

# **Limited English Proficiency (LEP) PLAN**

Effective Date: January 2023

**Norman County Social Services  
15 2<sup>nd</sup> Ave E  
Ada, Minnesota 56510**

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## **1. 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. This plan implements the Title VI language access responsibilities of human services providers receiving federal financial assistance from the U.S. Department of Health and Human Services.

**This information is available in other forms to people with disabilities by contacting us at (218) 784-5400 (Voice), or through the Minnesota Relay Service at 1-800-627-3529 or 1-877-627-3848 (speech-to-speech relay service).**

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## 2. 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 Norman County Social Services (NCSS) has been completed at 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 (agency) 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/](http://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

## 3. Written Plan

### a. Persons Covered by Policy - Identifying Clients with Limited English Proficiency

NCSS' limited English proficiency plan has been developed to serve its clients, prospective clients, family members of clients or prospective clients, or other interested members of the public (hereafter called "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 NCSS staff. Sometimes it is not 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 may 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.

**b. Statement of Commitment to Meaningful Access**

No person will be denied access to NCSS programs or program information because he/she does not speak English or speaks limited English. NCSS will provide for effective communication between clients with LEP and NCSS 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.

**c. Offering Language Assistance 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 members are encouraged to follow the client's preferences. For example, if a client wants a family member or friend to interpret rather than an NCSS 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 preserves confidentiality, and in a timely manner. [See rule for using family and friends as interpreters on pages 7 and 8.]

**d. 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 or Novelty Languages which are telephone interpretation services available to NCSS staff. [See Language Line service 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 a time and place that is convenient for both the interpreter and the client.

Arrangements for in-person interpreting should be made by contacting vendors directly. [See Department of Administration's website addresses below.]

**e. Emergency Situations**

When programs require access to services within short time frames, NCSS will take whatever steps necessary to ensure that all clients, including 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, NCSS'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.

**f. Interpretation and Translation Defined**

For purposes of this policy, **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.

**g. Assisting Clients That Don't Read Their Language**

NCSS 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.

**h. Assigning Clients with LEP to Bilingual Staff**

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

**4. Procedure for Using Interpretation**

**a. Verification of Client's Identity**

NCSS staff must 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.

**b. Language Assistance Resources -- Order of Preference for Use**

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

**1. Zoom Simultaneous Interpreter – when available**

**2. Bilingual Staff -- when available**

The list of bilingual staff members available to serve as interpreters will be Attachment 3 of this Policy.

**3. Telephone Interpreter Services**

For other languages staff should use the Language Line Services or Novelty Languages for interpreter assistance when bilingual staff and/or county contracted interpreters are not available or when the language is one not commonly encountered at NCSS.

To access Language Line Services, go to [www.language-line.com](http://www.language-line.com) and click “Need an Interpreter Now” on the left bar. Click “Personal Interpreter” in the center of the page. \*\*\*further info available on agency use version of this policy.

To access Novelty Languages, go to [www.noveltylanguages.com](http://www.noveltylanguages.com) and click “Online Request”. Enter requested information to schedule the interpreter. They will send a bill for services. \*\*\*further info available on agency use version of this policy.

NCSS staff should familiarize themselves with telephone interpreting services before they actually need to use it. A video is available to view that shows examples of how to use telephone interpreting. Being familiar with how to use this service will help staff act quickly when clients need interpreter assistance. Please also see “Helpful Hints for Using Telephone Interpreters,” Attachment 1 of this Policy.

**4. Contract Interpretation and Translation Services**

The state Department of Administration holds contracts with several interpretation and translation services contractors in the metro area. NCSS divisions can contract on an individual basis to set up short/long term arrangements with these (and other)

contractors. NCSS staff can access these contractor lists electronically at the Department of Administration's website. By making these lists available to staff, NCSS does not endorse them, nor does it claim that they are exhaustive lists of providers for these services.

For an extensive listing of additional interpretation and translation vendors, see the Yellow Pages under "Translators and Interpreters." See also, "Helpful Hints for Using Interpreters," Attachment 1 of this Policy.

## **5. Using Family and/or Friends as Interpreters**

Staff members 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.

NCSS 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 NCSS offers free interpreter services, NCSS may use the family member or friend if doing so will not compromise the effectiveness of the interpretation and/or violate the client's confidentiality. NCSS 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, NCSS staff should suggest that a trained interpreter listen in on the interview to ensure accurate interpretation.

NCSS bilingual staff or contracted interpreters should be used in circumstances when a client is giving information that 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 friends, but should also be referred to NCSS bilingual staff, Language Line staff, or contractors for follow-up calls or letters.

NCSS 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.

## **6. Rule for Minor Children**

NCSS staff should never use minor children as interpreters.

### **c. 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 NCSS, 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, NCSS employees, the agents of NCSS, or others authorized by the courts or federal law, without the client's written, informed consent.

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

### **d. Competency of Interpreters**

NCSS will make sure that interpreters have been trained and demonstrate competency, whether they are bilingual staff or professional interpreters. 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.

## **5. Notice of Rights to Language Assistance**

NCSS 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 that they must be available during NCSS business hours. Staff must also hand out fliers stating the same to all clients with LEP.



NCSS will use “I Speak” cards to help clients with LEP be able to identify their language needs for staff. NCSS 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.

## **6. Procedure for Using/Distributing Translated Forms**

NCSS staff with access to MAXIS can retrieve a list of translated documents/forms found in POLI/TEMP Manual at TE12.01.13. Staff members who do not have access to MAXIS can obtain this list by calling the LEP plan contact person listed at the beginning of this document.

Additionally, the Health Care Application Forms, the Renewal Forms, and the Household Report Forms have been translated into Spanish, Russian, Somali, Hmong, Cambodian, Lao, Vietnamese, and Arabic. Some other DHS forms have also been translated and are available on the eDocs website as well. The eDocs website is [edocs.dhs.state.mn.us](http://edocs.dhs.state.mn.us).

Regularly used NCSS forms will be made available in translated form by posting them in a central location in the NCSS lobby at 15 2<sup>nd</sup> Ave E, Ada, Minnesota. At the appropriate times, NCSS staff must send clients the preferred translated forms automatically when the same forms are sent to clients automatically in English.

## **7. Translation Plan**

NCSS 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 NCSS's programs needs services or information in a language other than English to communicate effectively. NCSS has determined that the significant number that will trigger translation is 250 individuals within an LEP language group. (NCSS 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.)

Currently there are no language groups in Norman County, which trigger translation requirements. If/when a group is identified, a translation schedule will be developed and followed to make sure that all vital documents are completed

within a reasonable amount of time.

**All NCSS forms are available in other forms to people with disabilities by contacting NCSS at 218-784-5400 (Voice), or through the Minnesota Relay Service at 1-800-627-3529 or 1-877-627-3848 (speech to speech relay service).**

## **8. LEP Training for NCSS Staff**

NCSS will distribute the LEP plan to all staff so they can learn the policies and procedures required to make language assistance available to clients with LEP. All staff members with ongoing client contact are required to have LEP refresher training annually. In addition, information about the LEP plan is included in the NCSS new employee orientation.

LEP training will be conducted using the PowerPoint presentation provided by DHS Civil Rights Coordinator and will also include information on the following topics: NCSS's legal obligation to provide language assistance to clients with LEP; the substance of NCSS's 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.

## **9. Monitoring of the LEP Plan**

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

NCSS'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 recertification.

- Determining if existing language assistance services are meeting the needs of clients with LEP.
- Assessing whether staff members understand NCSS'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 NCSS's LEP plan.

#### **10. LEP Plan Posted for Public Review**

The LEP plan will be posted for public review in the NCSS lobby on the wall on the south side of the reception area. 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" or something to that effect, 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. The plan will also be posted on the Norman County website, however, specific information about billing codes/processes only needed by NCSS employees will be removed in public postings.

#### **11. Distribution of LEP Plan**

The NCSS LEP plan will be distributed to NCSS staff at the time of their new hire orientation and to all NCSS staff each time the plan is revised.

#### **12. Responsible Authority/ Complaint Process - Contact Person**

Each NCSS division and special office is responsible for implementing this LEP plan in its area. The person designated to provide technical assistance and respond to inquiries and complaints from the public is listed below. NCSS 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.

**Nancy Rhen**  
**Civil Rights Compliance Officer**  
Norman County Social Services  
15 2<sup>nd</sup> Ave E  
Ada, Minnesota 56510  
(218) 784-5400 (Voice) or (833) 543-1964 (Toll Free)

(218) 784-7142 (Fax)

## **Attachment 1**

### **NORMAN COUNTY SOCIAL 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. Ex.: "Can't" should be stated as "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. Ex, "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., "EGA," "MFIP," etc. If you must 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.

**Attachment 2**

**Norman County Social Services**

**County Contracted Interpreters**

**NCSS does not currently have any County Contracted Interpreters.**

**Attachment 3**

**Norman County Social Services**

**Bilingual Staff  
January 2022**

**Staff Member Name**

**Languages**

## **Attachment 4**

### **Case Worker's LEP Check list**

- \_\_\_\_\_ Ask the client his/her primary language preference and note in file and on MAXIS/MMIS/SSIS. (You may need to use "I Speak" cards.)
- \_\_\_\_\_ Ask client if he/she wants interpreter services and note in case and computer file. Advise client that this service is free of charge.
- \_\_\_\_\_ Note: If client declines interpreter service, make note of this in the file. Share this information with anyone else in the agency that has a file on this client.
- \_\_\_\_\_ Ask client if he/she wants to use translated forms and note in file.
- \_\_\_\_\_ If needed, obtain written release of Information from client to allow communication with interpreter.
- \_\_\_\_\_ Contact interpreter and set up appointment with county worker, client and interpreter (this may need to be same day service). Note: Obtain permission from your supervisor to request an interpreter.
- \_\_\_\_\_ During appointment use Helpful Hints contained in Attachment 1 of LEP plan.
- \_\_\_\_\_ Interpreter sends bill to the county worker.
- \_\_\_\_\_ County worker reviews and approves the charges and sends bill on through normal process for payment.
- \_\_\_\_\_ Refer to plan for complaint resolution process if client has a complaint.