.
- Courtesy copies of internal grievances.

INVESTIGATION

Investigation Plan. The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s).
- Basis for the complaint.

- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against.
- Information needed to address the issue.
- Criteria, sources necessary to obtain the information.
- Identification of key people.
- Estimated investigation time line.
- Remedy sought by the complainant(s).

Conducting the Investigation

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- If a Title VI complaint is received on a Michigan Department of Transportation (MDOT) related contract against the City of Bloomfield Hills, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a complaint filed against the city, the complaint and any pertinent information should immediately be forwarded to the MDOT, Office of Civil Rights Programs.

Investigation Reporting Process

- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the City Manager's office for review.
- The City Manager reviews the file and investigative report. Subsequent to the review, the City Manager makes a determination of "probable cause" or "no probable cause" and prepares the decision letter.

Reporting Requirements to an External Agency.

A copy of the complaint, together with a copy of the investigation report and the final decision letter will be forwarded to the MDOT Office of Civil Rights Programs within 60 days of the date the complaint was received.

Records.

All records and investigative working files are maintained in a confidential area. Records are kept for three years.

Appendix Summary

Appendix A

Appendix A applies to all Federal-aid contracts and is included as a contract provision. Provisions include but are not limited to the following:

- Construction contracts and vendor/supply agreements.
- Consultant agreements for performance of work in connection with Federal-aid roadway projects. Typical contracts of this nature are for design work and environmental studies.
- Research agreements with colleges, universities or other institutions.
- Fee appraiser and fee attorney contracts in connection with Federally-aided right-of-way work.
- Contracts between the City and contractors for relocation of utilities. Appendix A would *not* apply if the, utility itself or its contractor relocates utilities.

Appendix B

Appendix B applies to conveyances of land or property to the City of Bloomfield Hills by the Federal government. It requires non-discrimination in connection with the City's use of the property.

Appendix C

Appendix C contains all clauses to be contained in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation

Examples:

- Leases and Property Management Agreements.
- Permits and Licenses, except where they are issued for the construction of utilities on roadway right-of-way the cost of which is paid by the utility company without Federal participation.
- Tenancy Agreements.
- Air Space Agreements.
- Railroad Agreements.

Once the purpose for which the Federal financial assistance is extended terminates and / or the City no longer retains ownership or possession of the property Title VI Assurances do not apply.

Examples of agreements where Appendix C is not applicable are as follows:

- Pit Agreements.
- Stockpiling Agreements.
- Relocation Agreements.
- Determination of Vacation and Abandonment.
- Quit Claim Deeds.
- Contracts with property owners, i.e., royalty agreements for obtaining materials.
- Warranty Deeds.

Appendix D

Appendix D provides specific language prohibiting discrimination. This language will be incorporated into all City contracts

Appendix E

Appendix E represents the Title VI Complaint Form.

Appendix F

Appendix F outlines the plans for the compliance activities for the current plan year.

APPENDIX A

The following clauses will be inserted into every Federal – aid contract subject to Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the “Act”), and all requirements imposed by and pursuant to Title 49, Code of Federal Regulations, Department of Transportation.

1. **Compliance with Regulations.** The contractor shall comply with the regulations relative to non-discrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21 as they may be amended from time to time, (hereinafter referred to as the “Regulations”) which are herein incorporated by reference and made a part of this contract.
2. **Non-Discrimination.** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors including the procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulation, including employment practices when the contractor covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontracts – Including Procurements of Materials and Equipment.** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to non-discrimination on the grounds of race, color or national origin.
4. **Information and Reports.** The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto and shall permit access to its books, records, accounts or other sources of information and its facilities as may be determined by the City of Bloomfield Hills to be pertinent to ascertain compliance with such Regulations and directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Michigan Department of Transportation or the Federal Highway Administration as appropriate and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Non-Compliance.** In the event of the contractor's non-compliance with the non-discrimination provisions of this contract, The City of Bloomfield Hills shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding of payments to the contractor under the contract until the contractor complies, and / or;
 - b. Cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions.** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of

equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the City of Bloomfield Hills may direct as a means of enforcing such provision including sanctions for non-compliance: Provided, however that, in the event a contractor becomes involved in, or is threatened with litigation with a subcontractor or supplier as a result of such direction, the contractor may request the City of Bloomfield Hills to enter such litigation to protect the interests of the City and, in addition, the contractor may request the Michigan Department of Transportation to enter into such litigation to protect the interests of the State and / or the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B - Transfer of Property

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Michigan Department of Transportation, will accept title to the lands and maintain the project constructed thereon, in accordance with State of Michigan, the Regulations for the Administration of the State Transportation Program and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)*

TO HAVE AND TO HOLD said lands and interests therein unto the Michigan Department of Transportation, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Michigan Department of Transportation, its successors and assigns.

The Michigan Department of Transportation, in consideration or the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex, disability, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed [,] [and]* (2) that the Michigan Department of Transportation shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

**Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.*

Appendix C - Permits, Leases and Licenses

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases, add, "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above non-discrimination covenants, the Michigan Department of Transportation shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above non-discrimination covenants, the Michigan Department of Transportation shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Michigan Department of Transportation and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Michigan Department of Transportation pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the grounds of race, color, sex, disability or national origin, shall be excluded from participation in, be denied the benefits of , or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Michigan Department of Transportation and assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

APPENDIX D - Prohibition of Discrimination in State Contracts

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.
6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.
7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor, as well as the contractor itself, and said contractor shall permit access

to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes of investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.

8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commission to participate in such proceedings.
9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all subcontracts and purchase orders will also state that said provisions will be binding upon each subcontractor or supplier.

APPENDIX E - Title VI Complaint Form

The following form will be used to address complaints with the City of Bloomfield Hills on purported violations of Title VI of the Civil Rights Act of 1964.



City of Bloomfield Hills
 45 E. Long Lake Road
 Bloomfield Hills, Michigan 48304-2322
 Phone (248) 644-1520 Fax (248) 644-4813

**Title VI
 Complaint Form**

Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonable be expected to know that the act was discriminatory within the 180 day period, you have 60 days after you became aware to file your complaint.	
I. APPLICANT / ORGANIZATION	
NAME:	ADDRESS:
CITY / STATE / ZIP CODE:	TELEPHONE NUMBER: ()
FACSIMILE NUMBER: ()	CELL PHONE NUMBER: ()
ORGANIZATION (If different from Applicant)	
ORGANIZATION'S NAME:	ADDRESS:
CITY / STATE / ZIP CODE:	
PLEASE EXPLAIN YOUR RELATIONSHIP TO THE INDIVIDUAL(S) INDUCATED ABOVE:	
II. NAME OF AGENCY, DEPARTMENT OR PROGRAM THAT DISCRIMINATED:	
NAME	ADDRESS
CITY / STATE / ZIP CODE:	TELEPHONE NUMBER: ()
NAME OF INDIVIDUAL(S) IF KNOWN:	
DATE DISCRIMINATION BEGAN:.	

LAST OR MOST RECENT DATE OF DISCRIMINATION:

III. ALLEGED DISCRIMINATION (Please mark appropriate box.)

RACE / COLOR:

SEX:

RELIGION:

NATIONAL ORIGIN:

AGE:

DISABILITY:

EXPLAIN. Please explain as clearly as possible what happened. Provide the name(s) of witnesses or others involved in the alleged discrimination. (Additional pages may be attached if necessary to this form.)

YOUR SIGNATURE:

DATE:

NOTE: The laws enforced by this City prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint or if you have questions regarding the completion of this form, please contact:
City Manger
45 East Long Lake Road
Bloomfield Hills, Michigan 48304
(248)644-1520
E-mail: manager@bloomfieldhillsmi.net.

APPENDIX F
Program Compliance / Program Review Goals for Current Plan Year (2011)

1. The Bloomfield Hills Title VI Policy will be communicated to each City Department Head who will review the Policy with appropriate departmental employees.
2. The Title VI Policy will be published on the City Bloomfield Hills Internet Web Site, following acceptance from the Michigan Department of Transportation (MDOT). (www.bloomfieldhillsmi.net.)
3. Appendix A will be included in all City contracts as outlined in the Title VI Plan.
4. The language in number 2 of the City of Bloomfield Hills Title VI Assurance will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
5. A procedure for responding to individuals with Limited English Proficiency will be developed.
6. Appropriate City employees will be trained on the LEP procedure and the Title VI complaint procedure.
7. A review of City facilities will be conducted in reference to compliance with the American with Disabilities Act.
8. The following data will be collected and reviewed by the City Manager and included, where appropriate, in the annual report submitted to MDOT.
 - a. Board and Commissions: The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
 - b. Public Meetings: The number of open meetings. How meeting dates and times communicated to the general public and to individuals directly affected by the meeting.
 - c. Construction Projects: The number of construction projects, number of minority contractors bidding and the number selected; Verification that Title VI language was included in bids and contracts for each project.
 - d. LEP Needs: How many requests for language assistance were requested or required and the outcome of these requests.
 - e. Complaints: The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
 - f. Timeliness of services: Number of requests for services; Amount of time from request to when service was delivered; Number of requests denied.
 - g. Right of Way / Imminent Domain: Numbers of such actions and diversity of individual affected.
 - h. Program Participants: Racial data of program participants where possible.

CITY OF BLOOMFIELD HILLS



Limited English Proficiency (LEP) Plan Guidelines and Procedures

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INTRODUCTION

The City is committed to making its services, programs and activities available to everyone, regardless of language barriers. As residents, workers or visitors who contribute to the quality of life in the City, LEP individuals are entitled to meaningful access to City services. As a recipient of federal funds, the City is required by federal law to plan for, and provide LEP individuals with meaningful access to City services, programs and activities. The City's LEP Plan has been prepared 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 individual shall be subjected to discrimination on the basis of race, color, or national origin. Executive Order 13166, titled *Improving Access to Services for Individuals with Limited English Proficiency* indicates that differing treatment based upon an individual's inability to speak, read, write or understand English is a type of national origin discrimination. It directs Federal agencies to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This Executive Order applies to all state and local agencies that receive federal funds, including all City departments receiving federal funds.

LEP community members and advocates can refer to the City's LEP Plan to learn about the City's commitment to ensure LEP individuals have meaningful access to City services, programs and activities. The guidelines and procedures contained in this document apply to all City departments and all City employees who interact directly or indirectly with LEP individuals. Each City department will be required to produce its own LEP policy and to budget for LEP services.

The City Manager is responsible for developing and maintaining the City's LEP Plan. For questions about the City's LEP plan, contact (248)644-1520 or send an e-mail to manager@bloomfieldhillsmi.net. Individuals may also visit the City's LEP information page on the City's website at www.bloomfieldhillsmi.net/LEP. City employees are directed to visit the City Manager's office for questions specific to their department's LEP policy.

DEFINITIONS

Whenever used in this document and unless a different meaning clearly appears from the context, the terms below are defined as follows:

Bona Fide Occupational Qualification (BFOQ) - In employment law, a *bona fide* occupational qualification (BFOQ) is a quality or an attribute that employers are allowed to consider when making decisions on the hiring and retention of City employees -qualities that, when considered in other contexts, could be considered discriminatory and thus violate civil rights employment law.

Department - The term department denotes a City department or office unless otherwise specified.

Identification - Means collecting relevant information about:

- the number or proportion of LEP individuals eligible for City services, programs and activities;
- the number or proportion of LEP individuals served by the City; or
- the frequency of LEP services or encounters with LEP individuals.

Interpretation - Is the conversion of a spoken message from one language to another, while preserving the intent and meaning of the original message.

Job Announcement - The document "announcing" the need to fill a vacant position. This document includes the general job duties of that classification, job duties that are specific and unique to the position being filled, and position requirements, including desirable qualifications and administrative information.

Job Evaluation System - The process applied to determine the appropriate job classification of an individual position or group of positions.

Language Assistance - The City's good faith effort to provide LEP individuals with meaningful access to its services, programs and activities by providing, upon request, interpretation and translation services, including telephonic interpretation.

Limited English Proficient (LEP) Individual - A limited English proficient individual is a person who does not speak English as their primary language and who has a limited ability to speak, read, write or understand English. The United States Department of Justice (DOJ) states that these individuals may be entitled to language assistance with respect to a particular type of service, benefit or encounter.

Meaningful Access - Federal standards require that organizations receiving federal funds provide LEP individuals with meaningful access to their services, programs and activities. An LEP individual has meaningful access when he or she:

- Is given adequate information;
- Can understand the services and benefits available;
- Can receive the services for which he or she is eligible; and
- Can communicate the relevant circumstances of his or her situation to the service provider.

Notification - Proactively informing LEP individuals in the City that they are entitled to City services, programs and activities.

Preferred Qualification - A skill or competency that is not required to perform the essential functions of a position, but would complement the qualified candidate's overall abilities and add value to the organization.

Public Meeting - Any meeting for which members of the general public receive notice or invitation to appear for the purpose of presentation, testimony, consultation or otherwise.

Resident - Anyone who lives in the City. In this document, the term resident is not related to immigration status.

Staffing - The process of filling a vacant position with the most highly qualified candidate.

Timely - Means avoiding the effective denial or delay of important benefits or services.

Training - Refers to ensuring that City employees are familiar with LEP mandates. Each City department with the assistance of the City Manager's office shall arrange for LEP training for

their respective employees.

Translation - The conversion of a written message from one language to another, while preserving the intent and meaning of the original message.

Vital Documents - Refers to information or documents that are critical for accessing federally funded services or benefits, or are documents that are required by law. Documents that require a signature are considered vital.

Vital documents include, but are not limited to the following:

- Consent and complaint forms.
- Intake forms with the potential for important consequences.
- Written notices of eligibility criteria, rights, denial, loss, or decreases in benefits or services, actions affecting parental custody, child support, or resulting from other hearings.
- Notices advising LEP individuals of free language assistance.
- Written tests that do not assess English language competency, but test competency for a particular license, job, or skill for which knowing English is not required.
- Applications to participate in a recipient's program or activity.
- Applications to receive benefits or services.
- Short descriptions of department or services.

Non-vital written materials could include the following:

- Third-party documents, forms, or pamphlets distributed by a recipient as a public service.
- For a non-governmental recipient, government documents and forms.
- Large documents such as enrollment handbooks (although excerpted vital information contained in large documents may need to be translated).
- General information about the program intended for informational purposes only.

LEP SERVICES

The City's LEP Plan governs City and City employee functions and actions, along with sub-recipients of federal funds through the City. This plan does not govern organizations that make use of City space for non-City events.

The City's LEP Plan addresses how services will be provided through general guidelines and specific procedures.

- Notification: Providing notice to LEP individuals about their right to service.
- Identification: Identifying LEP populations and LEP services in City departments.
- Interpretation: Offering free and timely interpretation to LEP individuals upon request.
- Translation: Providing free and timely translation of vital City documents upon request.
- Staffing: Identifying City employees to meet LEP customer service needs.
- Training: Delivering training on LEP service mandates to all City employees.

General Guidelines and Procedures for LEP Services

Bloomfield Hills' primary non-English language group is, "Other Indo-European" languages, as identified by the U.S. Census Bureau, 2005 – 2009 American Community Survey. Primary non-English language groups may change, as new data is collected.

Updating and monitoring the City's LEP Plan

The City's LEP Plan will be updated as necessary by the City Manager's office. For additional details on updating and monitoring the City's LEP Plan, refer to the section *Implementing, Monitoring and Updating the Plan* (page 32).

Incorporating department-level LEP assessments, plans and budgets into annual budget plans.

During each budget cycle, the City Manager will evaluate the services it provides to LEP individuals. Based on the evaluation, each City department will allocate a fixed budget, according to need, dedicated to providing LEP services. Each City department will work with its finance and budget personnel to incorporate LEP funding needs into budgets.

Evaluating the City's LEP Plan

The City Manager will evaluate the City's LEP Plan on a regular basis to determine its effectiveness. The evaluation will include:

- Identification of the LEP population in the City of Bloomfield Hills and recalculation of the City's primary language groups.
- Assessment of the current level of services delivered to LEP individuals by each City department.
- Reporting on the LEP training received by City employees.
- Reporting of activities by each City department.
- Feedback and comments from LEP communities, including organizations and advocacy groups serving LEP individuals, on the effectiveness of the City's LEP services.
- Evaluation of complaints (at both the departmental and City levels).

NOTIFICATION

Guidelines

The City must proactively notify LEP individuals of their right to services, programs and activities City departments and their employees must ensure that LEP individuals know they have the right to free and timely language services as it relates to the City's services, programs and activities.

Notification should be provided in a variety of ways, including, but not limited to:

- Posting signs in appropriate areas, such as waiting rooms, reception areas and other points of entry.
- Standard translated content in outreach documents, such as posters or brochures, stating that services are available.
- Working with LEP organizations and other stakeholders to inform City of Bloomfield Hills residents of their right to LEP services.
- Notices in local newspapers in languages other than English
- Giving presentations at community meetings, schools and other organizations, explaining residents' rights to LEP services.

Notification includes (at minimum):

- Information about available LEP services;
- Instructions on accessing services, programs and activities, including directions to City offices; and
- Assurance of free and timely language translation and interpretation services.

Notification should be provided in the primary languages.

- At minimum, notifications should be provided in English, Spanish and Standard Hindi.

Notice should be provided based on a calculation of relative Importance of the Information or City services, programs and activities as it relates to the LEP individual. Decisions on which signs, documents or other means of providing notice should be based on criteria such as:

- Importance or urgency of service.
- Volume of contact.

Procedures

Making a standard sign to notify individuals of their right to service. Standard signs will be provided by the City Manager's office to departments. City departments should post the standard signs informing LEP individuals of their right to free and timely interpretation and translation services.

Determining relative need for signs. Catalog current signs that are posted in public areas and decide which signs (e.g. directional, instructional, etc.) are the most important for accessing City services, programs and activities. Translate the most important signs first.

How a City employee may request a sign for City offices and buildings. Standard signs can be requested from the City Manager's office. Questions about other signs should be referred directly to the City Manager.

Including a statement in non-English languages about LEP services in print, audio or video materials. Vital documents used for City services, programs and activities should include a version of the following message, translated into the City's primary languages: "Attention. If you need help translating this information, call 248-644-1520." For a set of translations of this statement to insert in or with City department forms and documents, City employees should visit the City Manager's office.

IDENTIFICATION

Guidelines

The City will collect sufficient data about LEP Individuals to provide legally mandated LEP services. At a minimum, the City should identify the number or percentage of City of Bloomfield Hills residents who primarily speak a language other than English, and which languages they speak. The primary languages should be reviewed at least once a year and revised as necessary.

Information collected about LEP individuals must never be used to discriminate against groups or individuals. Immigration status is not relevant in determining whether an individual is eligible for the LEP services outlined in the City's LEP Plan. Except under special circumstances, City employees are not permitted to ask an LEP individual about their immigration status, even in casual conversation. All LEP individuals are eligible for City services, programs and activities.

The City must track services provided to LEP individuals. City departments will be responsible to keep detailed records of the LEP services they provide. Guidance on keeping records and the ensuing reporting will be provided by the City Manager. These records will be requested by the City Manager on a predetermined schedule. Records may also be requested on a need-to-know basis. The records may be used to determine the level of LEP services,

evaluate changes and make appropriate LEP budget decisions.

Procedures

Identifying LEP individuals. LEP individuals can be identified in a variety of ways, including:

- Analyzing existing data sets, such as U.S. Census data or information from public agencies; or
- Asking LEP individuals to indicate their preferred language using “I Speak” cards or other mechanisms.

Estimating LEP population sizes. General population statistics are accessible on the U.S. Census Bureau website at www.census.gov. Population data specific to City of Bloomfield Hills is available at the Southeast Michigan Council of Governments (SEMCOG) at the following link: <http://www.semco.org/Data/Apps/comprof/people.cfm?cpid=2035>.

Measuring usage of LEP services. Ways to collect information about LEP individuals served may include:

- Adapting databases used by the City to track languages spoken by clients.
- Incorporating 'language spoken' fields in client intake forms and tracking responses.
- Tracking telephone interpreting service usage.
- Counting website 'hits' directed to translated content.
- Conducting resident or customer satisfaction surveys
- Tallying the number of translated materials requested or distributed.

INTERPRETATION

Guidelines

Interpreters must be offered for free, if needed. The City must provide an interpreter, free of charge, to LEP individuals if needed to receive meaningful access to City services, programs and activities.

Public meetings will have interpreters available, if requested and needed. Public meeting notices should include notification language that states interpreters will be provided upon request, if requested at least 5 business days prior to the meeting.

The City will use competent and culturally sensitive interpreters, appropriate to the level of interpretation required by law. Interpretation is more than the ability to speak two or more languages. Interpretation is the conversion of a spoken message from one language to another, while preserving the intent and meaning of the original message. Interpreters must be skilled and competent.

Competent interpreters should be able to demonstrate at least one of the following:

- Evidence of training that includes skills and ethics of interpreting;
- Ability to convey information in both languages, accurately and completely, as demonstrated by a simulated interpreting encounter; or
- Fundamental knowledge in both languages of any specialized terms or concepts related to a City department's service, program or activity.

Competency standards apply to all interpreters used to deliver City services. Interpretation services for the City will be carried out by competent interpreters, whether they are City employees, contractors or telephone interpreters. City employees who work as interpreters must demonstrate competence as defined above. With contract interpreters and telephone

interpreters, contracting agencies must demonstrate how competency is assessed.

Volunteers should not interpret unless shown to be competent, according to City standards.

Volunteers, friends or family members whose competence has not been assessed should not be relied upon to interpret. The use of untrained volunteers exposes the City to liability related to its legal obligation to provide competent interpreter services.

Children should not interpret. For reasons of accuracy, confidentiality and family dynamics, minor children (under 18) should not interpret for family members or other LEP individuals. This guideline does not apply in serious emergency cases when a minor child is the only available potential interpreter.

Individuals may use their own adult volunteer interpreters under some limited circumstances.

City employees should not urge or require those who speak little or no English to provide their own interpreter. LEP individuals, however, may use their own interpreter if they waive their right to an interpreter provided by the City. If the effectiveness of service may be compromised or the LEP individual's privacy may be violated, a competent interpreter should be used.

Individuals using volunteer interpreters must sign a waiver form. Individuals waiving the right to an interpreter provided by the City will be asked to sign a waiver form.

Interpretation must be timely. Access to interpretation services in all City departments must be timely. No one may be denied access to services based on the lack of interpreter availability.

Procedures

Providing Interpretation. Interpretation can be provided in a variety of ways:

- Bilingual City employee formally trained in interpreting.
- Approved City contract vendor providing interpretation services.
- Bilingual City department employee.

Accessing an interpreter through a contracted vendor. The City maintains contracts with several vendors to provide interpretation services. City departments that use these services will be charged for them. To access an interpreter, City employees must refer to the interpreter vendor list as identified in the City's contracts with approved vendors for interpretation services. City employees should contact the City Manager's office for more information on how to access an interpreter through a contracted vendor.

Accessing a telephone interpreter through a contracted vendor. The City maintains contracts with several vendors to provide telephonic interpretation services. To access a telephone interpreter, City employees must refer to the telephone interpreter vendor list as identified in the City's contracts with approved vendors for interpretation services. City employees should contact the City Manager's office for more information on how to access an interpreter through a contracted vendor.

Administering a waiver of the right to an Interpreter. After working through an interpreter and ensuring that the individual waiving services can read in his or her preferred language, use the *Waiver of Interpretation / Translation Services* form. City employees should contact the City Manager's office for more information on how to access an interpreter through a

contracted vendor.

TRANSLATION

Guidelines

Translation of vital documents must be offered for free, if needed. The City must provide a translation of vital documents, free of charge, to LEP individuals if needed to receive meaningful access to City services, programs and activities.

Vital documents must be in primary languages. Vital documents must be available in the City's primary languages or readily translated by an interpreter, upon request. Not all documents can be translated and available in every language. City departments must have the capacity to translate documents upon request and in a timely fashion.

The City will use competent and culturally sensitive translators, appropriate to the level of interpretation required by law. Translation is more than the ability to read and write in two or more languages. Translation is the conversion of a written message from one language to another, while preserving the intent and meaning of the original message. Translators must be skilled and competent.

Vital documents should be translated by competent City employees or contract translators. Materials translated must be evaluated for accuracy of translation.

City translators should demonstrate competence. The skill of translating is very different from the skill of interpreting. An individual who is a competent interpreter may / or may not be competent to translate. A translator should understand the expected reading level of the audience and where appropriate, have fundamental knowledge about the target group's vocabulary and phraseology.

A competent translator should demonstrate one or more of the following:

- Evidence of training that includes skills and ethics of translation.
- Proficiency in English and the other language, as documented in an objective language proficiency test.
- Ability to convey information in both languages, accurately and completely, as demonstrated by a simulated translation request. Fundamental knowledge in both languages of any specialized terms or concepts.

With approved contract translators, contracting agencies should demonstrate how competency is assessed.

Volunteers, friends or family members should not translate materials unless deemed appropriate for the situation. Volunteers, friends or family members whose competence has not been assessed should not be relied upon. The use of untrained volunteers exposes the City to liability related to its legal obligation to provide competent translation services.

Children should not provide translations. For reasons of accuracy, confidentiality and family dynamics, minor children (under 18) should not translate vital documents for family members or other LEP individuals. This guideline does not apply in emergency cases, when a minor child is the only available potential translator.

Individuals may use their own adult volunteer translators under some limited circumstances.

City employees should not urge or require LEP individuals to provide their own translator. Individuals, however, may use their own translator if they waive their right to a translator provided by the City. If the effectiveness of a City service, program or activity may be compromised or the LEP individual's privacy may be violated, a City translator should be used.

Individuals using volunteer translators must sign a waiver form. Individuals waiving the right to translation will be asked to sign a waiver form in their own language.

Translation must be timely. Access to translated materials in all City departments must be timely. No one may be denied access to services, programs and activities based on the lack of translated materials or documents.

Procedures

Providing translations. Translation can be provided in a variety of ways:

- Bilingual City employee trained in translation.
- Other City employee translators.
- Contract or freelance professional translators or contract interpreters providing oral, on-site translation.
- Competent volunteer translators.

Accessing translation services through a contracted vendor. The City maintains contracts with several vendors to provide written translation of documents. To access a translator, City employees must refer to the translator vendor list as identified in the City's contracts with approved vendors for translator services. City employees should contact the City Manager's office for more information on how to access a translator through a contracted vendor.

Administering a waiver of the right to a translator. After working through an interpreter and ensuring that the individual waiving services can read in his or her preferred language, use the *Waiver of Interpretation / Translation Services* form. City employees should contact the City Manager's office for more information on how to access a translator through a contracted vendor.

STAFFING

Guidelines

Staffing decisions should be based on the City's customer service needs, including LEP service needs. When individuals are hired for positions in which they interact with LEP individuals, language skills may be a relevant job qualification. Any position that requires bilingual or multilingual skills must be a *bona fide* occupational qualification (BFOQ) as determined by the City Manager's office.

Staffing to meet **LEP** needs.

Staffing to meet LEP needs can be done in a variety of ways:

- 1 Use a temporary agency or an independent contractor for the service needed.
- 2 Create a new classification. If the need for interpretation and translation services is high and is expected to be long-term, City departments may request that the City Manager's office study a position to determine if second language skills are a BFOQ.

- 3 If interpretation and translation skills are desirable qualifications, but not a BFOQ of the job, department management may, in many circumstances, add it as a "preference" in the qualifications.
- 4 Require a qualified and willing City employee to perform this function within the category of "other duties as assigned."

COMPENSATION

Compensation for a City employee who provides interpretation and translation services will be determined by the applicable labor contract.

Procedures

Amending a job specification to include bilingual skills. When bilingual skills are required for a position or when it is determined that these skills are highly desirable for a position, work with the City Manager's office to request a job study of the position.

Announcing a job opening with a language preference. If language preference is highly desirable and reasonable but not a BFOQ, state the specific preference on the job announcement posting. For example: "Some of the positions in this classification may require an ability to speak and/or write in a language other than English, such as:"

Announcing a job opening with a language requirement. Review the required language within the requirements section of the job classification and state the specific requirement on the job announcement posting.

Example 1: The Community Liaison Officer classification states: "Some positions in this class require reading, writing, and speaking fluently in a language other than English. Refer to the Job Announcement for specific language information."

Example 2: Human Rights Specialist-Bilingual positions at the City require the ability to read, write, and speak proficiently in a primary language other than English.

Informally testing for language proficiency (permissible when language skill is a highly desirable qualification or requirement of the job). Include a fluent speaker of the desired language in the interview process, as one of the interviewers. Conduct part of the department and/or HR selection process interview in the desired language. If the job includes significant writing duties, ask for a writing sample in both languages.

Note: There are important distinctions in the syntax and vocabulary of any language, depending on where speakers are from, their education level and their socioeconomic background. Choose the fluent speakers / interviewers with this in mind.

Formally assessing language proficiency (recommended if interpreting and translation skills are bona fide occupational qualifications). All individuals hired to perform interpretation and translation services should, at a minimum, be able to demonstrate oral and written proficiency in each language (English and other language) through a test, such as the one developed by the American Council of Teachers of Foreign Languages (ACTFL). For more information on the ACTFL test, visit the Council's website, www.actfl.org.

It is important to also assess a candidate's English proficiency, as well. Currently, English proficiency can be demonstrated through the written exam (always in English and at a

level similar to what would be used on the job); the oral exam process (communication skills typically measured); and the department interview process.

Hiring or contracting out for interpreting or translating services. If the City hires or contracts with an interpreter or translator, the temporary agency or the City department has the responsibility to ensure that all individuals should, at a minimum, demonstrate oral and written proficiency in each language (as noted above) and demonstrate familiarity with and comprehension of ethical standards for interpreters and translators.

TRAINING

It is important to ensure that all City employees are given proper LEP training. City employees should know their obligations to provide LEP individuals with meaningful access to City services, programs and activities. The more frequent the contact with LEP individuals, the greater the need for in-depth training. City employees with little or no contact with LEP individuals must be aware of the City's LEP Plan and their respective department's LEP Policy. City employees in management positions, even if they do not interact regularly with LEP individuals, must be fully aware of and understand the City's LEP Plan and their respective department's LEP Policy so they can reinforce the importance and ensure the implementation of the City's LEP Plan and their department's LEP Policy.

LEP training on a city-wide level will be planned and carried out by the City Manager's office. LEP leads from the City Manager's office will conduct "train-the-trainer" sessions for all of the LEP department liaisons on an annual basis and by request. LEP department liaisons will be expected to lead the training efforts for their respective departments and employees. Each City department will be responsible for the LEP training of all of its employees.

At a minimum, the City will ensure:

- All City employees know about the City's LEP Plan;
- All City employees who are in public contact positions will be trained to work effectively with in-person and telephone interpreters and translators; and
- The City will provide training, including a copy of the City's LEP Plan, as part of the City's orientation for new City employees.

IMPLEMENTING, MONITORING, AND UPDATING THE PLAN

The City's LEP Plan will be updated as necessary. Updating and maintaining the City's LEP Plan is the responsibility of the City Manager's office.

To ensure continuous improvement in providing LEP individuals with meaningful access to City services, programs and activities, the City will seek input from non-English or LEP communities, as well as community-based and advocacy organizations that work and interact with LEP populations.

The City Manager's Office Responsibilities. The City Manager's office will monitor and work with City departments to ensure that they develop and maintain a LEP program in accordance with the guidelines provided in the City's LEP Plan and per federal and state regulations. Each City department will be required to develop a LEP Program and submit a copy of it to the City Manager's office within three months of the effective date of the City's LEP Plan. Each time the City Manager's office revises the City's LEP Plan, City departments will

be responsible for revising their LEP program accordingly and within a reasonable amount of time.

The City Manager's office will maintain and update the City's LEP information page on the City's website at www.bloomfieldhillsmi.net. The City Manager's office will also maintain and update the LEP City's intranet website. On both websites, the City Manager's office will post the City's LEP Plan and the Departmental LEP programs for public viewing.

The City Manager's office will evaluate the City's LEP plan on a regular basis to determine its effectiveness. The evaluation will include:

- Identification of the LEP population in the City of Bloomfield Hills and recalculation of the City's primary language groups Assessment of the current level of services delivered to LEP individuals by each City department.
- Reporting on the LEP training received by City employees.
- Reporting of activities by each City department.
- Feedback and comments from LEP communities, including organizations and advocacy groups serving LEP individuals, on the effectiveness of the City's LEP services.
- Evaluation of complaints (both at the City departmental level and the City level).

Department Responsibilities

Each City department will be responsible for creating an LEP program whereby each City department will identify how the City's LEP Plan will apply to its respective department. A City department's LEP program should identify at minimum the following:

- Primary language groups if different than the three languages identified in the City's LEP Plan.
- Steps to notify customers.
- Steps employees should take to ensure timely and accurate interpretation services are provided.
- Steps employees should take to ensure timely and accurate translation projects are conducted.
- Key measures to hire employees with other language skills.
- Training employees will receive on LEP issues.
- Steps that will be taken to successfully implement LEP services.
- Procedures for handling complaints about LEP services.
- Steps for monitoring and updating the department LEP program.

City departments will be responsible for ensuring that they provide the City Manager's office with the most up-to-date electronic copy of their LEP program. City departments will also be responsible to keep detailed records of the LEP services they provide. These records will be requested by the City Manager's office on a set timetable and may also be requested on a need-to-know basis. Guidance on keeping records and the ensuing reporting will be provided by the City Manager's office.

Contractor Responsibilities. City contracted vendors and sub-recipients of federal funds through the City will be directed to read and follow the City's LEP Plan. Language to ensure compliance with language access and the City's LEP Plan should appear in City contracts. Contractors and vendors will be responsible for notifying and training their employees about LEP mandates. The City Manager's office will be responsible for providing City departments with the necessary LEP language requirements to include in all City contracts.

Budgeting for LEP Services. During each budget cycle, City departments will evaluate the services they provide to LEP individuals. Based on the evaluation, City departments will allocate a fixed budget, according to need, dedicated to providing LEP services. City departments will work with the City Finance Director / Treasurer to incorporate LEP funding needs into budgets.

COMPLAINT PROCESS

Complaints regarding LEP services (e.g. poor customer service, timeliness or quality of interpreter services) may be made in a number of ways:

- Face-to-face (Complainant will be asked to fill out a complaint form.)
- Telephone (City employees will be asked to fill out a complaint form on behalf of the complainant).
- In writing via the U.S. mail.
- In writing via electronic mail.
- In writing via fax.

Department Responsibilities. City departments are required to develop procedures for LEP individuals to submit complaints about services received. City departments will document actions taken to resolve each complaint in a timely manner. City departments shall grant complainants at least 180 days (six months) from the alleged date of occurrence to file a complaint with their department. If you could not reasonably be expected to know the act was discriminatory within the 180 day period, you have 60 days after you became aware to file your complaint.

City Manager's Office Responsibilities. In the event that a complaint cannot be resolved at the department-level, the complaint may be referred to the City Manager's office for investigation.

If a complainant chooses to escalate his or her complaint due to dissatisfaction with the way it was handled by a City department or because of dissatisfaction with the resolution, the complainant may file a signed, written complaint with the City Manager's office. Such written complaint should include the following information:

- Name, mailing address, and contact information (i.e. telephone number, email address, etc.).
- How, when, where, and why complainant believes he or she received unsatisfactory service. Include the location, names, and contact information of any witnesses.
- Other information that complainant deems significant.

The complaint must be sent to the City Manager's office at Bloomfield Hills City Hall, 45 East Long Lake Road, Bloomfield Hills, Michigan 48304 or via e-mail to: manager@bloomfieldhillsmi.net. or facsimile to (248)644-4813.

The City Manager's office encourages all complainants to certify all mail that is sent through the U.S. Postal Service and ensure that all written correspondence can be tracked easily. For complaints originally submitted over the telephone, by facsimile or electronically via e-mail, an original, signed copy of the complaint must be mailed to the City Manager's office as soon as possible.