

Port of Oakland
Limited English Proficiency (LEP) Plan

May 2019

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I. Introduction and Background

A. Purpose of Limited English Proficiency (LEP) Plan

The purpose of the Port of Oakland (Port) LEP Plan is: to (i) enhance awareness of the need and methods to ensure that LEP Persons have meaningful access to federally assisted programs; (ii) ensure 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), in a consistent and effective manner across programs, services, and activities.

The Port's LEP Plan is designed to assist Port staff by providing guidance on Translation, Interpretation, and outreach services for LEP Persons seeking access to Port programs, services or activities, consistent with Title VI.

California Government Code § 11135 prohibits discrimination by agencies that receive state funds and requires them to provide equal access without regard to race, color, national origin or ethnic group. In addition, the Bilingual Services Act, CA. Gov. Code §7290 et seq., requires that every local public agency provide language access services to persons who are LEP.

All employees are to ensure that the public is treated with dignity and respect, identify language needs for Port customers, and utilize Bilingual resources to assist individuals, when needed.

B. Policy Statement

The Port will ensure that no person on the grounds 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's status, or age, is excluded from participation in, denied the benefits of, otherwise subjected to discrimination, or retaliated against under any program, service or activity it administers. The Port is committed to taking reasonable steps to provide timely and meaningful access for LEP Persons coming into contact with the Port's programs, services, and activities. The Port will provide free language assistance to LEP Persons and inform members of the public that language assistance services are available free of charge to LEP Persons.

C. Who is Limited English Proficient?

LEP Persons are individuals who do not speak English as their Primary Language and have a limited ability to read, write, speak, or understand English. LEP Persons include those that 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

The Port will inform LEP Persons of the availability of language access services, free of charge, by providing written notice conspicuously in areas of its facilities and on its websites in the most prevalent languages spoken by LEP Persons in the communities of the Port: English, Spanish, and Chinese (as referenced in Appendix D).

The notices will be posted prominently and will be readily visible to the public. Port handbooks, manuals, and pamphlets will describe the requirements of federal nondiscrimination laws, including Title VI and the availability of language assistance, and federal nondiscrimination complaint procedures. Advertisements will state that the Port administers equal opportunity programs and indicate that federal law prohibits discrimination. The following is the notice that may be used by the Port:

“It is the policy of the Port to ensure full compliance with federal nondiscrimination laws in all programs and activities. The Port 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’s status, or age in any Port programs, services, or activities. For more information, to request language assistance, or to file a complaint about discrimination or retaliation, contact Amy Tharpe at (510) 627-1302; atharpe@portoakland.com.”

II. AUTHORITY AND GUIDANCE

Section 601 of Title VI of the Civil Rights Act of 1964¹ provides that no person “on the grounds 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.” The United States Supreme Court in *Lau v. Nicholls*, 414 U.S. 56 (1974) held that one type of national origin discrimination is discrimination based on a person’s inability to speak, read, write, or understand English.

Title VI and its implementing regulations prohibit recipients of Federal financial assistance from discriminating based on national origin and based on a failure to take reasonable steps to provide meaningful access to recipients’ programs, services and activities to individuals who are LEP. This protection requires that LEP Persons be provided an equal opportunity to benefit from or have access to services.

Under the U.S. Environmental Protection Agency (EPA) Regulation (40 CFR, Parts 5 and 7) and U.S. Department of Transportation (DOT) Regulation (49 C.F.R. 21.111(e)), recipients of EPA and DOT financial assistance are prohibited from taking

acts, including permitting 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 person or employee who has demonstrated proficiency in English and in reading, writing, speaking, or understanding at least one other language.

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

Limited English Proficient (LEP) Persons – LEP Persons 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 that they 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.

Primary Language – the language in which an individual most effectively communicates.

Qualified Interpreter - Qualified Interpreter means an in-house or contracted interpreter who is able to interpret effectively, accurately, and impartially for Limited English Proficient Persons and who meets the qualifications for proficiency and competency established by the Port. The Interpreter should be able to interpret both receptively and expressively, using any necessary specialized vocabulary.

Sight Translation – oral rendering of written text into spoken language by an Interpreter without change in meaning based on a visual review of the original text or document.

Translation – the replacement of a word, phrase, or text in one language with an equivalent-meaning word, phrase, or text in another language. Translating documents for LEP Persons to a fourth-grade literacy level ensures the targeted audience understands the information. Community-based organizations or focus groups can assist with testing translations for language and literacy level appropriateness.

Vital Documents – Paper or electronic written material that (i) contains information that is critical for accessing the Port’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 a Port program or activity; (ii) written letters or notices pertaining to rights and the reduction, denial, or termination of services or benefits or that require a response, including information about the right to appeal any Port program’s decision; (iii) written tests that do not assess English language competency, but test competency for a particular license or skill for which knowledge of written English is not required; (iv) notices advising LEP Persons of free language assistance; (v) materials explaining the Port’s programs, services, or activities; (vi) complaint forms; and (vii) any other written documents that have the potential for determining eligibility for, or access to, services from, or participating in, a Port program, service, or activity.

IV. ANNUAL SELF-ASSESSMENT AND LANGUAGE ACCESS PLAN

The Port will take reasonable steps to ensure LEP Persons have meaningful access to the information and services it provides.

The Port will consider the appropriate balance of written Translations and oral language assistance and will ensure meaningful access to Port programs, services, and activities.

Each program area will work with the Port of Oakland's Civil Rights Compliance Coordinator to ensure reasonable steps are taken to provide high-quality Interpretation and Translation services through individuals who are competent to provide those services at a level of fluency, comprehension, confidentiality, and timeliness appropriate to the specific nature, type, and purpose of the information at issue. Port program areas will collect, review, and share data with the Port of Oakland's Civil Rights Compliance Coordinator annually to determine the appropriate mix of language access services to provide LEP Persons meaningful access to the Port's programs, services, and activities. (See Appendix C)

The Port of Oakland's Civil Rights Compliance Coordinator will provide staff annually updated lists and contact information for available language access resources and provide any additional training or resources necessary for staff to perform their language access-related duties.

In planning to provide meaningful access to LEP Persons, the Port, through the Civil Rights Compliance Coordinator, will annually conduct a self-assessment and update the language access plan considering four factors with the goal of ensuring coordinated, cost-effective, delivery of high-quality language assistance services:

1. Demographics

The Port will annually assess the number or proportion of LEP Persons from a particular language group served or encountered in the surrounding community area.

The Port will consider a variety of sources for demographic information, including:

- United States Census Bureau (<http://factfinder.census.gov/>)

For 2019, the Port has determined that the most prevalent languages spoken by LEP Persons in the communities the Port serves are Spanish and Chinese. (See Appendix D, Port of Oakland Community Demographic Data)

2. Frequency of LEP Contact

The Port will gather and evaluate data on how often various language groups come in contact with the Port and take into consideration how Port programs, activities, and services affect those needs. (See Appendix C)

For 2019, the Port has determined that LEP Persons speaking Spanish and Chinese most frequently come into contact with Port programs, services, and activities.

3. Nature and Importance of the Services Provided

The Port will review the nature and importance of the Port's programs, activities, and services provided to that population.

4. Resources

The Port will evaluate the resources available to the Port and the costs of language services and will endeavor to plan for language services sufficient to provide meaningful access to its programs, services, and activities in a cost-effective manner.

V. LANGUAGE ASSISTANCE

The Port will take any reasonable steps necessary to provide LEP Persons meaningful access to all Port services, programs, or activities. Language assistance will be provided for LEP Persons through the Translation of Vital Documents, as well as through oral Interpretation in-person or by telephone.

Language services should 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 specified date and time to allow the Port to arrange for Interpreter or Translator services.

Interpreter and Translation services are available to program staff by contacting the Port of Oakland's Civil Rights Compliance Coordinator:

Amy Tharpe
Port of Oakland Civil Rights Compliance Coordinator
Social Responsibility Division
530 Water Street
Oakland, CA 94607
(510) 627-1302
atharpe@portoakland.com

A. Outreach

The Port will include LEP Persons and LEP communities in its public outreach and engagement strategies and plans by taking steps to target outreach and engagement efforts to reach LEP Persons and communities where appropriate.

B. Providing Notice to LEP Persons

The Port will provide information about free language assistance services by:

- Posting signs in English, Spanish, and Chinese about federal nondiscrimination 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, etc.
- Posting notices on the Port's website(s) in English, Spanish, and Chinese about federal nondiscrimination laws, including Title VI, and the availability of free language assistance services.
- Stating in outreach materials (brochures, booklets, pamphlets, and flyers) that language services are available.
- Working with community-based organizations to inform LEP Persons of the language assistance availability.
- Including notices in newspapers that are widely circulated in languages other than English.
- Providing notices in non-English language radio and television stations about the availability of language services for important events.
- Providing presentations and/or notices at religious organizations and schools for important events or where community involvement is critical.

C. Oral Interpretation

Bilingual Staffing

The Port will employ Bilingual staff in program areas when feasible, where the percentage of LEP Persons or potential individuals is statistically significant, or where the frequency of contact with such persons will provide for efficient and effective communication. A decision to employ Bilingual staff will be based on a needs assessment with due consideration given to budget constraints and in accordance with Port human resource policies and procedures. The Port will evaluate the proficiency of Bilingual staff before approving them for use to provide language services.

Interpretation

LEP Persons are not obligated to provide their own interpreter, although some 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 Port provided Qualified Interpreter rather than use a LEP Person's interpreter (e.g., a family member or friend).

The Port will ensure that it uses Qualified Interpreters, meaning they are able to interpret effectively, accurately, and impartially for individuals with limited English skills. The Interpreter must be able to interpret both receptively and expressively, using any necessary specialized vocabulary. A Qualified Interpreter will be:

- Proficient in and have the ability to communicate accurately in both English and in the other language, as well as employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization, or Sight Translation).

- Have knowledge in both languages of any specialized terms or concepts peculiar to the program, service, or activity.
- Understand and follow confidentiality and impartiality rules to the same extent as a Port employee for whom he/she is interpreting or to the extent that the position requires.
- Understand and adhere to his/her role as interpreter without deviating into a role as counselor, legal advisor, or another inappropriate role.

The Port contracts with International Contact, Inc. for in-person interpretation and uses the Port Public Access and Accommodations Line at (510) 627-1337 for telephone interpretation requests.

D. Translation of Written Documents Developed by Port Programs, Services, or Activities

The Port will arrange for Translation of Vital Documents developed by the Port by Qualified Translators when necessary to ensure meaningful access by LEP Persons. The Port will translate new Vital Documents into at least Spanish and Chinese and any other languages identified as appropriate by the Port LEP Plan at the same time or shortly after publication of the document in English. Port staff leading programs, services, or activities that develop or disseminate new Vital Documents must contact the Port's Civil Rights Compliance Coordinator to arrange timely Translation.

The Port will translate existing Vital Documents on an ongoing basis prioritized based on the LEP population percentage, the importance of the document(s), and the importance of the program, service, or activity. Port staff leading each program, service, or activity will identify existing Vital Documents and contact the Port Civil Rights Compliance Coordinator to arrange timely Translation into Spanish and Chinese and any other languages spoken by LEP Persons who frequently come into contact with the program, service, or activity.

Upon request from an LEP Person for a translated Vital Document into a language that has not already been prepared, Port staff will contact the Port's Civil Rights Compliance Coordinator to arrange Translation of the document if it can be reasonably accomplished on a timely basis. If Translation cannot be reasonably accomplished on a timely basis, the Civil Rights Compliance Coordinator or program staff will take reasonable steps to provide Sight Translation or other meaningful communication of the document as appropriate.

If a Vital Document distributed through a Port program was created by another Port program or by a third party, the Port's Civil Rights Compliance Coordinator will seek translated versions from the creating entity.

Examples of Vital Documents include:

- Emergency information.
- Notices of proposed public hearings regarding proposed projects or programmatic changes affecting the public.

- Notices of reduction, denial, or termination of services or benefits.
- Signs in reception areas and other points of initial entry, *e.g.*, lobbies, public counters.
- Notices advising LEP Persons of free language assistance.
- Statements about the services available and the right to free language assistance services in brochures, pamphlets, outreach and recruitment information and other materials routinely disseminated to the public.
- Applications or instruction on how to participate in a program or activity or to receive benefits or services.

Whether or not a document (or the information it solicits) is “Vital” may depend on 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.

The Port 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. Where Vital Documents are being translated, competence can often be achieved by use of certified translators.

The Port contracts with International Contact, Inc. for Translation services.

VI. HOW WE ASSIST LEP PERSONS

A. Interaction with Walk-In LEP Persons

The Port will take reasonable steps to provide language assistance as needed for in-person contact with LEP Persons. Language identification cards (or “I speak cards”) invite LEP Persons to identify their language needs to program staff. The Federal government has made these cards available at <https://www.lep.gov/ISpeakCards2004.pdf>. The Port will disseminate these cards (Appendix A) to all Port employees to be used with the Walk-In LEP Persons procedures below.

1. The Port employee will attempt to communicate in English first to determine if the individual can understand English sufficiently to be fully understood.
2. If the individual cannot understand or effectively communicate in English, the Port employee will determine the language he or she is speaking. If the Port employee recognizes the language the LEP Person is speaking but does not speak that language, skip to Step 4.
3. If the Port employee cannot recognize the language the individual is speaking, show him/her the Language Identification Flashcard (see Appendix A) so the LEP Person can point to his/her language.
4. The Port employee will call the Port Public Access and Accommodations Line at (510) 627-1337.
 - i. The Port employee will enter the PIN code assigned to the Division and enter the code of the identified language.

- ii. The Port's Interpretation/Translation Supplier International Contact will work with the Port employee to secure an interpreter in the LEP Person's Primary Language by telephone.
- iii. The interpreter will interpret the communications between the LEP Person and the Port employee.
- 5. The Port employee will give the LEP Person a Title VI brochure in his or her language, if available.
- 6. The Port employee will make every effort to give the LEP Person the same level of service as an English-speaking customer.
- 7. The Port employee will be sure to thank the interpreter for his/her assistance.

B. Phone calls from LEP Persons

The Port will take steps to respond in a timely and effective manner to LEP Persons who call seeking information or assistance. The Port will utilize the following steps assisting phone-in LEP Persons:

- 1. The Port employee will attempt to communicate in English first to determine if the individual can understand English sufficiently to be fully understood.
- 2. If the individual cannot understand or effectively communicate in English, the Port employee will call the Port Public Access and Accommodations Line at (510) 627-1337 and staff will connect the employee to the Port's interpretation service.
 - i. The Port employee will enter the PIN code assigned to the Division.
 - ii. If the Port employee recognizes the LEP Person's Primary Language, the Port employee will enter the code of the identified language.
 - iii. The interpreter will interpret the communications between the LEP Person and the Port employee.
- 3. The Port employee will make every effort to give the LEP Person the same level of service as an English-speaking customer.
- 4. The Port employee will be sure to thank the interpreter for his/her assistance.

C. Advance Requests for In-Person Interpretation

The Port is committed to using Qualified Interpreters upon advance request for in-person appointments and public meetings. In general, the Port asks that LEP Persons give five (5) business days advance notice of a request for Interpretation. However, if such advance notice is not received, Port employees will attempt to arrange Interpretation through the Port's Civil Rights Compliance Coordinator. If an in-person Qualified Interpreter is not available, Port employees will take reasonable steps to arrange communication through video Interpretation, through the Port Public Access and Accommodations Line at (510) 627-1337, or through other means.

D. Written Translation Services

When Translation of a Vital Document is requested by an LEP Person into a language in which translation has not already been provided, Port staff will:

- Attempt to determine the LEP Person’s Primary Language, using “I Speak” cards, <https://www.lep.gov/ISpeakCards2004.pdf> (Appendix A).
- Contact the Port of Oakland’s Civil Rights Compliance Coordinator to arrange timely Translation of the document into the requested language.
- In the case of a document created or distributed by another Port program or by a third party, contact the Port of Oakland Civil Rights Compliance Coordinator, who will contact the program or third party that created or distributed the document to arrange for a version translated into the requested language on a timely basis.
- If the document cannot be translated into the requested language on a timely basis, the Port’s Civil Rights Compliance Coordinator or program staff will take reasonable steps to provide Sight Translation or other meaningful communication of the document as appropriate.

When a Port program writes a Vital Document to a particular LEP Person:

- Program staff will draft the document in English.
- Program staff will identify the Primary Language of the LEP Person.
- Program staff will request the Port Civil Rights Compliance Coordinator to arrange timely Translation of the document into the requested language.
- Program staff will send the document in both English and as translated to the LEP Person and will retain copies of both versions.
- Program staff will make every effort to give the LEP Person the same level of service as an English-speaking customer.

VII. TECHNICAL ASSISTANCE AND TRAINING

A. Training

Training staff on the procedures of providing language assistance and how to determine whether and what type of language services an individual needs is essential to bridging the gap between policies or procedures and actual practices. The Port will provide employees annual training on Title VI, the Port’s language access obligations, how to obtain language assistance services, how to work with Qualified Interpreters and translators, and how to properly handle a complaint alleging discrimination under federal nondiscrimination laws, including Title VI (see Appendix B): Port of Oakland Discrimination and Compliance/Review Grievance Procedure).

All managers and supervisors will be trained even if they do not interact regularly with LEP Persons, to ensure that 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 Port of Oakland’s Civil Rights Compliance Coordinator is responsible for providing managers and staff with technical assistance. This includes advising about LEP requirements and implementation and assisting in developing program area procedures to ensure compliance.

VIII. MONITORING AND COUNTINUAL ASSESSMENT

Managers and supervisors are responsible for ensuring that meaningful services to LEP Persons are provided in their respective program areas. The Port's LEP Plan must be incorporated by reference into the appropriate program procedure manuals in order to ensure that employees are aware of their obligations for compliance.

The Port of Oakland Civil Rights Compliance Coordinator will monitor programs on an ongoing basis to ensure LEP requirements are fulfilled and report annually on the accomplishments related to LEP activities to Port leadership and as required to federal agencies. In monitoring compliance, an assessment will be made whether the program area's procedures allow LEP Persons to overcome language barriers and participate in a meaningful way in the program, activities, and services. The program area's appropriate use of methods and options detailed in this LEP Plan will demonstrate their intent to comply with LEP requirements and Title VI.

A vital resource in this evaluation process will be the procedures developed to identify LEP Persons who need language assistance. As soon as Interpretation/Translation assistance is provided, the services will be documented by program staff completing the LEP Reporting Form (see Appendix C). Once the form is completed, it will be sent to the Port's Civil Rights Compliance Coordinator. Information from this form will be included in the annual self-assessment, LEP Plan, and reports.



Programs will maintain documentation, including:

- Nature of the service (walk-in, telephone, or translation of a document).
- Means by which assistance was rendered (program area or district volunteer, local volunteer, etc.).
- Language translated or interpreted.
- Race and national origin of LEP Person.
- Subject matter or services rendered.
- Date, time (start to finish).

IX. CONCLUSION

Providing meaningful access to LEP Persons to the Port's programs, services, and activities is an important effort that will help the Port to achieve its mission of providing equitable and timely services to all persons. As we work together to ensure meaningful access, LEP Persons will gain access to the Port's valuable programs, services, and activities.

APPENDIX A: LANGUAGE IDENTIFICATION FLASHCARDS

 	
LANGUAGE IDENTIFICATION FLASHCARD	
<input type="checkbox"/> املأ هذا المربع إذا كنت تقرأ أو تتحدث العربية.	Arabic
<input type="checkbox"/> Խնդրում ենք նշում կատարել այս բառակազմում, եթե խոսում կամ կարդում եք հայերեն:	Armenian
<input type="checkbox"/> যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।	Bengali
<input type="checkbox"/> សូមបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	Cambodian
<input type="checkbox"/> Matka i kahhon komu un taitai pat un sang i Chamorro.	Chamorro
<input type="checkbox"/> 如果您具有中文閱讀和會話能力，請在本空格內標上X記號。	Chinese
<input type="checkbox"/> Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.	Creole
<input type="checkbox"/> Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	Croatian (Serbo-Croatian)
<input type="checkbox"/> Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	Czech
<input type="checkbox"/> Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	Dutch
<input type="checkbox"/> Mark this box if you read or speak English.	English
<input type="checkbox"/> اگر خواندن و نوشتن فارسی بدرهستین، این مربع را علامت بگذارید.	Farsi

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<input type="checkbox"/> Cocher ici si vous lisez ou parlez le français.	French
<input type="checkbox"/> Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	German
<input type="checkbox"/> Σημειώστε αυτό το πλαίσιο αν διαβάσετε ή μιλάτε Ελληνικά.	Greek
<input type="checkbox"/> अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस गोले पर चिह्न लगाएँ।	Hindi
<input type="checkbox"/> Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	Hmong
<input type="checkbox"/> Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet.	Hungarian
<input type="checkbox"/> Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	Ilocano
<input type="checkbox"/> Marchi questa casella se legge o parla italiano.	Italian
<input type="checkbox"/> 日本語を読んだり、話せる場合はここに印を付けてください。	Japanese
<input type="checkbox"/> 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	Korean
<input type="checkbox"/> ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກົດພາສາລາວ.	Laotian
<input type="checkbox"/> Zaznacz tę kratkę jeżeli czyta Pan/Pani lub mówi po polsku.	Polish
<input type="checkbox"/> Assinale este quadrado se voce lê ou fala Português.	Portuguese

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<input type="checkbox"/> Însamnați această casuță dacă citiți sau vorbiți Românește.	Romanian
<input type="checkbox"/> Пометьте этот квадратик, если вы читаете или говорите по-русски.	Russian
<input type="checkbox"/> Maka pe fa'ailoga le pusa lea pe afai e te faitau pe tusitusi i le gagana Samoa.	Samoaan
<input type="checkbox"/> Обележите овај квадратих уколико читате или говорите српски језик.	Serbian (Serbo-Croatian)
<input type="checkbox"/> Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	Slovak
<input type="checkbox"/> Marque esta casilla si lee o habla español.	Spanish
<input type="checkbox"/> Markahan ang kahon na ito kung ikaw ay nagsasalita o nagbabasa ng Tagalog.	Tagalog
<input type="checkbox"/> ให้กาเครื่องหมายลงในช่องสี่เหลี่ยมหรือทุกภาษาไทย.	Thai
<input type="checkbox"/> Faka'ilonga'i 'ae puha ko'eni kapau 'oku te lau pe lea 'ae lea fakatonga.	Tongan
<input type="checkbox"/> Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	Ukrainian
<input type="checkbox"/> اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانہ میں نشان لگائیں.	Urdu
<input type="checkbox"/> Xin đánh dấu vào ô này nếu quý biết đọc và nói được Việt Ngữ.	Vietnamese
<input type="checkbox"/> צייכנט דעם קעסטל אויב איר שרייבט אדער ליינט אידיש.	Yiddish

D-3309



PORT OF OAKLAND DISCRIMINATION COMPLAINT AND COMPLIANCE REVIEW/GRIEVANCE PROCEDURE

Federal law prohibits discrimination on the bases of race, color, national origin, disability, sex, and age in programs and activities receiving federal financial assistance.

Discrimination includes, but is not limited to, excluding an individual from participation in or denying an individual the benefits of any program or activity receiving Federal financial assistance due to the individual's race, color, national origin, sex, age, or disability. Discrimination also includes retaliation, intimidation, coercion or threats against any individual who has complained, testified, assisted, or participated in a complaint, investigation, or other proceeding under federal nondiscrimination laws, including Title VI.

The Port of Oakland ("Port") does not exclude, deny benefits to, or otherwise discriminate against any person on the basis of race, color, religion, ancestry, ethnic group identification, national origin, creed, disability, mental disability, physical disability, medical condition, genetic information, marital status, age, veterans status, or sex (including actual or perceived sexual orientation or gender identity) in the administration of its programs or activities, including the Seaport, Oakland International Airport, and Commercial Real Estate programs, whether carried out by the Port directly, through a contractor, or any other entity with whom the Port arranges to carry out its programs and activities.

This Complaint and Compliance Review/Grievance Procedure is established so that any member of the public who believes he or she has been subjected to discrimination in the receipt of benefits and/or services from the Port on the basis of race, color, religion, ancestry, ethnic group identification, national origin, creed, disability, mental disability, physical disability, medical condition, genetic information, marital status, age, veteran's status, or sex (including actual or perceived sexual orientation or gender identity) and wishes to file a complaint may do so following the outline below. In addition, the Port's Civil Rights Compliance Coordinator may, on her own initiative, undertake compliance reviews to investigate compliance of Port departments with Title VI, the ADA, Section 504, and other federal and state civil rights laws in the absence of a complaint on a periodic basis. The Port is prohibited from retaliating against any member of the public who files a complaint under these procedures and any retaliation will be handled promptly if it occurs.

The complaint shall be in writing and contain information about the complainant and the alleged discrimination such as:

1. The name, address, and phone number of complainant;
2. The name of the Port department and/or employee(s) against whom the complaint is filed;
3. The location, date, and description of the alleged violation; and
4. The signature of the complainant or his or her designee.

Please see the **TITLE VI/504/ADA and Related Statutes Discrimination Complaint Form** at the end of this Procedure.

If the complainant is unable to submit the complaint in writing, he or she may call the Port of Oakland Civil Rights Compliance Coordinator to submit a verbal complaint.

The complaint shall be submitted by the complainant or his or her designee as soon as possible but no later than 180 calendar days after the alleged violation to:

Amy Tharpe, Port of Oakland Civil Rights Compliance Coordinator
Social Responsibility Division
530 Water Street
Oakland, CA 94607
(510) 627-1302
atharpe@portoakland.com

If a complaint is submitted directly to a Port Department, office, or staff member, the Port Department, office, or staff member shall forward the complaint to the Port Civil Rights Compliance Coordinator within 5 calendar days.

Within 10 calendar days after receipt of the complaint:

- a. the Port Civil Rights Compliance Coordinator will make a determination of whether the Port has jurisdiction over the complaint, and send the complainant an acknowledgment letter informing her/him whether the complaint will be investigated. This letter will also inform the complainant of his/her right to file directly with the federal agency;
- b. for complaints regarding the Oakland International Airport, the Port Civil Rights Compliance Coordinator will forward a copy of the complaint to the appropriate federal agency as required, along with a statement describing all actions taken to resolve the matter and the results thereof, within 15 days of receipt;
- c. if the Port Civil Rights Compliance Coordinator finds jurisdiction, s/he will notify the Port Department that is the subject of the complaint and request a response to the complaint, and will begin an investigation. The investigation may include interviews of the complainant, Port employees, contractors, subcontractors, subgrantees, and witnesses to the alleged discrimination, as well as review of any physical or written evidence.

The Port Civil Rights Compliance Coordinator may attempt to conciliate and resolve the complaint through a mutually agreeable solution. Any such informal resolution must be signed by both the Port Department that is the subject of the complaint and the complainant. Absent extenuating

circumstances, the Port Civil Rights Compliance Coordinator will complete her investigation and resolution efforts within 30 days after beginning the investigation.

An appropriate, prompt, and impartial investigation of any allegations filed under federal non-discrimination statutes will be conducted. A preponderance of the evidence standard will be applied during the analysis of the complaint.

When the Port Civil Rights Compliance Coordinator determines that discrimination has occurred, and an informal resolution is not reached, the Port Civil Rights Compliance Coordinator shall determine any necessary remedial actions and order the complained-of Port Department to implement the accepted recommendations.

Absent extenuating circumstances, the Port Civil Rights Compliance Coordinator will provide a written response to the complaint within 45 calendar days after beginning the investigation. The Coordinator will issue one of three letters:

- a. a closure letter summarizing the allegations and stating that there was not a violation and that the case will be closed; or
- b. a letter of resolution summarizing the allegations and describing the informal resolution mutually agreed to by the complainant and the Port Department about which the complaint was submitted; or
- c. a letter of finding (“LOF”) summarizing the allegations and the investigation of the alleged complaint, and explaining any remedial action to be taken by the Port.

If the response does not satisfactorily resolve the issue, the complainant or the Port Department may appeal the decision to the Port’s Executive Director within 15 calendar days after receipt of the response from the Port Civil Rights Compliance Coordinator. Within 15 calendar days after receipt of the appeal, the Port Executive Director or his or her designee will meet with the complainant and the affected Port Department to discuss the complaint and possible resolutions. The Port Executive Director or his or her designee may also interview witnesses and review any physical or written evidence. Within 15 calendar days after the meeting with the complainant and Port Department, the Port Executive Director or his or her designee will respond in writing to the complainant, with a final resolution of the complaint.

If at any time a delay is expected, the Port Civil Rights Compliance Coordinator will notify the complainant in writing of the reasons(s) for the delay and the expected date for a response.

The Port Civil Rights Compliance Coordinator shall maintain records of complaints received, informal resolutions, investigation findings, appeals, and appeal decisions. The Port Civil Rights Compliance Coordinator shall document actions taken to resolve each complaint, communicate complaint activity to the appropriate federal agency as required, and maintain copies of complaints and documentation of their resolution for a period of not less than two (2) years.

The Port Civil Rights Compliance Coordinator (through the Executive Director) shall furnish a report to the Board of Port Commissioners at least annually regarding the number, nature, and status of complaints.

These procedures do not deny the right of the complainant to file a complaint with state or federal agencies, or to pursue litigation for complaints alleging discrimination, intimidation, or retaliation of any kind that is prohibited by law.



**TITLE VI/504/ADA and Related
Federal and State Statutes
Discrimination Complaint Form**

FOR OFFICE USE ONLY	
Date: _____	Reviewer Initials: _____

Name of Complainant: _____	Home Telephone Number: _____	Work Telephone Number: _____
-------------------------------	---------------------------------	---------------------------------

Mailing Address:

What is the most convenient time for us to contact you about this complaint?

Basis of Discriminatory Action(s):

<input type="checkbox"/> RACE	<input type="checkbox"/> SEX	<input type="checkbox"/> MARITAL STATUS
<input type="checkbox"/> COLOR	<input type="checkbox"/> NATIONAL ORIGIN/ANCESTRY	<input type="checkbox"/> VETERAN'S STATUS
<input type="checkbox"/> RELIGION/CREED	<input type="checkbox"/> PHYSICAL/MENTAL DISABILITY	<input type="checkbox"/> GENETIC INFORMATION
<input type="checkbox"/> AGE	<input type="checkbox"/> MEDICAL CONDITION	<input type="checkbox"/> RETALIATION

Date and place of alleged discriminatory actions. Please include earliest date of discrimination and most recent date of discrimination:

How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional page(s), if necessary).

Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attached additional page(s), if necessary).

<u>Name</u>	<u>Address</u>	<u>Telephone</u>
_____	_____	_____
_____	_____	_____

Signature of Complainant

Date

APPENDIX C:

PORT OF OAKLAND LEP REPORTING FORM

TITLE VI PLAN
LIMITED ENGLISH PROFICIENCY (LEP) REPORTING FORM

DATE: _____

NAME: _____

PROGRAM AREA: _____

DATE OF REQUEST: _____ DATE OF SERVICE: _____

HOW DID THE LEP PERSON CONTACT YOU?

WALK-IN: _____

ONLINE: _____

TELEPHONE: _____

IN WRITING: _____

LANGUAGE _____

TYPE OF SERVICE	REQUESTED	PROVIDED
------------------------	------------------	-----------------

WALK-IN INTERPRETATION: _____

TELEPHONE INTERPRETATION: _____

ADVANCE REQUEST IN-PERSON INTERPETATION: _____

TRANSLATION OF DOCUMENT: _____

TYPE OF INTERACTION/DOCUMENT

UNSCHEDULED MEETING: _____ SCHEDULED MEETING: _____

TELEPHONE REQUEST: _____ ONLINE REQUEST/SUBMISSION: _____

PUBLIC MEETING/EVENT: _____ APPLICATION OR FORM: _____

LETTER: _____ COMPLAINT: _____

BROCHURE/PAMPHLET/HANDOUT: _____

OTHER (PLEASE SPECIFY): _____

LANGUAGE SERVICE WAS PROVIDED BY:

DEPARTMENT VOLUNTEER _____ MULTILINGUAL EMPLOYEE _____

TELEPHONE INTERPRETER _____ IN-PERSON CONTRACT INTERPRETER _____

CONTRACT TRANSLATOR _____ OTHER (PLEASE SPECIFY) _____

PLEASE SEND COMPLETED FORM TO:

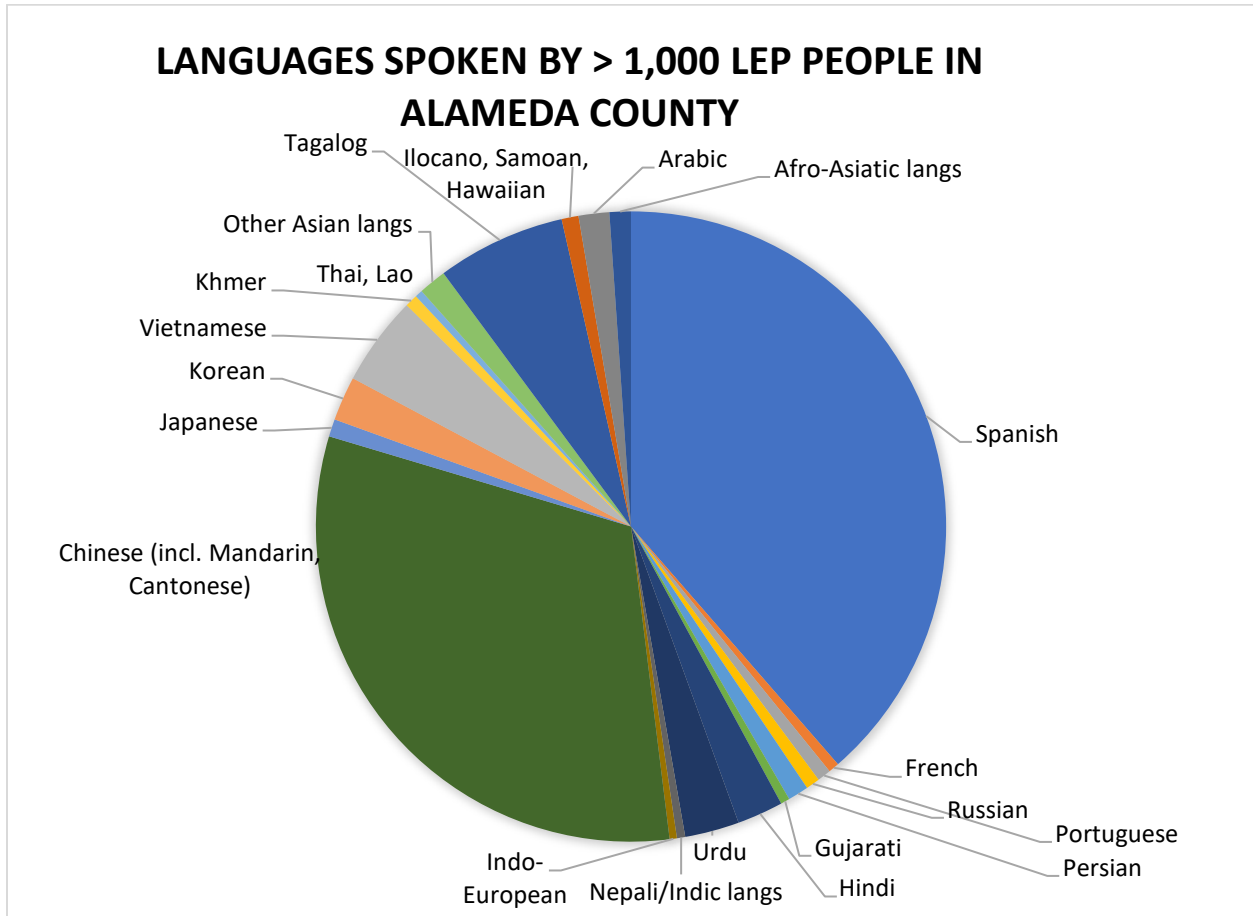
Amy Tharpe, Port of Oakland Civil Rights Compliance Coordinator

Social Responsibility Division

530 Water Street, Oakland, CA 94607

(510) 627-1302 atharpe@portoakland.com

Port Oakland Select Community Demographic Data

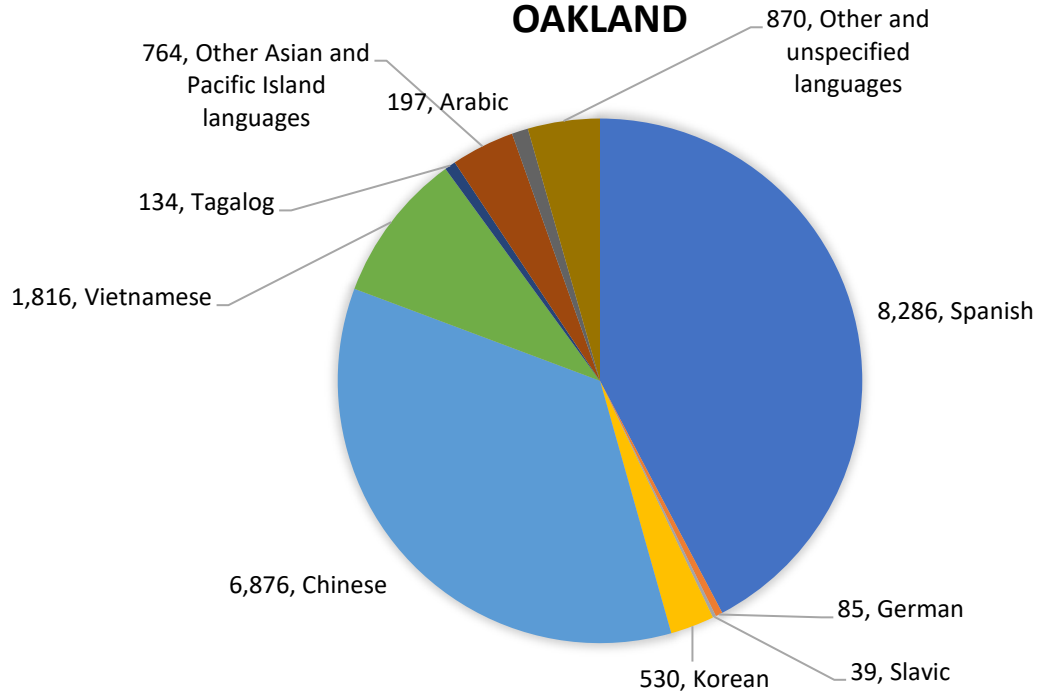


Spanish	104,304	Arabic	4,249	Khmer	1,759
Chinese	85,330	Other Asian langs	3,855	French	1,489
Tagalog	17,858	Persian	2,873	Gujarati	1,256
Vietnamese	12,423	Japanese	2,429	Afro-Asiatic Langs	2,960
Hindi	6,379	Ilocano, Samoan, Hawaiian	2,344	Nepali/Indic langs	1,153
Urdu	7,538	Russian	1,927	Thai, Lao	1,045
Korean	6,147	Portuguese	1,895		

Source:

<https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

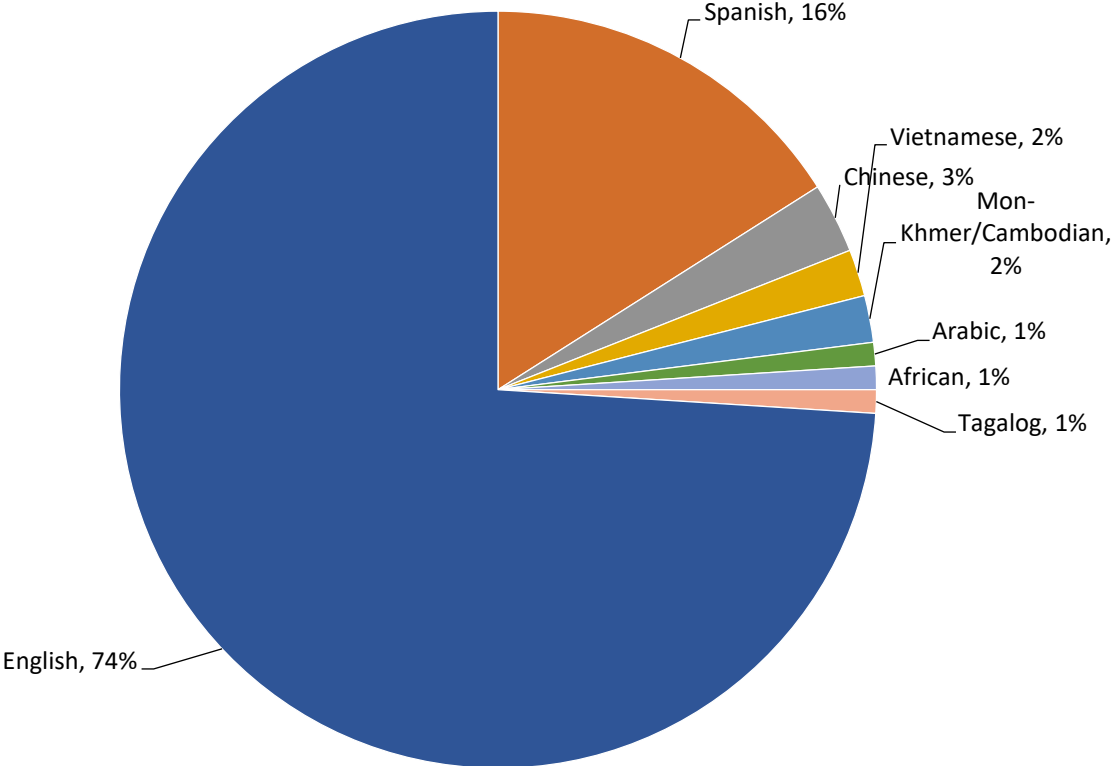
LANGUAGES SPOKEN IN LEP HOUSEHOLDS - CITY OF OAKLAND



Source:

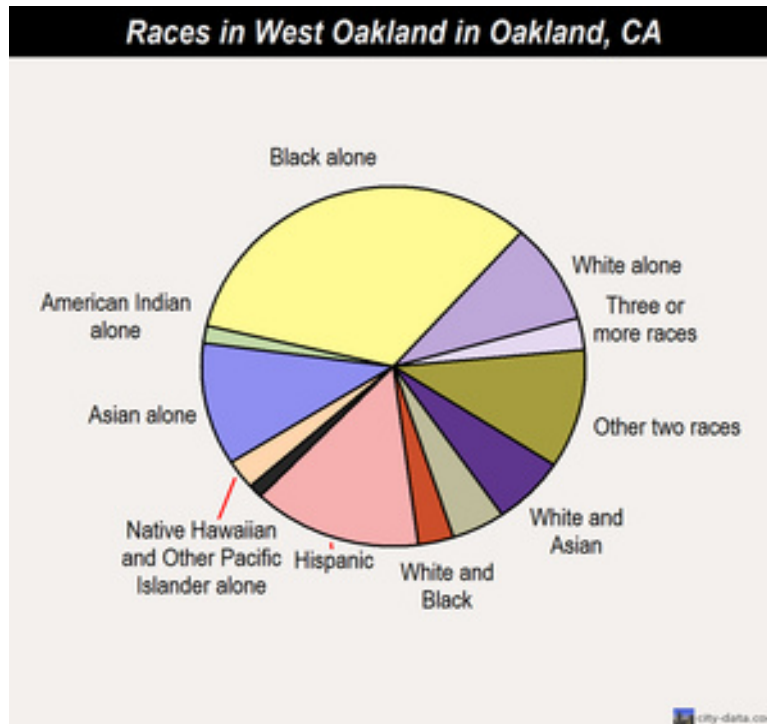
https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_17_1YR_B16002&prodType=table

West Oakland Languages Spoken at Home



West Oakland Languages Spoken at Home

Spanish	16%	32000
Chinese	3%	6000
Vietnamese	2%	4000
Mon-Khmer/Cambodian	2%	4000
Arabic	1%	2000
African	1%	2000
Tagalog	1%	2000
English	74%	148000



<http://www.city-data.com/neighborhood/West-Oakland-Oakland-CA.html>

2016 Data	West Oakland	Oakland	2016 Data	West Oakland	Oakland
Median Household Income	\$36,177	\$68,060	Educational Attainment		
Median Rent	\$904	\$1,216	Less than high school	35%	19.2%
Average household size	4.3 ppl	2.6 ppl	High school	8.3%	14.8%
% below poverty level	32%	18.9%	Less than 1 year college	5.5%	4%
% of family households	35.2%	40.8%	1 or more years college	16.9%	14.4%
% single-mother households	36.5%	10.7%	Associate's degree	7.9%	6.6%
% married-couple families	20.2%	36.3%	Bachelor's degree	15.1%	24.1%
% married couples w/children	32.4%	24.6%	Master's degree	7.4%	11%
% married couples both work	99.6%	66.1%	Prof'l school degree	2.5%	3.7%
% speaking English not well	10.3%	14.3%	Doctorate degree	1.5%	2.4%
Avg # of cars in houses	1.7	2			
Avg # of cars in apartments	.8	1.1			

<http://www.city-data.com/neighborhood/West-Oakland-Oakland-CA.html#ixzz5HPaVX4kr>

Occupations	West Oakland	Oakland
Management		
Males	8.8%	11%
Females	6.5%	11.4%
Business/Financial Operations		
Males	6%	5%
Females	4.9%	6%
Computer/Mathematical		
Males	5.2%	5.6%
Females	2%	1.9%
Architecture/Engineering/ Science		
Males	1.9%	2.3%
Females	1.1%	2.1%
Community/Social Services		
Males	1.2%	1.7%
Females	3.1%	3.1%
Legal		
Males	1.1%	2.1%
Females	1.9%	2.5%
Education/Training		
Males	5.5%	4.3%
Females	10.3%	9%
Arts/Design/Entertainment/Sports/Media		
Males	5.3%	4.5%
Females	4.3%	4.2%
Healthcare/Technical		
Males	1.5%	2.4%
Females	5.1%	5.9%
Service		
Males	22.8%	17.7%
Females	28.8%	23.4%
Sales/Office		
Males	16%	15.1%
Females	26.1%	23.9%
Construction/Maintenance		
Males	6.5%	9.4%
Females	-	-
Production		
Males	4.3%	4.7%
Females	2.6%	2.6%
Transportation		
Males	5.2%	5.1%
Females	-	-
Material Moving		
Males	5.1%	3.8%
Females	1.3%	1.1%

<http://www.city-data.com/neighborhood/West-Oakland-Oakland-CA.html>