

**The Louisville Metropolitan Sewer District and Jefferson County  
(MSD)**

**Limited English Proficiency (LEP) Plan**

**November 2024**

## **I. INTRODUCTION AND BACKGROUND**

### **A. Purpose of the Limited English Proficiency Plan (LEP)**

The purpose of the MSD LEP Plan: (i) to increase awareness of the need for and methods to ensure that LEP individuals have meaningful access to federally assisted programs; (ii) ensuring the implementation of language access; and (iii) comply with the requirements of Title VI of the Civil Rights Act of 1964 and implementing regulations (Title VI), consistently and effectively across all programs, services, and activities.

The MSD Plan is designed to assist MSD staff by providing guidance on translation, interpretation, and outreach services for LEP individuals seeking access to MSD programs, services, or activities, in accordance with Title VI.

All employees must ensure that the public is treated with dignity and respect, identify the language needs of MSD clients, and utilize bilingual resources to assist individuals when needed.

### **B. Policy Statement**

MSD will ensure that no person on the basis of race, color, national origin, religion, ancestry, ethnic group identification, creed, sex (including actual or perceived sexual orientation or gender identity), disability, mental disability, physical disability, medical condition, genetic information, marital status, veteran status, or age, is excluded from participation, denied benefits, or subjected to discrimination or retaliation under any program, service, or activity. MSD is committed to taking reasonable steps to provide timely and meaningful access to LEP individuals who come into contact with MSD's programs, services, and activities. MSD will provide free language assistance to individuals with LEP and inform members of the public that language assistance services are available free of charge to individuals with LEP.

### **C. Who has limited English proficiency?**

LEP people are people who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English. LEP people include those who speak English less than very well, not well, or not at all, as considered by the U.S. Census Bureau. People can self-identify as LEP. These individuals may be entitled to language assistance in a particular program, service, or activity.

### **D. Public Dissemination of Title VI Information**

MSD will inform individuals with LEP of the availability of language access services, free of charge, by written notice conspicuously displayed in its facility areas and on its websites in the most frequent languages spoken by individuals with LEP in the required counties served by MSD.

Notices will be posted in a prominent place and will be easily visible to the public. The ads will indicate that MSD administers equal opportunity programs and will indicate that federal law prohibits discrimination. It is detailed below:

"It is MSD's policy to ensure full compliance with federal anti-discrimination laws in all programs and activities. MSD will not discriminate on the basis of race, color, national origin, religion, ancestry, ethnic group identification, creed, sex (including actual or perceived sexual orientation or gender identity), disability, mental disability, physical disability, medical condition, genetic information, marital status, veteran status, or age in any MSD program,

service, or activity. For more information, to request language assistance, or to file a complaint about discrimination or retaliation, please contact Sherita Davis at (502) 540-6352; [sherita.davis@louisvillemsd.org](mailto:sherita.davis@louisvillemsd.org)

## II. AUTHORITY AND GUIDANCE

Section 601 of Title VI of the Civil Rights Act of 1964 states that no person "shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any program or activity receiving federal financial assistance.

Title VI and its implementing regulations prohibit recipients of federal financial assistance from discriminating on the basis of their national origin and failure to take reasonable steps to provide meaningful access to recipients' programs, services, and activities to individuals with LEP. This protection requires that people with LEP have equal opportunities to benefit from or access services.

Under the U.S. Environmental Protection Agency (EPA) Regulations (40 CFR Parts 5 and 7), recipients of EPA financial assistance are prohibited from taking actions, including permission actions, that are intentionally discriminatory or have a discriminatory effect based on race, color, or national origin.

## III. DEFINITIONS

Bilingual/Multilingual Staff or Employee: A staff member or employee who has demonstrated proficiency in English and in reading, writing, speaking, or understanding at least one other language.

Interpreting: The act of listening to a communication in one language and converting it orally into another language, while retaining the same meaning.

Individuals with Limited English Proficiency (LEP): LEP individuals are individuals who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English. They include people who report to the U.S. Census who speak English less than very well, not well, or not at all. These individuals may be entitled to language assistance in a particular program, service, or activity.

Native language: The language in which an individual communicates most effectively.

Qualified Interpreter: Qualified Interpreter means an in-house or contract interpreter who is able to interpret effectively, accurately, and impartially for Persons with Limited English Proficiency and who meets the competency and proficiency requirements set forth by MSD. The interpreter must be able to interpret both receptively and expressively, using all the necessary specialized vocabulary.

Sight translation: Oral translation of a written text into spoken language by an interpreter without change of meaning based on a visual revision of the original text or document.

Safe Harbor: A starting point for recipients to consider when providing written translations of documents to LEP individuals. Considerations are based on: (a) whether the importance of the service, benefit, or activity involved warrants written translations in languages other than English; (b) whether the nature of the information warrants written translations in languages other than English; (c) whether the number or proportion of LEP persons served warrants written translations in languages other than English; and (d) whether the demographics of the eligible population are specific to the situations for which the need for language services is being evaluated.

Safe Harbor Threshold: LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.

Translation: The replacement of a word, phrase, or text in one language with a word, phrase, or text of equivalent meaning in another language. Translating documents for LEP people at a fourth-grade literacy level ensures that the target audience understands the information. Community-based organizations or focus groups can help evaluate translations to determine if they are appropriate for language and literacy level.

Vital Documents: Written material on paper or electronically that (i) contains information that is critical to accessing MSD's programs, services, or activities; (ii) is directly and substantially related to public safety; or (iii) is required by law. Examples of vital documents include, but are not limited to: (i) applications, consent forms, intake forms, or other forms to participate in an MSD program or benefit; (ii) written letters or notices relating to entitlements and reduction, denial, or termination of services or benefits or requiring a response, including information regarding the right to appeal any MSD program decision; (iii) notices informing LEP persons about free language assistance; (iv) materials explaining MSD's programs, services, or activities; (v) complaint forms; and (vi) any other written document that has the potential to determine eligibility for or access to or participation in the services of an MSD program, service, or activity.

#### **IV. ANNUAL SELF-ASSESSMENT AND LANGUAGE ACCESS PLAN**

MSD will take reasonable steps to ensure that individuals with LEP have meaningful access to the information and services it provides.

MSD will consider the right balance between written translations and oral language assistance, and ensure meaningful access to MSD programs, services, and activities.

MSD will ensure that reasonable steps are taken to provide high-quality interpretation and translation services through individuals who are competent to provide those services with a level of fluency, understanding, confidentiality and timeliness appropriate to the specific nature, type and purpose of the information in question. MSD will collect, review, and share data annually to determine the appropriate mix of language access services to provide LEP individuals with meaningful access to MSD programs, services, and activities.

MSD will provide staff with annual updated lists and contact information for available language access resources and will provide any additional training or resources necessary for staff to perform their language access-related tasks.

When planning to provide meaningful access to individuals with LEP, MSD will annually conduct a self-assessment and update the language access plan taking into account four factors with the goal of ensuring a coordinated and cost-effective delivery of high-quality language assistance services:

##### **1. Demographics**

MSD will collect demographic data on LEP persons in the MSD service areas. This includes the numbers and proportions of people with LEP eligible to be served, likely to be served, or likely to be encountered by MSD programs, benefits and services.

Current data for this plan was collected from the 2021 American Community Survey (ACS) for Bullitt, Jefferson and Oldham counties, between 2017 and 2021.<sup>1</sup> MSD's programs, benefits and services impact these counties, and as such data from these counties is most representative of the

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<sup>1</sup> MSD's data was based on ACS data published by Kentucky: By The Numbers <http://kybtn.ca.uky.edu>.

MSD service area demographics.

MSD staff relied upon data from the 2021 American Community Survey (ACS) 5-year (2017-2021)<sup>2</sup> Estimates for Bullitt, Jefferson and Oldham counties published by *Kentucky: in numbers*; <http://kybtl.ca.uky.edu>, as provided by the U.S. Census Bureau. As noted above, people who speak a language other than English at home and don't speak English well or at all are considered to be a LEP person. Table 1 below shows a detailed breakdown of the LEP numbers and proportions by major language categories for Bullitt, Jefferson and Oldham Counties.

Table 1: Numbers and proportions of LEP people by language category

Demographic location	Population aged 5 years or older who speak a language other than English	LEP (Speaks English "less than very well") Person	Spanish LEP people	Other Indo-European LEP Person	Asian and Pacific Islander LEP Individuals	Other Languages
Bullitt County	Total 1,869	Total 866	Total 1,083	Total 418	Total 264	Total 104
	Percentage 2.4%	Percent 1.1%	Percent 1.4%	Percent 0.5%	Percent 0.3%	Percent 0.1%
Jefferson County	Total 75,807	Total 36,627	Total 34,471	Total 18,556	Total 11,979	Total 10,801
	Percent 10.3%	Percent 5.0%	Percent 4.7%	Percentage 2.5%	Percent 1.6%	Percent 1.5%
County Oldham	Total 3,352	Total 1,061	Total 1,641	Total 968	Total 553	Total 190
	Percentage 5.2%	Percent 1.7%	Percentage 2.6%	Percentage 1.5%	Percent 0.9%	Percentage 0.3%

\* The percentage in the table above is based on the proportion of the 5+ population who speak English "less than very well."

## 2. LEP Contact Frequency

MSD will collect and evaluate data on how often various language groups come into contact with MSD and will consider how MSD programs, activities, and services affect those needs. Based on the current data, MSD has determined that LEP individuals who speak Spanish and other Indo-European languages may potentially have some frequent contact with MSD programs, services, and activities.

## 3. Nature and importance of the services provided

MSD provides sewage, drainage and flood protection services that are important services that affects the communities and life for everyone, including LEP persons. MSD will review the nature and importance of the programs, activities, and services that MSD provides to the LEP population.

<sup>2</sup> MSD's data was based on ACS data published by Kentucky: By The Numbers <http://kybtl.ca.uky.edu>.

#### 4. Resources

Given the size of the LEP population for Spanish speaking persons in the MSD service areas, full translations of announcements for public meetings and other events will be available. LEP persons can also access the MSD website. Translation software has been installed for a number of different languages. Due to the diversity of the LEP population, the cost of translating every document into each language spoken by MSD service area residents would be very costly and outweigh any collective benefit that would be achieved. However, MSD will continue to evaluate the resources available to MSD and the costs of language services and will strive to plan for sufficient language services to provide meaningful access to its programs, services, and activities in a cost-effective manner.

### V. LANGUAGE ASSISTANCE

MSD will take all reasonable steps necessary to provide LEP individuals with meaningful access to all MSD services, programs, or activities. Language assistance will be provided to LEP individual through the translation of vital documents, as well as through oral interpretation in person or over the phone.

Language services must be provided at a time and place that avoids the effect of denying meaningful access to the services or benefits of the program, service, or activity. However, in some situations it may be reasonable to ask the LEP person to return at a specific date and time to allow MSD to arrange interpreter or translator services.

MSD has designated a Compliance Coordinator that will assist with the implementation and compliance of MSD's LEP Plan. The Compliance Coordinator will ensure that MSD staff understand their responsibilities and with the assistance of MSD's training department, provide regular training and monitoring of internal staff to ensure the provision of meaningful language assistance services. If MSD staff or the public have questions about MSD's language access services, they should contact:

*Sherita Davis, MSD Compliance Coordinator*  
*Department of Equity and Community Partnerships*  
*700 West Liberty Street*  
*Louisville, Kentucky 40203*  
*(502) 540-6352*  
[sherita.davis@louisvillemad.org](mailto:sherita.davis@louisvillemad.org)

#### A. Providing Notice to LEP Persons

The following are methods that MSD may choose to use to notify LEP individuals about services.

- **Public Notice Statement:** Public notices for MSD meetings or events may include information for LEP individuals who need language assistance in their native language. While it is not realistic to include this statement in all languages, the most popular languages can be included. In MSD's service areas, the most popular language is Spanish. The following is an example of an LEP statement that can be included in both English and Spanish in public notices.

Individuals requiring translation services should contact MSD at (502) 540-6352; [sherita.davis@louisvillemad.org](mailto:sherita.davis@louisvillemad.org) at least five days prior to the meeting.

Las personas que requieran servicios de traducción deben comunicarse con MSD al (502) 540-6352; [sherita.davis@louisvillemad.org](mailto:sherita.davis@louisvillemad.org) al menos cinco días antes de la reunión.

- **Published Materials:** A statement identical or similar to the one above can be included in public distributions such as informational brochures, announcements for meetings or events, booklets, or other outreach materials. This serves to inform LEP persons about language services available from MSD. Posting posters about federal anti-discrimination laws, including Title VI, and the availability of free language assistance services in high-traffic areas where the public is likely to read them, e.g., entry points to facilities, public areas and other necessary areas.
- **Online Communications:** MSD's website is equipped with translation software and is capable of translating multiple languages. MSD will also post notices on its website about federal anti-discrimination laws, including Title VI, and the availability of free language assistance services.
- **Partnering Activities:** MSD will partner with local community-based organizations to share information about MSD and the available language assistance services. A helpful resource is the Catholic Charities which provides translator and language interpreter services to the community, as well as acts as a liaison between the community, local agencies and LEP people.

## **B. Bilingual Staff**

### **Oral Interpreting**

MSD may use bilingual staff, when possible, where the percentage of LEP or potential individuals is statistically significant, or where the frequency of contact with such individuals provides efficient and effective communication. MSD will assess the competency of bilingual staff before approving them for use in the provision of language services.

### **Interpretation**

LEP persons are not required to provide their own interpreter, although some LEP individuals may prefer to do so, after being informed of the availability of free language assistance. In some program areas and projects, it may be important, for legal or safety reasons, to provide a qualified interpreter provided by MSD rather than using an LEP interpreter (e.g., a family member or friend).

MSD will ensure that the use of qualified interpreters, which means that they are able to interpret effectively, accurately, and impartially for people with limited English proficiency. The interpreter must be able to interpret both receptively and expressively, using all the necessary specialized vocabulary.

MSD has procured the services of the Language Line Services, Inc. for in-person and telephone interpretation requests.

## **C. Translation of Written Documents**

Language assistance measures available from MSD include translation in the written form as well as oral interpretation and communication. There are several ways these measures may be obtained. The simplest method is using free online translation tools such as Google Translate. Technological tools such as this make it easy to communicate in other languages without expending many resources. However, online translators may not be adequate for every language assistance request, so human translators and interpreters may also be employed. MSD may arrange for translation of vital documents by qualified translators when necessary to ensure meaningful access for LEP individuals. When necessary, MSD will translate the new vital documents into at least Spanish.

Federal guidance on defining vital documents is based on the importance of the document as it relates to LEP persons, the scope of the document, and the consequences of not properly informing LEP individuals of the document's development. Therefore, MSD will translate existing vital documents on an ongoing basis, prioritizing them based on the percentage of LEP population, the importance of the documents, and the importance of the program, service, or activity. Though documents are vital, there is no requirement to translate these documents at this time unless specifically requested. The safe harbor threshold stipulation states that MSD does not need to provide written translation of vital documents if there is a very small LEP language group.

Examples of Vital Documents may include:

- Emergency information.
- Notices of proposed public hearings regarding proposed projects or programmatic changes that affect the public.
- Notices of reduction, denial, or termination of services or benefits.
- Signs in reception areas and other initial entry points, *e.g.* lobbies, public counters.
- Notices informing LEP people about free language assistance.
- Statements about available services and entitlement to free language assistance services in brochures, pamphlets, outreach and recruitment information, and other materials that are routinely disseminated to the public.
- Requests or instructions on how to participate in a program or activity or how to receive benefits or services.

Whether or not a document (or the information requested) is "vital" may depend on the importance of the program, information, encounter, or service involved, and the consequences for the LEP person if the information in question is not provided accurately or in a timely manner.

MSD will ensure that translators of written documents are qualified. A person who is a qualified interpreter may or may not be competent to translate written documents, and vice versa. When translating vital documents, proficiency can often be achieved through the use of certified translators.

## **VI. HOW MSD PROVIDES ASSISTANCE TO LEP INDIVIDUALS**

### **A. Walk-in LEP interaction**

MSD will take reasonable steps to provide language assistance as necessary for in-person contact with LEP individuals. Language ID cards (or "I speak" cards) invite LEP individuals to identify their language needs for program staff. The federal government has made these cards available at <https://www.lep.com.GOV/ISpeakCards2004.pdf>. MSD will distribute these cards to all relevant MSD personnel for use with the Walk-In LEP procedures listed below.

1. The MSD employee will first attempt to communicate in English to determine if the person can understand English enough to be fully understood.
2. If the person is unable to understand or communicate effectively in English, the MSD employee will determine the language they are speaking. If the MSD employee recognizes the language the LEP person is speaking but does not speak that language, the MSD employee will proceed with the interaction as guided in Step 3 below.
3. If the MSD employee cannot recognize the language spoken by the LEP person, the employee will show them the language ID card so that the LEP person can point to their language.



- The MSD employee will call Language Line at 1 (866) 874-3972.
  - The MSD employee will enter the PIN code and application in Spanish (question 1) or other languages (question 2). Once the employee identifies the language needed, they will be connected to an interpreter agent.
  - The interpreter will interpret communications between the LEP person and the MSD employee.
4. The MSD employee will make every effort to give the LEP person the same level of service as an English-speaking customer.

#### **B. Phone calls from LEP persons**

MSD will take steps to respond in a timely and effective manner to LEP individuals who call for information or assistance. MSD will use the following steps to assist LEP callers:

1. The MSD employee will first attempt to communicate in English to determine if the person can understand English enough to be fully understood.
2. If the person is unable to understand or communicate effectively in English, the MSD employee will call Language Line at 1 866 874-3972.
  - The MSD employee will enter the PIN code and application in Spanish (question 1) or other languages (question 2). If the MSD employee recognizes the LEP person's primary language, the MSD employee will enter the indication of the identified language.
  - Once the language is identified, the LEP person and the MSD employee will be connected with an interpreter agent.
  - The interpreter will interpret communications between the LEP person and the MSD employee.
3. The MSD employee will make every effort to give the LEP person the same level of service as an English-speaking customer.

#### **C. Advance requests for in-person interpretation**

MSD is committed to using qualified interpreters upon request for in-person appointments and public meetings. In general, MSD asks that individuals with LEP give five (5) business days' notice of a request for interpretation. However, if such prior notice is not received, MSD employees will attempt to arrange interpretation through the MSD Compliance Coordinator. If a qualified interpreter is not available in person, MSD employees will take reasonable steps to arrange communication through other means.

#### **D. Written translation services**

When the translation of a vital document is requested by an LEP person into a language in which translation has not yet been provided, MSD staff will:

- Try to determine the LEP person's primary language, using "I Speak" cards, <https://www.lep.gov/ISpeakCards2004.pdf>.
- Contact the MSD Compliance Coordinator to arrange for timely translation of the document into the requested language.
- In the case of a document created or distributed by another MSD program or by a third party,

the MSD Compliance Coordinator will contact third party that created or distributed the document to arrange a translated version into the requested language in a timely manner.

- If the document cannot be translated into the requested language in a timely manner, the MSD Compliance Coordinator will take reasonable steps to provide Sight Translation or other meaningful communication of the document, as appropriate.

When an MSD writes a Vital Document to a particular LEP Person:

- Program staff will write the document in English.
- Program staff will identify the LEP person's primary language.
- Program staff will request the MSD Compliance Coordinator to arrange for timely translation of the document into the requested language.
- Program staff will send the document in both English and translated to the LEP person and will retain copies of both versions.
- The Program staff will make every effort to give the LEP person the same level of service as an English-speaking client.

## **VII. TECHNICAL ASSISTANCE AND TRAINING**

### **A. Training**

MSD will provide employees with annual training on Title VI, MSD's language access obligations, how to obtain language assistance services and how to properly handle a complaint alleging discrimination under federal anti-discrimination laws, including Title VI (See Appendix A: External Complaint Procedure (Non-Employees)).

All managers and supervisors will be trained, even if they don't regularly interact with LEP people, to make sure they are fully aware of and understand what LEP is, so they can reinforce its importance and ensure its implementation by staff.

### **B. Technical Assistance**

The MSD Compliance Coordinator is responsible for providing technical assistance to managers and staff. This includes advising on LEP requirements and implementation and assisting in the development of program area procedures to ensure compliance.

## **VIII. MONITORING, ASSESSING AND UPDATING THE LEP PLAN**

MSD will update this LEP Plan annually as needed to reflect any changes in the plan based on the prior year's demographic changes and to ensure relevancy and quality control of language access services. MSD will review procedures for providing language access services, existing trainings, and the language access data to periodically update the language access plan. As part of the future updates, MSD will:

- Maintain data on the number of LEP individuals that request language access services by primary language spoken.
- Review updated Census data as it becomes available.
- Consider new resources, including funding, collaborations with other agencies, emerging technologies, and other mechanisms to improve language access.

MSD staff will be required to document the language assistance service by completing the LEP Report

Form. Once the form is completed, it will be sent to the MSD's Compliance Coordinator. The information in this form will be included in the annual self-assessment, LEP plan, and any necessary reports.

MSD's Compliance Coordinator will maintain documentation, including:

- Nature of the service (walk-in, telephone or translation of a document).
- Means by which assistance was provided
- Language translated or interpreted
- Race and national origin of the LEP person
- Purpose or services provided