

# Limited English Proficiency Plan

## Missouri MPIP of Agriculture



**Personnel Officer**

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## Table of Contents

I.	Introduction .....	Page 3
II.	Plan Summary .....	Page 3
III.	Definitions.....	Page 3
IV.	Legal Authority.....	Page 4
V.	Four Factor Analysis.....	Page 5
VI.	Language Assistance .....	Page 7
VII.	Implementation .....	Page 7
VIII.	Communication Plan .....	Page 7
IX.	Translation of Documents .....	Page 9
X.	LEP Training for MPIP Employees .....	Page 9

## I. INTRODUCTION

This *Limited English Proficiency Plan* has been prepared to address the Missouri Department of Agriculture's (Department) Meat and Poultry Inspection Program (MPIP) responsibilities as a recipient of federal funding as they relate to the needs of individuals with limited American English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et sea, and its implementing regulations, which prohibits discrimination on the basis of race, color or national origin.

## II. PLAN SUMMARY

The Department has developed this *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which bilingual assistance may be provided, and how to notify LEP persons that assistance is available.

## III. DEFINITIONS

**Department** – A major program organizational unit of the State with delegated authority to deliver programs, activities, benefits, and services.

**American English** – A set of dialect/language used primarily in the United States.

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

**Certified Interpreter** – An individual who has taken and passed an examination administered by a knowledgeable authority in the language(s) that they interpret.

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

**Federally Assisted Program** – All programs and operations of entities that receive assistance from the Federal government.

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

**Language Assistance** – Efforts to make programs and services accessible to individuals who are not proficient in English.

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

**Program** - a planned series of future events, items, or performances.

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

**Translator** – A person who converts language into an alternate form of communication so it is understandable to persons who communicate differently.

#### IV. LEGAL AUTHORITY

Title VI of the Civil Rights Act of 1964, Section 601; U.S.C. 2000d et seq; and its implementing regulations provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under and program or activity that receives Federal financial assistance. The Supreme Court, in *Lau v Nichols*, 414 U.S. 563 (1974), interpreted Title VI regulations promulgated by the former Department of Health, Education, and Welfare to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination.

Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency to examine the services it provides and to develop and implement a system by which LEP persons can meaningfully access those services. The Executive Order further states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. Federal agencies were instructed to publish guidance for their respective recipients in order to assist them with their obligations to LEP persons under Title VI. The Executive Order recommended uniform guidance to recipients on the preparation of a plan to improve access to its federally assisted programs and activities by eligible LEP persons. Each plan must be consistent with the standards set forth in the Department of Justice’s (DOJ) Policy Guidance Document entitled, “Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient

Persons” (“DOJ LEP Guidance”), reprinted at 67 FR 41455 (June 18, 2002). The DOJ LEP Guidance was drafted and organized to function as a model for similar guidance by other Federal agencies. In accordance with DOJ LEP Guidance, USDA issued LEP Guidance for Assisted programs on November 28, 2014 (Appendix #2).

**V. FOUR FACTOR ANALYSIS**

In order to ensure that LEP customers are provided adequate services, the MPIP will conduct a four factor analysis. The four factor analysis is the first step in providing meaningful access to federally funded programs for LEP persons. The four factor analysis addresses the following:

1. The number or proportion of LEP persons eligible to be services or likely to be encountered by the MPIP;
2. The frequency with which LEP persons using a particular language come in contact with the MPIP;
3. The nature and importance of the MPIP’s program or activity provided to the individual’s life; and
4. The resources available to the MPIP and costs associated with providing LEP services.

*Factor 1: Determine the number or proportion of LEP persons eligible to be served or likely to be encountered by the program.*

To determine the number or proportion of LEP persons encountered during program delivery, at a minimum, the MPIP will:

A. Record of Contact with LEP Persons

Date of Contact with LEP Person	State Personnel Who Communicated with LEP Person	Primary Language Spoken by LEP Person	Geographic Location of LEP Person	Method of Contact with LEP Person	Type of Service Provided to LEP Person

\*\*MPIP has not encountered any LEP persons as of April 20, 2018.

B. According to the United States Census Bureau, in 2016:

- a. 5,347,120/5,685,641 (94%) persons speak only English
- b. 52,347 (.9%) persons speak Spanish and speak English “less than very well”

- i. Geographically, these persons are located in the more urban areas including, but not limited to, St. Louis, Kansas City, Springfield, Joplin, etc.
- C. The top three languages spoken within the state of Missouri are as follows: (1) English, (2) Spanish, and (3) German
- D. Given the information provided in A, B, and C, the likelihood of needing LEP services for our customers is unlikely. However, if ever needed, will most likely result in the need for Spanish to English interpretation services.

*Factor 2: The frequency with which LEP persons come in contact with the programs, activities, and services.*

To determine the frequency with which LEP persons come in contact with programs, services, and activities, at a minimum, the MPIP will:

- A. The Department has not had any interactions to-date with LEP Persons requesting assistance.
- B. According to a survey conducted in May 2018, no employees reported interaction with LEP individuals.
- C. Since MPIP has not encountered any LEP persons as of April 20, 2018, we cannot directly consult with these persons. If and when this does occur, we will consult directly with LEP persons to determine the various programs, services, and activities they frequently utilize.

*Factor 3: The nature and importance of the program, activity, or service.*

To determine the nature and importance of the programs, activities, or services provided to LEP persons, at a minimum, the MPIP will:

- A. MPIP ensures that meat and poultry products produced by Missouri state inspected establishments are safe, wholesome, and accurately labeled. If LEP persons do not have access to information related to the proper handling or labeling of meat and poultry products in their language, an outbreak of foodborne illness or a product recall could occur. CDC estimates that each year 48 million people get sick from a foodborne illness, 128,000 are hospitalized, and 3,000 die. A product recall could result in hundreds of pounds of meat and/or poultry products to be pulled from retailer shelves or be detained and/or destroyed. This could be economically detrimental to the very small establishments in our program.
- B. MPIP considers its LEP plan a vital document in order to communicate information to LEP customers.

*Factor 4: Determine the resources available to LEP persons and costs to the MPIP.*

To determine the resources available to LEP persons and the costs associated with those resources, at a minimum, each MPIP will:

A. Cost of delivering competent and accurate language services to our customers

Service	Average Cost
Translating Documents	\$30 to \$125 per page
Contracting Interpreters	\$50 to \$150 per hour
Translation Software	Free to \$500

B. The State of Missouri has contractual agreements with three translation vendors

- a. Corporate Translation Services, Inc.
- b. Linguistica International
- c. Voiance Language Services LLC

### VI. LANGUAGE ASSISTANCE

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient (LEP) person and will be entitled to language assistance with respect to the MPIP’s services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language.

### VII. IMPLEMENTATION

This table is included as part of this LEP Plan for our state meat and poultry inspection program.

Action to be Taken	Timeline
1. Ensure employees who interact with LEP individuals receive LEP training.	Ongoing
2. Develop an LEP Plan.	04/15/18
3. Identify vital documents to be translated.	Ongoing
4. Compile and analyze data to determine what LEP services are needed.	Ongoing
5. Secure contractor for translation and interpretation services.	Ongoing
6. Notify beneficiaries of LEP services.	Ongoing

### VIII. COMMUNICATION PLAN

The MPIP will develop a communication plan as part of its LEP plan or as a separate document. The communication plan will outline specifically, how the MPIP intends to inform its customers of the availability of LEP services. The communication plan will include language that informs the customers that LEP services are provided by the MPIP free of charge. Informing customers about the availability of LEP services can be accomplished through several methods. These include:

- Posting the availability of LEP services on the MPIP’s website;
- Disseminating information about the availability of LEP services in State correspondence that is provided to customers and through outreach with community organizations and other groups;
- Displaying LEP identification posters in MPIP offices.

How the MPIP staff will identify an LEP person who needs language assistance:

- Post notice of the LEP Plan and the availability of interpretations or translations services free of charge in languages LEP persons would understand. Various language interpretation services the MPIP provides include the following list of languages:

Albanian	Ewe	Italian	Nepali	Spanish
Amharic	Farsi	Japanese	Nuer	Sudanese Arabic
Arabic	French	Karen	Oromo	Swahili
Armenian	Fulani	Khmer	Pashto	Swedish
Bengali	German	Kirundi	Persian	Tagalog
Bosnian	Greek	Korean	Polish	Taiwanese
Bulgarian	Gujarati	Kunama	Portuguese	Tamil
Burmese	Haitian Creole	Kurdish	Punjabi	Thai
Cambodian	Hausa	Laotian	Romanian	Tibetan
Cantonese	Hebrew	Maay	Russian	Tigrinya
Chin	Hindi	Malay	Samoan	Taishanese
Chuukese	Hmong	Malayalam	Serbian	Tongan
Croatian	Hungarian	Mandarin	Serbo Croatian	Turkish
Czech	Ilocano	Marshallese	Sinhalese	Ukrainian
Danish	Indonesian	Mien	Slovak	Urdu
Dari	Inupiaq	Mixteco	Somali	Vietnamese
Dinka	Iraqi Arabic	Mongolian	Sorani	Yupik

- Field staff will be made aware of this service annually by their supervisor and given direction on its use.

**A. Language Assistance Measures** – although there is a very low percentage of interaction with the MPIP by LEP individuals, that is, persons who speak American English “not well” or “not at all”, the Missouri MPIP will strive to offer the following measures:

- The MPIP staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating in English.
- The following resources will be available to accommodate LEP persons:



- Certified interpreters for the Spanish language and American Sign Language (ASL) are available and will be provided within a reasonable time period.
- Language interpretations will be accessed for all other languages through a telephone interpretation service.

#### **IX. TRANSLATION OF DOCUMENTS**

- The MPIP weighed the cost and benefits of translating documents for potential LEP groups. Considering the very low percentage of interaction with the MPIP, the availability of other language assistance measures discussed above, the expense of translating documents, the likelihood of frequent changes in documents and other relevant factors, at this time it is an unnecessary burden to have any document translated.
- Due to the very small local LEP population, the MPIP does not have a formal outreach procedure in place, as of 2017. Translation resources have been identified in this region. However, when and if the need arises for LEP outreach, the MPIP will consider the following options:
  - When staff prepares a document, or schedules a meeting, for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.
  - Post signs at the District office notifying LEP persons of the LEP Plan and how to access language services.

#### **X. LEP TRAINING FOR MPIP EMPLOYEES**

Employees within MPIP who encounter or may encounter LEP persons will receive LEP training. The MPIP may choose to develop its own LEP training or utilize the following LEP training that was developed by FSIS:

<https://www.youtube.com/watch?v=YVm220yfW9I&feature=youtu.be>