#### A picture containing text, sign  Description automatically generated

#### LUIS MUÑOZ MARÍN INTERNATIONAL AIRPORT (SJU)

#### LIMITED SPANISH PROFICIENCY PLAN (LSPP)

####

### TABLE OF CONTENTS

TITLE PAGE NO.

Introduction 1

Definitions. 1

Four Factor Analysis 2

Staff Notification and Training………………………………………………………………....4

Monitoring and Updating the LSPP 4

Attachment A Complaint Procedure and Form 5

####

#### INTRODUCTION

Aerostar Airport Holdings, LLC (Aerostar) is the private operator of the Luis Muñoz Marín International Airport (SJU) located in Carolina, Puerto Rico. SJU is the main airport in the Puerto Rican archipelago serving approximately 9.7 million passengers per year and providing airline passenger services, as well as air cargo and general aviation services. As a recipient of federal financial assistance, Aerostar is required to comply with *Title VI of the Civil Rights Act of 1964*. Historical and cultural factors in Puerto Rico forces us to make an adaptation to our Limited English Proficiency Plan. Puerto Rico’s total population is around 3.2 million people, of which approximately 3 million speaks Spanish as their main language and of those 2.5 million people speak English “less than very well” [[1]](#footnote-1). Therefore, since Puerto Rico is a Spanish-speaking *territory* of the United States, Language Assistance Services at SJU will focus on persons with Limited Spanish Proficiency (LSP). An LSP Person is one who does not speak Spanish as their primary language and has a limited ability to ready, write, speak or understand Spanish.

Aerostar has developed this LSP Plan (LSPP) to ensure that persons with LSP have meaningful access to SJU’s programs, services and activities and to ensure that no person shall, on the grounds of race, color or national origin, be excluded from participating in, or be denied the benefits of, or be subject to discrimination under any SJU program, service or activity. This LSPP is enacted in accordance with *49 CFR Part 21, “Nondiscrimination in Federally Assisted Programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964”;Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency”*,and *Federal Register, Volume 70, No. 239, “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons”.*

#### DEFINITIONS

1. Aerostar Customer Services Employees – an employee that have direct contact with passengers, customers and general public. These include, security officers, passenger service agents, taxi dispatchers, parking personnel and Aerostar Convenience Stores employees.
2. Bilingual Employee – a SJU staff person or employee who has demonstrated proficiency in Spanish and reading, writing, speaking or understanding the English language.
3. Four Factor Analysis – an individualized assessment provided by the Department of Transportation for identification of particular languages that need to be accommodated in particular situations and should be used to identify the language needs of the affected populations served at the airport.
4. Interpretation – the act of listening to something in one language (source language) and orally translating it into another language (target language).
5. Language Assistance Services – oral and written language services needed to assist LSP Persons to communicate effectively with staff, and to provide LSP Persons with meaningful access to airport program, services and/or activities.
6. LSP Person – an individual who does not speak Spanish as their primary language and has limited ability to read, write, speak or understand Spanish.
7. Meaningful Access – language assistance that results in accurate, timely and effective communication at no cost to LSP Person.
8. Title VI Training – a Power Point presentation provided to SJU’s tenants that provides an overview on Title VI, Title VI Complaint Form & Procedure and Limited Spanish Proficiency.
9. Translation – the replacement of written text from one language (source language) into an equivalent written text in another language (target language).

#### FOUR FACTOR ANALYSIS

The following four factors are considered in assessing the needs of Language Assistance Services for LSP Persons at SJU, as required by the Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons:

1. Number/proportion of LSP Persons eligible to be served or likely to be encountered in SJU
2. Frequency of contact between LSP Persons and SJU’s services
3. The nature and importance of SJU’s programs, activities or services provided
4. The resources available to Aerostar

**First Factor – Number/Proportion of LSP Persons in SJU Area Frequency**

The first factor of the Four Factor Analysis establishes that the greater the number/proportion of LSP Persons in SJU’s service area, the more likely language services are needed. The eligible service population for SJU has been defined as persons living in Puerto Rico.

To better determine the local demographics of Puerto Rico, the U.S Census Bureau 2019, American Community Survey (ACS) Language Spoken at Home and Ability to Speak English for Population Over 5 Years and Older was referenced, which demonstrated that the population of Puerto Rico is 3,174,824 of which 2,994,452 (94%) speaks Spanish as their main language and 175,180 (5.5%) speaks only English. The English language reach the Safe Harbor Threshold of 1,000 or 5% of the population, whichever is less, to be eligible for Language Assistance Services at the service area of SJU.

This information provides a framework to help establish the Language Assistance Services needed to ensure that LSP Persons that come into contact with SJU sponsored programs and services have equal access and opportunities to its services, programs and activities without regard to language barriers or national origin.

**Second Factor – Frequency of Contact Between LSP Persons and SJU’s Services**

The second factor establishes that the more frequent the contact between the services and the LSP population, the more likely the need for enhanced language services. SJU is a medium hub airport that serves about 9.5 million passengers annually. Most flight destinations at SJU are to the United States mainland and a few other flights are to Spanish speaking countries. The frequency of contact between English speaking persons and SJU services, activities and programs is on a daily basis. Therefore, Language Assistance Services at SJU will be focused on English language.

**Third Factor – The Nature and Importance of SJU’s Programs, Activities or Services Provided**

Services provided at SJU:

* Taxi Dispatchers
* Parking Service
* Security
* Passenger Service Agents
* Aerostar Convenience Stores
* Car Rentals
* Food and beverage
* Retail sale
* Ground Transportation
* Commercial Aviation
* General Aviation
* Fixed Base Operators

The third factor establishes, in essence, that if a delay or denial of access to a particular service, program or activity could have serious health or life-threatening implications it is probably “important”. The aforementioned services are considered important to the operation of SJU. However, with the majority of airport employees being bilingual, meaningful access to services is assured.

**Fourth Factor – The Resources Available to Aerostar**

The fourth factor requires Aerostar to determine the level of resources needed to ensure meaningful access to LSP population. The following resources are available at SJU:

* Most of the airport’s staff is bilingual
* Aerostar Customer Services Employees are fully bilingual (English/Spanish)
* Public Announcements are provided in English and Spanish
* Signage through SJU is in English and Spanish
* Title VI program information at Information Booths is provided in English and Spanish
* Airport Emergency Plan addresses how to assist LSP population
* Unlawful Discrimination posters are conspicuously displayed through SJU

#### STAFF NOTIFICATION AND TRAINING

The LSPP will be made available electronically to all airport community members and general public at SJU’s website. Also, all SJU tenants will be given a copy of the LSPP with a Title VI training that includes information on the LSPP. Tenants will sign and acknowledgement of receipt and will make the compromise to train their staff with the Title VI Training provided by Aerostar.

Aerostar will provide a Title VI Training, including information on LSPP, along with the SIDA badge training, to all airport employees on a yearly basis.

The Title VI Training for SJU’s tenants and employees shall include:

* Information on the Title VI policy and LSPP
* Description of language assistance services offered to the public
* How to handle a potential Title VI/LEP complaint using SJU’s Complaint Procedure & Form

#### MONITORING AND UPDATING THE LSP PLAN

Aerostar will review this plan on an annual basis to ensure that existing services are sufficient to meet the needs of LSP Persons and comply under the provisions of Title VI Civil Rights Act of 1964. However, on an as needed basis, Aerostar has the authority to make revisions and/or updates to this plan in response to complaints received or changes in the LSP population.

ATTACHMENT A

Title VI Complaint Procedure & Form



Luis Muñoz Marín International Airport (SJU)

Title VI Complaint Procedures and Complaint Form



Table of Contents

[Table of Contents 2](#_TOC_250007)

[Introduction 3](#_TOC_250006)

[When to File 4](#_TOC_250005)

[Where to File 4](#_TOC_250004)

[Required Elements of a Complaint 4](#_TOC_250003)

[Incomplete Complaints 5](#_TOC_250002)

[Records of Complaints 5](#_TOC_250001)

[Complaint Process Overview 5](#_TOC_250000)-6

Receipt of Compliant Flowchart 7

Discrimination Compliant Form 8-10

**Introduction**

Luis Muñoz Marín International Airport (SJU), as a recipient of Federal financial assistance and under Title VI of the Civil Rights Act of 1946 (Title VI) and related statuses, ensures that no person shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination or retaliation under any federally or non-federally funded airport programs or activities administer under Aerostar Airport Holdings, LLC (Aerostar) or its contractors on the basis of race, color, national origin.

This policy establishes a procedure by which persons may file a complaint alleging discrimination in Aerostar’s provision of services, administration of programs, or activities. These prohibitions extend from Aerostar, as a direct recipient of federal financial assistance, to its sub-recipients (e.g., contractors, consultants, local government authorities, etc.). All programs funded in whole or in part from Federal financial assistance are subject to Title VI requirements. The Civil Rights Restoration Act of 1987 extended this to all programs within the airport that receives Federal assistance regardless of the funding source for individual programs.

This policy is intended to establish a procedure under which complaints alleging discrimination in Aerostar’s provisions, services, or Aerostar’s activities can be made by persons who are not employees of Aerostar.

Any person who believes that Aerostar, or any entity who receives Federal financial assistance from or through Aerostar (i.e., sub-recipients, sub-contractors, or sub-grantees), has subjected them or any specific class of individuals to unlawful discrimination may file a complaint of discrimination.

Aerostar will follow timelines set forth in guidance from the Department of Transportation (DOT), the Federal Aviation Administration (FAA) and the Department of Justice for processing Title VI discrimination complaints.

**When to File a Discrimination Complaint**

A complaint of discrimination must be filed within 180 calendar days of the alleged act of discrimination, or discovery thereof; or where there has been continuing course of conduct, the date on which that conduct was discontinued. Filing means a written complaint must be postmarked before the expiration of the 180-day period. The filing date is the day you complete, sign, and mail the complaint form. The complaint form must be dated and signed for acceptance. Complaints received more than 180 days after the alleged discrimination will not be processed and will be returned to the complainant with a letter explaining why the complaint could not be processed and alternative agencies to which a report may be made.

**Where to File the Discrimination Complaint**

In order to be processed, signed original complaint forms may be mailed to:

 Aerostar Airport Holdings, LLC

 P.O. Box 38085

 San Juan, P.R. 00937-1085

Or hand delivered to:

 Aerostar Airport Holdings, LLC

 Aerostar Mgmt. Offices

 Terminal D, LMMIA

 Carolina P.R. 00981

Or emailed to:

 civilrights@aerostarairports.com

Upon request, reasonable accommodations will be made for persons who are unable to complete the complaint form due to disability or limited English/Spanish proficiency. A complaint may also be filed by a representative on behalf of a complainant.

Persons who are not satisfied with the findings of Aerostar may seek remedy from other applicable state or federal agencies.

**Required Elements of a Discrimination Complaint**

In order to be processed, a complaint must be in writing and contain the following information:

* Name, address, and phone number of the complainant;
* Name(s) and address(es) and business(es)/organization(s) of person(s) who allegedly discriminated;
* Date of alleged discriminatory act(s);
* Basis of complaint (i.e., race, color, national origin, sex, age, religion or disability);
* A statement of complaint.

**Incomplete Discrimination Complaints**

Upon initial review of the complaint, the Title VI Coordinator will ensure that the form is complete, and that any initial supporting documentation is provided. Should any deficiencies be found, the Title VI Coordinator will notify the complainant within 10 working days. If reasonable efforts to reach the complainant are unsuccessful or if the complainant does not respond within the time specified in the request (30 days), the recipient may close the complaint’s file. The complainant may resubmit the complaint provided it is filed within the original 180-day period.

Should the complaint be closed due to lack of required information, Aerostar will notify the complainant at their last known address. In the event the complainant submits the missing information after the file has been closed, the complaint may be reopened provided it has not been more than 180 days since the date of the alleged discriminatory action.

**Records of Discrimination Complaints**

The Title VI Coordinator will keep a log of all complaints received. Said log will include information such as:

* Basic information about the complaint such as when it was filed, who filed it, and who it was against;
* A description of the alleged discriminatory action; and
* Findings of the investigation.

**Discrimination Complaint Process Overview**

The following is a description of how a discrimination complaint will be handled once received by Aerostar:

1. ***Discrimination Complaint is received by Aerostar***: Complaints must be in writing and signed by the complainant or their designated representative. If the complainant is unable to complete the form in writing due to disability or limited English/Spanish proficiency, upon request, reasonable accommodations will be made to ensure the complaint is received and processed in a timely manner. Complainants wishing to file a complaint that do not have access to the Internet or the ability to pick up a form will be mailed a complaint form to complete. The complainant will be notified if the complaint form is incomplete and ask to provide the missing information.
2. ***Discrimination Complaint is logged into tracking database***: Completed complaint forms will be logged into the complaint tracking database; basic data will be maintained on each complaint received.
3. ***Determine Jurisdiction***: Aerostar’s Title VI Coordinator will complete an initial review of the complaint. The purpose of this review is to determine if the complaint meets basic criteria.
	1. Criteria required for a complete discrimination complaint:
		1. Basis of alleged discrimination (i.e., race, religion, color, national origin, sex, age or disability).
		2. Determination of timeliness will also be made to ensure that the complaint was filed within the 180-day time requirement.
4. ***Initial Written Notice to Complainant***: Within 10 working days of the receipt of the complaint, Aerostar will send notice to the complainant confirming receipt of the complaint; if needed, the notice will request additional information or notify complainant that the activity is not related to an Aerostar program or activity, or does not meet deadline requirements. Conclusions made in step 3 will determine the appropriate response to the complaint. If any additional information is needed from the complainant, it will be communicated at this point in the process. A copy of the written response, as well as the complaint form, will be forwarded to the FAA Office of Civil Rights within 15 days of receipt as required by 49 C.F.R. Part 21.
5. ***Investigation of the Discrimination Complaint***: The Title VI Coordinator will confer with Aerostar’s Legal Department to determine the most appropriate fact-finding process to ensure that all available information is collected in an effort to reach the most informed conclusion and resolution of the complaint. The type of investigation techniques used may vary depending on the nature and circumstances of the alleged discrimination. An investigation may include, but is not limited to:
	1. Internal meetings with Aerostar staff and Legal Department;
	2. Consultation with state and federal agencies;
	3. Interview of the complainant(s);
	4. Review of documentation; and
	5. Interviews and review of documentation with other agencies or entities involved. Review technical analysis methods.
6. ***Determination of the Investigation***: An investigation must be completed within 60 days of receiving the complete complaint, unless the facts and circumstances warrant otherwise. A determination will be made based on information obtained. The Title VI Coordinator in consultation with the Legal Department will render a recommendation for action, including formal and/or informal resolution strategies in a report of findings.
7. ***Notification of Determination***: Within 10 days of completion of an investigation, the complainant must be notified by Aerostar of the final decision. The notification will advise the complainant of his/her appeal rights with state and federal agencies if he/she is dissatisfied with the final decision. A copy of this resolution letter along with the report of findings, will be forwarded to the FAA Office of Civil Rights.
8. ***Copies of Notification of Determination to the FAA***: The Title VI Coordinator will, within 15 days of receipt, forward to the FAA a copy of each written complaint charging discrimination because of race, color, sex, creed or national origin, together with a statement describing actions taken to resolve the matter, and the result thereof.

**RECEIPT OF COMPLAINT**

A written discrimination complaint is

received and entered into tracking database.

**INITIAL REVIEW**

Initial review completed and responses sent to complainant within 10 working days of when complaint received.

Did

Discrimination

occur?

**INVESTIGATION / FACT FINDING**

Completed within 60 working days of receiving complaint.

Findings summarized and report submitted to Title VI Coordinator

WRITTEN NOTIFICATION OF INVESTIGATION DETERMINATION

Explains finding of no discrimination and

advises complaint of appeal rights.

WRITTEN NOTIFICATION OF INVESTIGATION DETERMINATION

Includes proposed course of action to address finding of discrimination.

**DETERMINATION OF INVESTIGATION**

Notification of determination sent to complainant within 90 working days of receiving complaint.

**No Yes**

Complaint may

be closed.

Requested

information received

within 30 days?

INITIAL WRITTEN RESPONSE

Complaint closed.

INITIAL WRITTEN RESPONSE

Referred to another agency.

Complaint closed at Aerostar.

INITIAL WRITTEN RESPONSE

Confirm receipt of complaint.

Commence fact-finding process.

INITIAL WRITTEN RESPONSE

Confirm receipt of complaint.

Request additional information.

**Yes No**

**Yes No**

**No Yes**

In Aerostar Jurisdiction

< 180 calendar days since alleged occurrence?

Complete complaint form?

****

**TITLE VI/ADA COMPLAINT FORM**

Title VI of the Civil Rights Act of 1964 states that no person in the United States shall, on the grounds of race, color, sex, creed, age 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.

If you feel you have been discriminated against, please provide the following necessary information in order to facilitate the processing of your complaint. Assistance is available upon request. Complete this form and mail or deliver to:

|  |
| --- |
| **Attn.: Aerostar Airport Holdings, LLC, Title VI Coordinator,****Mail: PO Box 38085, San Juan, PR 00937-1085****Email: civilrights@aerostarairports.com** |

|  |  |
| --- | --- |
| Complainant(s) Name(s): | Email Address |
| Address | City | State | Zip Code |
| Home Phone (include area code) | Business Phone (include area code) |

**Person discriminated against (if other than Complainant)**

|  |
| --- |
| Complainant Name, address, email address, phone numbers:  |

**What was the discrimination based on: (Check all that apply)**

[ ]  Race/Color [ ]  Sex [ ]  National origin [ ]  Creed

[ ]  Gender [ ]  Disability [ ]  Limited Spanish Proficiency

[ ]  Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Incident Report**

|  |  |
| --- | --- |
| Date and time of incident resulting in discrimination: | Where did the incident take place? |
| Describe how you were discriminated against. What happened and who was responsible? For additional space attach additional sheets. |
| Mention the Airport employee(s) that allegedly was (were) involved in the incident  |
| Please provide the contact information of any witnesses: (Name, address, email address, phone number, etc.) |

**Has this case been filed with the Department of Justice or other government agency or court?** [ ]  **Yes** [ ]  **No**

|  |
| --- |
| Agency or Court |
| Contact Person |
| Address | City | State | Zip Code |
| Phone (include area code) | Date Filed (mm/dd/yyyy) |
| Other Comments  |

Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A copy of this complaint will be forwarded to: Federal Aviation Administration, Office of Civil Rights, ACR-1, 800 Independence Avenue, S.W., Washington, D.C. 20591

1. American Community Survey of the United States Census Bureau 2019. [↑](#footnote-ref-1)