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MPI Administrative Directive #16-01

Subject: Delaware MPI Program Limited English Proficiency Plan

I. Introduction

This Limited English Proficiency (LEP) plan was developed to ensure equal access to free services provided by the Delaware Meat & Poultry Inspection (MPI) program for persons with limited English proficiency. LEP persons are defined as individuals who do not speak English as their primary language, and who have limited ability to read, write, speak, or understand English. This plan is subject to annual review and updates.

II. Legal Authority

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", 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 the Delaware MPI program must comply with federal LEP requirements.

III. Policy

It is the Delaware MPI program's policy to ensure that reasonable steps are taken to provide meaningful access and equal opportunity to participate in services, activities, and programs to individuals whose first language is not English. Should MPI Inspection Program Personnel (IPP) receive requests from current recipients or prospective applicants of inspection services, they should contact MPI headquarters for guidance through their supervisory channel.

IV. 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.

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

Discrimination – The unfavorable treatment of 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 an individual merit.

Federally Assisted Program – Program services, benefits, resources or information delivered directly to the public by 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 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 assessing a program or activity, or is required by law, such as consent forms, applications, and notices of rights.

V. Federally Assisted Programs

Establishments that produce meat or poultry products have the option to apply for federal or state inspection. States operate under a cooperative agreement with FSIS (Food Safety and Inspection Service). States' programs must enforce requirements "at least equal to" those imposed under the Federal Meat and Poultry Inspection Acts and the Humane Methods of Slaughter Act. However, product produced under state inspection is limited to intrastate commerce, unless a state opts into an additional cooperative program, the Cooperative Interstate Shipment (CIS) program. At this time, no Delaware establishments participate in the CIS program.

As a result of the cooperative agreement Delaware has, the MPI program has an obligation to ensure that LEP services are provided to customers (beneficiaries) whose first language is not English. Those services need to be "at least equal to" the services that FSIS provides to its LEP customers.

VI. Four-Factor Analysis

In order to ensure that the LEP customers are provided adequate services, each state should conduct a four-factor analysis. The four-factor analysis is the first step in providing meaningful access to federally funded programs for LEP persons. 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 the State;

According to the Delaware Judiciary Language Access Plan (2014 Rev.) the 2010 U.S. Census Bureau estimated the Delaware population five years or older at 805,530 reflecting a total population growth of

"Equal Opportunity in Employment and Services"

about 14 percent. Within the total population 4.4 percent reported speaking English “less than very well”. The 2005-2009 American Community Survey estimates 11.6 percent of the population speaks a language other than English. Of this 11.6 percent, 6.0 percent speak Spanish or Spanish Creole, 3.2 percent speak other Indo-European languages, 1.6 percent speaks Asian or Pacific island languages, and 0.8 percent speak other languages. The state population by Hispanic or Latino origin Census data shows the Hispanic or Latino population of Delaware grew 96.4 percent, now comprising 8.2 percent of the total population. Spanish is by far the predominate language of LEP individuals in Delaware. 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, the Delaware MPI program has never received a request for translation assistance from current recipients or prospective applicants. Interactions with LEP persons will be used to determine the breadth and scope the language services that are needed. Appendix #4, *Record of Contact with LEP Persons* will be utilized to track interactions.

3. The nature and importance of the State’s program or activity providing to the individual’s life; and

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. Options for contracted interpretation services are currently being explored as well, so these could be made available to LEP individuals.

4. Determine the resources available to LEP persons and the costs to the state:

The MPI program will determine at the point of first contact with a customer if the person has limited English proficiency. The State will make “I speak...” language identification cards available at the point of contact as well as language identification posters. If determined that the customer requires language assistance, the State will provide those services by utilizing a certified telephone interpreter.

Should a request for language assistance be received through the Administrator, the contract with a certified translation service would be processed through the finance office for approval. Budget requests for the next fiscal year will specifically include LEP translation funding resources.

VII. Implementation

Our current implementation goals are outlined in this plan in attachment Appendix #1.

VIII. Services to LEP Persons

Oral language assistance/interpretation – At the point of the first contact with a customer, the State will determine whether the person has limited English proficiency. If it is determined that a customer requires language assistance, the MPI staff will have access to the telephone-based interpretation 24/7/365. There will be service in 250 languages with a connect time of less than 17 seconds.

Written translation – The State MPI program will translate all documents deemed vital in the languages identified by the four-factor analysis, Spanish being the predominate language.

See Appendix #1 for the service implementation plan timeline.

If LEP services are offered by the MPI program and refused, the state employee will complete the State of Delaware MPI LEP Release Acknowledgement Form. See attachment.

IX. Communication/Outreach Plan

The Delaware MPI Program's communication plan in this section outlines specifically how the State intends to inform its customers of the availability of services.

1. Availability of LEP services will be posted on the Delaware Department of Agriculture's website under the section Food Products Inspection.
2. LEP identification posters will be posted in the State offices and establishments.
3. State language assistance cards will be distributed with MPI application packages.
4. The State MPI program will use "I speak..." language identification cards.
5. 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.

See Appendix #1 for implementation plan timeline.

X. Monitoring/Evaluations

On an annual basis, Delaware MPI will review their LEP plan and will also be required to complete a self-assessment (FSIS Form 1520-1) to include LEP efforts and supporting documentation.

On a rotational basis, Delaware MPI Program will have an on-site review of the nine-comprehensive compliance sections of the program which will include LEP plans.

XI. LEP Training

Since Delaware MPI provides Cross-Utilization coverage at federal plants, all MPI employees have federal computers and access to all federal trainings. The state employees who encounter or may encounter LEP persons will receive LEP training biennially (every other year) as provided and developed by FSIS. Training records are maintained by the MPI Administrative Specialist.

On an annual basis, the MPI Field Supervisor will give the Inspectors a survey to record "Contact with LEP Persons" (Appendix #3) document contact. During that time, the Field Supervisor will review the State MPI procedures for securing interpretation and translation services. Staff will be made aware that if a request for language assistance is received, they are to notify the MPI Administrator or Field Supervisor. The Administrator or Supervisor will provide the IIP (Inspector in Charge) with contact information to access interpretation services. A record of the request will be made on Appendix 2 *Record of Contact with LEP Persons* form which will be maintained in the Administrator's office.

Any LEP person who declines services will be asked to complete the Delaware MPI LEP Release Acknowledgement Form (Appendix #4).

XII. LEP Resources

The State of Delaware has contracts in place to provide Foreign Language services such as on-site interpretation, telephone-based interpretation, and written translation. The Administrator has access to contract service details including awarded companies, addresses, telephone numbers, services provided and prices. Updated contract information can be accessed at Contracts.Delaware.Gov.

The following LEP resources provided and maintained by the FSIS may be utilized to assist with the development and implementation of the Delaware LEP plan.

1. www.lep.gov
2. USDA guidance on LEP: https://www.lep.gov/guidance/guidance_Fed_Guidance.html
3. A copy of FSIS LEP plan: <https://www.fsis.usda.gov/wps/wcm/connect/8090d90f-3c14-4c54-b299-2214caf4c1fe/Limited-English-Proficiency-Plan.pdf?MOD=AJPERES>

XIII. Roles and Responsibilities

The FPI Administrator is responsible for an annual review and update of this LEP Plan or as needed. The Administrative Directive is part of the mandatory reference material for all inspection personnel. Any requests for interpretation or translation shall be directed to the Administrator through the supervisory chain. The Delaware Meat Inspection Program offers its programs to people of all ages, regardless of race, color, sex, religion, national origin, or disability and is an equal opportunity employer.

The ultimate objective of this plan is to enable effective communication with LEP beneficiaries of the Delaware MPI Program.

Andrea Jackson
Administrator, Food Products Inspection
Meat and Poultry Inspection Program

Reviewed: 12/3/2020