

United Community Action Partnership, Inc.

Language Assistance Plan

For People with Limited English Proficiency

Revised April 25, 2019

**United Community Action Partnership
Language Assistance Plan
For People with Limited English Proficiency**

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United Community Action Partnership Language Assistance Plan For People with Limited English Proficiency

Effective: April 25, 2019

Purpose

The purpose of this Language Assistance Plan (hereinafter called "plan") is to ensure meaningful access to program information and services and to meet Federal requirements and to comply with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin. As a sub recipient of federal funds, United Community Action Partnership (UCAP) pledges to take reasonable steps to provide meaningful access for persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

UCAP's Language Assistance Plan (LAP) has been developed to serve its customers, prospective customers, family members of customers, or other interested members of the public. The FTA and OCR refers to these persons as Limited English Proficient (LEP) persons.

Plan meets requirements

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 Service Effectuation of Title VI of the Civil Rights Act of 1964.

FTA Circular 4702.1B Title VI Requirements and Guidelines for Federal Transit Administration Recipients.

Department of Justice Regulation 28CFR 42.405(d)(1), Department of Justice, Coordination of Enforcement of Non-Discrimination in Federally Assisted Programs.

45 CFR Chapter XIII Head Start Program Performance Standards. US Department of Health and Human Services Administration for Children and Families Office of Head Start.

Publications used in the preparation of this Plan

The U.S. DOT's FTA Office of Civil Rights' publication "Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons – A Handbook for Public Transportation Providers," dated April 13, 2007, was used in the preparation of this plan. https://www.thedmpgroup.com/cmsdocuments/LEP_Handbook.pdf

U.S. Department of Health & Human Services, Office for Civil Rights
 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition
 Against National Origin Discrimination Affecting Limited English Proficient Persons
<https://www.hhs.gov/sites/default/files/ocr/civilrights/resources/specialtopics/lep/lepguidance.pdf>

45 CFR Chapter XIII Head Start Program Performance Standards. US Department of Health and Human Services Administration for Children and Families Office of Head Start.

The plan for United Community Action Partnership contains:

- A. A needs assessment based on the four-factor analysis
- B. Language assistance measures
- C. A staff training plan
- D. Methods for notifying LEP persons about available language assistance
- E. Methods for monitoring, evaluating and updating the plan

A. LEP Needs Assessment – the Four-Factor Analysis

Factor 1. The number or proportion of LEP persons in our service area who may be served or are likely to encounter a UCAP program, activity, or service.

We assessed the following information (as checked) about LEP persons to determine the number or proportion of LEP persons who might use or want to use our services in:

- 2013-2017 US Census data/American Community Survey data
- Survey results: 2018 Community Needs Assessment

	UCAP’s nine (9) county Core service area	UCAP’s eight (8) county Transit service area
Total Population	218,492	89,377
Total number of LEP persons	9,335	2,397
LEP persons as a Percentage of Total Population	4.27%	2.68%

In the UCAP service area 63% of LEP person’s primary language is Spanish whereas 19% speak an Asian, African or Eastern European language.

Factor 2. The frequency with which LEP persons come in contact with our agency programs, activities, or services.

Results from a 2018 Community Needs Assessment conducted by UCAP shows that 2.4% of the respondents stated that the language mostly spoken in the home is Spanish. Just a little over 1% of the respondents said their primary

language at home is Karen and a little over 1% indicated their primary language at home is Somali.

Currently UCAP's Transportation Program provides rides for the majority of the LEP passengers to social service locations for educational and religious purposes. Transportation for medical purposes is a close second.

Head Start has an enrollment of 180 LEP families which represents 34% of its customers

The conclusions drawn from examining this information is that most LEP persons seeking UCAP services speak Spanish.

Factor 3. The nature and importance of programs, activities, or services provided to the LEP population.

UCAP considers all of our programs to be important and essential services for many people living in our service area. UCAP recognizes that the majority of the LEP population in our service area is eligible for and dependent upon the services the agency provides.

A person 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 UCAP staff.

Sometimes it is not easy to identify a person with LEP. Some customers and passengers 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 may encounter within the human services systems (i.e., legal, medical or program language).

No person will be denied access to UCAP's programs or program information because he/she does not speak English or speaks limited English. UCAP will provide for effective communication between customers with LEP and staff by making appropriate language assistance services available when customers need these services. Customers will be provided meaningful access to programs and services in a timely manner and at no cost to the customer. For example, when a customer needs an interpreter or other language assistance services to obtain expedited program services, UCAP's goal is to make the services accessible within the required time frame, whether that means using an interpreter or any other appropriate type of language assistance.

Staff will initiate an offer for language assistance to customers who have difficulty communicating in English, or when a customer asks for language assistance. Whenever possible, staff are encouraged to follow the customer's preferences. For example, if a customer wants a family member or friend to interpret rather than a UCAP-provided interpreter, staff should allow this if doing

so will not violate the customer's data privacy rights and the friend/family member can demonstrate that he/she is competent to interpret.

Factor 4. The resources available and the overall cost to provide language assistance.

Our current budget for marketing to or communicating with LEP persons in their language about services that are available to them is \$10,000. This may include funding for staff training, translation services, brochures, flyers, posters, newspaper ads, radio ads, website, etc.

Currently UCAP provides written documents in Spanish and has bilingual staff who can speak Spanish, Somali, Hmong, Arabic, Swahili and Barava. UCAP's website can be read in Hmong, Lao, Russian, Somali and Spanish. UCAP encourages job seekers to apply for open staffing positions who can speak multiple languages.

UCAP works closely with LEP community groups to interpret information about programs as needed.

B. Language Assistance Measures

There are several language assistance measures that are available to UCAP customers. These include:

1. Translation of key documents

UCAP will adopt the definition of vital document or information as it appears in the OCR Guidance. According to OCR, a document or information should be considered vital if it contains information that is critical for accessing a federal fund recipient's services or benefits or is required by law. Vital documents include, but are not limited to applications, consent forms, letters containing information regarding eligibility or participation criteria, notices pertaining to the reduction, denial, or termination of services or benefits, notices that require a response from beneficiaries, and documents that advise of free language assistance.

2. Communication with LEP persons' groups about agency programs.

3. In Head Start, qualified bilingual staff, contractors, or consultants will be used to assess language skills in English and home language and conduct screenings and assessments in the home language. If qualified bilingual staff, contractors or consultants are unavailable, interpreters will be used in conjunction with qualified staff.

4. In Head Start, family engagement services will be conducted in the family's preferred language or through an interpreter, to the extent possible.

Arranging for availability of oral translators

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

1. Bilingual Staff

Bilingual staff employed by UCAP are considered competent (staff may not be certified or licensed as an interpreter) to provide interpreter services. While most are assigned specific duties in a particular program, bilingual staff may be available to assist with interpreting in other program areas by request. Possible conflicts of interest or special circumstances need to be considered when using bilingual staff in areas other than where employed. UCAP will make sure 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 at the time they are hired by UCAP 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 customer's culture. In areas where certified interpreters are required (e.g. Courts of Law), staff should document competency.

2. Staff should use the Interpreter Service named below for interpreter assistance when bilingual staff person(s) are not available or when the language is one not commonly encountered at UCAP.

Interpretation and Translation Services:

- a. Interpreter Service: Intelligere
10000 Hwy 55
Plymouth, MN 55441
1-877-859-8800 or

On-line request (at least 48 hours prior to appointment) link:

<https://intelligeresolutions.com/>

3. Staff may also contact one of UCAP's Limited English Proficiency Officers, listed at the end of this document, for specific instructions and for the current approved list of other vendors.

4. Using Family and/or Friends as Interpreters

Staff may accommodate customers' wishes to have family or friends serve as interpreters. However, staff must keep in mind both customer confidentiality and interpreter competency. Staff should also follow the rules set out below:

- a) UCAP may expose itself to liability under Title VI if it requires, suggests, or encourages a customer with LEP to use friends, minor children, or family members as interpreters because family or friends may not be competent to serve as interpreters, and minors should never be used as interpreters.
- b) Use of family or friends could result in a breach of confidentiality or reluctance on the part of customers 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.
- c) If a customer still prefers a family member or friend to interpret after UCAP offers free interpreter services, UCAP may use the family member or friend if doing so will not compromise the effectiveness of the interpretation and/or violate the customer's confidentiality. UCAP staff should document, in the customer's case file, their offer of interpreter assistance and the fact that the customer declined the offer. Even if a customer elects to use a family member or friend as an interpreter, UCAP staff should suggest that a trained interpreter listen in on the interview to ensure accurate interpretation. UCAP staff should have the family or friends being used as interpreter(s) sign a Data Privacy Re-disclosure form and the family member sign Permission for Family/Friend as Interpreter form. (See attachments 2 and 3).
- d) UCAP bilingual staff or contracted interpreters should be used in circumstances when a customer is giving information that may negatively impact his/her eligibility for service e.g., deadlines or certifications. Bilingual staff or contracted interpreters should also be preferred in situations where a customer must answer complicated or detailed questions about his/her case. These interpretations may also be handled by family or friends, but should also be referred to UCAP's bilingual staff or contractors for follow-up calls or letters.
- e) UCAP staff must consider the requirements of the Minnesota Data Privacy Act and Federal protections of child records when determining whether or not, or in what capacity, a family member or friend may be used to interpret.

5. Rule for Minor Children

- a) UCAP staff should only use minor children as interpreters as a last resort or in emergency situations.

6. Posting notices in appropriate languages informing LEP persons of available services

UCAP will utilize translated forms and materials as available. UCAP will translate vital documents and vital information contained in its documents - and materials in alternate formats - into the non-English languages of those language groups when a significant number or percentage of the population eligible to be served or likely to be directly affected by UCAP's programs needs services or information in a language other than English to communicate effectively. UCAP has determined that the significant number that will trigger translation is 5% of the population or 1,000 people, whichever is less, within an LEP language group.

All UCAP forms are available in other forms to people with disabilities by calling 320-235-0850 or 1-507-537-1416.

7. Training on how to use services with interpreters present.

C. A Staff Training Plan

To ensure effective implementation of this plan, UCAP will schedule time at orientation for new staff and for all relevant employees whenever this plan has been updated to review:

- the agencies Language Assistance Plan
- demographic data about the local LEP population
- printed LEP persons' materials
- how to handle verbal requests for UCAP services in a foreign language
- notifying managers about any LEP persons' unmet needs.

Such training will include:

UCAP's Legal Obligation

UCAP is required to provide language assistance to customers with LEP; the substance of UCAP's LAP plan including its policies and procedures to access language assistance services; tips on working with interpreters; and how to properly document information about a customer's language needs in the customer's case file.

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.

Assisting Customers That Don't Read Their Language

UCAP staff must assist a customer with LEP who does not read his/her primary language in the same way staff would assist an English speaker who does not read English.

Assigning Customers with LEP to Bilingual Staff

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

Procedure for Using Interpretation

UCAP staff should continue the existing practice of verifying the identity of the customer before releasing case-specific information. Bilingual staff or other private companies providing interpretation or translation services through contracts with UCAP may be used in making verifications.

D. Methods for Notifying LEP Persons about Available Language Assistance

Notice of Rights to Language Assistance

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

Procedure for Using/Distributing Translated Forms

UCAP stocks a number of documents and forms that are available in languages other than English. Staff may contact a Limited English Proficiency Officer to obtain documents and forms.

At the appropriate times, UCAP staff must send customers the preferred translated forms automatically when the same forms are sent to customers automatically in English.

The Agency's transit system plans to notify LEP persons in their own language about the language assistance available to them without cost by using the following methods:

- signs on buses or at bus stops
- brochures
- sending information to local organizations that work with LEP persons
- website notices

E. Methods for Monitoring, Evaluating and Updating the Plan

UCAP's annual evaluation of its LAP 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 customers with LEP such as updating files which lack information about a customer's language need and confirming information with customers about their language preference at recertification.
- Determining if existing language assistance services are meeting the needs of customers with LEP.
- Assessing whether staff members understand UCAP'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 customers and community organizations and advocacy groups working with LEP communities, about the effectiveness of UCAP's LAP plan.

The transit system will review this plan during its annual review with its Mn/DOT transit project manager by:

- Assessing its effectiveness (e.g., comparing numbers of LEP persons served by year, number of requests for language assistance received during the year),
- Assessing the sufficiency of staff training and budget for language assistance,
- Reviewing current sources for assistance to ensure continuing availability, and
- Reviewing complaints from LEP persons or about their needs that were received during the past year.

Dissemination of Plan

The LAP plan will be posted for public review on UCAP's website.

The LAP plan will also 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 "Free Interpreter Services Are Available" or something to that effect, in all appropriate languages, will be posted next to the LAP plan to inform customers a LAP plan exists and that they can get help to read it.

Contact Information

Questions or comments about this plan may be submitted to LEP Officers:

Cathleen Amick, Transportation Director
 Angela Larson, Family Services Director
 Mary Lockhart-Findling, Head Start Director
 Jeff Gladis, Housing Director

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ATTACHMENT 1

HELPFUL HINTS FOR USING TELEPHONE INTERPRETERS

- Tell the interpreter the purpose of your call - describe the type of information you are planning to convey.
- Enunciate your words and try to avoid contractions, which can be easily misunderstood as the opposite of your meaning. e.g., "can't - cannot".
- Speak in short sentences, expressing one idea at a time.
- Speak slower than your normal speed of talking, pausing after each phrase.
- 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."
- Speak in the first person. Avoid the "he said/she said."
- Avoid using acronyms, e.g., "EAP," "MFIP," etc. If you must do so, please explain their meaning.
- Provide brief explanations of technical terms, or terms of art, e.g., "*Spend-down* means the customer must use up some of his/her monies or assets in order to be eligible for services."
- Pause occasionally to ask the interpreter if he/she is understanding 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 customer.
- Ask the interpreter if, in his/her opinion, the customer 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.
- ABOVE ALL, BE PATIENT with the interpreter, the customer and yourself!
- Thank the interpreter for performing a very difficult and valuable service.

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ATTACHMENT 2

**INTERPRETER'S UNAUTHORIZED DISCLOSURE
DATA PRIVACY NOTICE**

As an authorized representative (interpreter) of United Community Action Partnership's Services customer* with Limited English Proficiency (LEP), you will be the recipient of private and/or confidential information concerning the customer you are assisting. During or after the conclusion of your services, you shall not provide unauthorized disclosure of any private or confidential information which was communicated or gathered during your time of service as the interpreter.

Unauthorized disclosure of information means releasing information over the phone, in verbal conversations, and in written form without the consent of the customer. Unauthorized disclosure also includes using the information obtained in connection with your interpreter services in any manner different from the scope of your specified duties.

All names and information concerning anyone receiving services from UCAP must be held in the strictest of confidence. Violation of this notice may result in legal action against you.

If you have any questions about the information in this notice, ask the staff person who is facilitating your interpreter services.

Please sign your name below to indicate that you have read and understand the information on this notice.

INTERPRETER SIGNATURE	DATE

****Provide Copy of Form to Interpreter***

****United Community Action Partnership's Services customer includes customers, prospective customers, family members of customers or prospective customers, or other interested members of the public who do not speak English or who speak limited English.***

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ATTACHMENT 3

**AUTHORIZATION FOR
FAMILY/FRIEND AS INTERPRETER**

I, _____
(name of subject)

authorize

(name of friend or family member)

**to interpret and/or translate private information about myself and/or my
minor children for United Community Action Partnership for the purpose(s)
of:**

(list any uses for the information)

I understand that I was offered free interpreter services by United
Community Action Partnership, but declined that offer.

I understand that the interpreter I have chosen may not ensure the privacy
rights that I am entitled to under state and/or federal privacy laws.

I understand that if my chosen interpreter fails to provide
appropriate/accurate interpreter or translation services, any services I qualify
for may be understated or delayed.

I understand that United Community Action Partnership may request that
another interpreter be present if the effectiveness or confidentiality of the
interpretation is compromised.

This authorization shall be valid for one year from the date of my signature below.

Signature of individual authorizing release

Date

Signature of witness (or authorized representative)

Date

Signature of United Community Action Partnership Staff

Date