

Limited-English Proficiency (LEP) Plan

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Blue Earth County Human Services

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100 Purpose and Legal Basis

The following document serves as the Blue Earth County Human Services (BECHS) plan to meet the legal obligation of language access requirements in compliance with the Title VI of the Civil Rights act of 1964 and for the Office for Civil Rights (OCR); 7 CFR, 273 et seq; and 42 CFR 435 et seq.

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

There are four components to this document:

200 Assessments
300 Policies and Procedures
400 Training
500 Monitoring

200 Assessments

201 Needs Assessment. Identification of LEP consumers will take place at initial contact with the agency. Consumers coming into the agency will be assessed by office support staff as to the level of verbal communication. The CAF and HCAPP have questions referring to language of preference, and these will be reviewed by IM intake staff if applying for public assistance. If the consumer is contacting our agency for social services or other services, the intake worker will assess the need for an interpreter when speaking with the consumer. “I speak” cards are available in the agency for languages not commonly spoken in Blue Earth County. LEP posters are posted in the public waiting area.

Language assistance is most needed when consumers are making application or recertifying for public assistance, when contacting child support and working with establishment of paternity and/or court orders, and/or working with social services in any aspect. It is also necessary for ongoing case maintenance contacts (i.e., the consumer contacts the agency without a scheduled appointment).

We have contracted with local agencies to provide interpreters that are available on an on-call basis and can be available to allow the same access to emergency benefits as English-speaking persons. We currently have bilingual (Spanish and Somali) staff and will strive to add additional bilingual staff in our agency in the future. We will make use of the Language Line to assist with emergent interpreting. Interpreters are available to assist via telephone as needed.

202 Case Finding. Specific language needs of each applicant with LEP will occur at the time of screening, intake, or application. This will primarily be done by reviewing the language preference questions on the Health Care Application (HCAPP) and the Combined Application Form (CAF). Language preferences will be entered into the applicant’s primary language fields in the MAXIS and/or MMIS system. If an interpreter is needed, it also will be entered in the MAXIS and/or MMIS system. If the main receptionist or intake worker suspects that the applicant is a person with LEP, the worker will present the LEP person with a card that lists the ten principal languages (Spanish, Somali, Russian, Arabic, Oromo, Serbo-Croatian, Hmong, Vietnamese, Cambodian [Khmer], and Lao) in order to determine which language is involved, if any. It is expected that reasonable efforts will be made by Blue Earth County Human Services to provide same-day interpreter services.

203 Points of Contact. The greatest likelihood of need for interpreter services will be at the point of intake - at the time of an emergency or application for financial assistance. The most appropriate form of interpreter services will likely be language assistance in completion of an application for financial assistance or health care. The other point of contact may involve field-based contact when conducting child protection assessments. These contacts will typically take place in the home of the child’s caretaker or parent.

204 Resources Needed. Blue Earth County Human Services will utilize its resource of PMAP Interpretive Service Providers and its contracts with other community agencies for interpreter services. Additionally, Blue Earth County Human Services has a working relationship with Language Line Services (1-800-752-0093) for languages involved with Language Line Services “tier” system. When feasible, on-site interpreter services will be made available and would be the first preference. When appropriate, the use of ITV may be considered. Use of reciprocal faxing

processes will be used when necessary to facilitate completion of applications and processing of interviews.

205 Timely Access. Services through PMAP providers and contracted providers are available during customary business hours, Monday through Friday, 8:00 a.m. to 4:30 p.m. Language Line Services are available 24 hours a day, 7 days a week. Contact with either entity will be made by commercial phone. When on-site interpreter services are to be used, it will be necessary to schedule appointments at mutually-convenient times for the client and the interpreter. Use of ITV, if used, will occur in a private setting within the agency.

206 Notice of Service Availability. LEP clientele will be informed of the availability of free interpreter and translation services at the point when it appears that the customer is not able to communicate in English. Notice of service availability will come from the interpreter poster displayed in the central reception area. Distribution of the LEP Plan will help in putting those entities on notice that interpreter and translation services are available on a timely basis and free of charge. Insofar as the Department of Human Services has translated many forms into multiple languages, Blue Earth County Human Services will access these forms as necessary. These forms can be accessed at the Department's website at <http://edocs.dhs.state.mn.us>.

300 Policies and Procedures

301 Agency Commitment. Blue Earth County Human Services is committed to the spirit of the Civil Rights Act of 1964. It recognizes the importance of providing meaningful access to all persons, including persons with LEP, to the various programs operated under Blue Earth County Human Services.

302 Range of Oral Language Assistance. There will be limited oral language assistance on-site. Use will be made of the formal linkage between PMAP providers and contracted providers to address our non-English-speaking clients. Specifically, in regard to Spanish and Somali needs, we do have staff that are proficient at interpreting. Subsidiary use of Language Line Services for all other non-English languages will take place as necessary.

303 Uncommon Languages. There may be circumstances when customers present for services that use a language other than that most commonly used in Blue Earth County. There may be languages such as Russian, Hmong, Vietnamese, Khmer/Cambodian, Lao, and the like. Receptionist staff will use the “I speak” cards to determine the correct language and contact one of our contracted interpreter providers to provide the service. If the front desk is unable to determine the uncommon language, then they should refer all such cases to the financial assistance supervisor, social services supervisor, or director. This person will be responsible for trying to determine the customer’s language or country of origin. Once determined, contact will be made with an appropriate interpreter service and/or an appropriate Language Line Services interpreter in the customary manner.

304 Affirmative Action. The Blue Earth County Human Services employee handling the case will inform either the customer or the interpreter, once it has been determined that interpreter services are needed, there is no charge or fee for the service. This will be communicated in verbal form. At no time in the service-delivery process will the customer incur any costs associated with LEP-directed interpreter services.

305 Use of Family and Friends. Use of family or friends as interpreters is not the preferred method of providing interpreter services. But when the intake worker has determined that it is not feasible to use formalized interpreter services, a consultation will be made with that worker’s immediate supervisor or director. Alternative methods of customer service will need to be discussed. If the worker has determined that a family member, friend, or other responsible party is competent and can adequately perform the interpreter service, approval may be given. The worker needs to feel confident that the client’s data privacy rights will be protected and that the quality of the interpreter services to be provided by the family member or friend will be acceptable. The worker will need to document in the case file the extenuating circumstances for use of family or friends, particularly that the family was offered other interpreter services and that the client insisted that a family member or friend be used. **Under no circumstances may minor children be used for interpreter services.**

306 Competency Standards for Interpreters. Blue Earth County will make sure that interpreters, whether bilingual staff or professional interpreters, are competent. 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. When using family, friends, or significant

others, the intake worker must make a judgment as to the competency of the proposed interpreter. “Certification” as an interpreter is preferred but not a prerequisite.

307 Assigning Clients with LEP to Bilingual Staff. Where applicable, and as a program practice, Blue Earth County will use its best efforts to assign clients with LEP to bilingual staff who speak their language.

308 Dissemination of LEP Plan. Copies and access for the LEP Plan will be provided to the following: all Blue Earth County Human Services employees who have direct customer contact, area Legal Aid Office, contracted providers, and Blue Earth County Courthouse.

309 Services to Recipients Who Don’t Read Their Own Language. When confronted with a situation in which the customer cannot read or write in his/her native language, it is incumbent that Blue Earth County Human Services find a suitable interpreter, one who can assist the person in completion of necessary forms, documents, and the like. The Blue Earth County Human Services intake worker needs to make the determination, in conjunction with the interpreter, about the customer’s literacy skills. The clear choice in dealing with cases of illiteracy will be to have an on-site interpreter. It may be necessary to schedule interviews when face-to-face interpreter services can be provided. Use of the ITV, faxing of forms, and over-the-phone services may be required on a case-by-case basis.

310 Emergency Situations. When programs require access to services within short time-frames, Blue Earth County 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, Blue Earth County’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.

311 Access to and Costs of Interpreters. Under no circumstances will Blue Earth County Human Services indicate (either verbally or in writing) that any applicant or client in need of LEP services will be charged for interpreter or translation services. All such services shall be at no expense to the applicant or client. Such services will be provided during all normal business hours and, when necessary, during non-business hours when an emergency has been determined to exist.

312 County-Produced Materials. It is not anticipated that Blue Earth County Human Services will develop any special material. Rather, Blue Earth County Human Services will rely on the state-produced documents as the primary source of translated materials. Downloading of documents from the DHS web page will be used as necessary.

313 Complaint Resolution Protocol. Any adverse action taken by Blue Earth County Human Services with which an applicant or recipient disagrees is subject to complaint. Blue Earth County Human Services has a formal complaint process that can be utilized to try to resolve any dispute. Any person can receive and complete a formal grievance procedure form by requesting this form at the first-floor reception desk at the Blue Earth County Government Center, 410 S. Fifth Street,

Mankato, Minnesota. (See Attachment 1.) In the absence of local resolution, the person making the complaint will be informed in a language understandable to the grievant of the process to follow in making a complaint to DHS or the Office of Civil Rights. The complaint procedure will conform in all respects to the extant Blue Earth County Human Services' procedure included in Civil Rights Compliance Requirements. Appropriate use of interpreter services, either a PMAP provider or a contracted provider, or Language Line Services, to facilitate the dispute resolution process will take place. All such complaints can be made to any of the parties listed at the top of this LEP Plan.

314 Procedures for Using/Distributing Translated Forms. Blue Earth County accesses from the Department's website a number of documents and forms which are available in languages other than English.

400 Training

401 Distribution of LEP Plan. All Blue Earth County Human Services employees who have direct contact with customers will be provided a copy of the LEP Plan upon its adoption. If any changes are made in the document, a revised copy will also be provided to the same entities listed in 308.

402 Training of Staff - Initial. With approval of the LEP Plan, there will be initial training on the document. This training will take place for current staff by unit supervisors in the context of a unit staff meeting. For any new employee affected by the LEP Plan, this document will be incorporated into that person's "generic orientation" protocol at the time of hire and reviewed with their direct supervisor.

403 Training of Staff - Ongoing. On at least an annual basis at a specific unit meeting, a review of the LEP Plan will take place.

500 Monitoring

501 Evaluation of the LEP. On at least an annual basis, the LEP Plan will be reviewed for effectiveness. This review will normally take place in January. It will be coordinated by the Blue Earth County Human Services LEP coordinator. The evaluation will involve consultation with representatives of the Financial Assistance Unit and Social Services Unit to determine compliance with the LEP Plan, identification of any problem areas, and development of required corrective action strategies. Elements of the evaluation will include the following.

- Number of persons with LEP in Blue Earth County.
- Assessment of current language needs of Blue Earth County Human Services applicants and clients to determine if the clients need an interpreter and/or translated materials, updating case files which lack information about a client's language preference, determining if clients need to be asked their language preference at the time of certification.
- Determining whether existing assistance is meeting the needs of applicants and clients with LEP.
- Assessing whether staff members understand Blue Earth County Human Services' LEP policies and procedures and how to carry them out and whether language assistance resources and arrangements for those resources are still current and accessible.
- Seeking and obtaining feedback from non-English- or limited-English-speaking communities in Blue Earth County including applicants and clients as well as any known community organization or advocacy group working with non-English- or limited-English-speaking communities.
- Contacting the local school district to gather information on identifying all non-English-speaking needs.

502 LEP Contact Person. For purposes of the LEP Plan, Blue Earth County's designated contact person is the director with appropriate delegation made to both the financial assistance supervisor and the social services supervisor of the agency.

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Blue Earth County Human Services Client Grievance Procedure

Purpose

The client grievance procedure is a way to solve problems between you and your worker. This policy does not change your rights under Minnesota Statutes as they may apply.

Procedure

You are encouraged to try to solve this conflict directly with your worker. If you want to bring this matter to the attention of the agency, please write out your concerns or the nature of the problem. Send it to the supervisor of the staff person with whom you are working. Your worker's supervisor will investigate and respond to you in writing within one week.

If you are not satisfied with the decision of the supervisor, you may write out your objections or concerns and send them to the Director of Operations. The Director of Operations will review the issues and respond in writing within one week.

If you are not satisfied with the decision of the Director of Operations, you may report these concerns in writing to the Director. The Director will examine the issues and will respond to you in writing within one week.

If the problem is still unresolved, you may write out your concerns and forward it to the County Administrator whose decision will be final.

Each of these people may want to meet with you as they work with you to solve the problem.

County Board Role

Nothing in this policy statement is intended to modify the interaction of county board members with people from their district. Rather, a citizen may approach a county board member at any time concerning the operation of county government.

DB/
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LEP 2008.Doc

FOR OFFICIAL USE ONLY

Client Complaint Form

Nature of Complaint: _____

Signature of Individual Initiating Complaint Date

Employee's Response: _____

Signature of Employee Date

Supervisory Action: _____

Signature of Supervisor Date