

WYOMING DEPARTMENT OF AGRICULTURE
Consumer Health Services

"LIMITED ENGLISH PROFICIENCY PLAN"



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TABLE OF CONTENTS

Introduction

Legal Authority

Definitions

Four Factor Analysis Language

Assistance Measures Tables

Introduction

This *Limited English Proficiency (LEP) Plan* is a resource tool that will serve as a guide in addressing responsibilities as a recipient of federal financial assistance from the U.S. Department of Agriculture (USDA) concerning the needs of individuals with limited English language skills. This plan was prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color, or national origin under any USDA-assisted program or activity because they face challenges communicating in English.

Most individuals living in the United States of America read, write, speak, and understand English. For some, English is not their primary language. For instance, according to the 2010 census, over 34.5 million individuals 5 years and older speak Spanish, 10.3 million speak an Indo-European Language, and over 8.3 million speak an Asian or Pacific Island language at home.

A number of these individuals have little or no trouble with the English language. However, others have a limited ability to read, write, speak, or understand English and are considered to be "Limited English Proficient" persons, or "LEP" persons. According to U.S. Judicial districts-State of Wyoming (2012), the total number of persons 5 years and over who speak a language other than English at home and speak English less than "very well" are 10,578 individuals.

Legal Authority

Discrimination against a person because of their limited ability to use the English language is a form of national origin discrimination, which is prohibited by Title VI of the Civil Rights Act of 1964. Executive Order 13166 "*Improving Access to Services for Persons With Limited English Proficiency*," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation to ensure discrimination does not occur.

Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled "*Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English Proficiency*." (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance).

The USDA issued guidance document, "*Limited English Proficiency Implementation Strategy for Federally Assisted Programs*" to provide guidance to recipients of assistance from the U.S. Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS) on how they are to develop and implement LEP plans. The guidance will ensure that those recipients perform in a manner that is "at least equal to" the manner in which FSIS performs when interacting with LEP persons.

Definitions

Agency- A major program organizational unit of the State Of Wyoming with delegated authorities to deliver programs, activities, benefits, and services.

Agency Head -Director of the Wyoming Department of Agriculture.

American English- A set of dialect/language used mostly in the United States.

Bilingual-The knowledge and ability to understand, read, and write fluently in two languages easily.

Discrimination -The unfavorable treatment or consideration of, or making a distinction in favor of or against, a person based on the group, class, or category to which that person belongs rather than on individual merit.

Federally Conducted Program-Program services, benefits, resources or information delivered directly to the public by the Federal government.

Interpretation -Listening to communication in one language and orally converting it to another language while retaining the same meaning.

Language Access –Efforts by an agency or organization to make its programs and services accessible to individual who are not proficient in English.

Language Assistance Services – Interpretation or translation services that assist LEP persons in understanding or communicating in another language.

Limited English Proficiency Person -An individual who does not speak English as his or her primary language and has a limited ability to reason, speak, write or understand English.

Qualified Interpreter-An individual who provides interpretation services at a level of fluency, comprehension, impartiality. and confidentiality appropriate to the specific nature, type, and purpose of the information being interpreted.

Translation -The process of transferring ideas expressed in writing from one language to another.

Translator-A person who converts language into an alternative form of communication so it is understandable to persons who communicates differently.

Vital Document • Paper or electronic written material that contains information that is critical for accessing a program or activity, or is required by law, such as consent forms, applications, and notices of rights.

Four Factor Analysis

The Wyoming Department of Agriculture/Consumer Health Services (WDA/CHS) has developed a *Limited English Proficiency Plan* (LEP) to help identify reasonable steps to provide

language assistance for persons seeking meaningful access to the WDA/CHS services as required by Executive Order 13166.

This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, the approach for training staff, how to notify LEP persons that assistance is available, and information for future plan updates.

In developing this plan, WDA/CHS undertook the USDA four factor LEP analysis which considers the following:

- 1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the WDA/CHS;
- 2) The frequency with which LEP persons using a particular language come in contact with the WDA/CHS;
- 3) The nature and importance of the WDA/CHS program, service or activity provided by the WDA/CHS to the LEP population; and
- 4) The resources available to the WDA/CHS and costs associated with providing LEP services.

Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the WDA/CHS.

In 2012, Wyoming's population was estimated to be 576,412. According to U.S. Judicial Districts-State of Wyoming (2012), the number of persons 5 years and over who speak a language other than English at home and speak English less than "very well" was at 10,578. Only 1.8 percent of Wyoming's population spoke English less than "very well." Of the 10,578 persons speaking English less than "very well," 82% were Spanish speaking or 8,674 Spanish persons spoke English less than "very well."

Other languages spoken by LEP individuals include:

<u>Language</u>	<u>LEP Population</u>
• German	317
• Chinese	212
• Taglog	212
• Korean	106

Individuals who have identified themselves as speaking English less than "very well" are considered to be limited English proficient based on their limited ability to read, write, speak or understand English. This deficiency makes it difficult for them to have meaningful access to programs that may be offered by the department. The Spanish speaking group that speaks English less than "very well" makes up approximately 1.5% of the State's total population. Since it is the largest LEP group in Wyoming, all service requests have been related to Spanish.

Therefore, the Department's focus is on targeting this community. Language assistance is available to other limited English speaking individuals in the community as the need arises.

Factor 2: The frequency with which LEP individuals come in contact with a WDA/CHS program, activity or service.

Contact with LEP individuals can be described as very infrequent at best. In the last five years there have been approximately three requests for language assistance and only one of those involved a state inspected meat plant. The meat plant request was addressed by the meat plant for one of its employees. The other two were for food safety training taught by the department and Spanish translation service was provided by the University of Wyoming Extension Service.

At present, WDA/CHS has no documented evidence of history that any requests for assistance relate to the application/grant of inspection request process because there have been no Spanish speaking persons or any persons speaking a foreign language requesting to open a meat plant in Wyoming. We continually make sure that WDA/CHS customers are aware of services that are available.

Factor 3: The nature and importance of the program, activity or service provided by the WDA/CHS to LEP community.

Requests for vital documents, such as: Grants of Inspections; HACCP Plans; License Applications; List of Requirements for State Inspected and Custom Exempt Slaughter and Processing Facilities; Inspection Reports; Enforcement Letters; Plant Profiles; will be provided upon request in the language requested.

Factor 4: The resources available to the WDA/CHS and overall costs.

WDA/CHS's primary resources are persons known to WDA/CHS as being fluent bi-lingual that are associated with the department through other work related channels. Additionally, the state has a list of fluent bi-lingual individuals available for hire. So far, cost has not been a deterrent or imposition to the department's ability to provide LEP services to department customers but with continual budget cuts this may become an issue.

In situations where department employees cannot or should not provide services, i.e., an unfamiliar language or dialect, a legal matter or need for expert testimony. WDA/CHS will acquire professional translators and/or interpreters.

Language Assistance Measures

WDA/CHS management will be responsible for ensuring that their program area is familiar with these measures:

A. Type of Language Services Available

The type of language services available by the department include:

- Bilingual staffing as reflected on the "Fluent Bi-Lingual Employee" list; currently the department does not have any employees that are Bi-Lingual. If so the employee would have to be certified and vetted by the State of Wyoming Competency of Interpreters and Translation Services.
- Translation services under contract with professional translators/interpreters, as needed; and
- Use of "I Speak" flashcards to identify languages. These cards can be downloaded at <http://www.usdoj.gov/crt/cor/13166/htm> and are maintained by the Title VI Designees.

B. How Recipients Can Obtain Services

All requests for language services in CHS should be made through the WDA/CHS management team who will coordinate assistance arrangements.

C. How to Respond to LEP Callers

WDA/CHS personnel, including those who regularly take calls from the general public, will record the date and time of the call, name of the caller, language (if it can be determined), nature of the call and disposition. The WDA/CHS personnel will also submit the information as part of his/her Title VI quarterly report.

D. How to Respond to Written Communications from LEP Persons

WDA/CHS personnel who receive written communications from LEP individuals will record the date of receipt, name of LEP individual, language (if it can be determined), nature of the correspondence, and disposition.

E. How to Respond to LEP Individuals Who Have In-Person Contact with Staff

WDA/CHS personnel who have in-person contact with LEP individuals will address the issues and/or concerns raised. They will record the date of receipt, name of LEP individual, use of "I Speak" cards, etc.), nature of the correspondence, and disposition of the encounter.

F. How to Ensure Competency of Interpreters and Translation Services

Competency of Interpreters and Translation Services will be determined by the State of Wyoming or the University of Wyoming wherever the services are acquired from. These agencies verify the certification of professional translators/interpreters.

G. WDA/CHS Staff Training

WDA/CHS staff will attend Title VI seminars and workshops on an annual basis. Staff will be provided a copy of the LEP Plan and educated on procedures. Suggested training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities
- Use of LEP "I Speak Cards."
- How to use the interpretation and translation services
- Documentation of language assistance requests
- How to handle a Title VI and/or LEP complaint

H. Monitoring and Updating the LEP Plan

This plan is designed to be flexible and easily updated. However, major updates most likely will not occur until the next Census in 2020 unless the WDA/CHS finds it necessary and crucial for an update before such time. The plan will be reviewed annually, and make any changes as needed.

Each update should examine all plan components such as:

- How many LEP persons were encountered?
- Were their needs met?
- What is the current LEP population in Wyoming?
- Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified WDA/CHS programs? Are there other programs that should be included?
- Have WDA/CHS's available resources, such as technology, staff and financial costs changed?
- Has WDA/CHS fulfilled the goals of the LEP Plan?; and
- Were any complaints received?

Title VI Quarterly Reports serve as a means of tracking relevant data to identify trends and practices. These reports will be reviewed annually to determine if any changes need to be made to the Plan.

f

I. Outreach Techniques and Dissemination of the WDA/CHS Limited English Proficiency Plan

The LEP plan will be shared with the WDA/CHS management team. Also, WDA/CHS will include the LEP plan on the WDA/CHS website (<http://agriculture.wy.gov/divisions/chs>). Copies of this Plan will be provided upon request. LEP persons may obtain a translated copy of this document upon request.

Any questions or comments regarding this plan should be directed to the WDA/CHS management.

Appendix #5

Sample Survey to Record Contact with LEP Persons

An Individual with Limited English Proficiency (LEP) Is defined as a person who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English.

The purpose of the survey Is to gather Information on the number and frequency of contacts that FSIS employees have with LEP Individuals where the nature of those Interactions Is of critical Importance In the receipt of Federal services. This survey pertains to the language needs of FSIS customers, and does not apply to FSIS employees who, In order to perform their duties, must be fluent In the English language.

LEP Survey

Q. Do you encounter LEP Individuals In the course of communicating critical Information? Critical Information Is defined as Information required for obtaining or retaining Federal services and/or benefits, or Is required by law. Examples include:

- Application procedures and documentation required to apply for grants of Inspection
- Documentation and Information needed to enforce and ensure compliance with food safety requirements
- Information on recalls.

A. Yes/No (If the answer Is yes, proceed to the next question. If the answer Is no, the survey Is over.)

Q. What critical Information are you providing to these LEP Individuals?

A. Fill in

Q. What are the primary languages of these LEP Individuals? (Select all that apply)

A. Spanish; French; Mandarin (Chinese); Japanese; Vietnamese; Arabic; Don't Know; Other (fill In)

For each language selected, please answer the following questions:

Q. Over the course of the year, approximately how many people do you encounter that speak this language?

A. Number

Q. How often do you Interact with these LEP Individuals?

A. Dally; Weekly; Monthly; Annually

Q. Are there FSIS employees in the local area who are fluent In this language and can serve as Interpreters as needed?

A. Yes/No/Don't Know

Appendix#6

LEP Release Acknowledgment Form

I hereby affirm that I offered language assistance or interpreter services at no cost to _____ and the services were declined.

_____ explained that the use of a family member or friend for the aforementioned services could result in a breach of confidentiality, violating his/her individual privacy, and could disclose sensitive and confidential information that he/she would not like disclosed.

Name **(Printed)**: _____

Date: _____

(Employee) Signature: _____