EXHIBIT B: METRO'S LEP PLAN

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Limited English Proficiency Plan

Metro's LEP Access Needs Assessment and Implementation Plan

May 3, 2012

Metro | *Making a great place*

About Metro

Clean air and clean water do not stop at city limits or county lines. Neither does the need for jobs, a thriving economy, and sustainable transportation and living choices for people and businesses in the region. Voters have asked Metro to help with the challenges and opportunities that affect the 25 cities and three counties in the Portland metropolitan area.

A regional approach simply makes sense when it comes to providing services, operating venues and making decisions about how the region grows. Metro works with communities to support a resilient economy, keep nature close by and respond to a changing climate. Together we're making a great place, now and for generations to come.

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Metro is the federally mandated metropolitan planning organization designated by the governor to develop an overall transportation plan and to allocate federal funds for the region.

The Joint Policy Advisory Committee on Transportation (JPACT) is a 17-member committee that provides a forum for elected officials and representatives of agencies involved in transportation to evaluate transportation needs in the region and to make recommendations to the Metro Council.

The established decision-making process assures a well-balanced regional transportation system and involves local elected officials directly in decisions that help the Metro Council develop regional transportation policies, including allocating federal transportation funds.

Metro's web site: www.oregonmetro.gov

Project web site: www.oregonmetro.gov/civilrights

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SECTION I: LEP ACCESS NEEDS ASSESSMENT

Factor 1: The number and proportion of LEP persons served or encountered in the eligible service population

With agreement with the Federal Transit Administration, Metro hereby submits its Factor 1 analysis using data gathered from the TriMet transit agency, which has a service area with geographical boundaries that are nearly identical to Metro's. This will be used as a resource for the interim, starting March 28, 2012, to provide LEP population information until Metro completes its own analysis.

The following pages are excerpts from TriMet's LEP Access Plan and Implementation Schedule, Dec. 1, 2010. Pages 8-10 of TriMet's plan include a summary and recommendations for LEP Factor 1. Pages 89 and 90 include detail of quantitative and qualitative information for LEP Factor 1 analysis. We have labeled these pages LEP Factor 1, 1-5.

LEP Factor 1, Page 1

Applying the Four Factor Analysis

In June 2005, TriMet formed an interdepartmental workgroup to address federal requirements for *assessing needs and providing services to Limited English Proficient (LEP) populations.* The LEP needs assessment conducted was based on the Four-Factor Framework outlined in the DOT LEP Guidance:

Factor 1: The number and proportion of LEP persons served or encountered in the eligible service population.

Factor 2: The frequency with which LEP individuals come into contact with your programs, activities, and services.

Factor 3: The importance to LEP persons of your program, activities and services.

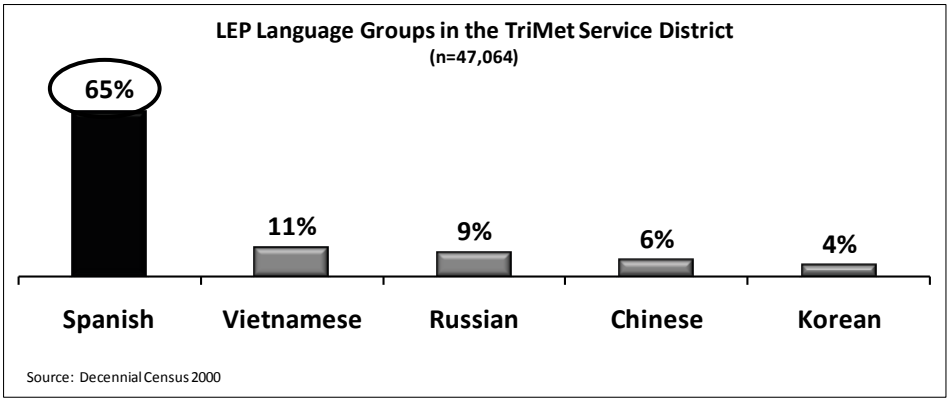
Factor 4: The resources available to the recipient and costs.

Factor 1: The number and proportion of LEP persons served

To conduct Factor 1, the LEP Workgroup sought quantitative and qualitative information regarding LEP populations.

- **Quantitative data**[3]
  - Census: Analysis of census data showed that of the total population within TriMet's service district (n=1,209,701), LEP populations (n=47,064) represent 3.89 percent, with the largest proportion consisting of Spanish speaking LEPs (65%). LEP populations meeting the DOT definition of LEP[4] "Safe Harbor" thresholds (5% or 1,000 individuals, whichever is less) included speakers of:
    - ✓ Spanish (30,816)
    - ✓ Vietnamese (5,185)
    - ✓ Russian (4,095)
    - ✓ Chinese[5] (2,775)
    - ✓ Korean (2,070)

Figure 1: LEP Language Groups



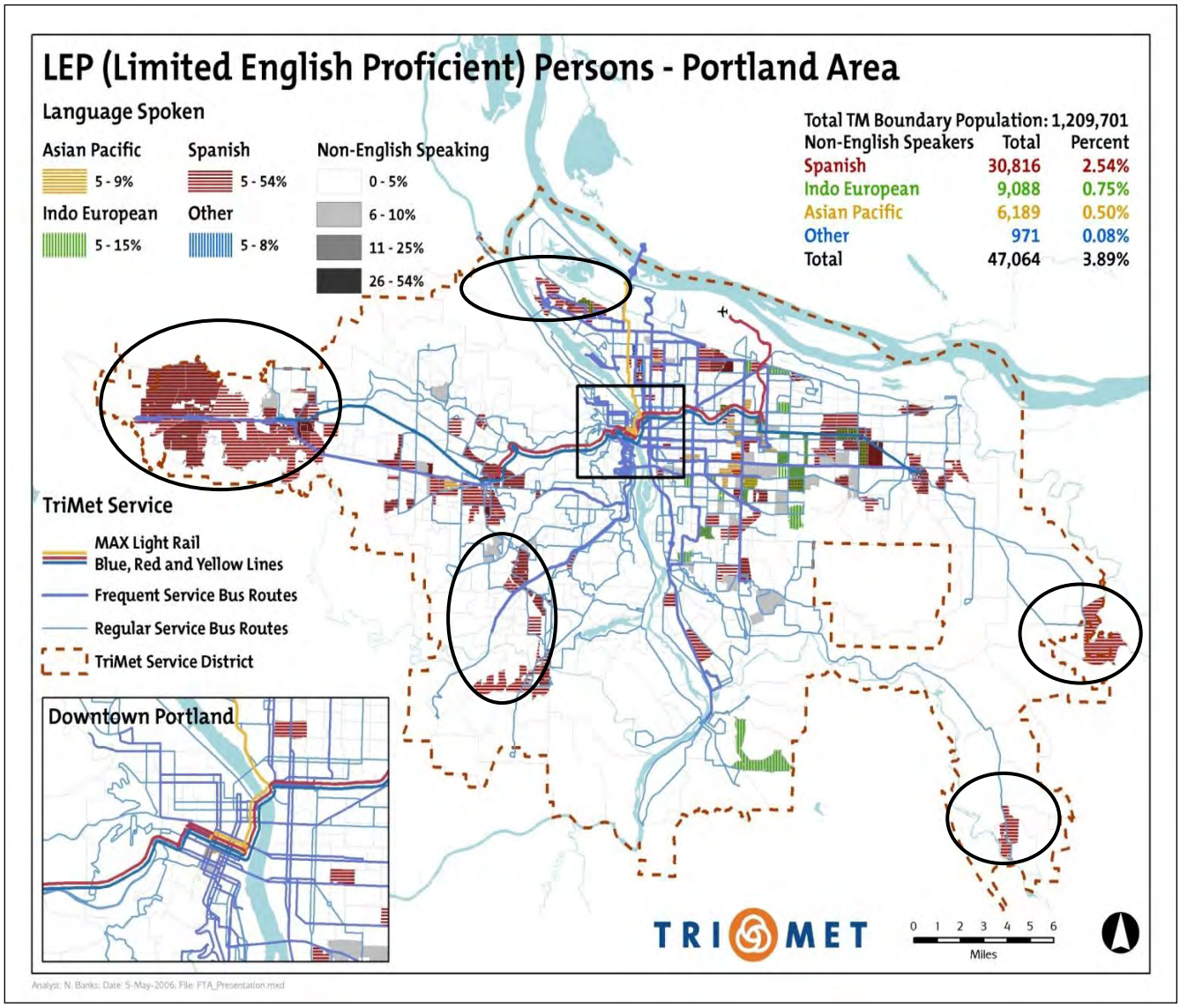
[3] 2000 Decennial Census
[4] Speak English "less than well" based on 4-point scale: Very well, well, not well, not at all
[5] Traditional Mandarin Chinese

LEP Factor 1, Page 2

Factor 1 (Continued)

- The LEP Map**:** Using data from the 2000 Decennial Census and TriMet GIS mapping services, the following map shows the concentrations of LEP communities within the TriMet service district coupled with an overlay of TriMet bus and rail service. In studying the map, the workgroup noted that:
  - ✓ Spanish-speakers were more widely dispersed than the other language groups – forming both urban and semi-rural communities.
  - ✓ Most of the urban LEP populations located themselves along well-served transit corridors.

Figure 2: LEP Population Clusters and TriMet Service



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LEP Factor 1, Page 3

Factor 1 (Continued)

- **Qualitative information** received from community groups[6] serving the LEP populations indicated that:
  - Census and GIS representations of LEP population clusters throughout the region were reliable.
  - Some Spanish-speaking LEP persons were arriving from a diversity of rural areas of Latin America with a wider variety of regional-specific dialects and increasing levels of illiteracy – both in Spanish and English.

Conclusions and Recommendations

1. Given the large size and dispersed nature of the Spanish-speaking LEP population, this would be the group to focus on first.
2. The outreach and communication efforts among Spanish-speaking LEP customers would need to be tailored for both urban and semi-rural populations, and people with varying levels of literacy.

NOTE: Other sources of population data considered for use included LEP data from school districts within the TriMet boundaries. However, given the robust set of regional population data derived from the Census coupled with the feedback from area service agencies, the workgroup deemed that the data used was sufficient for the tasks at hand.

[6] Community Based Organizations (CBOs), Faith Based Organizations (FBOs), business organizations, and city and county social service agencies

LEP Factor 1, Page 4

2. Four Factor Detail

Factor 1: The number and proportion of LEP persons served

Methodology

To conduct Factor 1, the LEP Workgroup sought **quantitative** and **qualitative** information regarding LEP populations from the following sources:

Quantitative

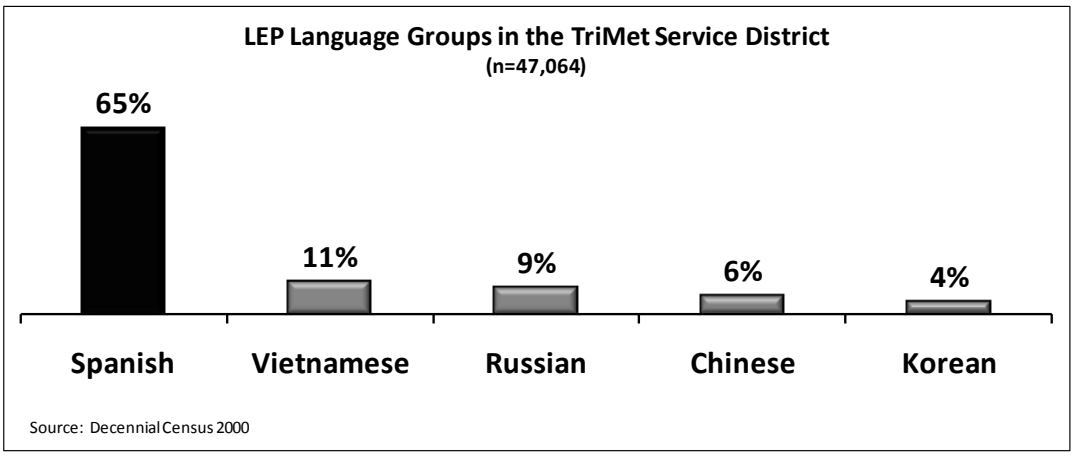
1. Pulled the TriMet service boundaries.
2. Retrieved data from the *2000 Decennial Census, Modern Language Association*, and *Geographic Information Systems* (GIS) mapping technology.
3. Analyzed census findings and determined ―LEP eligible" [12] populations in accordance with DOT guidelines.
4. Produced regional map showing TriMet service boundaries, LEP concentrations, and TriMet bus and rail service overlay.
5. Other sources of population data considered for use included LEP data from school districts within the TriMet boundaries. However, given the robust set of regional population data derived from the Census coupled with the feedback from area service agencies, the workgroup deemed that the data used was sufficient for the tasks at hand.

Qualitative

1. Examined prior experiences with LEP individuals – Factors 2 and 3 addressed this portion of the analysis.
2. Identified Community Based Organizations (CBOs), Faith Based Organizations (FBOs), immigrant and refugee organizations, and health and county services.
3. Contacted relevant community organizations and discussed status of immigrant/LEP populations in the region.

Findings

The **quantitative data** analysis showed that 47,064 (3.89%) of the 1,209,701 residents in TriMet's service district met the DOT definition of LEP eligible populations. The LEP eligible populations in the TriMet district included speakers of Spanish, Vietnamese, Russian, Chinese, and Korean.

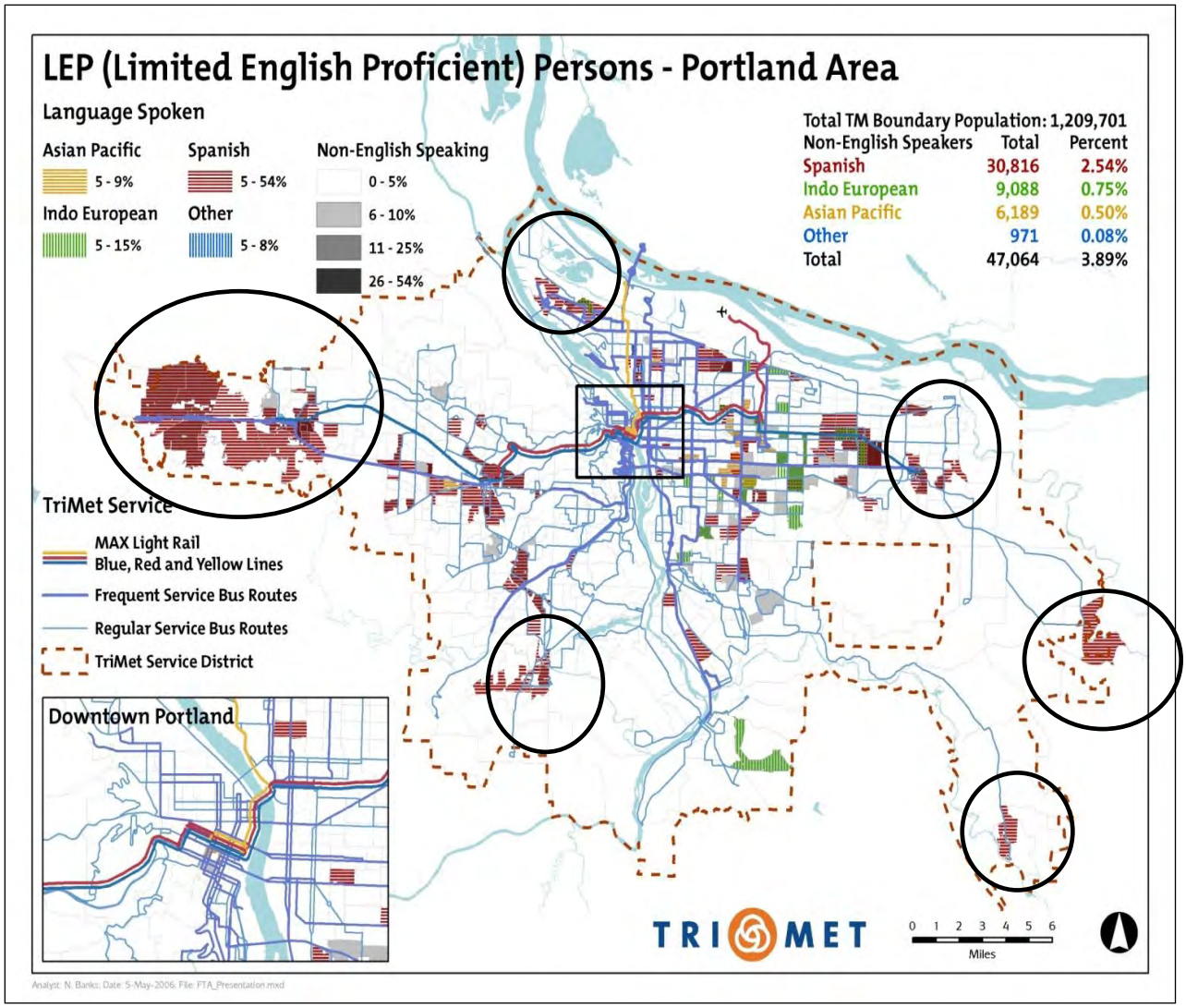


[12] English speaking ability = *not well or not at all*

LEP Factor 1, Page 5

The **LEP Map:** Using data from the 2000 Decennial Census and TriMet GIS mapping services, the following map was created to show the location of LEP communities within the TriMet service district coupled with an overlay of TriMet bus and rail service. In studying the map, the workgroup noted that:

- Spanish-speakers were more widely dispersed than the other language groups – forming both urban and semi-rural communities.
- Most of the urban LEP populations located themselves along well-served transit corridors.



The **qualitative information** received from community groups serving the LEP communities indicated that:

- Census and GIS representations of LEP population clusters throughout the region were reliable.
- Many newly arriving Spanish-speaking people were coming from rural areas of Mexico and other Latin American countries. Thus, the community was beginning to reflect larger numbers of regional-specific dialects and increasing levels of illiteracy (Spanish and English).

Factor 2: The Frequency with which Limited English Proficiency individuals come into contact with your programs, activities, and services

For its Factor 2 analysis, Metro will describe the U.S. Department of Transportation guidance and the steps enumerated in the FTA's LEP Handbook.

The U.S. Department of Transportation has published the following guidance on Factor 2:

> "Recipients should assess, as accurately as possible, the frequency with which they have or should have contact with LEP individuals from different language groups seeking assistance, as the more frequent the contact, the more likely enhanced language services will be needed (emphasis added). The steps that are reasonable for a recipient that serves an LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily. Recipients should also consider the frequency of different types of language contacts, as frequent contacts with Spanish-speaking people who are LEP may require certain assistance in Spanish, while less frequent contact with different language groups may suggest a different and/or less intensified solution. If an LEP individual accesses a program or service on a daily basis, a recipient has greater duties than if the same individual's program or activity contact is unpredictable or infrequent. However, even recipients that serve LEP persons on an unpredictable or infrequent basis should use this balancing analysis to determine what to do if an LEP individual seeks services under the program in question. This plan need not be intricate. It may be as simple as being prepared to use a commercial telephonic interpretation service to obtain immediate interpreter services. Additionally, in applying this standard, recipients should consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups."(DOT LEP Guidance Section V (2)).

Task 2, Step 1: Review the relevant programs, activities, and services you provide

In its role as a Metropolitan Planning Organization, Metro is not a provider of public transit service and is almost never a provider of direct services to the public. The agency does not manage construction of transportation infrastructure, nor does it buy or operate vehicles. Mainly, Metro and other MPOs act as the planner, banker and facilitator of the investment of federal transportation funds in the metropolitan area. It's a wholesaler, rather than a retailer of services. In this role, Metro's MPO programs have limited contact with the general public and very little contact with LEP populations, unless the contact is specifically sought through outreach efforts by Metro's planning and public involvement staff. For example, transit service cuts and fare hikes related to a one-year $17 million budget shortfall for TriMet, the area's transit agency, recently generated 16,000 comments from the public, while the most recent RTP's region-wide policies and 25 year, $20 billion project list generated 686 comments. Some bus operators for the area's transit agency have daily

contact with LEP populations, while the planner in charge of Metro's RTP has not had a single request for language assistance in at least 12 years.

To address Factor 2, Metro public involvement staff met with the managers of the Planning and Development Department to review the MPO's contact with LEP populations and to discuss its most important activities. Comments at the meeting suggested that while there are some programs that are very important to the MPO function, Metro's role as the convener of conversations across local jurisdictional lines is often its crucial role. Also, some stages of longer processes could be more important than others. For example, in the four-year process it takes to develop a Regional Transportation Plan, the process of developing lists of local transportation project to include in the plan is often viewed as the most important because of the opportunity to directly affect whether a project is eligible for federal funds in the near future.

1. Regional Transportation Plan (long range transportation plan)
2. Metropolitan Transportation Improvement Plan
3. Corridor planning (potential New Starts and Small Starts projects)
4. Regional Flexible Funding Allocation (allocation of STP and CMAQ)
5. Regional Travel Options (mass marketing of and grant programs related to carpooling, biking and transit use)

These MPO programs are sometimes geographically dispersed, such as the MTIP and RTP, which include transportation projects across the entire three-county urban area. Other times, they are focused on a smaller area, such as the planning of light rail and related investments in a corridor that links two or three adjacent cities within one or two counties.

Metro's MPO programs involve long-term policy decision making, such as the RTP, which guides investments and corridor planning over a 25 year time horizon. The goals, objectives and high-level policy questions contained in the RTP can be challenging, even to local elected officials and English speaking stakeholders. Even new light rail corridors, which could have direct impacts to property and provide new transit benefits, could take a decade or longer to plan before construction might start.

The MPO programs provide some services to local government planners, including coordination of multijurisdictional investments in transportation system management and operations improvements, and coordination of the Unified Planning Work Program, which outlines the federally funded planning projects that staff intend to spend time on in the coming federal fiscal year.

Unlike most MPOs, Metro uses its CMAQ and STP funds to pay for -- and in some cases, operate by Metro staff and contractors -- mass marketing and grant programs that encourage use of carpooling, public transit, bicycling and walking to reduce auto dependence and provide cleaner, more efficient transportation options. This is called the Regional Travel Options program, and it has produced maps and outreach projects that show residents safe biking and walking routes in neighborhoods across the region. Unlike the Regional Transportation Plan and other planning programs which use public outreach as a tool for informing planning and policy decision making, the RTO program generates public outreach materials (such as maps) and activities (such as information tables at community events) as a main outcome of the program. Historically, Regional Travel Options

staff have had limited interaction with LEP individuals but with recent programs targeted to diverse populations, contact may increase.

Because of the mix of wholesale and a few retail services provided by the Metro MPO, it is difficult to isolate the "relevant services" the MPO provides. A staff survey was conducted during the week of April 16, 2012, to ascertain if and how often MPO staff come into contact with LEP residents. The survey was sent by email to 61 employees, including administrative and public involvement staff who come into direct contact with the public via phone and public outreach events; planning staff who are the subject matter experts for the MPO's programs and land use planning programs. The survey was written by the MPO's Title VI designee and distributed by the planning director, to encourage responsiveness. In the end, 29 of the 61 responded. The 61 employees also included staff who have substantial non-MPO responsibilities and also many employees who have no contact with the public, so the response rate should be understood in that light.

The staff survey asked the following questions:

1. Have you ever received a request from the public for a **language interpreter to be provided at a meeting** related to a Metro program or project?
1.a: If yes, for each contact please describe the subject matter, phone or in-person contact, language needed and year/timeframe when the contact(s) took place. If there is ongoing or routine contact, please describe the frequency.

2. Have you ever received an information request from a member of the public (either by phone or in person) who had a hard time speaking English and **needed an interpreter to understand** information about your program or projects?
2.a: If yes, for each contact please describe the subject matter, phone or in-person contact, language needed and year/timeframe when the contact took place. If there is ongoing or routine contact, please describe the frequency.

3. Have you ever received a request from a member of the public (either by phone or in person) to provide a **translated version of a Metro document** to help that person or the community s/he represents better understand a Metro program or projects?
3.a: If yes, for each contact please describe the subject matter, phone or in-person contact, language needed and year/timeframe when the contact took place. If there is ongoing or routine contact, please describe the frequency.

This next section is about outreach activity, Metro staff-generated initiatives, and resources that you know of or have used in interacting with people who need language assistance.

1. Have you ever conducted community outreach (e.g.: an open house, table at a community event, etc.) **targeted to people who don't speak English well,** to obtain input or spread awareness of a Metro program or project?
1.a: If yes, for each outreach activity, please describe the subject matter, language needed, voice interpreter or document translation performed and year/timeframe when the contact(s) took place. If there is ongoing or routine contact, please describe the frequency.

2. Have you ever **had a document, sign or notice translated** to help people understand something about a Metro program or projects?
2.a: If yes, for each contact please describe the subject matter, phone or in-person contact, language needed and year/timeframe when the contact took place. If there is ongoing or routine contact, please describe the frequency.

Results of staff survey on contact with LEP residents and LEP focused outreach

		Contact from LEP residents requesting language assistance			Metro staff-initiated outreach	
Position type	Average years at Metro	Interpreter at meeting	Interpreter for info.	Translation request	LEP targeted outreach	Translate documents
Administrative	7.2	0 Yes 8 No	2 Yes 6 No	0 Yes 8 No	1 Yes 7 No	1 Yes 7 No
Subject matter expert	7.9	2 Yes 15 No	1 Yes 16 No	0 Yes 17 No	1 Yes 16 No	3 Yes 14 No
Public involvement	5.5	2 Yes 2 No	0 Yes 4 No	2 Yes 2 No	3 Yes 1 No	2 Yes 2 No

The survey results show that Metro MPO staff have very little contact with LEP residents. Most planners said they have never encountered an LEP resident, even over a decade or longer. This is an expected result, given the largely wholesale and technical nature of many MPO programs. It also reflects the demographics of a metropolitan area where, as discussed in Factor 1, less than 5 percent of the population spoke English "less than very well" according to the 2000 Census.

Of the 12 employees who replied "Yes" to at least one of the questions, seven of them included "Yes" answers to the two outreach questions. Judging by the frequency of contact when outreach staff initiate public involvement and translation activity, it is natural to conclude that more involvement will generate more contact. The question remains how much outreach is appropriate and for which projects and circumstances.

Task 2, Step 2: Review information obtained from community organizations
On April 16, Metro convened a discussion group of community based organizations that serve LEP populations from across the agency's three county service area. Karen Withrow, public involvement manager for the Metro MPO, facilitated the discussion. Fourteen organizations were invited to send a representative to the meeting, where lunch was provided by Metro, and four attended.

After brief introductions from the attendees and Metro staff, Ms. Withrow asked the agency representatives to describe languages and countries of origin of the populations they serve.

- Roberto Varona, Virginia Garcia Memorial Health Clinic, said that many of the clients he transports, as part of the clinic's van service, are from Mexico or Guatemala. A large portion of the community he works with is migrant workers who travel to

Oregon from California or Washington during the harvest season. He said that the migrant workers are often a bit more familiar with the area and how the roads and transit service might work, but many don't have a car or a license, so they often have a difficult time travelling in the Portland metro region. Mr. Varona said his clients often speak only Spanish as a second language, their first language being native/Indian dialects, so they may not be able to read signs that are translated into Spanish. He explained that his agency often uses family members or professional services to interpret signs and directions, even when they are written in Spanish.

- Viktor Bereznay, Human Solutions, serves the Slavic community in the Portland area. Most of the Slavic population he serves can speak Russian, but there are as many as 15 other languages spoken in the community as well. He emphasized that Russian is often used as a common language to communicate to his clients. He also indicated that understanding how to use transit service is key for his clients, especially in their early years in the area. Mr. Bereznay also said that his clients can often read Russian.

- Pei-ru Wang, Immigrant and Refugee Community Organization (IRCO), works with a variety of different populations. She explained that staff at IRCO speak a total of sixty to seventy languages, and their client populations speak many more. Ms. Wang suggested Metro use the Coalition of Communities of Color report on languages spoken in the Portland region to see where the communities are that may need language assistance. Mr. Higgins asked if the smaller populations might need more help due to a lack of available resources. Ms. Wang told him that often times the smaller populations are more cohesive and supportive of each other as a group, and that the larger, more established populations may be more dispersed. She emphasized the importance of learning the most effective way to communicate with each population, which may be more than printing or translating materials.

- Hector Osuna, OPAL Environmental Justice Oregon, said Spanish is the only foreign language his organization addresses. He suggested that Metro has outreach programs in place, is familiar with community organizations, and knows what resources are needed, but needs to take the next step of implementing those resources.

Lack of awareness of Metro and Metro services

The facilitator described five major Metro programs and plans – Regional Transportation Plan, Regional Travel Options, corridor planning, Metropolitan Transportation Improvement Programs (MTIP) and regional flexible funds – and asked the group how often their populations might come into contact with the programs, and how important the programs might be to their lives.

Mr. Osuna and Mr. Bereznay agreed that their populations often do not know what Metro is or what they do. Mr. Bereznay added that many of his clients ask him or a family member to help with travel and transportation, rather than using the resources available (online tools, printed bus routes, etc.). Mr. Bereznay also stated that online resources in Slavic languages may not be helpful to the community, since most of the people that he work with do not have the necessary level of technological aptitude to access those resources on their own.

Outreach and communication suggestions

The facilitator asked the group: What is the best way for Metro to collect input from LEP populations, and who would the communities trust most to deliver information and resources? Mr. Osuna replied that it is important for Metro to establish a relationship with the populations by providing information and resources directly. He warned against putting the burden of communication on community agencies.

Ms. Wang offered an example for how a Willamette River cleanup project asked IRCO to collect input from the communities it serves. She explained that they invited community leaders to speak at an informational session, and then asked those leaders if they would be willing to go out into their populations to collect input. Ms. Wang highlighted the importance of trusting the community leaders or agencies that Metro subcontracts to because they often know the best way to collect meaningful input. She also mentioned that in her example project, the partner agency provided funding for them to collect the data, which cost about $12,000.

Mr. Osuna recommended that Metro create a youth internship program for the LEP populations to both teach young members of the community about Metro's work, and to charge them with outreach tasks within their communities. (Mr. Osuna himself was a Metro summer intern in college several years ago, led a focus group in Spanish during that service, and has subsequently pursued a career in community organizing and post-graduate education in urban planning.) Mr. Bereznay seconded Mr. Osuna's suggestion and said that many of his clients depended on their children to travel around the area. He explained that teenagers can often learn English much faster than their parents and may assimilate more easily. Mr. Osuna stressed the importance of offering the young members of the community a meaningful learning experience. Mr. Varona said a youth element in the migrant population might also benefit from an internship program, and that Virginia Garcia has partner agencies that work to educate them, but much of the population is unaware of the resources available from Metro.

Task 2, Step 3: Consult directly with LEP persons

To consult directly with LEP persons, Metro hired JLA Public Involvement of Portland to recruit participants and facilitate a discussion group comprised of Limited English Proficiency Spanish speakers. The discussion group was held on April 18, 2012. Dinner and childcare were advertised and provided (though no children attended). JLA provided a fluent Spanish-speaking facilitator and a certified translator/interpreter to take meeting notes. Metro's Title VI designee and another public involvement staff attended and provided answers to technical questions from the facilitator.

Twelve Spanish speakers participated. Ten participants were Cuban and two were Mexican. Generally, Cubans tend to have a higher level of education and are more involved in their communities than are Mexicans, so the results of the discussion group may not be wholly representative of the Portland area's Spanish speaking LEP community, which does not have a high percentage Cuban population. However, the Cubans and Mexicans in this particular discussion group tended to have the same opinions and responses to discussion questions.

Lack of awareness of Metro and Metro services

Before the presentation, the facilitator asked participants what they think Metro is. All equated Metro with the transit system, mostly because in Mexico and South America,

"metro" is the name for the subway and bus system. The facilitator then explained some of Metro's core services and areas, including transportation and land use planning, parks and nature, garbage and recycling and sustainable living.

Because the participants did not know what Metro does, it is safe to assume they did not know that the agency provides language assistance with a telephone interpretation service and in-person interpreters of meetings upon request in advance.

The facilitator also presented Metro picture cards, which use photographs to depict programs, including the Oregon Zoo, concert halls, the Oregon Convention Center and biking and walking programs. Participants responded well to these images, and they seemed useful in explaining Metro's core service areas.

Participants were asked how they generally get around the city. All said that they use the transit system. Only one participant said he owns a car. Participants said they use transit because they don't own cars, because it is inexpensive, and because it is convenient. About half of participants said that they use a bicycle in the summers, but not in the winters because it is too cold and rainy.

Participants listed some of the transportation amenities and services they would like to see more of in the city to make it easier to get around. They mostly listed improvements to public transit service, but they also listed three things that touch of Metro related activities: having more destinations closer to MAX light rail stations, more parks closer to where they live and more bike lanes.

More awareness of transit service cuts

Participants were far more aware of TriMet's budget cuts than they were of any of the Metro MPO's programs. All participants had heard of the budget cuts and were eager to express objections to them and ways that transit operations could better serve their needs. Four of the 12 had heard of "Drive Less, Save More," an RTO direct marketing campaign that encourages trip chaining, carpooling and other gas-saving practices on TV and radio. This program was started by Metro but is now operated by the Oregon Department of Transportation. One person had heard of "Drive Less, Connect," an online carpool program also operated by ODOT. None of the participants had heard of the Metro MPO's four transportation programs, or its two ongoing corridor planning projects:

- Regional Travel Options
- Metropolitan Transportation Improvement Program
- Regional Flexible Funding Program
- Regional Transportation Plan
- Southwest Corridor Plan
- East Metro Connections Plan (a corridor plan)

Participants were then asked what would be an adequate level of effort to engage Latinos who don't speak English well in these plans and programs. They were asked to consider whether Latinos would actually be interested in reading Spanish-language transportation documents and participating in the program area. The levels of effort include:

- None: no special outreach needed.
- Low level: simple translated fact sheet (one or two pages).

- Medium level: translated executive summary or more in-depth fact sheets (8-12 pages); booths at community events and/or speakers at meetings of Latino organizations and groups (for example: a presentation at an ESL class or IRCO event).
- High level: translation of the entire planning document; special meetings in Spanish.

For most areas, participants felt that a low to medium level of effort is adequate. They did not feel that a high level is required for any area.

Participants gave the following responses:

- Regional Transportation Plan – *medium level of effort is adequate.*
- Approval of transportation funding (MTIP and Regional Flexible Funds) – *two participants said a low level of effort is adequate and nine said that a medium level is adequate.*
- Transportation projects near your home – *medium level of effort is adequate.*
- Transportation projects far away from your home – *low level of effort is adequate.*
- The "Drive Less. Save More." campaign – p*articipants said that such advertisements should be translated into Spanish. In general, it would be important to translate messages about bicycling and bike safety. It is not as important to provide advertisements encouraging use of bus/MAX, since most LEP Spanish speakers already use the bus/MAX as their main form of transportation.*
- Online carpool program – *a medium level of effort would be adequate. Participants said that Latinos would definitely make use of such a program if it were available in Spanish, especially to find carpools for work.*
- Bike There! program – *five participants felt that a low level of effort is adequate, and seven felt that a high level of effort is adequate.*
- Walk There! program – *medium level of effort is adequate.*

Participants expressed interest in seeing at least minimal translation of summary documents for all MPO programs. But they also distinguished among the programs. They generally said that a lower level of effort is adequate for transportation funding decisions and projects that are farther away from home. They generally advised more outreach and translation effort for programs that provide services that are immediately useful to residents, such as the carpool program and the Walk There! maps showing safe pedestrian routes.

Outreach and communication suggestions

The facilitator asked participants for their advice on effective outreach methods for reaching Latinos who don't speak English well. Participants said they had never been to a public meeting before, but that they would if they had known about them. Latinos simply do not know that public meetings are happening because they do not see advertising or hear any communication about the meetings. Participants said that most Latinos watch TV and listen to the radio, and that commercials would be a good way to advertise meetings. Newspaper advertisements would not be effective. Participants said that they had never seen an advertisement for a public meeting in any Hispanic newspaper before.

Participants also said that flyers and brochures would be a great way to advertise meetings. Participants tend to read flyers and brochures distributed to them directly or through organizations and locations where Latinos congregate.

Participants said that they receive information about city services and activities through community organizations, including: IRCO, SOAR, DHS, PCC, Catholic Charities, Human Solutions, NAYA, and El Programa Hispano. Almost all participants go to a community college (PCC or Mt. Hood Community College) for ESL classes, and these are a good forum for distributing information. Some participants said that they receive information through clinics that serve the Latino population. The Cuban participants indicated that Cubans get a lot of information simply by word of mouth. The Mexican participants indicated that many Mexicans get most of their information through TV and radio.

Participants said they read anything that is mailed to them in Spanish. A number of Cuban participants said that they also try to read everything that is sent to them in English to try to improve their English. All participants said that they do not subscribe to any online newsletters. A couple said that they receive some newsletters by mail.

There may have been misunderstanding about the meaning of an email newsletter. Several of the 12 organizations contacted to help recruit discussion group participants said they distributed the information to email lists of clients or members whom they email regularly, which is what some would consider an "email newsletter." Some of these groups also suggested holding the event in western Washington County, a suburban-agricultural area which has a large concentration of Spanish-speaking LEP residents from Mexico and Central America.

Many are part of IRCO and get lots of information through IRCO. A few said that they belong to churches, and that it would be useful to have a Spanish-language presentation at the church about transportation plans and programs (provided that the Pastor approves).

Participants listed some major events that are popular with the Spanish-speaking population. These include: Cinco de Mayo (on the Waterfront); Salsa en la Calle (under the Morrison Bridge on August 28); Movies in the Park during the summer; and Mexican Independence Day (on Pioneer Square on September 15).

Conclusions

The information in Factor 2 suggests that a web portal in Spanish might be a useful outreach tool for publicizing and receiving input on Metro's MPO programs. Spanish-speaking LEP discussion group participants also said an effective way to publicize a Spanish language web presence might be to produce Spanish language brochures and fliers, to be distributed at community college ESL classes and social service agencies. Input from community organizations suggested that an internship program might provide an effective communication resource, in addition to the potential to enlist the organizations in doing surveys themselves. As Metro continues to develop relationships with community based organizations and continues to learn about LEP community needs, the MPO staff should consider these and other outreach tactics.

Factor 3: The importance to LEP persons of your program, activities and services

The Department of Transportation has put forth this guidance on Factor 3:

> The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. The obligations to communicate rights to an LEP person who needs public transportation differ, for example, from those to provide recreational programming. A recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual. Decisions by a Federal, state, or local entity to make an activity compulsory, such as requiring a driver to have a license, can serve as strong evidence of the importance of the program or activity.[1]

In addition, the Federal Transit Administration suggests a two-step process for Factor 3 analysis:

> **Step 1: Identify your agency's most critical services**
> Your agency should identify what programs or activities would have serious consequences to individuals if language barriers prevent a person from benefiting from the activity. Your agency should also determine the impact on actual and potential beneficiaries of delays in the provision of LEP services.
> For example, your agency may provide emergency evacuation instructions in its stations and vehicles or may provide information to the public on security awareness or emergency preparedness. If this information is not accessible to people with limited English proficiency, or if language services in these areas are delayed, the consequences to these individuals could be life threatening.
>
> **Step 2: Review input from community organizations and LEP persons**
> Your agency's contact with community organizations that serve LEP persons, as well as contact with LEP persons themselves, should provide information on the importance of the modes or types of service you provide to LEP populations. Depending on the results of your fieldwork, you may conclude that some particular routes or modes of transportation are of particular importance to the LEP population.[2]

Factor 3 analysis

Metro's Metropolitan Planning Organization function addresses both long-range planning (Regional Transportation Plan; transportation corridor alternatives analysis, Environmental Assessment and Environmental Impact Statement processes) and the

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[1] Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, 70 FR 74087, Dec. 14, 2005.

[2] U.S. Department of Transportation, Federal Transit Administration Office of Civil Rights, Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, A Handbook for Public Transportation Providers, p. 20, April 13, 2007.

shorter-term impact of federal transportation funding disbursement (Metropolitan Transportation Improvement Program and Regional Flexible Funds). Metro does not provide any direct service or program involving vital, immediate or emergency assistance such as medical treatment or services for basic needs (like food or shelter). Further, although Metro works closely with other agencies and jurisdictions in planning for high capacity transit service, Metro is not a provider of public transit service.[3]

MPOs are governed by policy boards comprised of elected officials and leaders of regionally significant transportation agencies. In the Portland area, the policy board responsibility is shared by the Metro Council and the Joint Policy Advisory Committee on Transportation (JPACT). Comprised of 17 local elected and state agency officials, JPACT is charged with coordinating the development of plans for regional transportation projects, developing a consensus of governments on the prioritization of required improvements, and promoting and facilitating the implementation of identified priorities. The Metro Council can accept or remand JPACT decisions, but cannot amend them.

The Metro Council and JPACT rely on public engagement activities and direct input from residents on the region's transportation plans and programs. They also receive advice from the MPO's technical advisory committee, the Transportation Policy Alternatives Committee, comprised of 15 professional transportation staff appointed by area cities, counties and government agencies, and six at-large community representative members. Inclusive public participation is a priority in all of Metro's plans, programs and activities. Metro may lead, coordinate or offer guidance on the public engagement process and reports. When led (solely or collaboratively) by state, local or transportation agencies, public engagement follows the policies of each agency to ensure inclusiveness, including policies to encourage participation by limited English proficiency persons.

Metro hosted two discussion groups to help develop its LEP Plan. On April 16, 2012, Metro heard from agencies and organizations that serve LEP persons; on April 18, 2012, Metro invited Spanish speakers who don't speak English well for a discussion held in Spanish. These meetings were intended to find out more about the frequency with which people with limited English proficiency come in contact with Metro's transportation programs, activities and services (or would given more opportunity in other languages) and the importance of the of those programs, activities and services to their lives.[4]

To aid in Metro's Factor 3 analysis, contextualize the work of Metro's transportation programs, activities and services, and help prioritize language assistance and outreach efforts, Metro has created a spectrum of importance to LEP persons using the guidance provided by the Department of Transportation and FTA. The guidance offers as examples "if language services in these areas are delayed, the consequences to these individuals could be life threatening" and that actions that make the activities compulsory "can serve as strong evidence of the importance of the program or activity." Taking these into account, Metro's LEP importance spectrum considers the potential consequences that could follow from a lack of language access, where life threatening implications are rated highest (a "10") with compulsory activities immediately following (a "9"). This spectrum also takes into account

[3] Metro works with Federal Transit Administration (FTA), Tri-County Metropolitan Transportation District of Oregon (TriMet), Oregon Department of Transportation (ODOT) and affected cities and counties in planning transportation corridor improvements, including high capacity transit service.

[4] See Attachment/Appendix X , Limited English proficiency discussion group meeting summaries

levels of urgency, importance of impact to health and property, and potential effect that public input may have on the decision-making of the Metro Council and regional policymakers.

Spectrum of importance to persons with Limited English Proficiency: Metro activities in context with other government and public transit activities

Metro has determined that though these activities are important in planning for the region, and thus to both English proficient and LEP residents, those ranked levels 6 through 10 are those with potentially **serious** implications if there is a lack of language assistance services. Those ranked Levels 3, 4 or 5 would have only **moderate** implications, and those ranked 1 or 2 would have **limited** implications.

Level 10 Urgent needs: Lack of language assistance may have a health impact; example: emergency evacuation instructions

Level 9 Compulsory activities: government action taken to require; example: required driver's license.

Level 8 Urgent effects: Lack of language assistance may impact understanding of direct property impacts; example: construction impacts such as acquisitions, displacements, noise, vibration, and visual quality and aesthetics.

Level 7 Important effects: Lack of language assistance may frustrate input that could affect final decision on activities that will take less than a year to implement and that could impact access to work and social services; example: Ability to provide input on a transit agency cutting a bus line that serves a high concentration of residents with limited English proficiency.

Level 6 Planning that could lead to urgent or important effects: Lack of language assistance may frustrate input that could affect final decision on activities that will take five to 10 years to implement and that could lead to property impacts or access to work and social services property access to work and social services; example: Ability to provide input on an Environmental Impact Statement for a light rail project that could have impacts to properties in areas with a high concentration of residents with limited English proficiency.

Level 5 Services aimed at improving individual health and safety: Lack of language assistance may postpone behavioral change that would lead to safer transportation access; example: a walking map providing information on safer routes and access to work and social services.

Level 4 Funding allocation for projects aimed at improving recreation and workplace access: Lack of language assistance may frustrate input that could affect an allocation decision on projects that will take three to five years to complete; example: Ability to provide input on flexible funds allocation (Congestion Mitigation and Air Quality Improvement [CMAQ] Program and Surface Transportation Program [STP]).

Level 3 Planning that could lead to strategies for community investment and development: Lack of language assistance may frustrate input that could affect identification of the scope, goals, objectives, needs, challenges and community vision; example: Ability to provide input on corridor refinement plans that identify transportation and other investments that advance economic and community development.

Level 2 Long-range planning and strategy development aimed at improving regional access and mobility, assuming no direct impact on construction in the next five years: Lack of language assistance may frustrate input that could affect policy and project selections and identification of regional goals, objectives, needs, challenges and community vision; example: Ability to provide input on Regional Transportation Plan, the Portland metropolitan area's 20-year blueprint for a multi-modal transportation system.

Level 1 Approval of project lists for funding, after local jurisdictions conduct general public, environmental justice and Title VI and LEP outreach as part of project submission process: Lack of language assistance would not frustrate meaningful input opportunity because there is less ability to affect the list on the day it is scheduled for adoption; example: Metropolitan Transportation Improvement Program project list final approval by Metro Council.

To address Factor 3, Metro reviewed each of its five most critical MPO programs, applying FTA's two-step analysis. The programs are described in order of importance on the agency's spectrum of importance to LEP persons.

Transportation corridor Environmental Assessment and Environmental Impact Statement processes (importance level: 6[5]) Metro follows the National Environmental Policy Act (NEPA) process for transportation corridor Environmental Assessments and Environmental Impact Statements, which overlap with the Federal Transit Administration alternatives analysis process.

> **Step 1: Identify your agency's most critical services**: Though typically rendering long-term results, this planning process leads to tangible, on the ground improvements, often with elements of short- to mid-term implementation. Because of the direct community implications, these plans **could have serious implications** for individuals if language barriers prevent a person from participating in or benefiting from the planning process and results.
>
> **Step 2: Review input from community organizations and LEP persons**: Because of the community-level focus (as opposed to regionwide focus) in corridor planning, the agency and organization discussion group indicated a higher importance to populations with limited English proficiency. These plans could lead to direct impacts to property, community resources, mobility and/or access to community services. It is important for those with limited English proficiency to not only understand those potential impacts but also to have a say in the decision-making process. Similar sentiments were expressed by Spanish-language discussion group participants, who said this planning is important in its potential effects on their communities, though they recommended only moderate effort in translating documents, translating information on the website and language-specific outreach.
>
> Each corridor level plan will include an LEP four-factor analysis and an outreach plan as part its environmental justice and Title VI outreach plan, focused on the corridor or project area. Such plans will build on Metro's broader contact with LEP persons and community organizations that serve them, and provide information on the scope, alternatives and environmental impacts. Under NEPA guidance, this limited English proficiency analysis and outreach will be targeted toward potentially affected populations, using the four-factor analysis on a corridor or project area level.

[5] Transportation corridor-focused planning that that could lead to strategies for community investment and development may in turn lead to planning for a major public investment in transit or roadway expansion and require an Environmental Assessment or Environmental Impact Statement. Such project evolution is often not identified as two separate project phases, more often seen as a growth in planning and public involvement efforts through project development. Metro recognizes that there is not a distinct boundary between the level "2," planning that that could lead to strategies for community investment and development, and the level "6," planning that could lead to urgent or important effects (transportation corridor Environmental Assessment and Environmental Impact Statement processes). Rather, there is a steady increase in importance that must be mirrored by a related increase in outreach and language-services as part of that outreach.

Regional Travel Options (importance level: 5) The Regional Travel Options program improves air quality and reduces congestion by working with businesses, local organizations and public agencies to offer residents ways to get around without a car. The program is made up of a marketing effort to reach key audiences; an employer outreach program; a regional rideshare (carpooling) program; and a grant program that funds projects that improve air quality, address community health issues, reduce auto traffic and create more opportunities for walking and biking.

> **Step 1: Identify your agency's most critical services**: The Regional Travel Options program focuses on providing information to offer choices to people in how they get around. The goal of the program is behavior change through education and resources to make non-driving-alone travel more convenient, easier and safer. Resources include a rideshare program that connects carpoolers, transit route planning assistance, and bike and walking maps highlighting safe routes. A lack of language service could have **moderate implications** for individuals as it may postpone behavior change that would lead to safer transportation access.
>
> **Step 2: Review input from community organizations and LEP persons**: Because of the immediate utility of maps and transit route planning assistance, the agency and organization discussion group indicated that the Regional Travel Options could be of high importance to populations with limited English proficiency, again highlighting the difficulty that many of these residents have in meeting immediate transportation needs. The Spanish-language discussion group emphasized the transit dependency of many in their communities, stating that anything that helped with transit access is important to them. They recommended a moderate effort in translating information on the website and language-specific outreach, but expressed that any materials that could help those with limited English proficiency understand and navigate the transit system should be available in other languages.
>
> Because of the potential for moderate implications to individuals if language barriers prevent participation in or benefits from the information and resources provided by the Regional Travel Options program, it is important to include outreach to limited English proficiency communities. This may be best achieved though translation of vital documents and marketing materials, and focusing outreach on, or partnering with, agencies, organizations or advocacy groups that serve LEP populations to ensure that these resources reach these populations.

Regional flexible funds (importance level: 4) Every two years, JPACT and the Metro Council decide how best to spend money from two federal funds: Congestion Mitigation Air Quality and Surface Transportation Program. Under the most recent process, a working group made up of service providers and community advocates advised on how to address the needs of environmental justice and underserved communities. Collaboration under this process lead to a list of projects submitted by cities and counties and programs submitted by Metro to be publicized for public comment.

> **Step 1: Identify your agency's most critical services**: Because of the direct transportation project and program funding implications, the regional flexible funds process could have moderate implications in the short- to mid-term for individuals if language barriers prevent a person from participating in or benefiting from the funding process and results. Local jurisdictions conduct general public,

environmental justice and Title VI (including to residents with limited English proficiency) outreach and garner input as part of the submission process. Different from the MTIP, however, there is still opportunity for input that could affect flexible funds projects as they are reviewed, prioritized and approved by JPACT and the Metro Council. Lack of language service may frustrate input that could affect allocation decision on projects that will take three to five years to complete and, therefore, language service is of **moderate importance** to LEP populations, given Metro's role in the flexible funds allocation process.

Step 2: Review input from community organizations and LEP persons: As above, because this program does not affect immediate transportation needs, most participants in the agency and organization discussion group indicated that it is of lower importance to populations with limited English proficiency. One participant expressed the importance of allowing these populations to advocate for investments in their communities, but agreed that that was best handled by local jurisdiction outreach. The Spanish-language discussion group made similar statements, stating the need for Spanish speakers with limited English proficiency to be involved with funding decisions in their communities. They agreed that this could be best achieved through local jurisdiction outreach.
Because of the potential for moderate implications to individuals if language barriers prevent a person from participating in or benefiting from the planning process and results, Metro can implement clearer guidance to local jurisdictions to ensure consistency and effectiveness in general public, environmental justice and Title VI (including to residents with limited English proficiency) outreach as part of the submission process. Additionally, Metro needs to provide information about the process and funding allocations as well as provide opportunity for input during the approval process. This may be best achieved though translation of vital documents and consultation with agencies, organizations or advocacy groups that serve limited English proficiency populations to determine any issues that are unique to those populations.

Regional Transportation Plan (importance level: 2) The Regional Transportation Plan presents the overarching policies and goals, system concepts for all modes of travel, funding strategies and local implementation requirements. The plan recommends how to invest anticipated federal, state and local transportation funding in the Portland metropolitan area during the next 20 years.

Step 1: Identify your agency's most critical services: The Regional Transportation Plan contains the framework and goals for a 20-year planning horizon for a healthy and prosperous region. RTP implementation is carried out through transportation corridor planning, the Metropolitan Transportation Improvement Program and the regional flexible funds process (below). Looking at the Regional Transportation Plan on its own, this long-term, regional level planning process could have **limited implications** for individuals if language barriers prevent a person from benefiting from the planning process. Adding a project to the RTP's financially constrained project list makes it eligible for federal funding, among the most important and shorter term impacts of the plan. But even this has little impact on LEP and other populations, since the projects are often still conceptual and require more local planning and public involvement before funding decisions and, eventually, potential construction.

Step 2: Review input from community organizations and LEP persons: Because of the long-range and overarching approach to the Regional Transportation Plan, the agency and organization discussion group indicated that it is of lower importance to populations with limited English proficiency, citing difficulty that many of these residents have in meeting immediate transportation needs. One participant cautioned that it is important to include LEP residents in long-range planning, allowing them to advocate for more long-term investments in their communities. The Spanish-language discussion group made similar statements, agreeing that it is important for Spanish speakers with limited English proficiency to learn to participate in long-range planning as members of the larger community. Though participants said that the Regional Transportation Plan is important to all residents, including those with limited English proficiency, they recommended only moderate effort in translating documents, translated information on the website and language-specific outreach.

In spite of limited implications to individuals if language barriers prevent a person from benefiting from the planning process, it is important not to overlook the LEP communities in long-range regional plans. This may be best achieved though translation of vital documents[6] and consultation with agencies, organizations or advocacy groups that serve LEP populations to learn about issues that may be unique to those populations.

Metropolitan Transportation Improvement Program (importance level: 1[7]) For transportation projects to receive federal money, they must be included in the Regional Transportation Plan; however, the RTP approves more projects than can be afforded by the region in any given year. The MTIP process is used to determine which projects included in the plan will be given funds year to year, determining a schedule of spending of federal transportation money along with significant state and local funds in the Portland metropolitan region over a four-year period. It includes project lists whose development is

[6] "The following actions will be considered strong evidence of compliance with the recipient's written-translation obligations: (a) The DOJ recipient provides written translations of vital documents for each LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered…," Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 FR 41464, June 18, 2002. "Whether or not a document (or the information it contains or solicits) is 'vital' may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner," U.S. Department of Health and Human Services, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, Appendix A, Questions and Answers Regarding the Department of Health and Human Services Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 68 FR 47322, Aug. 8, 2003.

[7] The importance level represents Metro's role in public involvement and comment; as noted, local jurisdictions conduct community outreach and initiate their own plans for public involvement and comment, during which residents can have more of an impact on project design and prioritization. The local jurisdictions comply with their own environmental justice and Title VI (and limited English proficiency) involvement plans in the development of projects to submit for Metropolitan Transportation Improvement Program funding.

led by the TriMet and SMART (Wilsonville, Oregon) transit agencies and the Oregon Department of Transportation, in partnership with cities and counties. Metro's own allocation of regional flexible funds is added to the MTIP after funding decisions have been made in the RFF process (below).

Step 1: Identify your agency's most critical services: Because of the direct transportation project phasing implications, these plans could have modest implications in the short- to mid-term to individuals if language barriers prevent a person from participating in or benefiting from the planning process and results. Local jurisdictions conduct general public, environmental justice and Title VI (including to residents with limited English proficiency) outreach and gather input prior to submitting projects to Metro. As the project list is developed, reviewed, prioritized and approved by JPACT and the Metro Council, there is little opportunity for residents to add further input to affect the process. Lack of language service would not frustrate meaningful input and, therefore, language service is of **limited importance** to LEP populations, given Metro's role in the MTIP process.

Step 2: Review input from community organizations and LEP persons: Because this program does not affect immediate transportation needs, most participants in the agency and organization discussion group indicated that it is of lower importance to populations with limited English proficiency. One participant expressed the importance of allowing these populations to advocate for investments in their communities, but agreed that that was best handled by local jurisdiction outreach. The Spanish-language discussion group made similar statements, stating the need for Spanish speakers with limited English proficiency to be involved with funding decisions in their communities. They agreed that this could be best achieved through local jurisdiction outreach.

Because of the potential for moderate implications to individuals if language barriers prevent a person from participating in or benefiting from the planning process and results, Metro can implement clearer guidance to local jurisdictions to ensure consistency and effectiveness in general public, environmental justice and Title VI (including to residents with limited English proficiency) outreach as part of the submission process. Additionally, Metro needs to provide information about the process and funding allocations, which may be best achieved though translation of vital documents.

Factor 4: Resources available to the recipient and costs

Step 1: Inventory language assistance measures currently being provided, along with associated costs

Publication name and language	Recent order quantity	Translation cost	Printing cost	Available for distribution
MPO FUNCTIONS				
Regional Transportation Plan open house flyers and factsheets, Fall 2009 (Spanish)	500	$700	Estimated at $50 to 75	N/A
Biking brochures and maps (Spanish	500 to 2,500 depending on area	$4,175	Estimated total $3,700	Yes
RTP open house notification (Spanish)	One ad placement, 3.75 x 5.5"	$200	$425	N/A
Regional Transportation Options and Sustainable living programs webpages (Spanish)	N/A	$2,500	N/A	N/A

Flexible service contracts
In addition to communications products available in alternate languages, Metro has set up internal resources in the form of several professional communication contracts to provide translation and communication services on an as needed basis across all agency departments and programs.

The Communications department provides these service contracts on an ongoing basis and communicates the availability and range of services available from the contracts to program mangers regularly. The use of the contracts across the agency reduces staff time conducting similar procurements for these services, and by means of providing the resource, encourages departments and programs to use the services. Current contract amounts and duration are listed with each contract category.

Procurement efforts follow state and federal contracting guidelines allowing programs in receipt of federal funds to use the contacts. Existing FTE requirements to coordinate procurement process and award and monitor contracts is approximately 0.40. On a per project basis program staff spend a percentage of their time coordinating scope of work, deliverables and schedules for each effort totaling approximately 2.0 FTE across agency programs.

Language translation and multicultural communications services
Five contracts awarded totaling $400,000; starting April 30, 2012; expires April 30, 2014

- Written products, letters, brochures, handouts
  $0.18 to 0.22 per word depending on language
- Trans-creation communications - providing strategic culturally competition communications and engagement strategies to guide programs that impact diverse audiences.
  $85 – 125 per hour depending on project scope.

Telephonic and in-person interpretation services
One contract awarded totaling up to $3,000; expires September 30, 2012

- Telephonic interpretation, on-demand and scheduled
  $1.15 per minute
- Interpretation at meetings, public involvement
  $40 per hour, 15 minute increments, one hour minimum

Procurement to extend these services is tentatively scheduled for August 2012. One to two contracts totaling $50,000, two-year duration

Altered hearing/impairment services
One to two contracts totaling $50,000, two-year duration; procurement scheduled for July 1, 2012

- Closed captioning services for televised meetings
  Contracted Council meeting broadcasts, $100 to 130 per hour
  Single event services, $160 to 200 per hour

On-site ASL interpretation
As needed personal service contracts up to $5,000

- $45 to 60 per hour plus mileage and parking

Step 2: Determine what, if any, additional services are needed to provide meaningful access

As Metro completes its own Factor 1 analysis and works through key tasks in the LEP Implementation Plan, processes and procedures will be set in place to identify additional services needed to provide meaningful access to LEP populations. For instance, a procedure will be in place to identify new vital documents that need translation. In another example, evaluation processes will help us identify new needs from existing and new LEP populations. Processes and procedures like this combined with experience doing translation, trans-creation and strategic outreach to LEP populations and access to ready-made flexible services contracts will enable us to respond quickly to service needs.

Step 3: Analyze your budget
In order to accurately determine costs associated with completing our LEP Implementation Plan, Metro will need to complete its new Factor 1 analysis based on 2010 Census data with other local data sources incorporated. This will either reconfirm or add to the list of languages we need to focus on when defining and providing LEP language assistance. Knowing the breadth of language needs and the number of languages we'll be working with

will have a significant effect resource needs. Based on the new Factor 1 analysis, Metro will complete FTE and cost estimates for the LEP Implementation Plan.

Once FTE and cost estimates are in place, Metro will be able to fully evaluate our available budget resources and identify any outstanding gaps. If we look ahead right now and anticipate our potential FTE and resources needs, the most natural sources for completing work relate to existing communication and public engagement efforts as well as our agency-wide Diversity Action Plan.

It is typical for most Metro planning programs to have communication and public engagement resources in their budgets. In some cases, existing resources may be able to achieve more than one outcome or be re-purposed to assist with LEP language assistance.

Resources identified for implementing Metro's Diversity Action Plan are another potential source for completing LEP Implementation Plan work. As identified in the footnotes to our LEP Implementation Plan, we've already cross-referenced several tasks from the Diversity Action Plan that could also expand availability of language assistance. Other Diversity Action Plan tasks may be refined to further address LEP Implementation Plan needs. As Metro advances its work on both the LEP Implementation Plan and the Diversity Action Plan, an opportunity will exist to coordinate even further on both task identification and budget development.

Step 4: Consider cost effective practices for providing language services
Metro is always considering effective best practices for engaging the public, including LEP populations. As we accomplish the tasks in our LEP Implementation Plan, Metro will seek the most effective and efficient means to reach people and include them in planning processes in meaningful ways.

One example of our desire to conserve resources while providing good service is our early strategy to use staff interpreters as a first source of help when taking calls or addressing in-person questions from the public. A new contract for telephone interpretation services is a cost-effective way to follow-up on initial questions and link community members with subject matter experts. We anticipate the short-term contract for telephone interpretation will be a test for us – teaching us how the service works, how we can best apply it and how well it works for community members needing language assistance. Before the end of the initial six-month contract, we expect to renew the agreement and possibly expand it to include other services or to cover other needs.

Conclusion
As Metro continues to learn about reaching LEP populations and providing effective language assistance, we will improve and develop best practices to guide future planning efforts and allocate resources needed to accomplish the work in a timely and cost-effective manner.

SECTION II: LEP IMPLEMENTATION PLAN

Metro's implementation plan on language assistance

For its Implementation Plan, Metro followed the steps enumerated in the FTA's LEP Handbook, as described below. The attached Metro LEP Implementation Plan Schedule: Fiscal Years 2011-16 shows specific tasks and scheduled completion dates through 2016.

Task 1: Identifying LEP Individuals Who Need Language Assistance

Research and discussion groups convened in the four factor analysis needs assessment indicate that a very small proportion of the Portland area has limited English proficiency. According to the 2000 Census, 3.89 percent of the residents in the TriMet service area, which is nearly identical to the Metro service area, have limited English proficiency. Of those 47,064 residents, 65 percent or 30,816 speak Spanish. More than 2,000 residents also speak each of four other languages: Vietnamese, Russian, Chinese and Korean.

Research responses from Metro MPO's frontline staff indicate that they have very little contact with LEP residents, in part because many MPO services have very little contact with the public in general.

Metro will improve its identification of LEP individuals through many tactics identified in the attached Metro LEP Implementation Plan Schedule: researching and writing an updated Factor 1 analysis in the 2012-13 fiscal year (Activity 1.A.), posting information in multiple languages about the right to language assistance (Activity 3. B)

For more information on LEP individuals who need language assistance, see Metro's Factor 1 analysis, which uses data from the TriMet transit agency and Metro's Title VI Program, Section 1, which responds to Chapter VII of FTA Circular C 4702.1A, regarding requirements for MPOs to provide a demographic profile.

Task 2: Language Assistance Measures

Metro provides a variety of language assistance services. Metro's Factor 4 analysis lists four projects that have translated materials into Spanish, including fliers and fact sheets for an open house on the Regional Transportation Plan and biking brochures and maps.

On March 29, Dylan Rivera, Metro's Title VI designee, led a Title VI/language assistance training for the agency's frontline employees, who have the most frequent contact with the public. In preparation for the training, Metro developed instructions for how the agency's frontline staff can access volunteer staff interpreters or a telephone interpretation service.

For more information on Metro’s language assistance measures, see Exhibits 1 – 12: Materials from March 29 staff training on providing language assistance.

Task 3: Training Staff

Task 3, Step 1: Identify agency staff that are likely to come into contact with LEP persons as well as management staff.

In March and April 2012, Metro took several steps to identify agency staff that are likely to come into contact with LEP persons.

Twenty-three Metro employees, and a Metro security contractor, participated in a March 29 training on Title VI and provision of language assistance. Metro's public involvement managers, who supervise the MPO's outreach staff, were involved in planning the training, and several managers of frontline staff from other departments participated in the training to increase their awareness of agency LEP resources and staff responsibilities for language assistance.

A staff survey was conducted during the week of April 16, 2012, to ascertain if and how often MPO staff come into contact with LEP residents. The survey was sent by email to 61 employees, including administrative and public involvement staff who come into direct contact with the public via phone and public outreach events and planning staff who are the subject matter experts for the MPO's programs and land use planning programs. The survey was written by the MPO's Title VI designee and distributed by the planning director, to encourage responsiveness. In the end, 29 of the 61 responded. The 61 employees also included staff who have substantial non-MPO responsibilities and many employees who have no contact with the public, so the response rate should be understood in that light. It also included several managers, to help ensure they are aware of Metro's effort to create a language assistance plan.

Task 3, Step 2: Identify existing staff training opportunities

Metro has taken steps to institutionalize the March 29 LEP training. The list of participants has been entered into the Metro Learning Center, an online portal on Metro's IntraMet (internal web site), that centralizes training programs offered by all agency departments, including non-transportation related functions. With the Learning Center, Metro can track which staff have taken the LEP training and which ones need to take it. Metro intends to repeat the training for those who were unable to attend on March 29. Metro also intends to use the Learning Center as a way to make the LEP course available for new employees to self-administer the training, by taking it on the web as they do with other required training programs.

Task 3, Step 3: Design and implement LEP training for agency staff

The March 29 training included: a summary of Title VI, demographic information from Factor 1 of TriMet's LEP Plan (which at the time comprised Metro's Factor 1 analysis), the agency's responsibilities to LEP persons, how language assistance relates to Metro's values of public service and respect, discussion among the group of how frequently and under what circumstances they are contacted by LEP customers, information about the agency's Title VI notice and detailed procedures on how to access staff interpreters and professional telephone interpretation service.

Instructions for frontline employees described their role as providing intake for the LEP customer and quickly passing the customer's request to others who are charged with connecting the customer with the appropriate subject matter expert. The desired outcome is: "Customers identified as needing language assistance receive interpretation services and assistance from the appropriate Metro subject matter expert." The goal is to provide LEP customers the same level of access to Metro MPO staff as customers who speak English well. Such information sharing between experts and the public is a foundation for meaningful public engagement for Metro's MPO function.

For more information on training staff, see Metro's LEP Implementation Plan Schedule: Training (Activity 5) and Exhibits 1 – 12: Materials from March 29 staff training on providing language assistance.

Task 4: Providing Notice to LEP Persons

By June 30, 2012, Metro will post a language identification sign next to Metro's Title VI notice in three places in its headquarters building, the Metro Regional Center: at the building entrance, at the entrance to the Metro Council Chamber and on a bulletin board in the Human Resources Department. Provided by Metro's telephone interpretation contractor, the 8.5 x 11" sign says, in 23 languages, "You have the right to an interpreter at no cost to you. Please point to your language".

In the 2012-13 fiscal year, Metro will consider how and when to post the notice that free language service is available in outreach documents for MPO functions as noted in Metro's LEP Implementation Plan Schedule: Notices (Activity 3. D-E).

Task 5: Monitoring and Updating the LEP Plan

Since this is Metro's first LEP Implementation Plan, the agency intends to develop a process for monitoring and updating the plan as it implements the plan. Metro's monitoring will include gathering feedback from community organizations and surveys of Metro staff to assess changes to the frequency of encounters with LEP populations and the effectiveness of language assistance measures the agency has provided.

Task 5, Step 1: Establish a process to obtain feedback on your agency's language assistance measures.

For information on obtaining feedback on language assistance measures, see Metro LEP Implementation Plan Schedule: Evaluation and reporting (Activity 7. B. 1).

Task 5, Step 2: Obtain feedback from community members and from agency staff.

For information on obtaining feedback from community members, see Metro LEP Implementation Plan Schedule: Evaluation and reporting (Activity 7. B. 1).

Task 5, Step 3: Conduct internal monitoring

For information on conducting internal monitoring, see Metro LEP Implementation Plan Schedule: Evaluation and reporting (Activity 7. A., 7. B. 2, 7. C).

Task 5, Step 4: Make changes to the language assistance plan based on feedback received

For information on making changes to language assistance based on feedback received, see Metro LEP Implementation Plan Schedule: Evaluation and reporting (Activity 7. A., B. 2, 7. C).

Task 5, Step 5: Consider new language assistance needs when expanding service

Metro is not a provider of transit service; however, Metro's MPO programs and services may change over time. As program changes occur or new programs are added, Metro will consider language assistance needs.

Metro Limited English Proficiency Implementation Plan Schedule:

Fiscal Years 2011-2016

Metro implementation plan areas:

Data tracking and plan scope	page 33
Translation services	page 35
Notices	page 36
Procurement	page 38
Training	page 38
Outreach	page 40
Evaluation and reporting	page 43

Metro LEP Implementation Plan: Fiscal Years 2011-2016						**X** = Target completion **✔** = Actual completion
ACTIVITIES	**METRO FISCAL YEAR**					**STATUS**
	2011-12	**2012-13**	**2013-14**	**2014-15**	**2015-16**	
1. Data tracking and plan scope						
A. Gather data for Factor 1 analysis		**X**				
1. Inventory LEP data needs and potentially related data needs by tract within the Metro area		**X**				
2. Identify data sources beyond the census and the American Community Survey that can be developed and maintained over time, preferably through standard measurement and coordination with TriMet, local jurisdictions, regional partners and LEP communities		**X**				
a. Consult demographic data from Coalition for a Livable Future Equity Atlas, school systems and local governments		**X**				
b. Consult anecdotal information from community organizations and agencies and legal aid entities, especially Coalition of Communities of Color reports.		**X**				
3. Develop processes and data analysis plans that can be used for Title VI reporting purposes, region-wide long-term planning and corridor level planning efforts that arise		**X**				

between Title VI reporting periods.						
a. Gather and quality check data with local jurisdictions		X				
b. Decide data extent and develop maintenance plan for all LEP needs		X				
c. Coordinate with other jurisdictions to standardize data collection and sharing			X			
4. Complete new regional LEP Factor 1 analysis		X				
a. Identify concentrations of LEP populations within the Metro area		X				
B. Use new regional LEP Factor 1 analysis to estimate costs and resources for carrying out LEP implementation plan		X				
C. Add LEP questions in multiple languages to Title VI tracking form for MPO-function public events		X				
D. Improve consistency and breadth of data collection through Metro public involvement events and surveys[8] done for Metro MPO functions		X				
1. Explore best practices to track participation of underserved populations in the public comment process[9] and Coalition of Communities of Color reports		X				
2. Monitor current conversations about the ability to collect demographic data, i.e. the Greater Portland Pulse project[10]	✔					Ongoing

[8] Diversity Action Plan item 3.1.14
[9] Diversity Action Plan item 3.1.12
[10] Diversity Action Plan item 3.1.11

Metro Implementation Plan: Fiscal Years 2011-2016				X	= Target completion	
				✔	= Actual completion	
ACTIVITIES	**METRO FISCAL YEAR**					**STATUS**
	2011-12	**2012-13**	**2013-14**	**2014-15**	**2015-16**	
2. Translation services (See LEP Factor 4 for more information)						
A. Provide telephone interpretation for phone and walk-in customers of Metro MPO functions	✔					Ongoing
B. Explore telephone interpretation options for phone and walk-in customers for other Metro functions		X				
C. Provide process for in-person interpreter services upon request at public meetings and important events for MPO functions	✔					Ongoing
1. Estimate and allocate costs for in-person interpreter services	✔					
D. Regularly survey staff to determine existing language resources	✔					Annually
1. Define conditions under which Metro employees will assist with translation	✔					Review annually
E. Establish process for translating vital documents			X			
1. Define what constitutes a vital document for MPO functions, using the FTA Title VI Circular as guidance		X				
2. In coordination with records retention staff, identify and inventory vital documents for MPO functions, including Title VI notice and complaint form		X				In progress
3. Translate vital MPO documents and establish tracking process		X				
4. Establish process to monitor for new MPO documents that may be considered vital		X				

Metro Implementation Plan: Fiscal Years 2011-2016						X = Target completion ✔ = Actual completion
ACTIVITIES	**METRO FISCAL YEAR**					**STATUS**
	2011-12	**2012-13**	**2013-14**	**2014-15**	**2015-16**	
3. Notices						
A. Post information in multiple languages about Title VI civil rights compliance and complaint process through signage	✔					Completed in Metro Regional Center
1. Update signage once Factor 1 analysis is completed		X				
2. Consider identifying locations beyond Metro Regional Center that will receive signs and where they will be posted; create/post signs and train staff at other sites as needed			X			
B. Post information in multiple languages about notice of right to language assistance	X					
1. Identify physical locations for signs within the MPO function	X					
a. Create signs and post	X					
b. Train point people at sites regarding signage and response process	X					
2. Consider identifying physical locations for signs within other Metro functions			X			
a. Create signs and post			X			
b. Train point people at sites regarding signage and response process			X			
3. Post information about notice of right to language assistance and civil rights complaint process on websites	✔					Completed for main Metro website
a. Translate main Metro website notice of right to language assistance and civil rights complaint process into multiple languages		X				
2. Improve website accessibility/navigability for resources in other languages			X			

3. Identify other Metro websites where posting should occur and post information			**X**			
C. Post information in multiple languages about notice of right to language assistance and civil rights complaint process on Metro Council meeting agendas and Joint Policy Advisor Committee on Transportation agendas and during televised cable access of Metro Council meetings		**X**				
D. Consider how and when to include notice of availability of free language assistance in MPO outreach documents		**X**				
E. Consider how and when to include notice of availability of free language assistance in other outreach documents			**X**			
F. Share LEP plan and LEP plan summary		**X**				
1. Post plan and summary to Metro website(s)		**X**				
2. Provide copies of the plan and summary to Oregon Department of Transportation, Federal Highway Administration, Federal Transportation Administration and any person or agency requesting a copy		**X**				Ongoing upon plan reissue

Metro Implementation Plan: Fiscal Years 2011-2016						X = Target completion ✔ = Actual completion
ACTIVITIES	**METRO FISCAL YEAR**					**STATUS**
	2011-12	**2012-13**	**2013-14**	**2014-15**	**2015-16**	
4. Procurement						
A. Develop and review contract language to ensure all contractors for providing goods and services to MPO functions are in compliance with Title VI regulations		X				
1. Follow MPO subrecipient assistance and compliance procedures for all MPO-related contracts	X					Ongoing
5. Training						
A. Identify MPO staff likely to come into contact with LEP populations	✔					
B. Consult with other Title VI-compliant organizations regarding training modules		X				
C. Deliver basic training to all current MPO function workgroups on Title VI and LEP responsibilities, including LEP plan and implementation plan, understanding Title VI LEP responsibilities, documentation of language assistance requests and how to handle a complaint		X				
1. Ensure all new MPO function employees receive basic training on Title VI and LEP responsibilities, including LEP plan and implementation plan		X				
D. Design and implement a Metro Learning Center training module for all current Metro staff on Title VI responsibilities, including civil rights notice, complaint procedure and language assistance			X			
1. Ensure all new employees complete Metro Learning Center training module on Title VI responsibilities, including civil rights			X			

notice, complaint procedure and language assistance						
E. Provide any additional Title VI and LEP resources to Metro employees on internal website			**X**			

Metro Implementation Plan: Fiscal Years 2011-2016	X	= Target completion
	✔	= Actual completion

ACTIVITIES	METRO FISCAL YEAR					STATUS
	2011-12	2012-13	2013-14	2014-15	2015-16	
6. Outreach						
A. Conduct research to assess services to LEP populations and barriers to service[11]			X			Ongoing
1. Identify community organizations Metro has contacted in the past	✔					
a. Identify prior experiences with LEP populations within the MPO function	✔					
2. Develop questions to ask community organizations how best to serve LEP populations and transcend barriers[12], including: • Size and location of populations the organization serves • Needs of populations relative to other Metro functions • Data sources and/or demographic trends they can provide or assist with • Advice on communication and engagement with populations they serve		X				Ongoing
3. Contact community organizations to ask the above questions and collect information		X				
B. Develop process for targeted community outreach to LEP populations for specific efforts and services, within the MPO function		X				
1. Partner with key community leaders and organizers of LEP populations through one-on-one meetings, phone and email contact with individual leaders and participation in community events to determine best ways to reach LEP populations		X				

[11] Diversity Action Plan item 3.2.2

[12] Diversity Action Plan item 3.1.6

a. Develop cultural awareness training concepts for external outreach[13]		X				
b. Develop culturally specific methods for diverse communities to access Metro MPO information most effectively[14]	✔					Ongoing
c. Develop culturally appropriate material in target languages, test materials with key constituencies, promote messages through community media and develop print, radio and television ads in target languages, depending on project needs[15]	✔					Ongoing
d. Develop leadership and capacity-building program for future work with diverse communities and LEP populations	✔					Ongoing
i. Provide sponsorship funds or resources (such as meeting space) to diverse communities on an ongoing and equitable basis[16]	✔					Ongoing
ii. Leverage Senior Leadership Team member and Metro Councilor relationships with different communities[17]	✔					Ongoing
2. In coordination with community organizations, target outreach as appropriate per project and community needs to key gathering places identified by LEP community organizations, such as churches, schools, community colleges, libraries, grocery stores, parks and social service and community activist organizations		X				
3. Establish a greeter table as appropriate per project and community needs at MPO-specific events with a sign-up sheet and staff member that can informally gauge attendees' ability to speak and understand English; provide Census Bureau "I Speak Cards" to identify language needs for future meetings		X				

[13] Diversity Action Plan item 3.1.7
[14] Diversity Action Plan item 3.1.9
[15] Diversity Action Plan item 3.1.10
[16] Diversity Action Plan item 3.1.2
[17] Diversity Action Plan item 3.2.7

4. Consider how to incorporate notice in multiple languages of language assistance availability into MPO outreach materials		X				
C. Establish methods to coordinate and enhance outreach efforts, focusing first on MPO functions (as appropriate)			X			
1. Consider investing in tools that enable Metro to effectively coordinate stakeholder outreach[18]			X			
2. Coordinate and maintain list of contacts with diverse communities, including contacts made through Human Resources, Procurement and Communications efforts[19]			X			
3. Establish internal working group to meet regularly and identify areas for leverage[20]		X				

[18] Diversity Action Plan item 3.1.16
[19] Diversity Action Plan item 3.2.12
[20] Diversity Action Plan item 3.2.13

Metro Implementation Plan: Fiscal Years 2011-2016				X	= Target completion
				✔	= Actual completion
ACTIVITIES	**METRO FISCAL YEAR**				**STATUS**
	2011-12	**2012-13**	**2013-14**	**2014-15**	**2015-16**
7. Evaluation and reporting					
A. Develop process to monitor and update LEP implementation plan, including:			X		
1. Tracking MPO function contact with LEP persons			X		
a. How many LEP persons were encountered			X		
b. Whether LEP persons' needs were met (important information and services from Metro's Factor 3 analysis)			X		
c. How many complaints were received			X		
2. Monitoring LEP data			X		
a. Current LEP populations within MPO function			X		
3. Monitoring LEP resources and costs			X		
a. Any change in available resources (data, technology, staff, budget) on an annual basis			X		
b. Any change in LEP costs on a Title VI reporting period basis			X		
4. Set LEP goals and measures			X		
B. Establish process to obtain feedback on Metro's language assistance measures				X	
1. Obtain feedback from community members through an annual survey				X	
2. Conduct annual internal monitoring with agency staff				X	
a. Include monitoring question on intake form for frontline staff				X	

b. Develop evaluation method for staff that substantively engage with LEP persons				X		
c. Assess any needed changes in types of languages for translation services				X		
d. Determine whether continued language assistance is needed for previously identified programs				X		
3. Make changes to internal language assistance procedures based on feedback				X		
C. Develop internal assessment of LEP training, materials and procedures one year after instituted			X			
D. Establish process to identify new language assistance needs and adjust service					X	
E. Establish reporting schedule and work plans for Title VI and LEP requirements to:		X				
1. ODOT annually		X				
2. FTA according to Title VI reporting schedule		X				
a. LEP plan		X				
b. LEP implementation plan		X				
c. Public involvement plan		X				
3. Determine reporting level to Metro Council according to Title VI reporting schedule		X				
a. Consider including Diversity Action Plan and equity reporting		X				

METRO'S LEP ACCESS NEEDS ASSESSMENT AND IMPLEMENTATION PLAN EXHIBITS 1 – 12

Exhibit 1:
A memo from Metro's Title VI designee on the agency's language assistance activities promised by March 31, 2012

600 NE Grand Ave.
Portland, OR 97232-2736
www.oregonmetro.gov

Metro | *Memo*

Date: Thursday, April 5, 2012
To: Christopher MacNeith, Regional Civil Rights Officer, Federal Transit Administration
From: Dylan Rivera, Title VI designee, Metro
Subject: Update on Metro's language service activities promised by March 31, 2012

This memo provides documentation of how Metro met its promise to FTA to take certain interim steps to ensure language assistance is provided as the agency develops its LEP Plan. These interim steps were promised in a Title VI Program submitted to FTA Jan. 31, 2012.

The interim steps were listed on Page 7 of the submittal:

> By March 31, 2012, Metro will take the following interim steps to ensure language assistance is provided as the agency develops its LEP Plan:
> - Train administrative employees who receive phone calls from the public and employees who handle walk-in customer service at the agency's headquarters on how to connect LEP members of the public with interpretation service by accessing employees who speak languages other than English or by using telephone interpretation service
> - Instructions for these employees will include a protocol that encourages direct contact between transportation planning staff and LEP members of the public, using interpretation as needed
> - Review with these employees how to contact the list of more than 19 agency staff (listed in an employee directory located on Metro's employee-only web site) who speak 14 languages other than English and are available to provide interpretation service
> - Access a telephone-based immediate-access interpretation service, as needed, to provide interpretation of conversations between agency staff and LEP members of the public

Metro accomplished all of these steps before the March 31 deadline. Much of this activity implemented suggestions from "Task 3: Training Staff" from FTA's 2007 LEP Handbook.

On March 29, Dylan Rivera, Metro's Title VI designee, led a Title VI/language assistance training for the agency's frontline employees, who have the most frequent contact with the public. Twenty-three Metro employees, and a Metro security contractor, participated in the training. Metro's public involvement managers, who supervise the MPO's outreach staff, were involved in planning the training, and several managers of frontline staff from other departments participated in the training to increase their awareness of the agency's LEP resources.

The training covered: A summary of Title VI, demographic information from Factor One of TriMet's LEP Plan (which at the time comprised Metro's Factor One analysis), the agency's responsibilities to LEP persons, how language assistance relates to Metro's values of Public Service and Respect, discussion among the group of how frequently and under what circumstances they are contacted by

LEP customers, information about the agency's Title VI notice, detailed procedures on how to access staff interpreters and professional telephone interpretation service.

Instructions for the frontline employees describe their role as providing intake for the LEP customer and quickly passing the customer's request to others who are charged with connecting the customer with the appropriate subject matter expert. The desired outcome is: "Customers identified as needing language assistance receive interpretation services and assistance from the appropriate Metro subject matter expert." The goal is to provide LEP customers the same level of access to Metro transportation planning staff (and program staff of other departments) as customers who speak English well.

Metro has taken steps to institutionalize this LEP training, following many of the recommendations found in "Task 3, Steps 2 and 3: Training Staff" from FTA's 2007 LEP Handbook. The list of participants has been entered into the Metro Learning Center, an online portal on Metro's IntraMet internal web site, that centralizes training programs offered by all of the agency's departments, including non-transportation related functions. With the Learning Center, Metro can track which staff have taken the LEP training and which ones need to take it. Metro intends to work with managers of administrative staff to identify any that were not able to attend the March 29 training session, and the agency will repeat the training for those who need it. Metro also intends to use the Learning Center as a way to make the LEP course available for new administrative employees to self-administer the training, by taking it on the web as they do with other required training programs.

Attached are materials that substantiate this, including:

1. A copy of Metro's contract for telephone interpretation services with Certified Languages International, which also provides language assistance for TriMet, the transit agency in the Portland area. The contract's effective date was March 29, 2012, expiring in six months, during which time Metro will evaluate the service provided by the contractor and consider how to provide for a longer term contract.
2. Meeting agenda for March 29 training.
3. A copy of a PowerPoint presentation used at the training. The presentation was adapted from FTA's presentation on Title VI and LEP access. Because frontline staff are not involved in producing a four factor analysis, the presentation provided an overview, but did not include detail on how to conduct that analysis. The presentation included a look at demographic information from TriMet's Factor One analysis.
4. Attendance Sheet showing staff names and signatures, for use in the Metro Learning Center.
5. A report of staff who attended, printed from the Metro Learning Center, showing the titles and department affiliations of staff who received the training.
6. "Procedures for providing service for customers who do not speak English well: In-person contact."
7. "Procedures for providing service for customers who do not speak English well: Telephone contact."
8. Telephone conferencing instructions.
9. Limited English Proficiency (LEP) Intake Form.
10. Metro staff volunteer language interpreters – list updated March 29, 2012
11. Language ID sheets (aka "I speak" cards) – two versions, provided by Certified Languages International, Metro's telephone interpretation contractor.
12. A summary of questions raised by staff at the training. Answers were provided at the meeting but are not included in this summary.

Exhibit 2:
A copy of Metro's contract for telephone interpretation services with Certified Languages International

METRO
600 NE Grand Ave.
Portland, OR 97232-2736
(503) 797-1700

Contract Transmittal Summary

(Revenue Grant: Use Revenue Grant Transmittal form)

To: PROCUREMENT SERVICES

Date: 2012-03-29

From DPC: Blackledge,Sherrie R

Contract No.: 0000931195

Department: Planning and Development

Vendor: Certified Languages International LLC 17613

Project Manager: Rivera,Dylan DR

Project: Language Interpretation

Federal CFDA No: 0

RFP or RFB No.:

HAS VENDOR/CONTRACTOR BEEN A METRO EMPLOYEE IN THE PAST? Yes (No)

Type of Contract: **Agreement** **Expenditure**

Federal Funds Involved: **Y**

Contract Funding Source:
Agency:
Contract No:
Ending Dt:

**DBE Approval: _____
Cooperative Agreement: N

FOR CONTRACTS $50,000 AND OVER:
Is the contract listed on Annual Contract List?

Capital Asset Acquired/Constructed? No
Asset Number _____ Profile ID _____
Budget/Finance Approval _____
Asset Accounting Approval _____

If over $50,000 must be included in Capital Improvement Plan

Budget Code(s): 5240-140-01220-81130-X-44290

Contract Term:
Beginning Date: 2012-03-29
Ending Date: 2012-09-30
Sheltered Market: N

Unusual Risk in Contract: (Initial the most applicable)

None _____

Environmental	_____	Politically Sensitive	_____
Financial	_____	Project Management	_____
Operational	_____	Liability/Property Risk	_____

MBE/WBE/ESB Program

	DBE**	Non*	MBE	WBE	ESB
Solicited Total: **0**	0	0	0	0	0
Responded Total: **0**	0	0	0	0	0
Awarded					

*Non=Non-M/W/ESB vendors solicited, responded and awarded
**DBE=Federally funded contracts only.
Add both non and M/W/ESB vendors for total

Division Managers: Please review and initial appropriate "Unusual Risk" category above. All Others: If a change is made to an Unusual Risk category, please initial change and contact Division Manager.

TOTAL COMMITMENT AMOUNT **$ 3,000.00**

Amount of contract to be spent current fiscal year: **$ 3,000.00**

Division Manager

Department Contract Consultant

Finance Manager 3/21/12

Department Director

Procurement Services

*Legal Schwartz Sykes,Nathan

*** Legal review needed: IGA, Non-standard contracts, contracts over $100K**

Revised June 2009 **Form 901**

**If federally funded, DBE review is required.

METRO

600 NE Grand Ave.
Portland, OR 97232-2736
(503) 797-1700

Temporary Delegation of Signature Authority

Date: 3/26/2012

To: Accounting division

From: Robin McArthur

REQUIRED:
Fund-Organization: 140 (All Planning Depts)

Effective dates: 3/29/2012 - 12/31/2012

Reason: To have a back up signer when Robin in on vacation or away from her office on Metro business

In my absence, I hereby delegate my current signature authority to the named individual below.

Name	Position title	Authorized signature	Initials
Elissa Gertler (type or print)	Deputy Director (type or print)		EG 3/26/12

Department Director: R McArthur 3/26/12

Chief Operating Officer (if required):

CERTIFIED LANGUAGES
INTERNATIONAL

SERVICE AGREEMENT

CUSTOMER INFORMATION:

Customer Name	**METRO**
Primary Contact	**DYLAN RIVERA**
Email	**Dylan.Rivera@oregonmetro.gov**
Address	**600 NE GRAND AVE** **PORTLAND, OR 97232**
Phone	**503 797 1551**
Billing Contact and Address (if different from above)	**Attn: Accounts Payable** **Please reference Contract No. 931195**
Billing Email for Electronic Invoices	metroaccountspayable@oregonmetro.gov
Secondary Email for invoices	**Sherrie.blackledge@oregonmetro.gov**
Purchase Order (if applicable)	
How did you hear about us?	

Password Protected Invoice Emails:
Check this box if you want to receive invoices with a password protected email ☐

COMPANY INFORMATION:

Company Name: **Certified Languages International, LLC** an Oregon limited liability company

Company Address: 4724 Southwest Macadam Avenue
Portland, OR 97239
(503) 484-2425 Office
(503) 450-1913 FAX
EIN: 93-1220817

Account Representative	**DICKEY MCMATH** **503 484 2317** **dmcmath@certifiedlanguages.com**
Support Representatives	**-Bill Reed (800) 362-3241 Ext. 319** **billr@certifiedlanguages.com** **-Kassondra Schueman x307** **kassondras@certifiedlanguages.com**

INTERPRETER SERVICES AGREEMENT

This Service Agreement (**"Agreement"**) is entered into as of March 23, 2012 ("Effective Date") between Certified Languages International, LLC, an Oregon limited liability company ("**CLI**" or **"Company"**), with its headquarters located at 4724 SW Macadam Avenue, Portland, OR 97239, USA, and METRO, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter, (**"Customer"**), with its headquarters located at **600 NE GRAND AVE PORTLAND, OR 97232**

Customer and the Company are hereinafter referred to individually as a "**Party**" and collectively as the "**Parties**." Customer desires to retain Company to provide professional services, including certain interpretation and translation services to Customer (the "Services"), either in person or by telephone, as requested by the Customer based upon the following terms and conditions.

1. **Services**.

Customer retains Company to provide over-the-phone or on-site interpretation services, and/or document translation services (individually or collectively, the "Services") as specified on Schedule A.

2. **Privacy and Data Security**.

2.1 **Processing Customer Data.** In the course of delivering the Services for Customer, two categories of data are collected: (1) the data necessary for determining billing and authorization information (Company ID, date, time of call, department ID, authorization ID); and (2) the data associated with the Services (for example, an encrypted recording of a telephone translation incident, hand-written call notes of a translator , or a translation document). All such data is referred to as "Customer Data."

2.1.1 Company will at all times collect and process Customer Data only in accordance with the instructions of the Primary Contact, as set forth in Schedule B and as communicated in writing from time to time. Company will adhere to the strict rules of confidentiality when providing its Services and will, as a matter of policy, immediately destroy all notes taken during an interpretation session and all copies of translations once they are provided to Customer.

2.1.2 Unless otherwise requested by Customer, all telephone interpretation calls will be recorded for billing and quality control purposes. Recordings are encrypted and managed on a secure server with custom software. Recordings are not backed up and are destroyed every 90 days.

2.2 **Disclosing Customer Data.** Company will not disclose, copy, reproduce or transfer Confidential Information, including Customer Data, to any third party, for any reason, without the prior permission in writing of the Customer except where such disclosure or transfer is required by any applicable law, regulation, or governmental authority.

2.3 **Technical and Organizational Measures.**

2.3.1 Company will ensure that technical and organizational measures are adopted (a) to protect Customer Data against accidental, unauthorized or unlawful

destruction, loss, damage, alteration, disclosure, access and processing and (b) as required by any applicable data protection law.

2.3.2 Company will inform Customer Contact in writing within 24 hours of any accidental or unlawful destruction or accidental loss or damage, alteration, unauthorized disclosure or access to the Customer Data.

3. **Compensation**.

In consideration for Company providing the Services hereunder Customer shall pay Company in accordance with the fees and payment schedule set forth in Schedule A.

4. **Term and Termination**.

4.1 **Termination**. This Agreement commences on the Effective Date and may be terminated by either Party with 30 days' written notice to the other Party.

4.2 **Affect of Termination**. Termination of this Agreement shall not affect any rights or obligations accrued by either Party prior to termination.

5. **General Warranties**.
Except for the express warranties in this Agreement, Company expressly disclaims all warranties with respect to the Services, express and implied, including but not limited to the warranty of merchantability and the warranty of fitness for a particular purpose.

5.1 **Compliance**. Company represents and warrants that it shall comply with (a) all applicable federal, state and local laws, regulations and guidelines, including, but not limited to, all applicable federal, state and local tax laws and regulations, and shall obtain any licenses, permits or registrations necessary for Company to be able to perform under this Agreement, which shall include, but is not limited to, all privacy laws, regulations and guidelines; and (b) Customer business policies and security requirements while on Customer's premises.

5.2 **HIPAA**. Company represents and warrants that it complies with the federal laws and regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) governing the use and/or disclosure of individually identifiable health information. Company is aware that hospitals will be required to be in compliance with those regulations as promulgated under HIPAA. Company also complies with the Joint Commission standards and regulations governing the provision of healthcare services.

5.3 **Safe Harbor**. Company agrees that it will fully and accurately satisfy its responsibilities, as providers of services covered by this Agreement, under the Safe Harbor Regulations relating to program "fraud and abuse" promulgated under the Social Security Act and Medicare and Medicaid Patient & Program Protection Acts.

5.4 **Eligibility**. Company warrants that it is not disbarred or suspended, proposed for disbarment or declared ineligible for award of contracts by any Federal Agency.

5.5 **Presentations and Publications**. Company shall not present, publish nor submit for publication, any work resulting from Company's Services delivered to Customer without Customer's prior written approval.

6. **Confidential Information.**

6.1 **Definition.** "Confidential Information" means any and all information provided to a Party by the other Party or other information, which a Party otherwise gains access to during the course of its performance under this Agreement, regardless of whether such information is labeled or otherwise identified as being confidential. Without limiting the generality of the foregoing, Confidential Information shall include a Party's trade secrets, techniques, processes, procedures, costs, prices, finances, marketing plans, business opportunities, Customer Data and customer information. Confidential Information shall not include data or information which (a) was in the public domain at the time it was disclosed or falls within the public domain, except through the fault of the receiving Party; (b) was known to the receiving Party at the time of disclosure without an obligation of confidentiality, as evidenced by such Party's written records; (c) was disclosed after written approval of the disclosing Party; (d) becomes known to the receiving Party from a source other than the disclosing Party without an obligation of confidentiality; or (e) is independently developed by the receiving Party without use of the disclosing Party's Confidential Information, as evidenced by such Party's written records.

6.2 **Ownership and Disclosure.** Customer and Company each retain all right, title and interest in its own respective Confidential Information. During the term of this Agreement and for a period of five (5) years thereafter, the receiving Party shall not (a) without first obtaining the consent of the disclosing Party, disclose to any third party any Confidential Information or (b) without the consent of the disclosing Party, use the Confidential Information for any purpose not specified in this Agreement. The receiving Party shall notify the disclosing Party promptly of any unauthorized disclosure of the Confidential Information and assist the disclosing Party in remedying any such unauthorized disclosure. Each Party agrees that all persons having access to the Confidential Information of the other Party under this Agreement will abide by the confidentiality obligations set forth in this Agreement. Nothing in this Agreement shall be construed to restrict the Parties from disclosing Confidential Information as required by law or court order or other governmental order or request, provided in each case the Party requested to make such disclosure shall timely inform the other Party and use all reasonable efforts to limit the disclosure and maintain the confidentiality of such Confidential Information to the extent possible. In addition, the disclosing Party shall permit the other Party to attempt to limit such disclosure by appropriate legal means.

7. **Indemnification.**

7.1 **By Company.** Company agrees to indemnify, defend and hold Customer and its Affiliates and their respective employees, directors, officers and agents harmless against any third party claim, liability, damages, losses, judgment, and other expense (including, but not limited to, reasonable attorney's fees and court costs) ("Liability") arising out of or resulting from any third party claims made or proceedings brought against Customer to the extent such Liability arises from Company's services under this Contract, its gross negligence or willful misconduct, or violation of applicable law.

7.2 **Requirements.** To receive the indemnities set forth in this Agreement, Customer shall (a) promptly notify the Company in writing of a claim or suit, (b) provide reasonable cooperation, and (c) permit the Company sole control of the defense and settlement of

the claim. No settlement or compromise shall be binding on Company without its prior written consent, which consent shall not be unreasonably withheld.

8. **Insurance**.

Company shall, at its own cost and expense, obtain and thereafter maintain in full force and affect the following insurance during the term of this Agreement:

(a) Worker's Compensation Insurance with statutory limits and Employer's Liability coverage with statutory limits, as required by applicable law in Company's jurisdiction.

(b) General Liability Insurance including Professional Liability Insurance with a minimum limit of Two Million Dollars ($2,000,000) per occurrence.

9. **Miscellaneous**.

9.1 **Use and Non-solicitation.** Customer shall not, for any reason, use Company's interpreters for illegal or improper purposes. **Customer and Company are expressly prohibited from soliciting each others' contracted interpreters, employees, officers and agents for the purpose of terminating an existing relationship between such interpreter, employee, officer or agent with the other Party, without the express written consent of the other Party. The Parties expressly agree that a breach of any provision of this Section 9.1 shall entitle the injured Party to injunctive relief and/or monetarydamages.**

9.2 **Modification; Waiver**. This Agreement may not be modified or amended except by a written instrument signed by both Customer and Company. No waiver will be implied from conduct or failure to enforce rights, and no waiver will be effective unless in writing signed on behalf of the Party against whom the waiver is asserted. The exercise of any right or remedy provided in this Agreement shall be without prejudice to the right to exercise any other right or remedy provided by law or equity, except as expressly limited in this Agreement.

9.3 **Notices**. All notices required or permitted under this Agreement will be in writing and shall be considered as having been given if sent by regular mail or overnight courier to the recipient's last known address.

9.4 **No Third Party Beneficiaries**. This Agreement has been entered into for the mutual benefit of Company and Customer and in no event will any third party benefits or obligations be created thereby.

9.5 **Counterparts**. This Agreement may be executed in two or more counterparts, each of which will be deemed an original for purposes of this Agreement.

9.6 **Governing Law and Venue**. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon. Any action or arbitration initiated to enforce a provision of this Agreement shall be made in Multnomah County, Oregon.

9.7 **Independent Contractor - Consultant Relationship**. Company's status under this Agreement is that of an independent contractor. All Company personnel shall be

employees or independent contractors of Company and shall not be deemed an employee, agent, partner or joint venturer of Customer for any purpose whatsoever. Neither Company nor any Company personnel shall have any authority to bind or act on behalf of Customer. It is further understood that any interpreter performing interpretation at Customer's office is not an employee of Customer. Customer shall have no duty or responsibility to withhold income tax or social security tax, or pay workers' compensation insurance premiums, unemployment compensation, or any fringe benefit incident to employer-employee relations to Company or any interpreter.

9.8 **Assignment**. Neither party may assign this Agreement or any interest herein, or delegate any of its duties hereunder, to any third party without the prior written consent of the other part, except that such consent will not be required in connection with a transfer of all or substantially all of such Party's business and assets. Any attempted assignment or delegation without such consent or outside the context of an asset sale shall be null and void.

9.9 **Injunctive Relief**. The Parties agree that injunctive relief is appropriate in enforcing the confidentiality and nonsolicitation provisions of this Agreement.

9.10 **Attorneys' Fees**. In any dispute, proceeding, appeal or review arising from this Agreement or an alleged or threatened breach hereof, the prevailing Party shall be entitled to recover costs and reasonable attorneys' fees. If this Agreement is placed in the hands of an attorney as a result of any breach hereof, the non-breaching Party shall be entitled to recovery of costs and reasonable attorneys' fees including those incurred in the collection of any monies owed.

9.11 **Force Majeure**. Neither Party shall be liable to the other for any delay or failure in performance hereunder (excluding the obligation to pay money) due to causes, which are beyond the reasonable control of the Party unable to perform, including, without, limitation, slowness or interruption of telecommunications or internet services.

9.12 **Subcontracting**. Company may enter into subcontracts with subcontractors to provide a portion of the Services under this Agreement, provided that Company shall remain responsible for the acts or omissions of such subcontractors as if such subcontracted activities had been performed by Company.

9.13 **Severability**. If any of the provisions of this Agreement is or becomes illegal, unenforceable, or invalid (in whole or in part for any reason), the remainder of this Agreement shall remain in full force and effect without being impaired or invalidated in any way.

9.14 **Limitation of Liability**. Neither party will be liable to the other party for indirect, special, punitive, incidental, statutory or consequential damages (including replacement costs, lost profits, revenues, or savings) arising out of or relating to this Agreement, whether based on contract, tort (including negligence and strict liability) or any other legal or equitable theory, even if the party has been advised of the possibility of such damages and even if a remedy set forth in this Agreement is found to have failed its essential purpose. These limitations of liability will not apply to (a) breach of a party's confidentiality or nonsolicitation obligations; (b) Customer's breach of use restrictions; or (c) Fees due from Customer.

9.15 **Unauthorized Use of Service.** Custoemr agrees to safeguard its customer code against use by unauthorized persons. Customer shall be solely and fully resonsible for charges resulting from use of its customer code, whether or not such use if authorized.

9.16 **Survival.** The terms and conditions of this Agreement which by their nature require performance by either party after the termination or expiration of this Agreement, including, but not limited to, limitations of liability, exclusions of damages, obligations of confidentiality, and indemnities, will be and remain enforceable notwithstanding such termination or expiration of this Agreement for any reason whatsoever.

9.17 **Entire Agreement**. This Agreement, including the attached exhibits, all of which are herein incorporated by this reference, contains the entire understanding of the parties with respect to the matters herein contained and supersedes all previous agreements and undertakings with respect thereto.

Customer and Company have caused this Agreement to be duly executed as of the Effective Date.

METRO

By: Elissa Gertler

Its: Deputy Director P+D

CERTIFIED LANGUAGES INTERNATIONAL, LLC

By: Kristin Quinlan

Its: CEO

SCHEDULE A
Pricing and Terms of Service

CLI's services are priced on a per use basis with no monthly minimums. All invoice terms Net 30; 1.0% accrued interest on balances exceeding thirty days. All fees and reimbursements exclude sales, use or other applicable tax.

Total payment for service under this contract is not to exceed $3,000. Term of contract starts March 29, 2012 and expires Sept. 29, 2012.

The following lists the fees by service type:

Service 1 On-Demand Telephonic Interpretation: Customers are connected to interpreters 24/7/365. Billing is based on a per minute basis (rounded to the nearest minute) and commences once an interpreter is connected to the call. Certified Languages International does not provide third party dial-out beyond the borders of the US or Canada.

Service 2 Scheduled Telephonic Interpretation: Customers may schedule phone appointments with interpreters in specific languages. There is a minimum fee equal to **30** minutes regardless of actual time spent during the interpretation session. There is also a **30** minute cancellation fee if cancelation is not received 24 hours before scheduled session. If an interpreter has not been assigned to a call and the call is canceled, the minimum fee will not apply.

Late Policies: Interpreters will wait up to 30 minutes past the original scheduled start time for a pre-scheduled appointment to start. Upon request, an interpreter will hold up to one hour past the scheduled time. Billing for pre-scheduled appointments begins at the original scheduled time unless provisions for a delayed start time are made 24 hours in advance.

Flat rate for all languages, Service 1 and Service 2: $1.15 per minute

Service 3 Document Translation: Each document translation project is priced based on word count, language, and document software platform. An authorized User will be required to send an email to CLI's Manager of Translation Services authorizing the work to be done and specifying any special requirements related to the translation including but not limited to special confidential handling of the document. Cost estimates provided by CLI are approximate. This invoiced total sum due will be adjusted upward or downward, as appropriate. Cost per word ranges 23-30 cents. Minimum $100.

Service 4 On-site Interpretation: Customers may request interpreters in the following locations:

- Denver, Colorado
- Albuquerque, New Mexico
- Clark County, Washington
- Bend, Eugene, Medford, Portland and Salem Oregon
- Salt Lake City, Utah

A five day advance notice for on-site interpreters is preferred.

Flat rate for all languages:	Business hours (8AM-5PM): $40.00 per hour billed in 15 minute increments, 1 hour minimum. After business hours (before 8AM or after 5PM), *weekends & holidays*: $45.00 per hour billed in 15 minute increments, 1 hour minimum.
Travel Reimbursement:	The standard Federal rate of mileage applies. Travel time will be charged when travel distance exceeds 15 miles one way. You will be

notified prior to any appointment which requires travel charges and given the opportunity to reschedule or accept the travel related fees.

Cancellation Fee if cancelled within 24 hours of appointment: Maximum of half the scheduled time or 60 minutes

Flat rate for Sign Language: Business hours (8AM-5PM): $70.00 per hour billed in 15 minute increments, 1 hour minimum.
After business hours (before 8AM or after 5PM), *weekends & holidays*: $70.00 per hour billed in 15 minute increments, 1 hour minimum.

Phone Recordings: It is the policy of Certified Languages to record all telephonic interpretation sessions for billing and quality control purposes. By checking the box below you are requesting that your sessions not be recorded.

☐ I request that my interpretation sessions not be recorded

SCHEDULE B

Customized Billing

CLI provides customized billing to each of its customers by gathering the information requested by each of its customers from callers for each interpretation session. Gathered information will appear with each call on your monthly invoice and allows you to track your usage.

Your invoice will automatically include the date, time, length, total cost and language needed for each call. In addition to the information above, CLI can collect up to **four** additional statistics of the call.

Please enter the information you wish to be collected below.

If you indicate "YES," required for billing, your employee/CSR will NOT be connected to an interpreter without this information. If we should connect your employee/CSR regardless of them having the particular piece of information, please indicate "NO."

Information to be collected	**Required for billing? Yes/No**
1. LEP FIRST/LAST NAME	N
2.	
3.	
4.	
If Yes to any, please provide name and phone number of a contact within your company whom callers can be referred to should they not have the billing information required for connection:	
Contact name and phone number:	

Language Mix

ANTICIPATED MINUTES PER MONTH (IF KNOWN):
FREQ. REQUESTED LANGUAGES–Attach previous usage report, invoice or spreadsheet if available

Instructional Materials Needed

USAGE MATERIALS:	
3 X 5 Instruction Cards – Quantity: 25	Language ID Displays – Quantity: 25
Telephone ID Stickers – Quantity: 25	Language ID Brochures – Quantity: 25

Exhibit 3:
Meeting agenda for March 29 training

600 NE Grand Ave.
Portland, OR 97232-2736
www.oregonmetro.gov

Metro | *Agenda*

Meeting:	Training: Service for constituents who don't speak English well
Date:	Thursday, March 29, 2012
Time:	9:30 to 10:30 a.m.
Place:	Room 270
Purpose:	Introduce frontline staff to procedures for ensuring that people who don't speak English well can have meaningful access to Metro programs.
Outcomes:	Frontline staff understanding of the resources available to them and procedures to follow when they encounter a customer who needs language assistance. Title VI staff and Metro managers gather concerns and questions for further refinement of language assistance procedures and resources.

9:30 a.m.	Introductions: Participants and trainer.
9:40 a.m.	Overview of Title VI of the Civil Rights Act and implications for language assistance. Time for questions and answers.
9:50 a.m.	What to do when a customer says they can't speak English but want to learn about a Metro program Trainer will walk through the resources available, using hypothetical scenarios and the materials provided in packets.
10:15	Questions, answers, concerns.

Exhibit 4:
A copy of a PowerPoint presentation used at the March 29 training

Title VI of the Civil Rights Act of 1964

Introduction

Not – Title 6 of Metro Code

Title 6 (Metro Code Sections 3.07.610 – 3.07.650) – Central City, Regional Centers, Town Centers and Station Communities

Civil Rights Act – Landmark legislation; Kennedy called for it; LBJ signed it; **voting** rights; bans discrimination in "**public accommodations**" among other areas.

Title VI

Prevents discrimination by **government agencies** that receive federal funds. If an agency is found in violation of Title VI, that agency may lose its federal funding.

1

42 U.S.C § 2000d, et seq

- "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial assistance."

Title VI of the act says …

2

Race, Color, National Origin

- **Race:** U.S. Census categories define race
  - Persons of any race are protected classes
- **Color:** Discrimination based on skin color or complexion is prohibited under Title VI
- **National Origin:** Foreign born ancestry.

Introduction

3

•Metro's primary function is to make a great place for **all residents** of the region

•We have responsibilities under the federal Civil Rights act but the **main reason we want to comply is to better serve** our customers. (In other words, it's not just a mandate, it's a GOOD THING)

•As "**front-line" staff, they are integral** to ensuring that all residents, no matter their language ability, have access to Metro services. Thank them for providing one of Metro's core values of public service.

FTA Circular 4702.1A, "Title VI and Title VI-Dependent Guidelines for FTA Recipients"

Factors FTA Took into Consideration

New laws and directives since 1988 (Federal transit laws, EJ Executive Order, LEP Executive Order).

Changes in the transit industry.

Results of Title VI complaints filed with FTA.

Results of recent Title VI oversight.

Recommendations of the GAO.

Public comments.

5

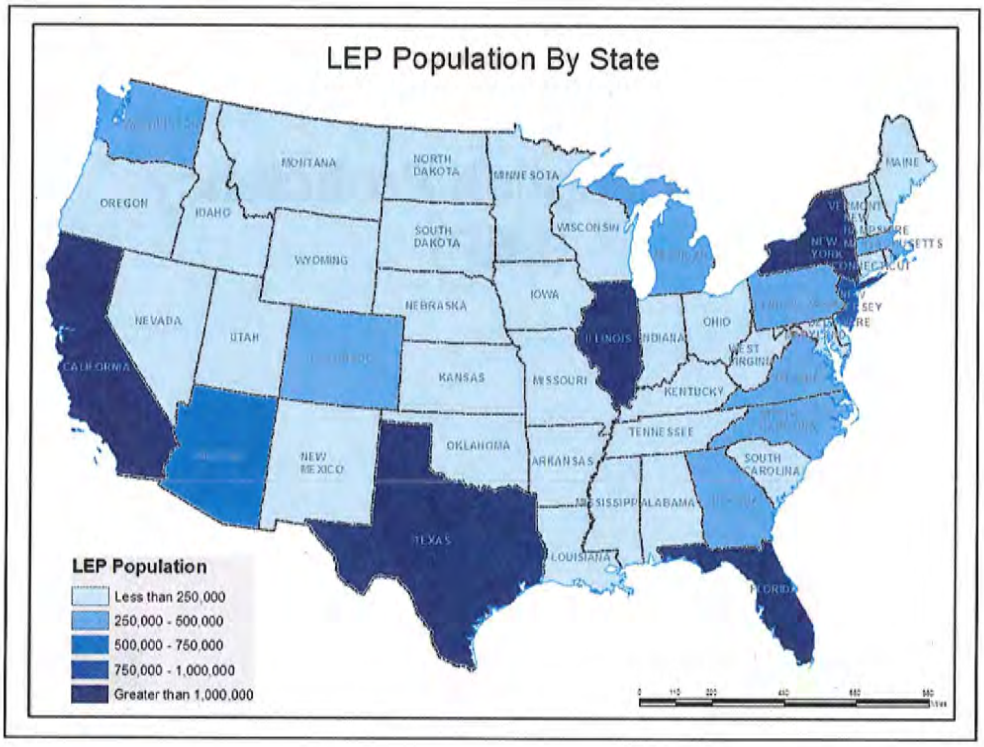
Circular Objectives

1. Ensure level and quality of transportation service is equitable
2. Identify and address disproportionately high and adverse effects
3. Inclusive public involvements by underrepresented populations.
4. Prevent the denial, reduction of, or delay in benefits related to programs
5. Ensure meaningful access to programs and activities by persons with limited English proficiency.

6

Limited English Proficiency (LEP)

7



TX DOT – can focus on Spanish to a much greater extent that NY can. The interesting thing about NY and a crucial factor to point out is the demographic shifts that are occurring. We are shaped by our history, with NYC and all that the statue of liberty and ellis island represent, and now that trend is shifting upward and westward into the rest of the state.

Applying the Four Factor Analysis

In June 2005, TriMet formed an interdepartmental workgroup to address federal requirements for *assessing needs and providing services to Limited English Proficient (LEP) populations.* The LEP needs assessment conducted was based on the Four-Factor Framework outlined in the DOT LEP Guidance:

Factor 1: The number and proportion of LEP persons served or encountered in the eligible service population.

Factor 2: The frequency with which LEP individuals come into contact with your programs, activities, and services.

Factor 3: The importance to LEP persons of your program, activities and services.

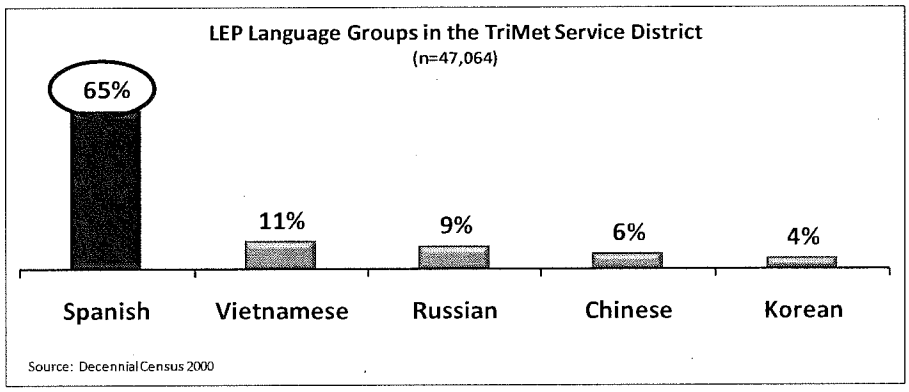
Factor 4: The resources available to the recipient and costs.

Factor 1: The number and proportion of LEP persons served

To conduct Factor 1, the LEP Workgroup sought quantitative and qualitative information regarding LEP populations.

- **Quantitative data**[3]
  - Census: Analysis of census data showed that of the total population within TriMet's service district (n=1,209,701), LEP populations (n=47,064) represent 3.89 percent, with the largest proportion consisting of Spanish speaking LEPs (65%). LEP populations meeting the DOT definition of LEP[4] "Safe Harbor" thresholds (5% or 1,000 individuals, whichever is less) included speakers of:
    - ✓ Spanish (30,816)
    - ✓ Vietnamese (5,185)
    - ✓ Russian (4,095)
    - ✓ Chinese[5] (2,775)
    - ✓ Korean (2,070)

Figure 1: LEP Language Groups



[3] 2000 Decennial Census
[4] Speak English "less than well" based on 4-point scale: Very well, well, not well, not at all
[5] Traditional Mandarin Chinese

Lau v Nichols, 1974

- Non-English-speaking students of Chinese origin sued San Francisco School District.
- The Supreme Court ruled that a recipient's failure to ensure meaningful opportunity to national origin minority, LEPs to participate in federally funded programs violates Title VI and Title VI regulations.
- The school was to take reasonable affirmative steps to provide meaningful opportunity to participate in the federaly funded education program.
- Applies beyond education to include all programs and activities of all recipients of federal financial assistance

Sued under the Equal Protection Clause & Title VI

The Supreme Court, in *Lau* v. *Nichols*, 414 U.S. 563 (1974), affirmed then Department of Health, Education, and Welfare (HEW) policy (in line with HEW's Title VI regulation which is similar to that of DOJ, 45 CFR 80.3(b)(2)), stating that a recipient's failure to ensure meaningful opportunity to national origin minority, limited-English proficient persons to participate in the Federally funded program violates Title VI and Title VI regulations. In the *Lau* case, a San Francisco school district that had a significant number of non-English speaking students of Chinese origin was required to take reasonable affirmative steps to provide them with a meaningful opportunity to participate in the federally funded education program. **The requirement to provide meaningful access under Title VI applies beyond the education context to include all of the programs and activities of all recipients of federal financial assistance.**

LEP Executive Order 13166

- Signed by Clinton August, 2000
- Assess language needs
- Determine steps to ensure meaningful access for LEPs
- Develop a language access plan or alternative framework
- Failing to ensure LEPs effectively participate in or benefit from federally assisted programs may constitute national origin discrimination

The LEP EO was signed by Clinton in 2000

It's purpose is for public agencies receiving federal funds to

Assess the language needs &

Determine **what we need to do** to ensure LEPs have **meaningful access** to TM's services

Since, it was created they now require us to develop a **language access plan**

10

Who Should Comply

- Direct recipients and grantees of federal funding
- Subrecipients
  - Local agencies
  - Private and nonprofit entities
  - MPOs

11

Four Factors of Analysis

- Number or proportion of LEP persons eligible or likely to be encountered by a program;
- Frequency with which LEPs come into contact with program;
- Nature & importance of program provided by recipients to LEPs lives;
- The resources available and costs.

The Executive Order requires public agencies to analyse **four factors** in determining how best to serve LEP's

12

Next up:

- Today: How do we provide meaningful access to our programs?
  - Front line intake crucial
  - Simple process, resources
- Coming months: Title VI/LEP team
  - Data
  - Planning, public involvement
  - Other

•Karen Withrow, Cary Stacy and I are involved in creating an LEP plan

•across many departments.

•Questions?

Exhibit 5:
"Procedures for providing service for customers who do not speak English well: In-person contact."

600 NE Grand Ave.
Portland, OR 97232-2736
www.oregonmetro.gov

Metro | *Making a great place*

Procedures for providing service for customers who do not speak English well:

In-person contact

Desired outcome: Customers identified as needing language assistance receive interpretation services and receive assistance from the appropriate Metro subject matter expert.

Step 1. Welcome the customer to Metro, as usual.

Step 2. If the customer is having a hard time asking for information, offer a **Language ID sheet**. Ask the customer to indicate the language s/he speaks.

Step 3. A. Seek a staff interpreter to help with intake. Call one from the staff volunteer interpreter list. **No answer? Go to 3.B.**
Staff interpreter answers the phone? **Go to Step 4.**

Step 3. B. Call **Certified Languages International (CLI)**: 1-800-CALL-CLI (1-800-225-5254).

- Say you're with Metro in Portland, Oregon and need an interpreter in the language the customer identified on the Language ID sheet.
- Give customer code: 14133.
- Tell CLI customer's name and topic (if you know them) for tracking purposes.

Step 4. Tell interpreter:

- "I have a customer who speaks XXX. Can you tell him/her that you are an interpreter provided free of charge by Metro and ask what topic he or she is asking about?"
- Note the topic or concern on the **Limited English Proficiency (LEP) Intake Form.**
- **Follow up with interpreter:** "I need his/her name and contact information so we can have an expert on that subject contact him/her with the right information. Please ask for a name, phone number and the best time to call."

Step 5. Write down contact information on **Limited English Proficiency (LEP) Intake Form.**

- **Tell interpreter:** Please relay the following information to the customer. "Thank you for coming to Metro. I will make sure that someone from Metro calls you on the phone in the next two days to answer your questions and provide you the information you're looking for. Is there any other way I can help you today?"
- Place the completed **Intake Form** in the **Limited English Folder** at your work station.

Step 6. Alert Metro's Transportation Civil Rights staff to the request for information:

- **Scan** the Intake Form and send it to yourself as a PDF.
- **Forward** the scanned document in an email message to Karen Withrow, Patty Unfred, Dylan Rivera, and Cheryl Grant, with Subject Line: "Telephone Interpreter Needed."
- In the email, **describe the time and place** of the contact and direct staff to see the attached form.
- Transportation Civil Rights staff will find the appropriate subject matter expert to respond to the inquiry.
- **Retain** your original **Limited English Proficiency (LEP) Intake Form** in your folder.

Exhibit 6:
"Procedures for providing service for customers who do not speak English well: Telephone contact."

Procedures for providing service for customers who do not speak English well:

Telephone contact

Step 1. Welcome the customer to Metro, as usual.

Step 2. If they are having a hard time asking for information, ask the caller to identify the language s/he speaks. Ask the caller in English to please hold for an interpreter.

Step 3.A. Put the caller on hold. Seek a staff interpreter to help with intake. Call one from the staff volunteer interpreter list. Staff interpreter answers the phone? **Go to Step 4.**

No answer? Go to 3.B.

Step 3. B. Call **Certified Languages International (CLI)**: 1-800-CALL-CLI (1-800-225-5254).

- Say you're with Metro in Portland, Oregon and need an interpreter in the language the customer identified. CLI customer service can also help identify the language.
- Give customer code: 14133.
- Tell CLI customer's name and topic (if you know them) for tracking purposes.

Conference in the customer and interpreter, so all three of you can hear.
(Phone conference call instructions attached.)

Step 4. Tell interpreter:

- "I have a customer who speaks XXX. Can you tell him/her that you are an interpreter provided free of charge by Metro and ask what topic he or she is asking about?"
- Note the topic or concern on the **Limited English Proficiency Intake Form.**
- **Follow up with interpreter:** "I need his/her name and contact information so we can have an expert on that subject contact him/her with the right information. Please ask for a name, phone number and the best time to call."

Step 5. Write down contact information on **Limited English Proficiency Intake Form.**

Tell interpreter: Please relay the following information to the customer. "Thank you for calling Metro. I will make sure that someone from Metro calls you on the phone in the next two days to answer your questions and provide you the information you're looking for. Is there any other way I can help you today?"

Place the completed **Intake Form** in the **Limited English Folder** at your work station.

Step 6. Alert Metro's Transportation Civil Rights staff to the request for information:

- **Scan** the Intake Form and send it to yourself as a PDF.
- **Forward** the scanned document in an email message to Karen Withrow, Patty Unfred, Dylan Rivera, and Cheryl Grant, with Subject Line: "Telephone Interpreter Needed."
- In the email, **describe the time and place** of the contact and direct staff to see the attached form.
- Transportation Civil Rights staff will find the appropriate subject matter expert to respond to the inquiry.
- **Retain** your original **Limited English Proficiency (LEP) Intake Form** in your folder.

Exhibit 7:
Telephone conferencing instructions

CONFERENCE CALL

This feature allows you to join up to six parties on your line.
(Four internal.... two external)

1. While on a call .... press Conference..... your caller goes on hold (extension icon flashes..... you will hear dial tone)

2. Dial the number you wish to add . (extension number..... or 9 + number) When the call is answered... you may talk privately with them

3. Press Conference again to join all parties.

4. Repeat steps 1 through 3 if you wish to add more parties to the Conference

   (You may have up to six parties total)

Note: If you are anable to add because of a busy or no answer..... press back into the flashing extension key where original caller is holding.

page 3

Exhibit 8:
Limited English Proficiency (LEP) Intake Form

600 NE Grand Ave.
Portland, OR 97232-2736
www.oregonmetro.gov

Metro | *Making a great place*

Limited English Proficiency (LEP) Intake Form

Name of Metro employee: _____

Date, time, location of contact from LEP customer:

_____

Customer name, phone number, best time to call to respond with information:

_____

_____

_____

Question/topic of inquiry:

_____

_____

_____

Other observations:

_____

Immediately Alert Metro's Transportation Civil Rights staff to this request for information:

- **Scan** the Intake Form and send it to yourself as a PDF.
- **Forward** the scanned document in an email message to Karen Withrow, Patty Unfred, Dylan Rivera, and Cheryl Grant, with Subject Line: "Telephone Interpreter Needed."
- In the email, **describe the time and place** of the contact and direct staff to see the attached form.
- Transportation Civil Rights staff will find the appropriate subject matter expert to respond to the inquiry.
- **Retain** your original **Limited English Proficiency (LEP) Intake Form** in your folder.

Exhibit 9:
Metro staff volunteer language interpreters

Metro staff volunteer language interpreters

Updated March 29, 2012
Language – Name – MRC Extension

Bosnian
Patrick Morgan 1520

Chinese Languages
Mandarin
Qing Yang 1538
Sue Ling Gandee 1895

Croatian
Patrick Morgan 1520

French
Minott Kerr 1679
Betty Shelley 1860
Bill Stein 1855

German
Katy Weil 1688
Gabriele Schuster 1577

Hausa
Bill Stein 1855

Indonesian
Sue Ling Gandee 1895

Italian
Patrick Morgan 1520
Maria Roberts 1683

Japanese
Riko Frohnmayer 1620

Malaysian
Sue Ling Gandee 1895

Russian
Runar Gareyev 1606

Serbian
Patrick Morgan 1520

Sign Language
Gina Granato, 1601

Spanish
Rachel Fox 1856
Dominic Luina 1857
Maria Roberts 1683
Robert Spurlock 7560
Patrick Morgan 1520

Exhibit 10:
Language ID sheets (aka "I speak" cards) – two versions, provided by Certified Languages International

Speak any language in less than a minute

You have the right to an interpreter at no cost to you. Please point to your language.

Shqip / Albanian
Ju keni te drejten e nje perkthyesi, pa asnje lloj shpenzimi nga ana juaj. Ju lutem, tregoni gjuhen tuaj, nje perkthyes do te thirret

اللغة العربية / Arabic
من حقك الحصول على مترجم مجانا، الرجاء تحديد لغتك.

Bosanski / Hrvatski Bosnian / Croatian
Vi imate pravo da Vam se pruži tumač i to je bezplatno Vama. Molim Vas izaberite svoj jezik.

中文 / Chinese
您有权利免费获得口译员服务。请指出您的母语。

Kreyòl / Creole
Ou gen dwa a yon entèprèt san li pa kouté w anyen. Tanpri chwazi lang w pale a.

فارسی / Farsi
هزینه اضافی دارید. لطفاً به زبان مورد نظر خود اشاره کرده
شما حق استفاده از مترجم را بدون

Français / French
Vous avez le droit à un interprète à titre gratuit. Veuillez indiquer du doigt la langue que vous parlez.

Ελληνικά / Greek
Εχετε το δικεωμα για υπηρεσιες του ειδικου μεταφραστη στο κλαδος υγειας. Παρακαλω, δειξτε, τι γλωσσα μιλατε, και εμεις.

पीछकर / Hindi
आपको बिना किसी शुल्क के द्भाषिये की सेवाएं प्राप्त करने का अधिकार है. कृपया अपनी भाषा की तरफ इशारा कीजिए.

Hmoob / Hmong
Yog koj tsi paub lus Askiv, peb mam nrhiav ib tus neeg los pab txhais lus rau koj dawb dawb.

日本語 / Japanese
通訳に費用はかかりません。御自分の言語を指示して下さい。

ភាសាខ្មែរ / Khmer / Cambodian
លោកអ្នកមានសិទ្ធិទទួលសេវាបកប្រែពីអ្នកបកប្រែដោយឥតគិតថ្លៃ។
សូមចង្អុលទៅភាសារបស់អ្នកដើម្បីហៅអ្នកបកប្រែ។

한국어 / Korean
귀하는 무료 통역 서비스를 받을 권리가 있습니다.
원하는 언어를 가르키세요.

ພາສາລາວ / Laotian
ທ່ານມີສິດທີ່ຈະມີນາຍແປພາສາໂດຍບໍ່ຄິດໄລ່ເງິນຈາກທ່ານ.
ກະລຸນາຊີ້ໃສ່ພາສາຂອງທ່ານ

Tagalog / Philippines
Mayroon kang karapatan sa isang tagasalin nang walang gastos sa iyo. Mangyari lamang na ituro ang iyong lengguwahe.

Português / Portuguese
Você tem direito à um intérprete sem nenhum custo à você. Favor aponte para o seu idioma.

Русский / Russian
Вы имеете право на бесплатные услуги переводчика. Пожалуйста просим Вас указать на Ваш язык.

Soomaali / Somali
Waxaad xaq u leedahay inaad heshid tujumaan caafimaad oo aan lacag kuugu fadhin. Fadlan tilmaan luqaddaada, turjumaan ayaa laguugu wici doonaaye.

Español / Spanish
Usted tiene derecho a un intérprete sin costo alguno para Usted. Por favor, señale su idioma

(Ki)Swahili / Swahili
WEWE UNA HAKI YA KUPATA HUDUMA ZA MKALIMANI BILA MALIPO YOYOTE. "TAFADHALI ONYESHA YAKONI IPI

Türkçe / Turkish
Ücretsiz, tercüman hakkınız vardır.
Sadece konutuğunuz dili işaretleyin.

Українська / Ukrainian
Ви маєте право на отримання безкоштовних послуг перекладача. Будь-ласка, вкажіть на вашу рідну мову, і ми вам покличемо перекладача.

Tiếng Việt / Vietnamese
Quí vị có quyền có thông dịch viên miễn phí. Xin chỉ vào ngôn ngữ của quí vị.

For information, contact:
www.certifiedlanguages.com
1.800-CALL-CLI

CERTIFIED LANGUAGES INTERNATIONAL

Europe

Albanian Shqip
Tregoni me gisht gjuhën që flitni.
Do të gjejmë një përkthyes për ju.

Armenian Հայերէն
Ցոյց տուէք ո՞ր մէկ լեզուն կը խօսիք՝
որպէսզի թարգմանիչ մը կանչել տանք.

Basque Euzkera
Zeure izkuntza atzamarragaz erakutzi.
Euzkeratzail bateri deituko deutsagu.

Bulgarian Български език
Посочете Вашия език.
Ние ще извикаме преводач за Вас.

Catalan Català
Assenyali amb el dit el seu idioma.
Es trucarà a un intèrpret.

Croatian Hrvatski
Molim Vas, pokažite nam Vaš jezik.
Zvat ćemo tumača za Vas.

Czech Česky
Ukažte, který je váš jazyk.
Zavoláme tlumočníka.

Danish Dansk
Peg på dit sprog.
En tolk vil blive tilkaldt.

Dutch Nederlands
Wijs uw taal aan.
Wij zullen u een tolk geven.

Estonian Eesti Keel
Näidake oma emakeelele.
Me muretseme teile tõlgi.

Finnish Suomi
Osoittakaa teidän kielenne.
Tulkki kutsutaan auttamaan teitä.

French Français
Montrez-nous quelle langue vous parlez.
Nous vous fournirons un/e interprète.

German Deutsch
Zeigen Sie auf Ihre Sprache.
Wir rufen einen Dolmetscher an.

Greek Ελληνικά
Δείξτε ποιά γλώσσα μιλάτε και
θα κληθεί ένας διερμηνέας.

Hungarian Magyar
Válassza ki az ön által beszélt nyelvet.
Kapcsoljuk a tolmácsot.

Icelandic Íslenska
Bentu á þitt tungumál.
Það verður hringt í túlk.

Italian Italiano
Faccia vedere qual è la sua lingua.
Un interprete sarà chiamato.

Lithuanian Lietuvių Kalba
Parodyk tavo kalbamą kalbą.
Vertėjas bus pakviestas.

Macedonian Makedonski
Posočete molim Vaš jezik.
Ke vikame prevodilac Vas da doide.

Norwegian Norsk
Pek på ditt språk.
En tolk vil bli tilkalt.

Polish Polski
Proszę wskazać na swój język ojczysty.
Tłumacz zostanie poproszony do telefonu.

Portuguese Português
Aponte seu idioma.
Providenciaremos um intérprete.

Romanian Româneşte
Indicaţi limba pe care o vorbiţi.
Veţi fi pus în legătură cu un interpret.

Russian Русский Язык
Укажите, на каком языке Вы говорите.
Сейчас Вам вызовут переводчика.

Serbian Српски
Молим Вас, покажите нам Ваш језик.
Зваћемо тумача за Вас.

Slovak Slovensky
Ukážte na vašu reč.
Zavoláme tlmočníka.

Spanish Español
Señale su idioma.
Se llamará a un intérprete.

Swedish Svenska
Peka ut Ert språk.
En tolk kommer att tillkallas.

Ukrainian Українська Мова
Покажіть, якою мовою ви говорите.
Зараз викличуть вам перекладача.

Yiddish ייִדיש
ווײַזט אָן אויף אײַער שפּראַך.
מע וועט אָנקלינגען אַן איבערזעצער.

Pacific Islands

Akan Aklanon
Ituro mo ro atong hambae.
Magtawag kami et mag-interprete.

Fijian Kaiviti
Dusia na nomu vosa.
Ena qai kacivi edua mi vakavaka dewa.

Ilocano Ilokano
Itudom iti saom.
Umayab kam iti interprete.

Indonesian Bahasa Indonesia
Tunjukkan bahasamu.
Jurubahasa akan disediakan.

Malay Bahasa Malaysia
Tunjukkan yang mana bahasa anda.
Seorang jurubahasa akan diberitahu.

Samoan Gagana Samoa
Tusi lou 'a'ao i lau gagana.
O le a vala'auina se tasi e fa'amatala 'upu mo 'oe.

Tagalog Tagalog
Pakituro mo nga ang iyong wika.
Magpapatawag ako ng interprete.

Tongan Tonga
Tuhu kihe lea 'oku ke lea 'aki.
'E fetu'utaki kihe fakatonulea.

India, Pakistan, and Southwest Asia

Bengali বাংলা
আপনি কোন ভাষায় কথা বলেন - জানান ।
আপনার সেবার জন্য একজন অনুবাদক আসবেন ।

Bhojpuri भोजपुरी
रोजाके मातृभाषा का बा ?
रोजालेल एगो दुभाषिया बोलावेल जाई ।

Gujarati ગુજરાતી
તમારી ભાષા ઈશારાથી બતાવો.
તમારા માટે ભાષાંતર કરનાર બોલાવી અપાશે.

Hindi हिन्दी
अपनी भाषा इशारे से दिखाइये ।
आपके लिए दुभाषिया बुलाया जाएगा ।

Malayalam മലയാളം
നിങ്ങൾ ഏത് ഭാഷക്കാരിലേക്ക്
കൈചൂണ്ടുക. ഒരു വ്യാഖ്യാതാവിനെ കൊണ്ടുവരാം.

Nepali नेपाली
आफ्नो भाषा थिनाउनु होस् ।
तपाईको भाषा बोल्ने व्यक्ति बोलाइने छ ।

Punjabi ਪੰਜਾਬੀ
ਆਪਣੀ ਬੋਲੀ ਇਸਾਰੇ ਨਾਲ ਦਸੋ ।
ਤੁਹਾਡੇ ਵਾਸਤੇ ਪੰਜਾਬੀ ਬੋਲਣ ਵਾਲਾ ਬੁਲਾਇਆ ਜਾਏਗਾ ।

Sinhalese සිංහල
ඔබේ භාෂාව පෙන්වන්න.
සිංහල කතා කරන පුද්ගලයෙක් ගොඩනඟමු

Tamil ஆங்கிலம்
எந்த மொழியில் துபாஷியிடம் பேசவேண்டுமோ
அதை விரலால் காண்பிக்கவும்.
சம்பந்த துபாஷிகளுடன் இணைவு விரைவில் செய்யப்படும்

Urdu اُردو
آپ کون سی زبان میں بات کرنا پسند کرینگی؟
آپ کی مدد کیلئے ابھی کی ترجمان کو بلایا جائے گا.

CERTIFIED LANGUAGES INTERNATIONAL

CERTIFIED LANGUAGES INTERNATIONAL

Language Interpreter Identification Card

(800) CALL.CLI
(800) 225.5254

This card is set up to help you identify what language a person speaks so Certified Languages International (CLI) can offer you an interpreter. These are the most common encountered languages in the United States and Canada.

Here is how this card works:

When a non-English speaking person is encountered, show him/her the card in the area of the world you believe he/she comes from.

The message underneath each language instructs them to point to his/her language and that an interpreter will be called.

Example:

English English

Point to your language.
An interpreter will be called.

Call CLI with your information and ask for an interpreter for the language selected. You will be put on hold momentarily while the interpreter is contacted.

CERTIFIED LANGUAGES INTERNATIONAL

© Certified Languages International 2008 Please contact us for any questions about this or other services we provide US or Canada call 1 800 362 3241
Certified Languages International 4724 SW Macadam, Suite 100 Portland, OR 97239

Exhibit 11:
Notes from March 29 training

Notes from 3/29/12 LEP training

Questions from participants that were discussed at the meeting:

- Kelsey wondered why ASL wasn't part of this plan.
  - Dylan explained that ASL fell under ADA requirements and not Title VI
- Jessica: Concerns about the logistics of speaking with an interpreter and the LEP individual at the same time
  - Do we have to hand the phone back and forth?
  - Possibly get dual hand sets?
  - Use a conference room if one is available?
- Concerns re: time constraints for speaking with LEP individuals and interpreter
  - Will there be handouts for factsheets translated into other languages that might be faster and easier to use than the phone call service?
  - E.g. at the waste transfer stations, they speak with 35 people a day, and may not have time to go through the interpreter.
- Alescia has many international publication orders that come via e-mail or phone
  - How to record/incorporate this into the Title VI plan
  - Should she be keeping records of this and passing it along to us, or should she just handle it the way she is currently handling it?
- It would be helpful to have forms and contact sheets update on the Intramet.

Exhibit 12:
Diversity Action Plan

www.oregon**metro.gov**

Diversity Action Plan DRAFT

Fifth version

DRAFT

Winter/Spring 2012

Metro | *Making a great place*

About Metro

Clean air and clean water do not stop at city limits or county lines. Neither does the need for jobs, a thriving economy and good transportation choices for people and businesses in our region. Voters have asked Metro to help with the challenges that cross those lines and affect the 25 cities and three counties in the Portland metropolitan area.

A regional approach simply makes sense when it comes to protecting open space, caring for parks, planning for the best use of land, managing garbage disposal and increasing recycling. Metro oversees world-class facilities such as the Oregon Zoo, which contributes to conservation and education, and the Oregon Convention Center, which benefits the region's economy

Metro representatives

Metro Council President – Tom Hughes

Metro Councilors – Shirley Craddick, District 1; Carlotta Collette, District 2; Carl Hosticka, District 3; Kathryn Harrington, District 4; Rex Burkholder, District 5; Barbara Roberts, District 6.

Auditor – Suzanne Flynn

Metro
600 NE Grand Ave.
Portland, OR 97232
503-797-1800

www.oregon**metro.gov**

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Teddi Anderson, Martha Bennett, Rex Burkholder, Molly Chidsey, Joe Durr, Gilbert Gomez, Aidan Gronauer, Julie Hoffman, Shareefah Hoover, Michael Jordan, Jan Jung, Joni Marie Johnson, Darin Matthews, Pam McElwee, Jim Middaugh, Kelsey Newell, Jennifer Payne, Trudy Pollard, Dylan Rivera, Scott Robinson, Mary Rowe, Stephanie Soden, Kathryn Sofich, Cary Stacey, Nathan Sykes, Matt Tracy, Patty Unfred and Angela Watkins.

OVERVIEW

At Metro, we care about our employees and the community. Our mission is to inspire, engage, teach and invite people to preserve and enhance the quality of life and the environment for current and future generations. As we work with the region's communities to make a great place, we must ensure that all our employees, our customers and residents of the region are treated equitably. Metro's Diversity Action Team has developed this Diversity Action Plan as a blueprint for our organization to uphold Metro's value of respect and to reflect the growing diversity of the region we serve.

Metro's value of respect and definition of diversity

Metro's Diversity Action Plan is founded on our organizational value of respect:

> We encourage and appreciate diversity in people and ideas. We embrace diversity in people and ideas within our workplace and our community. Everyone is treated with care and appreciation. We promote an atmosphere of equality and personal integrity and seek to understand the perspective of others. We strive for a culture supported by honesty and trust. Above all, we demonstrate respect for each other.

Metro defines diversity as the variance or difference amongst people.

> This variance includes race, ethnicity, gender, age, religion, nationality, language preference, socioeconomic status, disability, sexual orientation, gender identity and diversity of thought. These differences are tied to a variety of other characteristics such as experience, work styles, life experience, education, beliefs and ideas.

Diversity Action Team vision

We envision a future where Metro's diversity practices improve Metro's responsiveness to the residents of the region, strengthen Metro's workforce and serve as a model for other governments. Metro strives to incorporate diversity and cultural competence in carrying out its mission.

Diversity Action Plan process and scope

To realize this vision, the Diversity Action Plan identifies strategies and actions to increase diversity and cultural competence at Metro in four key areas: internal awareness and diversity sensitivity, employee recruitment and retention, committee membership and public involvement, and procurement.

The Diversity Action Team is primarily responsible for developing the plan's content, based on organizational needs and feedback gathered from employees and community groups. This plan is a living document, subject to regular review and revisions. For details on employee and community group engagement conducted for this plan, including issues and items to address in future revisions based on the stakeholder feedback, see Appendix B.

The Diversity Action Team reviews and recommends revisions to the Diversity Action Plan as necessary. The team recommends revisions to the chief operating officer, who then requests Metro Council approval of the revised plan.

ROLES AND RESPONSIBILITIES

Regardless of title or position, all individuals at Metro are responsible for meeting the Diversity Action Plan goals.

Metro employees

Metro employees hold themselves and each other accountable to meeting diversity goals.

Metro management

Metro managers and supervisors act as role models by holding themselves and each other accountable to meeting diversity goals. Metro managers and supervisors commit to ensuring the plan's success, including actively supporting the plan, setting expectations and holding employees accountable to meeting diversity goals.

Diversity Action Team

The Diversity Action Team serves in an advisory capacity to the Senior Leadership Team regarding implementation of the Diversity Action Plan. The Diversity Action Team reviews the Diversity Action Plan as necessary and recommends revisions to the Senior Leadership Team and chief operating officer. The Metro Council approves any revisions to the plan.

Diversity Program Manager

The Diversity Program Manager serves as an internal consultant to cultivate diversity in Metro's practices, including further refinement and implementation of the Diversity Action Plan. On a quarterly basis, the Diversity Program Manager will review implementation of the Diversity Action Plan and report to the Diversity Action Team and Senior Leadership Team on the plan's progress.

Senior Leadership Team

The Senior Leadership Team of Metro's department and venue directors is responsible for implementing the Plan. This team identifies resources necessary for carrying out the plan and to ensure continuity over time. Team members actively link organizational values to carrying out the plan and set expectations to hold themselves and the organization accountable to meeting diversity goals.

Metro Council

The Metro Council adopts the Diversity Action Plan and acts as the budget authority, allocating resources to support the plan in balance with other needs of the organization. As elected representatives of the region, members of the Metro Council publicly reflect the values and commitments laid out in the plan.

CORE AREA GOALS, STRATEGIES, ACTIONS AND INDICATORS

Core area 1: Internal awareness and sensitivity to diversity issues

To achieve greater internal awareness and sensitivity to diversity issues, Metro must establish active dialogue with employees regarding diversity; provide training to managers and staff; and put tools in place to measure inclusivity, diversity and cultural competence[1] at Metro.

Indicators

- Percentage of employees who agree and strongly agree with the statement: "Our organization is taking sufficient action to address and foster diversity," disaggregated by gender, age group, minority group membership, and other indicators of diversity.
- Percentage of employees who agree or strongly agree with the statement: "All employees regardless of their differences are respected and valued for their contribution to our organization," disaggregated by gender, age group, minority group membership, and other indicators of diversity."
- Percentage of managers and supervisors who have attended diversity training.
- Percentage of managers and supervisors who receive a "Meets goals" or "Exceeds goals" rating in the correlating area of their performance evaluations.

Goal 1.1: Metro's work environment is inclusive, where cultural, gender, age, race, ethnicity and other indicators of diversity are respected by all employees.		
Strategies	**Actions**	**Year**
Use regular monitoring and assessment to measure our cultural competence and internal climate.	1.1.1 Conduct initial anonymous diversity survey for baseline information; commit to follow-up surveys at least every two years.	Completed; future surveys in 2013, 2015, etc.
	1.1.2 Include diversity measures in Metro's Balanced Scorecard.[2]	Completed
	1.1.3 Request that the Auditor's Office conduct a diversity audit covering at least three of the Plan's core areas.	2014
	1.1.4 Create additional indicator(s) for this core area.	2013
Provide cultural competency training for all employees.	1.1.5 Implement an ongoing broad cultural sensitivity offering for all employees, prioritizing front line staff, based on results from diversity survey and input from diverse representation of employees regarding content and messages. **Funds required**	Fall 2012
	1.1.6 Provide regular training sessions to	Fall 2012

[1] See Appendix A for definition
[2] See Appendix A for definition

	managers and supervisors. **Funds required**	
	1.1.7 Provide regular training sessions to Metro Councilors and Metropolitan Exposition Recreation Commissioners. **Funds required**	2013
	1.1.8 Require training for Senior Leadership and Diversity Action teams to help them identify and address Metro's shortcomings. **Funds required**	Summer 2012
	1.1.9 Offer Uniting to Understand Racism course, or a similar class, twice per year.	Ongoing
	1.1.10 Provide debriefing opportunities after any diversity training to identify areas for continuing support or attention.	Fall 2012
	1.1.11 Explore including diversity awareness training during employee orientation.	Summer 2012
Create an open climate for employees to understand and contribute to Metro's values and diversity practices.	1.1.12 Develop and implement an internal communication plan to build and maintain employee awareness about diversity and cultural competence.	January 2013
	1.1.13 Provide round table opportunities for Metro managers and employees to engage in dialogues about diversity and cultural competence.	2013
	1.1.14 Invite diverse representation of employees and external stakeholders to participate in revisions of the Diversity Action Plan.	Ongoing
	1.1.15 Provide up-to-date information about diversity issues and activities on the Intramet.	Ongoing
	1.1.16 Ensure that employees are familiar with diversity team members.	Ongoing
	1.1.17 Support departments' ability to allow employees to serve on or work with diversity teams.	Spring 2012

Prioritize diversity and inclusion when forming internal work teams.	1.1.18 Create inclusiveness checklist for use when forming internal work teams.	Summer 2012
Goal 1.2: Employees actively hold each other accountable for respectful behavior.		
Strategies	**Actions**	**Year**
Provide tools to support employee accountability and safety.	1.2.1 Train employees on what they can or should do if they experience or encounter behaviors or practices that run counter to diversity goals.	Fall 2012
	1.2.2 Expand safe ways for employees to communicate concerns.	Fall 2012

Core area 2: Employee recruitment and retention

Employee recruitment and retention goals will improve diversity in recruiting, hiring and retaining employees. Human Resources staff will establish a baseline for minority applicants and employee retention; conduct outreach and build relationships with underserved populations; improve diverse representation among hiring panels and integrate diversity into new employee orientation and performance evaluations.

Employee recruitments are designed to establish a diverse workforce at Metro and are generally competitive. Recruitments for positions at MERC venues will follow FOTA[3] mandates until those mandates are amended or until obligations to follow the mandates change.

Indicators

- Demographics of self disclosed minority candidate applicants as compared with previous fiscal year of applicant demographics.
- New employees hired by Metro per category according to gender, age group, minority group membership, and other indicators of diversity, as compared with previous fiscal year of hire demographics.
- Average rate of tenure, promotional rate, and turnover rate is similar for all groups, including those sorted by gender, age group, minority group membership, and other indicators of diversity.
- Employee satisfaction rate as indicated in the Cultural Assessment and Employee Survey is similar for all groups, including those sorted by gender, age group, minority group membership, and other indicators of diversity.

Goal 2.1: Increase diversity in applicant pool.		
Strategies	**Actions**	**Year**
Use existing resources within the organization to help promote and attract a diverse representation of candidates**.**	2.1.1 Establish a baseline representing diversity among applicants for FY 10-11.	2012
	2.1.2 When opening a recruitment, seek	Ongoing

[3] See Appendix A for definition

	input from staff to identify methods to reach diverse applicants.	
	2.1.3 Update Human Resources webpage to promote diversity in jobs and desire for diverse pool of candidates.	End of FY 11-12
	2.1.4 Include diversity and values language in classifications, job announcements and hiring panel questions.	Ongoing
	2.1.5 Increase efforts to attend job fairs and bring employees with diverse backgrounds to events.	Ongoing; resources required for FY 12-13
	2.1.6 Hold events for online application training with community partners.	Ongoing; resources required for FY 12-13
	2.1.7 Recruit and coordinate interns throughout the organization to increase diversity in hiring pools.	Ongoing
	2.1.8 Research hiring practices at other organizations to increase recruitment and retention of people with disabilities.	End of FY 11-12
	2.1.9 Conduct research to identify other tools for measuring progress on this goal.	End of FY 11-12
Invest resources in building professional relationships with community partners.	2.1.10 Coordinate internal resources for outreach efforts.	Ongoing as of FY 12-13
	2.1.11 Provide sponsorship resources to community partners. **Funds required**	FY 12-13
	2.1.12 Promote outreach events Human Resources is attending.	End of FY 11-12
Goal 2.2: Increase diversity of new hires according to gender, age group, minority group membership, and other indicators of diversity.		
Strategies	**Actions**	**Year**
Use resources to identify and address barriers in the selection process.	2.2.1 Identify places in the process where any group might be disproportionately screened out and develop tools to overcome barriers.	January 2013

	2.2.2 Track data of successful applicants to determine how they were informed about position.	July 2012
	2.2.3 Ensure diverse employee representation on hiring panels.	Ongoing
	2.2.4 Take a more active role to brief and debrief hiring panels to ensure a fair and equitable hiring process.	Ongoing
	2.2.5 Hold Metro managers accountable through performance review process for diversity in hiring.	Spring 2013
	2.2.6 Identify other tools to measure progress for this goal.	End of 2012

Goal 2.3: Increase retention of diverse employees according to gender, age group, minority group membership, and other indicators of diversity.		
Strategies	**Actions**	**Year**
Use existing and new resources to increase retention of diverse employees.	2.3.1 Integrate values and diversity into new hire orientation.	Completed
	2.3.2 Evaluate exit interviews and develop strategies for addressing identified diversity issues.	Ongoing
	2.3.3 Educate managers on how to conduct performance appraisals in a culturally competent manner.	Spring 2013
	2.3.4 Establish baseline from diversity survey results.	Completed 2010
	2.3.5 Explore establishing mentorship programs for employees	January 2013
	2.3.6 Explore establishing affinity groups within Metro	January 2013
	2.3.7 Ensure that diversity training curriculum includes issues specific to Metro, including hiring and retention	January 2013
	2.3.8 Identify other tools to measure progress for this goal	End of 2012

Core Area 3: Public involvement and citizen advisory committee membership

Goals for public involvement and citizen advisory committee membership seek to have Metro outreach and committees, at a minimum, serve and represent the diversity of the region's population. Many of these actions should be part of a continuous and conscious effort to acknowledge that one committee member cannot represent an entire group and to ensure various groups are continually engaged. To meet these goals, Communications staff will conduct research to assess gaps in community interactions; engage the Metro Council members to actively conduct outreach to historically underserved[4] communities; establish protocols to improve diverse representation on Metro committees; and put tools in place to track and coordinate growing relationships with diverse communities as well as better communicate with those communities. Information about existing Metro committees is available at http://www.oregonmetro.gov/committees. The goals listed below also take into account the importance of Metro's policies and programs reflecting the values of diversity and equity.

Indicators

- Number of culturally specific organizations engaged by Metro that represent the needs of underrepresented communities in the region.
- Demographic composition of people participating in public involvement activities per category according to gender, age group, minority group membership, and other indicators of diversity.
- Percentage of participants who think that Metro is effective in engaging diverse and historically underserved communities and meeting their stated needs, as compared with previous years. (requires survey)
- *TBD indicator here for what we hear during community organization review*
- Demographics of committee applicant pool as compared with demographics of the region, including historically underserved populations.
- Demographics of committee members as compared with demographics of the region, including historically underserved populations.

Goal 3.1: Metro's public involvement fully engages diverse communities in the Metro region.		
Strategies	**Actions**	**Year**
Provide support as needed for members of diverse communities to become involved.	3.1.1 Partner with and consider investing in stakeholder groups to reach out to underserved populations and build capacity for community participation.	Ongoing
	3.1.2 Provide sponsorship funds or resources (such as meeting space) to diverse communities on an ongoing and equitable basis. **Funds required.**	Ongoing

[4] See Appendix A for definition

	3.1.3 Develop a Limited English Proficiency plan to evaluate and address language barriers.	2012
Recognize the importance of making long-term investments through relationships with various diverse communities throughout the region.	3.1.4 Engage regularly with groups who represent historically underserved and diverse populations.	Ongoing at the project level; more consistency needed at program level
Increase Metro's presence in communities in culturally specific ways.	3.1.5 Research different ways and methods of conducting public outreach. **(Funds required).**	Ongoing; needs to be more comprehensive
	3.1.6 Ask diverse communities how best to engage them and transcend barriers to involvement. **(Funds required)**	Ongoing; needs to be more comprehensive
	3.1.7 Develop cultural awareness training concepts for external outreach. **Funds required**	2012
	3.1.8 Identify Metro programs that could benefit from participating in large culturally specific events. **Resources required**	2013
Improve diverse communities' access to information.	3.1.9 Develop culturally specific methods for diverse communities to access Metro information most effectively. **Funds required for translation**	Ongoing
	3.1.10 Tailor outreach materials for diverse audiences and give specific examples for where people can get involved. **Funds required for translation**	Ongoing
Improve Metro's ability to measure demographic data for historically underserved populations.	3.1.11 Monitor current conversations about the ability to collect demographic data, i.e. the Greater Portland Pulse project.	Ongoing
	3.1.12 Explore best practices to track participation of underserved populations in the public comment process.	2012
	3.1.13 Include demographic questions at all public involvement events and in all surveys conducted by Metro.	Ongoing
	3.1.14 Improve consistency and breadth of data collection through Metro public	2013

	involvement events and surveys. **Resources required** 3.1.15 Develop data sets to measure indicators for this core area. **Resources required**	 2013
Leverage relationships developed through job recruitment and procurement activities to expand Metro's reach to underrepresented populations.	3.1.16 Consider investing in tools that enable Metro to effectively coordinate stakeholder outreach.	2013
When policies and programs are developed or revised, integrate diversity and equity considerations into the process.	3.1.17 Develop an agencywide process that will provide staff and the Metro Council with tools and criteria to consider diversity and equity in our program, policies, and public outreach practices. **Resources required**	2013
Work collaboratively with government and community partners to tap into existing research and lessons learned; look for future opportunities to work together.	3.1.18 Meet with government partners.	2012
Goal 3.2: Metro committees reflect the diversity of our region's communities.		
Strategies	**Actions**	**Year**
Develop understanding of diverse communities' barriers to committee participation.	3.2.1 Develop an overview of Metro and the agency's committee work to present to historically underserved populations, including how Metro directly affects the various communities being recruited for these committees. **Funds required for translation** 3.2.2 Conduct outreach with diverse community members to assess level of interest and barriers to participation. **Funds required**	2013 Ongoing in 2012
Provide support as needed for members of diverse communities to participate on Metro committees.	3.2.3 Develop recommendations to support community member participation.	**2013**
Build support among existing committee members for improved participation by historically underserved populations.	3.2.4 Provide awareness building or training for committees. **Funds required** 3.2.5 Build understanding and establish expectations among committee members. 3.2.6 Explore ambassadorship opportunities to act as liaisons between	2013 2013 2014

	committees and communities. 3.2.7 Leverage Senior Leadership Team member and Metro Councilor relationships with different communities.	Ongoing
Consider changes in committee bylaws to broaden opportunities for membership by historically underserved populations.	3.2.8 Change committee bylaws to address limitations and broaden membership.	2014
	3.2.9 Examine committee selection criteria through a diversity lens.	Ongoing
	3.2.10 Seek demographic information from committee applicants.	Ongoing
Explore best practices for increasing diversity in committee membership.	3.2.11 Survey existing committees from local governments. **Funds required**	2012
Leverage existing relationships developed through other processes, such as employee recruitment and procurement.	3.2.12 Coordinate and maintain list of contacts with diverse communities, including contacts made through Human Resources, Procurement and Communications efforts.	2013
	3.2.13 Establish working group to meet regularly and identify areas for leverage.	2013
Develop new approach to public engagement review process (formerly Metro Committee for Citizen Involvement) that includes broader representation and understanding of public outreach tools.	3.2.14 Restructure Metro Committee for Citizen Involvement to include regular public involvement peer group review and an annual public stakeholder meeting to broaden and improve diverse community participation into Metro policy and planning processes.	2012

Core Area 4: Procurement

Procurement goals focus on improving the number of contracts and partnerships within three areas: minority-owned, women-owned and emerging small businesses[5] (MWESB), Sheltered Market and Disadvantaged Business Enterprise[6] (DBE). Procurement staff will work with vendors and contractors to establish baseline information and identify areas for improvement; put new policies and procedures in place to measure performance; and provide training and technical resources for vendors, contractors and Metro staff.

Fiscal year indicators

- Number of MWESB's that bid on Metro solicitations as compared to the total number of bids received.

[5] See Appendix A for definition
[6] See Appendix A for definition

- Amount of dollars awarded to MWESB contractors and subcontractors
- Percent of total available contract and subcontract dollars awarded to MWESB contractors and subcontractors
- Amount of dollars awarded to MWESB's within the Sheltered Market Program[7], as compared with total contract dollars awarded.
- Percent of Sheltered Market Program construction contracts as compared with total construction contracts
- Amount of dollars awarded to DBE contractors within the Sheltered Market Program
- Percent of contracts awarded to DBE firms as compared to total contracts
- Number of formal procurements using value-based contracting[8] approach
- Amount of dollar awards using value-based approach

Goal 4.1: Increase MWESB participation.		
Strategies	**Actions**	**Year**
Identify areas for improvement through annual review of contract solicitation and awards.	4.1.1 Track participation statistics.	Ongoing
	4.1.2 Annually review and adjust strategy to narrow procurement participation gaps.	Ongoing
Engage with vendors and contractors to uncover barriers	4.1.3 Extend outreach to MWESB's via meet and greet events.	Ongoing
	4.1.4 Partner to provide training to MWESB's to navigate public bidding process.	Ongoing
	4.1.5 Conduct random follow-up with contractors that did not submit responses and contractors that responded but were not awarded contracts.	FY 12-13
Goal 4.2: Increase contract dollars awarded to MWESB contractors and subcontractors to between 15 to 18 percent of total contract dollars.		
Strategies	**Actions**	**Year**
Increase accountability of prime contractors to ensure MWESB participation	4.2.1 Annually review contract solicitation and awards including: • Requests for bids and proposals sent to MWESB's. • Bids and proposals received from MWESB's. • Contracts and subcontracts awarded to MWESB's.	Ongoing Ongoing
	4.2.2 Institute monthly reporting by prime contractors regarding their use of MWESB's as subcontractors in projects over $100,000.	

[7] See Appendix A for definition
[8] See Appendix A for definition

Ensure internal agency compliance.	4.2.3 Review RFP's prior to issuance to ensure diversity language is included.	Ongoing
	4.2.4 Review construction bids under $50,000 to ensure MWESB participation.	Ongoing
	4.2.5 Explore including compliance language in performance evaluations for procurement and project managers.	Spring 2013
	4.2.6 Require MWESB training for staff involved in contracts.	Ongoing
Goal 4.3: Increase number of projects and contracts in Sheltered Market Program for MWESB's.		
Strategies	**Actions**	**Year**
Expand Sheltered Market Program	4.3.1 Amend MERC procurement policy to include Sheltered Market Program.	2014
Ensure internal agency compliance	4.3.2 Track compliance by department programs.	Ongoing
	4.3.3 Provide mandatory staff training.	Ongoing
Goal 4.4: Assess Disadvantaged Business Enterprise (DBE) compliance requirements and increase DBE participation.		
Strategies	**Actions**	**Year**
Increase accountability for prime contractors to comply with DBE requirements when hiring subcontractors	4.4.1 List DBE goal in requests for proposals for federally funded projects.	Ongoing
	4.4.2 Establish DBE goal for agency, subject to revision every three years.	Completed
Increase accountability for local public agencies to comply with DBE requirements when hiring contractors	4.4.3 Include DBE appropriate language in intergovernmental agreements	Ongoing
	4.4.4 Monitor ongoing reporting by public agencies.	Ongoing
Ensure internal agency compliance	4.4.5 Review RFP's prior to issuance for all federally funded projects.	Ongoing
	4.4.6 Provide DBE mandatory training.	FY 12-13
Goal 4.5: Use value-based contracting to promote equity.		
Strategies	**Actions**	**Year**
Establish agency policy	4.5.1 Establish protocol for involvement in value-based contracting for projects over $100,000.	Ongoing
	4.5.2 Revise RFP templates to emphasize best value and promote diversity in employment and contracting.	Completed
Ensure internal agency compliance	4.5.3 Procurement to meet with department staff regarding value-based contracting policy and	Ongoing

	expectations.	
	4.5.4 Provide mandatory training.	Ongoing
Goal 4.6: Develop recommendation to reconcile MERC FOTA with strategies in this plan.		
Strategies	**Actions**	**Year**
Develop and execute project plan to respond to FOTA recommendations requested by MERC Commission	4.6.1 Conduct demographic study of FOTA area.	2012
	4.6.2 Develop recommendations for MERC Commission and the Metro Council in response to study.	FY 12-13

APPENDIX A: METRO DEFINITIONS

Balanced Scorecard

To gauge the overall health of the agency and to pursue continuous improvement in our business practices, Metro produces an annual Balanced Scorecard report. The Balanced Scorecard views the organization from six distinct perspectives: financial performance, internal and external customer service, business process efficiency, employee learning and growth, sustainability and diversity. Balanced Scorecard reports can be found on Metro's website.

Capacity-building

Capacity-building is a coordinated process of deliberate activities to upgrade skills, improve procedures and strengthen organizations by investing in people, institutions and practices that will enable organizations to achieve their objectives.

Cultural competency

Cultural competency is a comprehensive collection of behavior, attitudes, practices and policies that creates an inclusive environment for people of diverse backgrounds. Culturally competent organiztaions have the awareness, knowledge base and learned skills to effectively and sensitively work with and provide services to people of diverse backgrounds.

Disadvantaged Business Enterprise (DBE):

A company primarily owned by people who are socially and economically disadvantaged as defined by the federal government. This designation is used when contracting with federal funds.

Diversity

Diversity is the variance or difference amongst people. This variance includes race, ethnicity, gender, age, religion, nationality, language preference, socioeconomic status, disability, sexual orientation, gender identity and diversity of thought. These differences are tied to a variety of other characteristics such as experience, work styles, life experience, education, beliefs and ideas.

Diversity of Thought

Diversity of thought includes differences of perspective, such as in the social or political realms, and differences of approach. An organization that encourages diversity of welcomes alternative ideas, viewpoints and ways of doing things.

Equal Opportunity

Metro's commitment to provide equal opportunities to all individuals without regard to race, religion, national origin, disability, age, marital status, sex, sexual orientation, military service, or any other status protected by law. This applies to all employment related activities, procurement and citizen involvement.

FOTA

Metro's First Opportunity Target Area (FOTA) program applies to the three venues under management by the Metropolitan Exposition Recreation Commission – the Oregon Convention Center, Portland

Center for the Performing Arts and Portland Expo Center. Established in 1989, the FOTA program was first intended to ensure that economically disadvantaged residents within the defined geographical area near the Oregon Convention Center(OCC) be offered the first opportunity to apply for employment at the OCC. The MERC Commission later expanded and applied the FOTA program to the other two venues and now also requires all three venues to offer contracting and procurement opportunities, in addition to employment opportunities, to individuals and businesses within the FOTA boundary.

Historically underserved

Groups whose demographic, geographic, or economic characteristics impede or prevent their access to public services.

Inclusive/Inclusivity

An inclusive organization respects and values the unique dimension of each employee. Inclusivity cultivates a climate where all members feel they belong. By encouraging engagement with multiple points of view, the organization welcomes the variety of perspectives and knowledge necessary for a healthy work environment. Metro recognizes that employees are at their creative and productive best when they work in an inclusive work environment.

MERC

The Metropolitan Exposition Recreation Commission (MERC) manages three public facilities within Metro— the Oregon Convention Center, Portland Center for the Performing Arts, and Portland Expo Center. MERC is governed by a Board of Commissioners appointed by the Metro Council President upon recommendation from local area governments.

Minority/Women/Emerging Small Business (MWESB)

A company primarily owned by minorities or women; or has a small number of employees and limited revenue. MWESB certification is approved by the State of Oregon.

Request for Bid

A Request for Bid tells contractors exactly what is needed for the project and asks them to tell Metro how much the project would cost.

Request for Proposal

Metro issues a Request for Proposal during a value-based contracting process. A Request for Proposal tells contractors what is needed for the project and what factors are important for the success of the project or to support Metro priorities. For example, important factors could be workforce diversity, subcontracts with MWESBs, or experience with similar projects. Contractors respond with how they meet the important factors, along with how much the project would cost.

Respect

We encourage and appreciate diversity in people and ideas. We embrace diversity in people and ideas within our workplace and our community. Everyone is treated with care and appreciation. We promote an atmosphere of equality and personal integrity and seek to understand the perspective of others. We strive for a culture supported by honesty and trust. Above all, we demonstrate respect for each other.

Sheltered Market

A sheltered market means that only certain vendors can bid on certain projects. Metro's Sheltered Market Program restricts bids for public improvement contracts between $5,000 and $50,000 to State of Oregon certified Minority Owned Enterprises, Women Owned Enterprises or Emerging Small Businesses (MWESBs). For these contracts, MWESBs do not compete against other vendors for the work.

Public improvement contracts are for construction, reconstruction or major renovations.

Value-based contracting

In a value-based contracting process, Metro decides which contractor offers the best overall value rather than just the lowest price. For example, when Metro issues a Request for Proposal, we can specify that the diversity of a contractor's workforce is important. Then when Metro considers the contractor proposals, the decision is made based on workforce diversity among other factors, including price.

APPENDIX B: STAKEHOLDER ENGAGEMENT AND FEEDBACK

Stakeholder engagement conducted for this plan

Prior to engaging employees around the Diversity Action Plan, the Diversity Action Team and Human Resources sponsored two information-gathering efforts led by outside consultants: an organization-wide diversity survey in fall of 2010 and two diversity town halls at the Metro Regional Center and one at the Oregon Zoo in May of 2011. The survey results provided a baseline of employee beliefs and perceptions on diversity, and both efforts yielded themes and recommendations that were either integrated into this plan or held for consideration by the incoming Diversity Program Manager (to be hired in February 2012).

From June to October of 2011, Diversity Action Team members made presentations about the Diversity Action Plan to 25 different employee groups across Metro. Following the presentations, the team invited employees at the Metro Regional Center, Oregon Zoo and Oregon Convention Center to view a large display of the plan's overview and goals, strategies and actions for the first core area addressing internal awareness and sensitivity to diversity issues.

In February and March of 2012, the team will bring the plan to outside community groups for their consideration and feedback.

Stakeholder feedback to be addressed in future plan revisions

Employee suggestion: Incorporate audience diversity and public access to our facilities, sites and information (online or otherwise).

Explore a fifth core area: Awareness and sensitivity to diversity issues in the community we serve.

> To live our value of public service, Metro must commit to services, visitor venues and outreach programs that are inclusive of a diverse population.
>
> Potential goals include visitor venues and parks and environmental services that are welcoming to all, outreach programs that are culturally sensitive, and education programs that meet the needs of diverse communities.
>
> Potential first steps are visitor surveys at venues and parks and environmental services to better understand our audiences and diversity committees at each venue.

Employee suggestion: Include equity in the plan.

Metro plays a growing role in addressing equity issues and assessing the impacts of our services and planning activities on residents in the region. As our region's residents continue to encompass an ever-growing range of multi-cultural, international, socio-economic, profession, age and ability characteristics, the importance of intentionally incorporating equity considerations and addressing long-standing inequities into Metro activities has become increasingly clear.

Metro staff is currently conducting an inventory of how Metro employees intentionally incorporate equity considerations into our activities. The inventory will begin to provide Metro staff and community stakeholders a standardized approach for how Metro considers equity. While the inventory is the first phase of a larger project focusing on how Metro should define and approach equity, future work is dependent upon resources and staff availability. If this future work is funded, the long-term goal is to develop an organizing framework that consistently incorporates equity into all Metro activities. The framework will provide a decision support tool that will help institutionalize equity in program and policy development throughout the agency.

APPENDIX C: 2011 DIVERSITY ACTION TEAM ROSTER

Martha Bennett, Chair
Chief operating officer

Rex Burkholder, Metro Council Liaison
Metro Councilor

Molly Chidsey
Sustainability Center

Joe Durr
Portland Center for the Performing Arts

Aidan Gronauer
Sustainability Center

Julie Hoffman, Secretary
Finance and Regulatory Services

Jan Jung, Treasurer
Human Resources

Joni Marie Johnson
Human Resources, visitor venues

Jim Middaugh
Communications director

Jennifer Payne
Oregon Zoo

Trudy Pollard
Finance and Regulatory Services for MERC

Scott Robinson
Deputy chief operating officer

Mary Rowe
Human Resources director

Cary Stacey
Office of the COO

Nathan Sykes, Vice Chair
Office of the Metro Attorney

Matt Tracy
Sustainability Center

Clean air and clean water do not stop at city limits or county lines. Neither does the need for jobs, a thriving economy, and sustainable transportation and living choices for people and businesses in the region. Voters have asked Metro to help with the challenges and opportunities that affect the 25 cities and three counties in the Portland metropolitan area.

A regional approach simply makes sense when it comes to providing services, operating venues and making decisions about how the region grows. Metro works with communities to support a resilient economy, keep nature close by and respond to a changing climate. Together we're making a great place, now and for generations to come.

Stay in touch with news, stories and things to do.

www.oregonmetro.gov/connect

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