

IX. LIMITED ENGLISH PROFICIENCY (LEP) PLAN

WACOG has developed the following Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to WACOG services as required by Executive Order 13166. A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

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

WACOG has limited grant funding, however, WACOG currently implements a number of measures to ensure that limited-English speaking clients and customers have meaningful input into its services and projects. Therefore, WACOG believes that it meets the standard for providing methods for meaningful input and access for limited-English speaking customers.

A statement in English and Spanish will be included in all public outreach notices. Every effort will be made to provide vital information to LEP individuals in the language requested.

In developing the plan, while determining WACOG's extent of obligation to provide LEP services, WACOG undertook a four factor LEP analysis which considers the following:

- The number or proportion of LEP persons eligible in the WACOG service area who maybe served or likely to encounter by WACOG's program, activities, or services;
- The frequency with which LEP individuals come in contact with WACOG's services;
- The nature and importance of the program, activities or services provided by WACOG to the LEP population; and
- The resources available to WACOG and overall costs to provide LEP assistance. A brief description of these considerations is provided in the following section.

A summary of the results of the WACOG four-factor analysis is in the following section.

Four Factor Analysis

Factor 1: The Number and Proportion of LEP persons in the WACOG Service Area

The first step towards understanding the profile of LEP persons eligible to be served or likely to be encountered by a program, activity or service is a review of the 2010 Census Data. For planning purposes, WACOG has identified numbers of individuals that speak English as a first language and Spanish as the first language only as the top two language groups that were evident in the population analysis.

Table 1 (attached) is derived from the 2010 US Census Bureau and shows the percentage of persons that speak English, Spanish, or another language at home. Information for the three (3) counties that WACOG provides service in are shown in the table.

Factor 2: The Frequency in which LEP Persons Encounter WACOG Programs

WACOG has assessed the frequency at which staff has or could possibly have contact with LEP persons. This includes examining census data, phone inquiries, requests for translated documents, community needs assessments, and staff feedback. As discussed above, census data indicate that there is a large percentage of the general population who are Spanish-speaking persons, and people of various descents who speak English less than very well.

Phone inquiries and staff feedback indicate that WACOG staff interact with an increasing portion of their time with people with limited English speaking/writing skills, the majority of who are Spanish speaking.

Factor 3: The Importance of Services Provided by WACOG Programs

WACOG's programs are vital to many people's lives. Providing program access, for all WACOG programs, to LEP persons is crucial. An LEP person's inability to utilize effectively WACOG's programs may adversely affect his or her ability to obtain health care, early childhood education, utility bill assistance, rent/mortgage assistance, transportation assistance, elderly programs, or weatherization assistance. A variety of client surveys were conducted to prepare the community needs assessment and to collect data on usage of and access to WACOG services.

Factor 4: The Resources Available and Overall WACOG Cost

WACOG assessed its available resources that are currently being used, and those that could be used, to provide language assistance. In view of limited grant funding, WACOG provides a reasonable degree of services for Limited English speaking persons upon request. WACOG will continue its efforts to collaborate with other state and local agencies to provide language translation and interpretation services when practical and in consideration of available funding.

WACOG employs numerous bilingual employees who are involved in providing all WACOG programs and services to WACOG clients and the public. Appropriate notices and forms are provided in English and Spanish. Professional translators are contracted when required for translation of documents. Reasonable efforts to provide services in other languages, including American Sign Language will be made with sufficient notice by the client.

Introduction

It shall be the policy of the Western Arizona Council of Governments (WACOG) to ensure that individuals with Limited English Proficiency (LEP) shall not be discriminated against nor denied meaningful access to, and participation in, the programs and services provided by the Organization. In order to ensure meaningful access and participation for LEP persons, WACOG shall notify such persons that language services are available to them at no cost and shall take reasonable steps to see that language services are provided according to the provisions of WACOG's LEP Plan and Policies as described below.

The LEP Plan and Policies that follow shall apply to all WACOG administered programs, services and facilities, regardless of whether or not they receive Federal financial support. It is the intent of WACOG, in providing language services to LEP persons, to achieve a balance that ensures meaningful access to programs and services while not incurring undue burdens on WACOG's resources. WACOG has designated its Human Resources Director as its LEP language services manager. This employee shall provide oversight for the implementation of the LEP Plan and Policies, coordinate delivery of LEP language services, ensure that staff receives appropriate training on LEP policies and procedures, and direct the ongoing monitoring and periodic assessment of the LEP Plan and Policy's effectiveness.

Definitions

Limited English Proficiency person. Any person who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English. Such person or persons shall be entitled to language assistance at no cost to themselves with respect to a particular type of service, benefit, or encounter.

Vital document. Any document that contains information that is critical for obtaining or maintaining the services or benefits that are supported by Federal funds, or that are required by law. Such documents may include but are not limited to applications, consent forms, notices of participant rights and responsibilities, letters or notices that require a response from the participant or beneficiary, legal notices, and notices advising LEP persons of the availability of free language services.

Interpretation. The act of listening to spoken words in one language (from the source) and orally translating it into another language (for the target).

Translation. The replacement of a written text from one language into an equivalent written text in another language. Note: Some LEP persons cannot read in their own language and back up oral interpretation services may be needed for written documents.

Four-Factor Assessment. This is an assessment tool used by the Recipient of federal funding to determine the extent of its obligation to provide LEP services. These four factors are: (1) The number or proportion of LEP persons eligible to be served, or likely to be encountered by the program or grantee; (2) the frequency with which LEP persons come into contact with the program; (3) the nature and importance of the program, activity, or service provided the program to people's lives; and (4) the resources available to the grantee/recipient and costs.

Identification of LEP persons who need language services assistance

WACOG shall use the following methodology and data sources to identify and determine the number of LEP persons currently using WACOG's services, the number of LEP persons in WACOG's area of operations who may be eligible for programs and services, and the particular languages used by both groups.

WACOG will use various methods to identify LEP persons with whom they have contact. These will include:

- Current and past experiences (from client files, etc.) with LEP persons encountered by staff. The number and type of such encounters will be periodically tabulated and analyzed to determine the breadth and scope of the language services required. In this analysis, consideration will be given to minority language populations that are eligible but may have been underserved because of existing language barriers. To facilitate these encounters, notices will be posted in the lobby of WACOG's Administration offices of each program. These posted notices will be in commonly encountered languages and should encourage LEP persons needing language assistance to self-identify.
- Alternate sources of LEP data such as the latest Census data. As part of its assessment, WACOG will also review the Language Assistance Self-Assessment and Planning Tool for Recipients of Federal Financial Assistance available at www.lep.gov/selfassesstool.htm.
- "I Speak _____" or "Language Identification" cards (attached) in the variety of languages found in WACOG's office areas of operations. The cards will also be used by staff on a day-to-day basis to determine and document the need for particular language services during routine activities and encounters.
- Staff encounters at initial screening of applicants and at each annual review. Applicants and participants in WACOG's various programs will be provided with a Language/Alternate Format Designation form (see sample – Exhibit 1). The form will ask if the family requires alternate formats of communication (i.e. large print, audio tape, electronic format, etc) and will also ask applicants and participants to self-identify their need for interpretive services. This data will be captured in the applicable program's database software and accessible as a report. This information shall be reviewed at least

annually to ensure that the LEP plan addresses the language needs of persons in WACOG's service areas.

- Self-identification through the application form. WACOG will document within the application form that the applicant has been informed of their right to language services at no cost, identify their primary language, and whether or not they would like an interpreter or prefer to receive documents translated into their primary language.

Frequency of contact with LEP persons:

In conjunction with research to identify LEP persons in the WACOG's area of operations, WACOG shall also compile information regarding the frequency of contact with LEP persons. The more frequent the contact and or the number of associated requests for alternate format(s) or languages other than English, as self-identified by applicants and participants in its programs, the more likely that language services for a specific language group will be needed.

Measures necessary for a program that serves a LEP person one time or occasionally will necessarily be different from those that serve LEP persons every day. While less frequent contact suggests a different, less intense solution, some services may still be necessary for times when a LEP person occasionally seeks services. WACOG shall also provide language services in the conduct of its outreach efforts which are intended to make the general public aware of its programs and services. In this manner LEP persons who are a part of the population in WACOG's area of operations will have an equal opportunity to learn about WACOG's programs and services and to access and participate in them. WACOG shall continue to ensure that at a minimum, at least one bilingual-Spanish staff person is present at public events, and shall also continue to provide interpretation in other languages when arranged for in advance. Typically, whenever WACOG intends to hold a public event of any type, a phone number is provided for persons who will require interpretive services in order to participate in the event.

Nature and importance of the program or service

WACOG recognizes that within the range of programs and services it provides, some programs and services are more important than others. While it is the WACOG's intent to provide meaningful access to all participants and eligible persons, the availability of resources may limit the provision of language services in some instances. Activities such as outreach, intake, legal actions, life and safety notices, and similar communications have a high priority. Information about and an understanding of these activities should be effectively communicated to all persons affected by them. Other activities such as recreation programs, social activities, optional meetings, and related areas are of a lesser importance and have a lower priority. WACOG will develop a listing of all activities related to its programs and services, and a matrix showing the relative importance of each. Based on this analysis, WACOG shall determine how language services to LEP persons shall be delivered to each activity.

WACOG shall continue its practice of offering oral interpretation at no charge at meetings, events, and other activities, provided that the need is identified by the participant(s) at least forty eight (48) hours prior to the event. Written communication advertising such events shall provide instructions for requesting interpretation services.

Types of language services to be provided

The data collected under research into the various language groups in WACOG's area of operations shall be specific enough to inform staff as to the variety of language groups for whom interpretation and translation services are needed. WACOG shall provide language services to LEP persons by a variety of methods based upon the relative numbers of such persons and the frequency of contacts or anticipated contacts. Reasonable steps shall be taken to accomplish this but at a point at which costs approach or exceed the benefits, alternative methods of delivery of language services will be evaluated and appropriate changes made.

Based upon the number or proportion of LEP persons of various language groups served or encountered in the eligible population as of the 2010 Census data (attached), WACOG shall provide language services as indicated below:

Provision of Written Language Assistance Language Group(s) Determination:

Translate Vital Documents

- Spanish

Translated Written Notice of Right to Receive Free Oral Interpretation of Documents

- Spanish

Based upon WACOG's's past experience with LEP persons encountered by WACOG staff, this is the most common languages for which interpretation is requested.

No Written Translation Required

- All Others

While no written translation is required for other languages under the LEP Plan, WACOG shall continue its practice of providing oral interpretation when requested by applicants/participants of its programs.

Policy and Procedures

WACOG will post a notice or poster in a conspicuous place in WACOG's Program Administration offices that advises clients and members of the general public that interpreter services are available at no charge to the individual who is seeking services or information regarding such services. WACOG will also display Language Identification ("I SPEAK") cards in WACOG's program Administration offices and entry points and/or areas where clients or members of the general public are likely to come into contact with WACOG employees. WACOG will contract with a telephone interpretive service (currently Language Line Services) that will allow clients or members of the general public who do not speak English to communicate with WACOG's staff at the time they call or come into WACOG's Program Administration offices.

Telephone System Protocols.

WACOG will use a telephone voice mail menu that provides a Spanish-language version of the English language menu. This menu will be reviewed at least annually to ensure that terminology is current and accurate.

Documentation Guidelines.

Interpretative Services. Use the following guidelines for documenting interpretive services provided to clients and general public:

- Document the name of the interpreter, the interview language and the date and time of the interpretation.
- Document the “style” of the interpretation:
- Phrased interpretation where the interview is in short phrases that are translated as accurately as possible by the interpreter.
- Simultaneous interpretation
- Summary interpretation where the provider makes long statement and the interpreter summarizes them.

Translation Services. Use the following guidelines for documenting translation services provided to clients and the general public:

- Document the name of the interpreter, the interview language, and the date and time of the translation
- Identify the document translated and whether translation is a summary or a complete and accurate translation.

Marketing and Outreach.

In all outreach/marketing materials to include website and general advertising, identify in both English and Spanish that interpretive services are available and the process by which these interpretive services can be accessed by prospective clients and members of the general public. To the maximum extent possible but consistent with the type of information or services being communicated, WACOG will notify prospective clients and members of the general public that there are interpretive services available and how they may access them.

Reasonable Accommodation Policy.

WACOG will provide notice that this policy and any related documents necessary for a client or member of the general public to request an accommodation or modification of the premises is available in English and Spanish.

Procurement of interpretation and translation services for LEP Persons

The following methods of providing interpretation and translation services shall be considered and used based upon the assessment of need for WACOG:

1. Contracting with qualified interpreters and translators, either individually or through an organization which provides such persons. (Essential when accuracy and details are important or critical.)
2. Hiring qualified interpreters and translators. (Essential when accuracy and details are important or critical.)
3. Hiring bilingual staff who subsequently receive training in proper interpretation and translation protocol. (Useful when interpretation needs are regular and ongoing, and when the importance of the encounter may be less than that required in legal action.)
4. Using telephone (or video conferencing) interpreter services. (Useful when prompt delivery of interpretation services is required.)
5. Using community volunteers (either individuals or community service agencies that provide services to one or more language groups. (Useful when language service needs are less important or informal.)
6. Using family members or friends. (Although there are some situations where this is not suitable, in others it may be useful when language service needs are least important or informal.)
7. WACOG shall explore the most cost effective means of delivering competent language services before limiting services due to resource limitations or concerns. In the process of deciding which services shall be provided, WACOG shall thoroughly document the process used in arriving at the determination of which services are to be provided to which groups. This documentation shall be maintained in the applicable programs records to demonstrate compliance with the LEP Guidance issued.

Quality and competency of language services

WACOG shall make every reasonable effort to ensure that the language services it provides to LEP persons are of the highest quality and that the competency of interpreters and translators is appropriate to the situation.

Interpreters. Oral interpretation of encounters, interviews, meetings and the like require a certain level of competency and professionalism on the part of the interpreter. These characteristics do not necessarily exist in a person who is simply bilingual. Likewise, formal certification while helpful may not always be required. Often the importance of the encounter or the consequences will direct the level of professionalism needed.

- Translation and interpretation, whenever possible, shall be provided by WACOG staff members who are fluently bilingual English/Spanish.
- If a staff member who speaks the necessary language is not available, WACOG shall obtain translation and interpretation services only from a certified translation/interpretation service.
- When using an interpreter, WACOG shall use the following general criteria to ensure effective communications with LEP persons:

- Demonstrated proficiency in and ability to communicate information accurately in both English and in the other language and able to identify and employ the appropriate mode of interpreting (consecutive, simultaneous, summarization, or sight translation).
- Knowledge in both languages of any specialized terms or concepts particular to WACOG's programs or services and of any particularized vocabulary and phraseology used by the LEP person, or the ability to explain either in English or the necessary language, the specialized term(s), concept(s), particularized vocabulary or phraseology.
- An understanding of and ability to follow confidentiality and impartiality rules to the same extent that the WACOG employee for whom they are interpreting or to the extent that their position requires or both.
- Understanding of and adherence to their role as interpreter without deviating into a role as counselor, legal advisor, or other role.
- Awareness of regionalisms (dialects) used by the LEP persons for whom they are interpreting.

When interpretation is needed and reasonable, it shall be provided in a timely manner and appropriate place so as to avoid the effective denial of a benefit or service. The importance of the benefit or service to meaningful access to programs and services will dictate the urgency of providing the language service. Where access to or exercise of a service is precluded by an unforeseen reasonable delay, the language service may be reasonably delayed.

Translators. When selecting translators, the list of criteria applied to determine competency and professionalism for interpreters above shall also be applied to the extent that those criteria are appropriate. Translation skills can be very different from those of interpretation. When vital documents are involved, WACOG may decide to use professional translators or translation associations. Translated documents may be checked by a second translator or translated back into English by a second party to confirm accuracy.

Documents Used by WACOG

WACOG shall conduct an initial review of its written documents that are generally available to and used by clients and the general public for the purpose of assessing the importance of those documents to its clientele including LEP persons.

This analysis shall be based upon the “Four Factor Assessment” that is found in the notice regarding guidance on LEP persons. As indicated earlier under Definitions, the four factors are 1) the number or proportion of LEP persons encountered or eligible to be served; 2) the frequency of contact; 3) the nature or importance of the program or activity; and 4) the resources available to WACOG and the costs.

Based upon this analysis, a determination shall be made as which documents shall be translated and into which languages. This may range from word for word translation of legal notices to the simple inclusion on other less important documents of a notice in various languages that translations or interpretations may be available upon reasonable request.

WACOG will incorporate the following ‘safe harbors’ for written translations:

Size of Language Group Recommended Provision of Written Language Assistance

1000 or more in the eligible population in the market area or among current beneficiaries.

Translated vital documents

More than 5% of the eligible population or beneficiaries and 50 or less in number

Translated written notice of right to receive free oral interpretation of documents

5% or less of the eligible population or beneficiaries and less than 1000 in number, no written translation is required

- ‘Safe Harbor’ means that if WACOG provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient’s written translation obligations.”
- There are no ‘safe harbors’ for interpretation. The ‘safe harbor’ provisions for written translation “do not affect the requirement to provide meaningful access to LEP persons through competent oral interpreters where oral language services are needed and reasonable”.
- WACOG has used the 2010 Census data to further identify those language groups in WACOG services areas that are “eligible” based on self-identification.
- WACOG does not have any languages, other than Spanish, that currently exceed the 5% or 1000 “eligible persons” standard using the 2010 Census data.

The assessment shall result in a determination of which documents shall be classified as “vital,” and “non-vital.” This analysis of documents shall be applied on an ongoing basis as new documents are created and old ones revised. The analysis shall be reviewed on a periodic basis (not less than annually) to consider the overall impact to LEP persons.

As indicated above, WACOG shall provide written translation of vital documents for LEP language groups that are either (1) 1000 or more or (2) more than 5%, of the eligible population in the market area or among current beneficiaries and more than 50 in number.

Translation of vital documents into other languages that do not meet this criterion may be provided orally if and when needed upon adequate notice of request. If there are fewer than 50 persons in a language group that meets the 5% level, WACOG will not translate documents but will instead provide a written notice in the appropriate language of the LEP group of the right to receive competent oral interpretation of the written materials free of cost. WACOG shall develop and maintain a register of approved interpreters and translators for language services required for LEP persons.

Type and frequency of notice to LEP persons

WACOG shall provide appropriate notice to LEP persons and language groups of the availability of free language services that ensure meaningful access to programs and services provided by WACOG. Based upon the results of research into the language groups that are encountered in WACOG's area of operations, notices in those appropriate languages informing LEP persons and groups shall be posted in common areas, offices, and anywhere that applications are taken. These notices shall explain how to receive language services.

In addition, as applicable:

- Notices shall be included on or with outreach documents and tagged onto the front of commonly used materials.
- Notices shall be distributed to grass roots and faith-based community organizations informing LEP persons of WACOG's programs and services and of the availability of free language services if needed.
- Telephone answering messages and voice mail menus shall include brief notices in English and Spanish.
- Other notices shall be posted, as determined appropriate, in local Spanish language newspapers and periodical publications in the area of operations, on Spanish radio or television programs, and in schools, State and local governmental offices, and other locations where LEP persons may see them.

Training for staff persons

WACOG shall provide training to its staff regarding its LEP Plan and Policies. A determination of the frequency of staff encounters with LEP persons shall dictate the level of detail of this training. All employees who are likely to have contact with LEP persons shall be trained to assure that they know LEP policies and procedures, that they work effectively with in person and telephone interpreters, and they understand the dynamics of interpretation among LEP providers and interpreters.

Staff having the greatest contact shall be trained first to effectively implement the LEP Plan and Policies through the use of standardized procedures. Those staff having the least amount of contact with LEP persons shall, at a minimum, be trained to be fully aware of the Plan and Policies so that they may reinforce its importance and ensure implementation by other staff. LEP training shall be part of the orientation for all new employees who work with LEP persons.

WACOG will document training and orientations on the LEP Plan and Policies for new employees with the level of detail appropriate to their assigned job responsibilities. On-going employees will receive a one-time orientation on the LEP Plan which will be documented.

Monitoring compliance, assessing performance, and revisions

WACOG shall monitor implementation of the LEP Plan and Policies on an ongoing basis, making revisions to policies and procedures as may be required periodically. WACOG shall also review (not less than annually) the overall effectiveness of its LEP Plan and Policy. This review shall consider information from the following sources and criteria as well as other factors as may be appropriate:

- Changes in demographics including new language groups and changes in the proportion of existing language groups, types of services, and other needs.
- Frequency of encounters with LEP persons.
- Whether existing language services are meeting needs of LEP persons.
- Availability of new resources including technology.
- Whether identified sources for assistance are still available and viable.
- How well staff understand and have implemented the LEP Plan and Policies
- Feedback from the community at large and from minority language groups and persons.

Based upon findings of the periodic review, WACOG shall revise the LEP Plan and Policies to ensure its effectiveness in meeting the access and participation needs of LEP groups and persons. Staff shall document revisions to the LEP Plan and Policies as they are necessary and the reasons for the revisions.

Discrimination-Complaint Procedures

For regularly encountered LEP language groups, LEP persons should be provided notice of their opportunity to file a discrimination complaint in accordance with federal regulations. For infrequently encountered LEP language groups, LEP persons should be advised orally of the opportunity to file a discrimination complaint pursuant to the regulations.