

Workforce Development Board of South-Central Wisconsin Limited English Proficiency (LEP) Plan [FINAL DRAFT]

Effective Date: TBD

Purpose / Overview

The WDBSCW and its service providers will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in its programs, activities and other benefits. The plan of WDBSCW is to ensure meaningful communication with LEP individuals involving their workforce needs and services. This plan provides for the communication of information contained in vital documents (e.g. program application, program rights and responsibilities, etc.) All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served, and the individual will be informed of the availability of such assistance free of charge.

The WDBSCW will conduct a review of the language access needs of its customer populations and update and monitor the LEP Plan at a minimum of every two years. The WDBSCW EOO will oversee the implementation of the LEP plan.

Scope

The Workforce Development Board of South-Central Wisconsin and its contractors and subrecipients.

Guidance

Identifying Language Needs of LEP Individuals

- The WDBSCW Equal Opportunity Officer (EOO), in conjunction with the One-Stop Operator and supporting staff, reviews and monitors access to services via One-Stop Centers, including the language and communication needs of LEP individuals.
- The WDBSCW, at a minimum of every two years, conducts a review of the languages spoken by its customers and reviews language access needs of its LEP customer population via available data. For example, staff collect the preferred language of applicants, registrants, and participants as required for grant and program intake purposes. The WDBSCW conducts analysis/assessments (e.g., ASSET, Web Intelligence, U.S. Census Bureau and American Community Survey data) to identify languages spoken in the area and uses this data to support translation needs.

The Workforce Development Board of South-Central Wisconsin is an equal opportunity employer/program service provider. If you need assistance to access our services in a different language or need this material in an alternative format, contact us. Deaf, hard of hearing, or speech impaired callers may reach us by using Wisconsin Relay Services at 711. Proud partners of the American Job Center network.

The Four-Factor Analysis

- Subrecipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the DOL has stated that the starting point is an individualized assessment that balances the following four factors:
 - **Factor 1: The Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population:** The U.S. Census Bureau has a range of four classifications of how well people speak English. The classifications are (1) 'Very Well,' (2) 'Well,' (3) 'Not Well,' and (4) 'Not At All.' For planning and statistical purposes, we are considering individuals who speak English at any level below "Very Well" as Limited English Proficient (LEP). As part of this planning process, we have included statistics from the U.S. Census Bureau 2015 American Community Survey 5-Year Estimates Table to illustrate the number of individuals living in Workforce Development Area (WDA) 10 who speak English less than "Very Well." In addition, this U.S. Census survey indicates the number of individuals in each language group among the total population of individuals who speak English less than "Very Well." These statistics help to identify prominent and/or growing language groups for planning purposes at the local level.
 - **Factor 2: The Frequency with Which LEP Individuals Come in Contact with the Program:** The program must be evaluated in relation to the number of LEP persons who are within the program area and the number of times those persons have frequented the program or activity. The WDBSCW utilizes the ASSET system, the State of Wisconsin's information management system to register program applicants and participants. User statistics have been pulled from ASSET reportable individual and participant reports, which indicate voluntary self-identification information, which may help to indicate a potential need for language assistance among individuals.
 - **Factor 3: The Nature and Importance of the Program, Activity, or Service Provided by the Recipient:** The WDBSCW provides a wide range of programs, activities and services. The WDBSCW provides job seeker services, business services, Rapid Response services and a multitude of other services. The WDBSCW is responsible for administering numerous programs that receive State and Federal funding, including: WIOA, Rapid Response, Windows to Work, and many other programs receiving federal funding or grants.
 - **Factor 4: The Resources Available to the Recipient and Costs:** The WDBSCW serves the counties of Columbia, Dane, Dodge, Jefferson, Marquette, Sauk as part of its local Workforce Development Area and is required by Federal law to provide access to LEP persons, and to ensure that its subrecipients also provide such access.

Results of the Assessment

- At a minimum of every two years, the WDBSCW assesses changes in demographics, types of services, or other needs that may require reevaluation and revisions of this Plan and related guidance.

- Data assessment results can be used to develop and support regional outreach strategies that target unreached or underrepresented LEP populations including but not limited to new partnership formations and coordinated outreach campaigns.
- To increase access to all programs offered by WDBSCW, it is essential to conduct a thorough assessment of the language needs of the populations served by attempting to identify LEP individuals. In order to identify language needs, the WDBSCW EOO has reviewed available language data from the U.S. Census American Community Survey. The U. S. Census American Community Survey 2015 5-year estimate is an example of data available for WDA 10 to show that there were an estimated 770,110 individuals in the six-county area. The report denotes 697,341 individuals who speak only English and approximately 26,242 who speak English less than “Very Well.” This number constitutes approximately 3.4% of the population aged five and older in WDA 10. Spanish speakers make up 1.82% of the people who speak English less than “Very Well” in the WDA, followed by Chinese (0.35%), Hmong (0.25%) and Korean (0.15%).
- The Department of Justice defines the Safe Harbor Threshold to require translation of vital documents whenever 1,000 people or 5% of the total population (whichever is less) have Limited English proficiency and speak English less than "very well". Based on the 2015 American Community Survey (ACS) data from the U.S. Census Bureau, there are a number of language groups that meet that threshold (see below) in our WDA. However, based on the volume of registrants and participants that identify as LEP individuals for WIOA T1 services, the translation of documents is currently limited to Spanish.

Language Spoken at Home, American Community Survey, 5-Year Estimate, 2015; Table ID: S16001		
Language / Language Group	Number of individuals who speak English less than “very well”	Percent of individuals who speak English less than “very well”
Language Groups, Total Population: 770,110		
Spanish	14,044	1.82%
Chinese	2,718	0.35%
Hmong	1,952	0.25%
Korean	1155	0.15%
Other Indic languages	677	0.09%

Source: U.S. Census Bureau, 2015 ACS 5-Year Estimates, Language Spoken at Home By Ability to Speak English for the Population 5 Years and Over, Table BI 6001

Client Primary Language, WIOA Title 1 Programs, WDA 10, PY2020 (7/1/2020-6/30/2021)		
Primary Language / Language Group	Number of individuals (Registrants and Participants)	Percent of individuals (Registrants and Participants)
Language Groups, Total Population: 785		
Spanish	23	2.93%
Chinese	1	0.13%
Hmong	3	0.38%
Korean	0	0%
French	1	0.13%
Hindi	1	0.13%
Persian/Farsi	2	0.25%
Russian	3	0.38%
Somali	1	0.13%
Tibetan	1	0.13%
Other	3	0.38%
Totals	39	4.68%

Source: ASSET, Active Detail Report, Client Primary Language, July 1, 2020-June 30, 2021

Timelines for Implementation of the Plan

- The WDBSCW staff will develop a draft Limited English Proficiency Plan using the criteria outlined in 29 CFR § 38.9 and its corresponding Appendix.
- The WDBSCW staff will submit the draft Plan to the State EOO for review and feedback.
- A final draft of the Plan will be included in the WDBSCW's current Program Guide.

Language Services Available to LEP Individuals

- Staff may use a language identification card (or "I speak cards," available online at www.lep.gov) or related tools/resources to determine the language needs of an LEP individual.

- Written material in appropriate non-English languages or translated by oral interpretation and/or summarization.
- Oral information translated into appropriate non-English languages either in-person, phone and/or web-based technology, such as LanguageLine; and/or
- Referral to language assistance programs and services through partner agencies, including by not limited to technical colleges and community-based literacy organizations.

Providing Notice of Available Services to LEP Persons

The WDBSCW provides notice of language services for LEP individuals in areas including (but not limited to):

- A [Babel Notice](#) on the WDBSCW's website (Accessibility and Equal Opportunity section);
- Disclaimers on public-facing materials including outreach flyers, EO signage/posters, and vital documents (e.g. program application) that cites:

"If you need assistance to access our services in a different language or need this material in an alternative format, contact us. Deaf, hard of hearing, or speech impaired callers may reach us by using Wisconsin Relay Services at 711. Proud partners of the American Job Center network."

Steps to Request Language Assistance

With regard to vital information, to the extent otherwise required, once staff becomes aware of the non-English preferred language of an LEP individual, the staff must convey vital information in that language.

- Individuals may request language assistance for information that is available to the public. These language assistance services are free of charge.
- Individuals seeking more information about interpretation services may call the One-Stop Operator at (608) 242-7482 or email jenloe@worksmartnetwork.org. Or write to:

Dane County Job Center
% One-Stop Operator, Julie Enloe
1819 Aberg Avenue
Madison, WI 53704

- The One-Stop Operator is responsible for:
 - Contacting the appropriate bilingual staff member to interpret, in the event that an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret.
 - Assisting with the contact of an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language.
- Language assistance may be provided through use of competent bilingual staff, staff interpreters, contracts or formal arrangements with local organizations providing interpretation or translation services, or web-based technology and telephonic interpretation services. Staff will be provided notice of

this guidance and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the use of an interpreter.

- LanguageLine Solutions is contracted to provide qualified interpreter services. The telephone number is 1-866-874-3972 and the hours of availability are on-demand. Staff must use Client ID #716671. Staff should reference the LanguageLine Solutions Quick Reference Guide for additional support. Staff must log their usage of the interpreter service on the Language Assistance and Accommodation Request log. As well, staff must notify the OSO each time the service is used.
- Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and after the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the staff. Such an offer and the response will be documented in the individual's file/record. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.
 - When an individual permits the accompanying adult to provide such assistance, staff must make and retain a record of the individual's decision to use their own interpreter. This should be reported in the applicable data reporting system (i.e., ASSET) if possible. Staff are to use the WDBSCW Acknowledgement and Refusal of Free Interpretation Services form and retain it in the participant file if applicable. If not applicable, staff should route the completed form to the WDBSCW EOO for file retention.
 - Children and other clients will not be used to interpret, in order to ensure confidentiality of information and accurate communication.

Steps to Implement the Limited English Proficiency (LEP) Plan

- The WDBSCW EOO will work with its One-Stop Operator to ensure employees, service providers and partners are informed and equipped to support the implementation of the Limited English Proficiency Plan. This plan will be made available to staff and service providers via the WDBSCW Program Guide -- a living document for staff reference -- and also on the WDBSCW website.
- The WDBSCW will conduct a review of the language access needs of its customer populations, as well as update and monitor the implementation of this plan and the guidance at a minimum of every two years.

Staff Training

- Staff receive onboarding and continuous training on EO practices to ensure fair and equitable access to services. This training is primarily led by the One-Stop Operator and partners and can include updates to

the language services and resources available to assist LEP individuals as part of the LEP Plan. Training may include but is not limited to:

- Identifying the language needs of LEP individuals.
 - Working with interpreters in-person or on the telephone.
 - Requesting documents for translation.
 - Accessing and providing language assistance services through multilingual employees, in-house interpreters and translators or contracted personnel.
 - Professional responsibility with respect to LEP individuals.
 - Interpreter ethics.
 - Tracking the use of language assistance services; and
 - Tips on providing effective assistance to LEP individuals.
- The WDBSCW will include the requirement for its service providers to review the LEP plan as part of the contract's assurances section.

Monitoring and Continuous Improvement of Language Needs and Implementation

- The WDBSCW EOO, in conjunction with the One-Stop Operator, monitors access to services at one-stop centers, including the language and communication needs of LEP individuals, as part of its annual monitoring of service providers and programs.
- The WDBSCW annually conducts a review of the language access needs of its LEP customer population as part of its programmatic and civil rights/EO data analysis processes.
- The WDBSCW has a complaint process in place, including a clearly defined timetable to process complaints quickly. The WDBSCW makes this information available to all individuals in digital format and also in hard copy.
- The WDBSCW seeks feedback from its service providers, employees and stakeholders to support continuous improvement efforts. This is done through informal conversations, staff training and meetings and board meetings.
- The WDBSCW will continue to allocate resources, including staff time for the assessment and continuous improvement of the Limited English Proficiency Plan, training and associated elements. We'll collaborate with partners as appropriate. The WDBSCW maintains a budget annually to ensure resources are available to support access for LEP customers.

Documenting Language Service Provision

The WDBSCW maintains a log for staff to report requests for language assistance services. This is maintained and reviewed by the WDBSCW EOO, supporting staff and the One-Stop Operator.

Review of the Limited English Proficiency Plan

The WDBSCW EOO and supporting staff will conduct a review of the LEP Plan implementation, including language access needs of our customer populations at a minimum of every two years. In addition, the WDBSCW will assess the efficacy of the plan, including but not limited to the resources and equipment used for the

delivery of language assistance, complaints filed by LEP persons, etc. The WDBSCW will update and monitor the implementation of this plan, as necessary.

Compliance Elements

<https://www.law.cornell.edu/cfr/text/29/38.9>

Appendix to 29 CFR §38.9 - Guidance for Recipients

A written LEP plan should identify and describe:

1. The process the recipient will use to determine the language needs of individuals who may or may seek to participate in the recipient's program and activities (self- or needs-assessment)
2. The results of the assessment, *e.g.*, identifying the LEP populations to be served by the recipient
3. Timelines for implementing the written LEP plan
4. All language services to be provided to LEP individuals
5. The manner in which LEP individuals will be advised of available services
6. Steps individuals should take to request language assistance
7. The manner in which staff will provide language assistance services
8. What steps must be taken to implement the LEP plan, *e.g.*, creating or modifying policy documents, employee manuals, employee training material, posters, Web sites, outreach material, contracts, and electronic and information technologies, applications, or adaptations
9. The manner in which staff will be trained
10. Steps the recipient will take to ensure quality control, including monitoring implementation, establishing a complaint process, timely addressing complaints, and obtaining feedback from stakeholders and employees
11. The manner in which the recipient will document the provision of language assistance services
12. The schedule for revising the LEP plan
13. The individual(s) assigned to oversee implementation of the plan (*e.g.*, LEP Coordinator or Program Manager)
14. Allocation of resources to implement the plan

Example Policy

<https://www.hhs.gov/civil-rights/for-providers/clearance-medicare-providers/example-policy-procedure-persons-limited-english-proficiency/index.html>

Resources

Wisconsin WIOA State Plan (page 112)

<https://dwd.wisconsin.gov/wioa/pdf/wi-wioa-state-plan-2020.pdf>