

Limited English Proficiency Plan
North Carolina Department of Agriculture and Consumer Services (NCDA&CS)
Meat and Poultry Inspection Division (MPID)

PURPOSE: Title VI of the Civil Rights Act of 1964 prohibits discrimination based upon race, color or national origin by an entity receiving federal financial assistance. This Limited English Proficiency (LEP) plan was developed to ensure effective communication and equal access to services provided by the North Carolina Department of Agriculture and Consumer Services (NCDA&CS) and the Meat and Poultry Inspection Division (MPID) for persons with limited English Proficiency. LEP persons are defined as any prospective, potential or actual recipient of benefits or services from the agency who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with agency personnel.

I. Policy

It is NCDA&CS, MPID's policy to ensure that reasonable steps are taken to provide meaningful access and an equal opportunity to participate in services, activities, programs and other benefits to individuals whose first language is not English. This policy includes providing oral interpretation or written translation of vital documents and other information to Limited English Proficiency (LEP) persons and their authorized representatives. All interpreters, translators and other aids needed to comply with this policy will be provided without cost to the person(s) being served. LEP persons and their authorized representatives will be informed of the availability of such assistance free of charge.

NCDA&CS, MPID will conduct a review of the language access needs of its customers and update this plan periodically as warranted. Employees having direct contact with LEP persons will be trained in effective communication techniques, including the procedures for securing interpretation and translation services.

II. Legal Authority

Title VI of the Civil Rights Act of 1964, Section 601; 42 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 any 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.

III. Definitions

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

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

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

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.

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

Language Access – Efforts by an agency or organization to make its programs and services accessible to individuals who are not proficient in English.

Language Assistance Services – Interpretation or translation services that assist LEP persons in understanding or communicating in another language.

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

Qualified Interpreter – An individual who provides interpretation services at a level of fluency, comprehension, impartiality, and confidentiality appropriate to the specific nature, type, and purpose of the information being interpreted.

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

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

Vital Document - Paper or electronic written material that contains information that is critical for accessing a program or activity, or is required by law, such as consent forms, applications, and notices of rights.

IV. Four Factor Analysis

NCDA&CS MPID's policy is based on the four-factor analysis which is used to determine the appropriate language assistance services to ensure that an LEP person has meaningful access to the agency's programs and activities. The four factors on which this plan is based are incorporated into the plan.

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

According to US Census Data published in 2019, 64% of households in North Carolina that speak a language other than English, speak Spanish. Second and Third most common languages spoken are Chinese (3%) and French (2%).

Factor 2: The frequency with which LEP persons come in contact with the program

To determine the frequency with which LEP persons come in contact with NCDA&CS MPID programs, services and activities, our office staff will capture their contact with LEP persons using Appendix 1.

Factor 3: The nature and importance of the program, activity or service provided by NCDA&CS MPID to LEP persons

LEP persons would not have access to the services provided by NCDA&CS MPID if these services were not provided in languages other than English.

Factor 4: Determine the resources available to the LEP Persons and costs to the Agency

To determine the resources available to LEP persons and the costs associated with those resources, NCDA&CS MPID will explore the most cost effective means of delivering competent and accurate language services. In addition to using NCDA&CS employees who are proficient in specific languages and are able to provide assistance to customers who speak those languages, NCDA&CS MPID will utilize outside translation and interpretation services as necessary.

Services to LEP Persons / Current Practices

Oral language assistance – In response to the needs of LEP persons, the NCDA&CS MPID will provide oral language assistance, including interpretation assistance by qualified interpreters, employees or private agencies in face-to-face and telephone encounters. At the point of first contact with an LEP person, the NCDA&CS MPID employee will determine whether the person has limited English proficiency by determining his or her primary language and implement or procure the appropriate language assistance service.

“I speak” language identification cards are posted in work units that serve LEP persons.

The NCDA&CS employs various persons who are proficient in specific languages and are able to provide assistance to customers who speak those languages. Persons providing translation/interpretation services will be certified and/or qualified interpreters.

Written translations – Translation software will be downloaded onto the agency’s web site so LEP persons can view all vital documents and other information contained on the web site in the language of their choice. Translation software has also been applied to our Application for State Inspection and will be used to translate other documents upon request.

If needed, our agency has the means and will pursue the use of certified translators and interpreters.

V. LEP Training for NCDA&CS MPID Employees

NCDA&CS MPID employees who may encounter LEP persons will receive appropriate training every other year on addressing the language needs of LEP customers. Training will include procedures for requesting translation and interpretation services. We will utilize the LEP training developed by FSIS as posted on You Tube.

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

VI. Communication Plan

NCDA&CS MPID will take several steps to inform the customer of our free LEP services. The LEP plan will be posted on our agency’s web page. Translation software has been downloaded onto the agency web page. Vital documents such as the Application for State Inspection will be loaded onto the web page where software will translate them. LEP identification posters have been posted in our state office. Information on LEP services will be displayed during outreach activities.

VII. Monitoring/Evaluation

NCDA&CS MPID will complete and submit a self-assessment (FSIS Form 1520-1) to FSIS upon request. The State’s LEP program will be reviewed on an annual basis and updated as needed.

Appendix 1: NCDA&CS Survey to record contact with LEP Persons

An individual with Limited English Proficiency (LEP) is defined as a person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English.

The purpose of the survey is to gather information on the number and frequency of contacts that NCDA&CS MPID employees have with LEP individuals where the nature of those interactions is of critical importance in the receipt of federal services. This survey pertains to the language needs of NCDA&CS MPID customers and does not apply to NCDA&CS MPID employees who, in order to perform their duties, must be fluent in the English language.

LEP Survey

Q. Do you encounter LEP individuals in the course of communicating critical information? Critical information is defined as information required for obtaining or retaining federal services and/or benefits, or is required by law. Examples include:

- Application procedures and documentation required to apply for grants of inspection
- Documentation and information needed to enforce and ensure compliance with food safety requirements
- Information on recalls

A. Yes/No (If the answer is yes, proceed to the next question. If the answer is no, the survey is over.)

Q. What critical information are you providing to these LEP individuals?

A. Fill in

Q. What are the primary languages of these LEP individuals? (Select all that apply)

A. Spanish; French; Mandarin (Chinese); Japanese; Vietnamese; Arabic; Don't Know; Other (fill in)

For each

Q. What critical information are you providing to these LEP individuals?

A. Fill in

Q. What are the primary languages of these LEP individuals? (Select all that apply)

A. Spanish; French; Mandarin (Chinese); Japanese; Vietnamese; Arabic; Don't Know; Other (fill in)

For each language selected, please answer the following questions:

Q. Over the course of the year, approximately how many people do you encounter that speak this language?

A. Number

Q. How often do you interact with these LEP individuals?

A. Daily; Weekly; Monthly; Annually

Q. Are there NCDA&CS employees in the local area who are fluent in this language and can serve as interpreters as needed?

A. Yes/No/Don't Know

Appendix 2
Implementation Timeline

<u>Action</u>	<u>Timeline</u>
Develop an LEP plan, which requires: Gathering data for languages spoken in NC Compiling and analyzing data gathered to determine needed LEP services Identifying vital documents to translate Notifying beneficiaries of LEP services Training employees who interact with LEP individuals	April 30, 2016
Track LEP Interactions	Ongoing
Ensure adequate funding and other resources for LEP services	Ongoing
Report LEP interactions to the FSIS Civil Rights Staff	Annually