



SD ANIMAL INDUSTRY BOARD

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**Limited English Proficiency Plan *for*
South Dakota Animal Industry Board
Meat Inspection Program**

November 2018

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LIMITED ENGLISH PROFICIENCY PLAN

I. INTRODUCTION AND BACKGROUND

A. POLICY

It is the policy of the South Dakota Animal Industry Board Meat Inspection Program to take reasonable steps to provide meaningful access to all individuals who wish to access State services regardless of their national origin or limited ability to speak, read, write or understand English.

B. WHO IS LIMITED ENGLISH PROFICIENT (LEP)?

LEP individuals do not speak English as their primary language and have a limited ability to read, write, speak or understand English.

- Many LEP persons are in the process of learning English and may read, write, speak and/or understand some English but not proficiently.
- LEP status may be context-specific – an individual may have sufficient English language skills to communicate basic information (name, address, etc.) but may not have sufficient skills to communicate detailed information (e.g., medical information, eyewitness accounts, information elicited in an interrogation, etc.) in English.

C. BACKGROUND AND PURPOSE

- Federal law prohibits national origin discrimination and requires federally assisted agencies to take reasonable steps to provide meaningful access to LEP individuals.
- Language barriers can prevent LEP individuals from receiving meaningful access to State services and information.

This Limited English Proficiency (LEP) Plan serves as a broad outline of the South Dakota Animal Industry Board's (SDAIB) responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with Limited English Proficiency language skills. The Plan has been prepared in accordance with and to meet the legal obligations of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq.

Title VI of the Civil Rights Act of 1964 prohibits discrimination, in part, on the basis of national origin in the delivery of services or benefits funded by the Federal government. Under this law, federally assisted programs must ensure their activities normally provided in English are accessible to LEP persons, and thus do not discriminate on the basis of national origin in violation of Title VI's prohibition against national origin discrimination. Executive Order 13166, "Improving Access to Services for Persons with LEP," was signed on August 11, 2000, provides further direction, requiring that Federal agencies provide meaningful access to federally assisted programs and activities for LEP persons. In addition, the Order requires that federal agencies create plans to provide LEP persons with meaningful access to federally conducted programs and activities. As a recipient of federal funds, SDAIB must comply with federal LEP requirements.

SDAIB 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 the South Dakota Meat Inspection Program.

This Plan outlines the ways in which assistance may be provided and how to notify LEP persons that assistance is available. Further, it provides a brief overview of available LEP services and the process for complaint resolution.

II. LEGAL AUTHORITY

- a) Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” 65 FR 50121-50122.
- b) Regulations – 7 C.F.R. 15d, Nondiscrimination in Programs or Activities Conducted by the United States Department of Agriculture.
- c) Other - U.S. Department of Justice, Policy Guidance Document, “Enforcement of Title VI of the Civil Rights Act of 1964–National Origin Discrimination Against Persons With Limited English Proficiency” (65 FR 50123-50125).

III. DEFINITIONS/KEY TERMS

Agency - The departmental program with delegated authority to deliver programs, activities, benefits, and services.

American English – The language/dialect primarily used in the United States.

Certified Interpreter – An individual who has taken and passed an examination administered by a knowledgeable authority.

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

Language Assistance Services – Interpretation or translation services that assist Limited English Proficient individuals 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.

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. SCOPE

This policy applies to all programs and activities conducted in whole or in part by the South Dakota Meat Inspection Program.

V. COMMUNICATION/OUTREACH (Current LEP practices)

The USDA poster “And Justice for All” is displayed (which is in both English and Spanish) in locations where recipients of, and applicants for, inspection services may visit, i.e. in-plant government offices. A copy of the non-discriminatory statement policy is published on applications for inspection services, grants of inspection, letterhead and the SD Animal Industry Board website. SDAIB will also post on its website their LEP plan and contact information for requesting translation/interpretation services.

VI. FOUR FACTOR ANALYSIS

In order to ensure that LEP customers are provided adequate services, the South Dakota Meat Inspection Program has conducted a four factor analysis. The four factor analysis addresses the following:

1. The number or proportion of LEP persons eligible to be serviced or likely to be encountered by our state program: A review of the most current census data indicates that 93.46% of the population in South Dakota spoke English as their primary language. Spanish replaced German as the most common non-English language spoken in South Dakota. Census data will be periodically reviewed for any changes in trends.
2. The frequency with which LEP persons using a particular language come in contact with the state: To date South Dakota Meat Inspection has never received a request for translation assistance from current recipients or prospective applicants.
3. The nature and importance of the South Dakota Meat Inspection state program provided to the individual’s life: Food safety is important to everyone and our agency’s policy as outlined above is to provide meaningful access to all, including LEP individuals. If documents are deemed vital to a service requested these would then be translated to the language required by the individual.
4. Determine the resources available to LEP persons and the costs to the state: Should a request for language assistance be received through the Director, the contract with a certified translation service would be processed through the business office for approval. The costs would vary depending on services requested. These resources include the website from South Dakota Human Services. This resource provides both interpretation and translation services.

VII. LANGUAGE ASSISTANCE

LEP individuals will be informed of the availability of language assistance services at the point when it appears that the person is not able to communicate in English. SDAIB staff will have available the Language Identification Chart (attachment 1). Once identified, staff has the following assistance options available:

- Locate an interpreter from Auxiliary Aids and Services Resources provided by South Dakota Department of Human Services (attachment 2)
- Locate a certified language interpreter in the area where needed in South Dakota
- Assistance is available at the South Dakota Department of Human Services website at <http://dhs.sd.gov/>
- Available online interpreter services: LanguageLine Solutions and InterpreTALK.
- Services should be provided at no cost to LEP individuals.

VIII. IMPLEMENTATION / TIMELINE

Our current goals include similar actions and timelines as listed in Appendix 1 of the January 2016 guidelines for federally assisted programs for LEP implementation strategy.

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

RESPONSIBLE PERSON/STAFF	ACTION TO BE TAKEN	TIMELINE	STATUS
State Director	1. Ensure employees who interact with LEP individuals receive LEP training.	December 31, 2015	Completed
	2. Develop an LEP plan.	May 13, 2016	Completed
	3. Gather data for languages spoken in geographic areas being serviced.	May 31, 2016	Ongoing
	4. Identify vital documents to be translated.	May 31, 2016	Ongoing
	5. Compile and analyze data gathered to determine what LEP services are needed.	June 30, 2016	Ongoing
	6. Secure contractor for translation and interpretation services.	July 31, 2016	Ongoing
	7. Ensure that there is adequate funding, and that other resources are available to provide effective and efficient LEP services.	Ongoing	Ongoing
	8. Notify beneficiaries of LEP services.	August 30, 2016	Ongoing
	9. Track LEP interactions.	Ongoing	Ongoing
	10. Report LEP interactions to the Agency's Civil Rights Staff.	Annual basis	November 1

IX. LEP TRAINING FOR STATE EMPLOYEES

SDAIB employees who encounter or may encounter LEP persons shall receive training at orientation and at the employee workshop held annually and will be given procedures for securing translation/interpretation services. Currently the business manager / personnel officer is responsible for maintenance of training records. These records show the FSIS LEP training was completed by inspection program personnel in 2017.

X. ROLES AND RESPONSIBILITIES

The State Director is responsible for an annual review and update of this LEP Plan as needed. This administrative directive is part of the mandatory reference material for all inspection personnel. Any requests for interpretation or translation shall be directed to the Director through the supervisory chain. The South Dakota Animal Industry Board offers its programs to people of all ages, regardless of race, color, sex, religion, national origin, or disability and is an equal opportunity employer.

XI. COMPLAINT RESOLUTION

If a person believes they have been discriminated against because of the person's LEP status while receiving services from SDAIB, he/she may file a complaint. Additionally, when a SDAIB official receives verbal or written information that a recipient of, or applicant for, inspection services believes that he or she has been discriminated against, the official shall:

1. Notify (or remind) the complainant of their right to file a discrimination complaint with the USDA.
2. Provide the complainant with the address to file with USDA.
3. Inform the complainant of the 180 day timeframe in which to file.
4. Not discourage nor prevent the complainant from filing with USDA.

State EEO/ADA Contact Information.

Dustin Oedekoven, DVM
State Veterinarian
Director, State Meat Inspection Program

Teresa J Johnson
Designated Equal Opportunity and
Civil Rights Coordinator

The EEO/ADA Coordinator will submit information about the complaints that are filed with SDAIB alleging discrimination to the Office of Civil Rights (see below) and any other appropriate state or federal agency as required.

US Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Ave, SW
Washington, DC 20250-9410
Toll free: (866) 632-9992
Federal relay: (866) 377-8642
Email: program.intake@usda.gov

Effective Date

The effective date of this LIMITED ENGLISH PROFICIENCY PLAN is April 29, 2016.
Plan updated October 2018.