

Rural Minnesota CEP, Inc.

LANGUAGE ACCESS PLAN

2024

Purpose

The purpose of this plan is to document the policies and procedures related to providing language access to individuals with Limited English Proficiency (LEP) while accessing services and information at Rural Minnesota CEP, Inc. RMCEP serves a 19-county area including Becker, Beltrami, Cass, Clay, Clearwater, Crow Wing, Douglas, Grant, Hubbard, Lake of the Woods, Mahnommen, Morrison, Otter Tail, Pope, Stevens, Todd, Traverse, Wadena, and Wilkin.

Authorities

The following state and federal guidelines are in place, which require non-discrimination and access to program services for non-English speaking individuals.

- **Title VI of the Civil Rights Act of 1964**, 42 U.S.C. 2000 et seq.; 45 CF 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**, Guidance to Federal Financial Assistance Recipients regarding Title VI prohibition against national origin discrimination affecting Limited English Proficient Persons, 68FR 47311 (2003).
- **Department of Justice regulation**, 28 CFR 42.405(d)(1), Department of Justice, Coordination of Enforcement of nondiscrimination in federally assisted programs, requirements for translation.
- **Workforce Innovation and Opportunity Action (WIOA)**, Section 188, and 29 CFT Part 58 Nondiscrimination and Equal Opportunity and its implementing regulations. The Civil Rights Center (CRC), Department of Labor, is assigned monitoring and enforcement responsibilities.
- **Communications Services**, Minnesota Statute 15.441, subd (1), (2), (3), (4).
- Information for persons with limited English language proficiency, Minnesota Statute 256.01, subd 16.
- **Minnesota Human Rights Act**, Minnesota Statutes Chapter 363A prohibits discrimination based on race or national origin in public services.

Definitions

- Culturally appropriate services – utilization or application of services, testing, and any other methodology that does not have the effect of subjecting individuals with LEP to discrimination because of their race, color, or national origin, or do not have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin. – 45 CFR 80.3(b)(2).
- Effective communication – this occurs when staff have taken the necessary steps to make sure that a person with limited English proficiency (LEP) is given adequate information to understand the services and benefits available and receives the benefits for which they are eligible. Effective communication also means that a person with limited English proficiency can communicate the relevant circumstances of their situation to the provider.
- Individual with Limited English Proficiency (LEP) – a person with Limited English Proficiency or “LEP” is not able to speak, read, write, or understand the English language well enough to allow them to interact effectively with healthcare, social service agencies, and other providers.
- Interpreting – the oral or spoken word transfer of a message from the source language into the target language. There are different modes of interpretation such as consecutive, simultaneous, sight-translation, and summarization.

- Meaningful access – meaningful access to programs, information, and services is the standard of access required of federally funded entities to comply with Title VI’s language access requirements. To ensure meaningful access for people with Limited English Proficiency, service providers must make available to clients free of charge, and without undue delay, language assistance that results in accurate and effective communication.
- Office for Civil Rights (OCR) – the Office for Civil Rights is the civil rights enforcement agency of the U.S. Department of Health and Human Services. OCR Region V is the regional office that enforces Title VI in Minnesota for health and human service agencies and providers.
- Primary languages – the languages other than English that are most commonly spoken by customers as identified by RMCEP’s collection of demographic data. Currently there are five primary languages including Arabic, Haitian, Kurdish, Somali, and Swahili.
- Translation – means the written transfer of a message from the source language into the target language.

Meaningful Access Policy

Access to any of RMCEP programs or services will not be denied due to the inability of a customer to speak or read English. A person has LEP when they are not able to speak, write, read, or understand the English language at a level that allows them to interact effectively with RMCEP staff. RMCEP will foster effective communication between staff and customers with LEP by making timely appropriate language assistance services available at no cost to the customer. This plan covers all RMCEP programs or activities of those who are receiving federal financial assistance.

RMCEP will offer language assistance to clients who have difficulty communicating in English. When customers ask for language assistance, staff will offer free interpretation or translation services in the language the customer understands. These services must be completed timely, and confidentiality must be maintained on a need-to-know basis.

Methods of Providing Services to Individuals with LEP

Rural Minnesota CEP, Inc. uses interpreters and translation service providers. When possible, existing staff who speak or write the language of the customer will provide these services.

Interpreter Services

RMCEP without undue delay, and at no cost to individuals, provides meaningful access to information and services to all customers with LEP. Interpreters must have demonstrated proficiency in both English and the intended language that includes skills and ethics of interpreting. RMCEP works primarily with Language Line Services, Inc. for our client interpreter needs and covers all cost associated with this service. When available, internal staff may provide translation services for customers.

General Requirements

1. **Verify customer identity** – before releasing case-specific information, RMCEP must verify the identity of the customer and the bilingual staff, Language Line Services staff, or others providing interpretation or translation services.

2. **Document use of interpreter** – RMCEP staff must always document in the customer’s case notes or keep appropriate records when an interpreter is used or when a client makes use of another form of language assistance. Appropriate records must be kept ensuring that documentation is available for the Language Line Service invoice.
3. **Do not use minor children** – minor children should not be used for interpretation.
4. **In-person interpreter services** – if an interpreter is needed in person, rather than over the telephone, staff will make arrangements to have an interpreter available at a time and place that is convenient for both the customer and the interpreter.

Using family, friends, or minor children as interpreters may expose RMCEP to liability under Title VI and Section 188 if it requires, suggests, or encourages the use of friends, family member, or minor children as interpreters. Use of these individuals could result in a breach of confidentiality or a customer’s reluctance to disclose personal information related to their situation. There may also be a concern about the competency in the communication of those individuals. Staff may accommodate a customer’s request to have family or friends interpret for them; however, the staff member must keep in mind concerns related to confidentiality and the individual’s competency in interpreting information. The following should be considered:

- Confidentiality must be maintained on a need-to-know basis and the accuracy of interpretation should be of the highest concern.
- Staff should always offer free interpreter services.
- If a customer prefers to have a family member or friend serve as an interpreter, ask the customer if they will allow a trained interpreter to listen to the conversation to ensure accuracy in the interpretation. If this offer is refused by the customer, document the offer and refusal in case notes and follow the customer’s wishes to use the family member or friend.
 - Minor children should never be used as interpreters.
- If private information will be disclosed, refer to the requirements of the Minnesota Government Data Practices Act.

Translation of Documents

RMCEP uses qualified individuals or service providers to translate vital documents or documents needed to perform services for a customer.

Vital Documents

Vital documents should be a priority for translation and are critical for those accessing federally funded services or those documents required by law. They include, but are not limited to:

- Applications
- Consent and complaint form letters regarding eligibility or participation information.
- Notices regarding reduction, denial, or termination of services or benefits and the right to appeal.
- Notices that require a response from customers.
- Notices that offer free language assistance.

The US Department of Labor (DOL) has not provided guidance for determining when to provide written translation of vital documents. However, they referenced the US Department of Justice (DOJ) guidance, which designates the safe harbor for providing written translations. According to the DOJ's guidance, the following actions will be considered evidence of RMCEP's compliance of written translation obligations:

- A. The recipient provides written translations of vital documents for each eligible language group with LEP that constitutes 5% or 1000, whichever is less, of the population of persons eligible to be served or likely to be encountered. Translation of other documents can be provided verbally.
OR
- B. If there are fewer than 50 persons in the language group that reaches the 5% trigger described above, the recipient does not translate vital written materials, but provides written notice in the primary language of the LEP language group of the rights to receive oral interpretation of those written materials at no cost. Forms and other documents should be translated into any or all of the 5 primary language as necessitated by the customer base, unless the translation of a certain document would be burdensome enough to defeat the legitimate objective of its programs.

Accessing Translated Materials

RMCEP has translated some vital documents into other languages which can be accessed by contacting administrative staff. Unemployment Insurance forms and documents can be accessed online at <https://uimn.org>.

Level of Language Ability

Some LEP clients may not have the ability to understand written materials; therefore, oral interpretation of written materials will be provided using interpreters. RMCEP staff must assist customers with LEP who cannot read in their preferred language to the same extent as they would assist English speaking customers who cannot read English.

Notice of Right to Language Access

I Speak cards say in both English and the primary languages, I need an (appropriate language) interpreter. Staff may distribute these cards to customers with LEP so they can signal their language need. *I Speak* card can be found online at: [I Speak Flashcard \(lep.gov\)](http://lep.gov). Other resources available include "I need an interpreter" card which is available in ten languages from the MN Department of Human Services website at: <https://edocs.dhs.state.mn.us>.

RMCEP Staff Training

This LEP plan will be accessible in an electronic format and included in the Program Policies available in a location where all staff can access it. RMCEP will provide training to educate staff to be aware of LEP policies and procedures. This will be incorporated into the new employee onboarding program and will include the requirement to provide language assistance, as well as policies and procedures related to accessing language assistance services.

In addition, those staff who may need to work with language assistance services will be provided additional training on:

- How to access language assistance services.
- How to document information about a customer's language needs in the customer's case notes.
- Procedures for ensuring appropriate documentation is in place to provide back-up for language service invoices.

Monitoring

Rural Minnesota CEP, Inc. will conduct an evaluation of its LEP program to determine its overall effectiveness. The EO Officer will lead the evaluation which will include:

- The current LEP populations within the 19-county service area.
- The frequency of encounters with various LEP language groups.
- Whether the existing language access assistance is meeting the needs of the LEP customer.
- Whether staff members know the LEP plan and how to access interpreter or translation services.
- Whether the identified sources for providing interpreter and translation services are still available.

RMCEP's LEP plan will be modified as needed based the results of the evaluation conducted or on demographic data collected.

Dissemination of Language Access Information in Public Areas

This LEP plan is available for all staff to access in an electronic format. This plan will also be placed on RMCEP's external website for public access.

Complaint Process

RMCEP's Equal Opportunity Officer is responsible to investigate any complaints received related to discrimination. Individuals who have a concern about discrimination may contact the supervisor at any RMCEP office location or request contact information of the EO Officer:

Melissa Kain, Human Resources Manager
803 Roosevelt Avenue
Detroit Lakes, MN 56201
melissak@rmcep.com
218-847-0721

Or

Tina Jaster, Executive Director (alternate)
803 Roosevelt Avenue
Detroit Lakes, MN 56201
tinaj@rmcep.com
218-847-0720