



LE SUEUR COUNTY HUMAN SERVICES

88 South Park Avenue

Le Center, MN 56057

507-357-8288 (Phone)

507-357-6122 (Fax)

Limited English Proficiency (LEP) PLAN

Updated February, 2012

LEP Coordinator	Susan L. Rynda, Director	507-357-8515
Financial Services:	Deb Serich, Financial Supervisor	507-357-8295
Family Services:	Lowell Freeman, Supervisor	507-357-8280

A. PURPOSE AND LEGAL BASIS

The purpose of this limited English proficiency plan is to ensure meaningful access to program information and services for persons with limited English language proficiency. The legal basis for this plan comes from Title VI of the Civil Rights Act of 1964. The plan implements the Title VI language access responsibilities of human service providers receiving federal financial assistance from the U.S. Department of Health and Human Services.

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B. LEGAL AUTHORITIES/REFERENCES

According to the Office for Civil Rights (OCR), in order to avoid discrimination on the basis of national origin against persons with limited English language proficiency, recipients of federal financial assistance from the U.S. Department of Health and Human Services must take adequate steps to ensure that persons with limited English proficiency receive the language assistance necessary to allow them meaningful access to services, free of charge. This limited English proficiency plan for Le Sueur County Human Services (LSCHS) has been completed at the OCR's instruction. In OCR's August 30, 2000 policy guidance, issued to interpret the regulations under Title VI, OCR states that a recipient of federal financial assistance can ensure effective communication (which leads to meaningful access) by implementing a limited English proficiency plan that accounts for how the recipient (LSCHS) will provide language assistance services when they are needed by applicants, clients and members of the public.

- **Title VI of the Civil Rights Act of 1964**, 42 U.S.C. §2000 et seq.; 45 CFR §80, Nondiscrimination Under Programs Receiving Federal Financial Assistance Through the U.S. Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act of 1964.
- **Office for Civil Rights Policy Guidance**, 65 Fed. Reg. 52762 (2000), Department of Health and Human Services, Office for Civil Rights, Policy Guidance on the Prohibition Against National Origin Discrimination As It Affects Persons With Limited English Proficiency (August 30, 2000); OCR Website: www.hhs.gov/ocr/lep/
- **Department of Justice Regulation**, 28 CFR §42.405(d)(1), Department of Justice, Coordination of Enforcement of Non-discrimination in Federally Assisted Programs

C. WRITTEN PLAN

1. **Persons covered by Policy - Identifying Clients with Limited English Proficiency**
LSCHS limited English proficiency plans has been developed to serve its clients, prospective clients, family members of clients of

prospective clients, or other interested members of the public (hereafter call "clients") who do not speak English or who speak limited English.

A client has limited English language proficiency (LEP) when he/she is not able to speak, read, write or understand the English language at a level that allows him/her to interact effectively with LSCHS staff. Sometimes it is not this easy to identify a person with LEP. Some clients may know enough English to manage basic life skills, but may not speak, read or understand English well enough to understand in a meaningful way some of the more complicated concepts they encounter within the human services systems (i.e. legal, medical or program language). These clients may also fit the description of a person with LEP.

2. Statement of Commitment to Meaningful Access

No person will be denied access to Le Sueur County Human Services programs or program information because he/she does not speak English or speaks limited English. Le Sueur County Human Services will provide for effective communication between clients with LEP and LSCH staff by making appropriate language assistance services available when clients need these services. Clients will be provided with meaningful access to programs and services in a timely manner and at no cost to the client.

3. Offering Language Assistant Services

Staff will initiate an offer for language assistance to clients who have difficulty communicating in English, or when a client asks for language assistance. Whenever possible, staff are encouraged to follow the clients' preferences. For example, if a client wants a family member or friend to interpret rather than an LSCHS provided interpreter, staff should allow this if doing so will not violate the client's data privacy rights and the friend/family member can demonstrate that he/she is competent to interpret. Staff must offer free interpretation and/or translation services to persons with LEP in a language they understand, in a way that preserve confidentiality, and in a timely manner. (See rule for using family and friends as interpreters on pages 7 and 8).

4. Uncommon Languages; In-Person Interpreter Services

When interpreter services are needed in a language not commonly used, the client with LEP will be connected to the Language Line, which is a telephone interpretation service LSCHS contracts with. (See Language Assistance Resources on page 6).

If an interpreter is needed in-person, rather than over the telephone, arrangements will be made to have an interpreter available at the time and place that is convenient for both the interpreter and the client. Arrangements for in-person interpreting should be made by contacting our bilingual staff person or Income Maintenance Office Support Specialist for an updated list of vendors.

5. Emergency Situations

When programs require access to services within short time frames, LSCHS will take whatever steps necessary to ensure that all clients with LEP, have access to services within the appropriate time frames. For example, when a client needs an interpreter or other language assistance services to obtain expedited program services, LSCHS's goal is to make the services accessible within the required time frame, whether that means using a bilingual staff person, interpreter or any other appropriate type of language assistance.

6. Interpretation and Translation Defined

For purposes of this plan, **interpretation** is defined as a spoken or visual explanation provided to help two or more people who do not speak the same language to communicate with each other.

Translation is defined as a written version of a document provided in a different language than the original document.

7. Assisting Clients That Do Not Read Their Language

LSCHS staff must assist a client with LEP who does not read his/her primary language to the same extent as staff would assist an English speaker who does not read English.

8. Assigning Clients with LEP to Bilingual Staff

Where applicable, and as a program practice, LSCHS will use its best efforts to assign clients with LEP to bilingual staff who speak their language.

D. PROCEDURE FOR USING INTERPRETATION

1. Verification of Client's Identity

LSCHS staff should continue the existing practice of verifying the identity of the client before releasing case-specific information. Bilingual staff, Language Line staff, or other private companies providing interpretation or translation services through contracts with the State (hereafter "contractors"), may be used in making verifications.

2. Language Assistance Resources - Order of Preference for Use

As much as possible, staff should use these language assistance services in order set out below.

a. **Bilingual Staff** - The list of bilingual staff available to serve as interpreters is in Attachment 1 of this Plan. This list is also available in the LSCHS Employee Directory. It will be updated regularly. Bilingual staff listed speaks Spanish. LSCHS staff should use Attachment 1 to connect bilingual staff to clients with LEP for the purpose of providing interpreter assistance. These bilingual staff members are considered competent to provide interpreter assistance. They have been screened for competency and trained in ethics, interpreter skills, and standard program terminology.

b. **Telephone Interpreter Services** - Staff should use the Language Line Services for interpreter assistance when bilingual staff are not available or when the language is one not commonly encountered at LSCHS.

The Language Line telephone number is **1-800-444-2222**.
The LSCHS ID number is **807116** and each division must know their access code.

LSCHS staff should familiarize themselves with the Language Line before they actually need to use it. Being familiar with how to use this service will help staff act quickly when clients need interpreter assistance. See "Helpful Hints for Using Telephone Interpreters", Attachment 2 of this Plan.

- c. **Using Family and/or Friends as Interpreters** - Staff are asked to accommodate clients' wishes to have family or friends serve as interpreters whenever possible. However, staff must keep in mind both client confidentiality and interpreter competency and should also follow the rules set out below.

LSCHS may expose itself to liability under Title VI if it requires, suggests, or encourages a client with LEP to use friends, minor children, or family members as interpreters because family, friends, or minor children may not be competent to serve as interpreters.

Use of family or friends could result in a breach of confidentiality or reluctance on the part of clients to reveal personal information critical to their situations. Family and friends may not be competent to act as interpreters because they may not be proficient enough in both languages, may lack training in interpretation, and/or have little familiarity with specialized program terminology.

If a client still prefers a family member or friend to interpret after LSCHS offers free interpreter services, LSCHS may use the family member or friend if doing so will not compromise the effectiveness of the interpretation and/or violate the clients' confidentiality. LSCHS staff should document in the client's case file their offer of interpreter assistance and the fact that the client declined the offer. Even if a client elects to use a family member or friend as an interpreter, LSCHS staff should suggest that a trained interpreter listen in on the interview to ensure accurate interpretation.

LSCHS bilingual staff or contracted interpreters should be used in circumstances when a client is giving information they may negatively impact his/her eligibility for services - e.g. deadlines or certifications. Bilingual staff or contracted interpreters should also be preferred in situations where a client must answer complicated or detailed questions about his/her case. These interpretations may also be handled by family or friend, but should also be referred to LSCHS bilingual staff, Language Line staff, or contractors for follow-up calls or letters.

LSCHS staff must consider the requirements of the Minnesota Data Practices Act when determining whether or not, or in what capacity, a family member or friend may be used to interpret.

- d. **Rule for Minor Children** - LSCHS staff should never use minor children as interpreters.

3. MINNESOTA DATA PRACTICES ACT

Minnesota Data Practices Act requires Minnesota government agencies to maintain the privacy of data that they collect in the course of their business. In the case of LSCHS, the information that it collects regarding its clients is considered private data. Except in emergencies, this data may not be released to anyone other than the client, LSCHS employees, the agents of LSCHS, or others authorized by the courts or federal law, without the client's written and informed consent.

For purposes of the Data Practices Act, organizations and persons who contract to provide translation and interpretation services to LSCHS clients are considered agents of LSCHS. They may be privy to LSCHS clients' private data and are bound by the same requirements for confidentiality, as are LSCHS employees.

4. COMPETENCY OF INTERPRETERS

LSCHS will make sure that interpreters, whether bilingual staff or professional interpreters, have been trained and demonstrate competency. To be competent to provide interpreter services, the interpreter must be proficient in both English and the target language and be able to convey information in both languages accurately, have had orientation/training that includes the skills and ethics of interpreting, have basic knowledge in both languages of specialized program terms or concepts, and be sensitive to the client's culture.

E. NOTICE OF RIGHTS TO LANGUAGE ASSISTANCE

LSCHS staff must inform all clients with LEP of the public's right to free interpreter services, that these services must be provided in a timely manner and must be available during LSCHS business hours. Staff must also hand out fliers stating the same to all clients with LEP.

LSCHS will use "I Speak" cards to help clients with LEP be able to identify their language needs for staff. LSCHS will also use "I Speak" posters in the agency to help staff inform clients that language interpreters are available at no cost to the client.

F. PROCEDURE FOR USING/DISTRIBUTING TRANSLATED FORMS

LSCHS stocks a number of documents and forms which are available in languages other than English. Currently the full list is under revision and will be incorporated into the LEP plan at a later date. It will be updated as the need arises.

LSCHS staff with access to MAXIS can retrieve another list of LSCHS translated documents/forms found in POLI/TEMP Manual at TE12.01.13. Staff who do not have access to MAXIS can obtain this list by contacting the LEP plan contact person listed on page 1 of this document.

Additionally, the Health Care Application Form, the Renewal Form, and the Household Report Form have been translated into Spanish, Russian, Somali, Hmong, Cambodian, Lao, Vietnamese, and Arabic. The English translated versions are all available on the LSCHS website at

www.dhs.state.mn.us/Forms.

Regularly used LSCHS forms will be made available in translated form by posting them in a central location in the LSCHS lobby at 88 South Park Avenue, Le Center, Minnesota. At the appropriate times, LSCHS must send clients the preferred translated forms automatically when the same forms are sent to the clients automatically in English.

G. TRANSLATION PLAN

LSCHS will translate vital documents and information contained in its documents - and materials in alternate formats - into the non-English languages of those language groups when a significant number of percentage of the population eligible to be served or likely to be directly affected by LSCHS programs needs services or information in a language other than English to communicate effectively. LSCHS has determined that the significant number that will trigger translation is 1000 individuals within an LEP language group.

In addition to the documents and forms it has already translated, LSCHS will annually review additional vital documents that require translating.

H. LEP TRAINING FOR LSCHS STAFF

LSCHS will distribute the LEP plan to all new employees so they can learn the policies and procedures required making language assistance available to clients with LEP. All staff with ongoing client contact are required to attend LEP training at a minimum annually.

LEP training will include information on the following topics: LSCHS legal obligation to provide language assistance to clients with LEP; substance of LSCHS LEP plan including its policies and procedures to access language assistance services; tips on working with interpreters and how to properly document information about a client's language needs in the client's case file.

I. MONITORING OF THE LEP PLAN

Beginning in January each year. LSCHS will conduct an evaluation of its LEP plan to determine its overall effectiveness. The evaluation will consider what is working and what is not and make adjustments to the LEP plan accordingly. The evaluation will also determine whether the

new languages will be added for translation and whether existing languages will be dropped. LSCHS's LEP Manager will lead the annual evaluation activities with the help of a team of staff persons familiar with the LEP plan and how it functions.

LSCHS's annual evaluation of its LEP plan will include the following activities:

- Assessment of the numbers of persons with LEP in the service delivery area;
- Assessment of the current language needs of clients with LEP to determine whether clients need an interpreter and/or translated materials to communicate effectively with staff; updating files which lack information about a client's language needs; and confirming information with clients about their language preference at rectification.
- Determining if existing language assistance services are meeting the needs of clients with LEP.
- Assessing whether staff members understand LSCHS's LEP policies and procedures, how to carry them out and whether language assistance resources and arrangements for those resources are still current and accessible.
- Seeking and getting feedback from LEP communities, including clients and community organizations and advocacy groups working with LEP communities, about the effectiveness of LSCHS's LEP plan.

J. LEP Plan Posted for Public Review

The LEP plan will be posted for public review in the LSCHS lobby on the bulletin board to the right of the Information Desk. The LEP plan will be available in English, but bilingual staff or interpreters will be available to translate the plan for those who do not speak English who wish to read it. The words "Limited English Proficiency Plan" in all appropriate languages, will be posted next to the LEP plan so clients with LEP know that such a plan exists and that they can get help to read it.

K. DISTRIBUTION OF LEP PLAN

Immediately upon its completion, the LSCHS LEP plan will be distributed to all LSCHS staff.

L. RESPONSIBLE AUTHORITY/COMPLAINT PROCESS - CONTACT PERSON

Each LSCHS unit is responsible for implementing this LEP plan in their area. The person designated to provide technical assistance and respond to inquiries and complaints from the public is listed below. LSCHS has an existing complaint resolution procedure used to resolve civil rights related disputes and complaints and this procedure will be used to resolve LEP-related disputes/complaints. The contact person listed below will provide information about this complaint procedure to all clients in a language they understand.

Susan L. Rynda

Director

Le Sueur County Human Services

88 S. Park Avenue

Le Center, MN 56057

(507)357-8515 (Voice)

(507)357-6122 (Fax)

(507)357-8307 (TTY)

Attachment 1

Le Sueur County Human Services

LIST OF BILINGUAL STAFF INTERPRETERS (February, 2012)

This is a list of LSCHS staff, located at 88 S. Park Avenue, Le Center, Minnesota who have are proficient in a non-English language and are able to act as a staff interpreter on an "as-needed" basis. All staff listed are considered "competent" to provide interpreter services at LSCHS. This means that they are proficient in both English and the language listed next to their name and are able to convey information in both languages accurately, have had orientation and training that includes the skills and ethics of interpreting, have basic knowledge in both languages of specialized program terms or concepts, and will be sensitive of the client's culture.

The following LSCHS staff members are available to serve as **Spanish** language interpreters:

- **Christopher Schoenstedt**, Financial Worker, (507) 357-8288, Ext. 324
- **Rose Tousley**, Community Service Aide, (507)357-8288, Ext. 347

Attachment 2

Le Sueur County Human Services

HELPFUL HINTS FOR USING TELEPHONE INTERPRETERS

1. Tell the interpreter the purpose of your call - describe the type of information you are planning to convey.
2. Enunciate your words and try to avoid contractions, which can be easily misunderstood as the opposite of your meaning. E.g. "can't - cannot".
3. Speak in short sentences, expressing one idea at a time.
4. Speak slower than your normal speed of talking, pausing after each phrase.
5. Avoid the use of double negatives. E.g. "If you don't appear in person, you won't get your benefits." Instead, "You must come in person in order to get your benefits."
6. Speak in the first person. Avoid the "he said/she said".
7. Avoid using colloquialisms and acronyms, e.g. "LSCHS," "MFIP", etc. If you do so, please explain their meaning.
8. Provide brief explanations of technical terms, or terms of art, e.g. "Spend-down means the client must use up some of his/her monies or assets in order to be eligible for services."
9. Pause occasionally to ask the interpreter if he/she understands the information that you are providing, or if you need to slow down or speed up in your speech patterns. If the interpreter is confused, so is the client.
10. Ask the interpreter if, in his/her opinion, the client seems to have grasped the information that you are conveying. You may have to repeat or clarify certain information by saying it in a different way.
11. Above all, be patient with the interpreter, the client and yourself!
12. Thank the interpreter for performing a very difficult and valuable service.