



LIMITED ENGLISH PROFICIENCY (LEP) PLAN

Purpose / Overview

The NWWIB 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 NWWIB is to ensure meaningful communication with LEP individuals involving their workforce needs and services. This plan allows 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. The individual will be informed of the availability of such assistance free of charge.

The NWWIB will review the language access needs of its customer populations and update and monitor the LEP Plan at a minimum of every two years. The NWWIB Equal Opportunity Officer (EOO) will oversee the implementation of the LEP plan.

Scope

The Northwest Workforce Investment Board and its contractors and sub-recipients.

Guidance

Identifying Language Needs of LEP Individuals

- The NWWIB 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 NWWIB, at a minimum of every two years, conducts a review of the languages spoken by its customers and reviews the language access needs of its LEP customer population via available data. For example, staff collects the preferred language of applicants, registrants, and participants as required for grant and program intake purposes. In addition, the NWWIB conducts analysis/assessments (e.g., ASSET, Web Intelligence, Sign-In Surveys, and 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 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.' Therefore, we consider individuals who speak English at any level below "Very Well" as Limited English Proficient (LEP) for planning and statistical purposes. 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) 7 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 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 NWWIB 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 NWWIB provides various programs, activities, and services. The NWWIB provides job seeker services, business services, Rapid Response services, and many other services. In addition, the NWWIB is responsible for administering numerous programs that receive State and Federal funding, including WIOA, Rapid Response, Windows to Work, and other programs receiving federal funding or grants.
- **Factor 4: The Resources Available to the Recipient and Costs:** The NWWIB serves the counties of Douglas, Bayfield, Ashland, Iron, Burnett, Washburn, Sawyer, Price, Rusk, Taylor 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 sub-recipients also offer such access.

Results of the Assessment

- At a minimum of every two years, NWWIB 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 NWWIB, it is essential to conduct a thorough assessment of the language needs of the populations served by attempting to identify LEP individuals. Therefore,

the NWWIB EOO has reviewed available language data from the U.S. Census American Community Survey to identify language needs. The U. S. Census American Community Survey 2015 5-year estimate is an example of data available for WDA 7 to show an estimated number of individuals in the Ten-county area. The report denotes 167,301 individuals who speak only English and approximately 1,261 who speak English less than "Very Well." Spanish speakers make up 0.093% of the people who speak English less than "Very Well" in the WDA, followed by Chinese (0.016%), Hmong (0.005%), and Korean (0.003%).

- 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, several language groups 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 and Hmong.

Language Spoken at Home, American Community Survey, 5-Year Estimate, 2015; TableID: 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	469	0.093
Chinese	81	0.016
Hmong	30	0.005
Korean	16	0.003
Other Indic languages	4	0.0007

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.

Client Primary Language, WIOA Title 1 Programs, WDA 7, PY2020		
Language / Language Group	Number of individuals (Registrants and Participants)	Percent of individuals (Registrants and Participants)
Language Groups, Total Population: 194		
Spanish	0	0.00
Chinese	0	0.00

Hmong	0	0.00
Korean	0	0.00
French	0	0.00
Hindi	0	0.00
Persian/Farsi	0	0.00
Russian	0	0.00
Somalian	2	1.03
Tibetan	0	0.00
Other	0	0.00
Totals	2	1.03%

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

Timelines for Implementation of the Plan

- The NWWIB staff will develop a draft Limited English Proficiency Plan using the criteria outlined in 29 CFR § 38.9 and its corresponding Appendix.
- The NWWIB 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 NWWIB'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 contracted services; 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 NWWIB provides notice of language services for LEP individuals in areas including (but not limited to):

- A Babel Notice on the NWWIB's website (Equal Opportunity section)

- Disclaimers on public-facing materials, including outreach flyers, EO signage/posters.

Northwest Wisconsin Workforce Investment Board is an equal opportunity employer and service provider. If you have a disability and need assistance with this information, please call us through Wisconsin Relay Service (7-1-1) or at 800-947-3529. To request information in an alternate format, including language assistance or translation of the information, please contact us at (715)-685-1425.

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 EO Officer, Dawn Knapp, at 715-685-1425, dknapp@nwwib.com, or:

Northwest Wisconsin Workforce Investment Board
Dawn Knapp
301 Ellis Avenue, Suite 3
Ashland, WI 54806

- 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 required 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 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 an interpreter.
 - 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 the staff has made an offer of an interpreter at no charge to the person. The individual's file/record will document 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, 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 interpreter. This should be reported in the applicable data reporting system (i.e., ASSET) if possible. In

addition, staff are to use the NWWIB 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 NWWIB EOO for file retention.

- Children (under the age of 18) and other clients will not be used to interpret. This is to help ensure confidentiality of the information and accurate communication.

Steps to Implement the Limited English Proficiency (LEP) Plan

- The NWWIB One-Stop Operator will work 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 NWWIB website and part of the bi-annual One-Stop Operator partner training.
- The NWWIB will conduct a review of the language access needs of its customer populations and update and monitor the implementation of this Plan and the guidance at a minimum of every two years.

Staff Training

- Staff receives on boarding and continuous training on EO practices to ensure fair and equitable access to services. The One-Stop Operator and partners primarily lead this training. It 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,
 - House interpreters and translators or contracted personnel;
 - Professional responsibility concerning LEP individuals.
 - 78 Interpreter ethics.
 - Tracking the use of language assistance services;
 - Tips on providing adequate assistance to LEP individuals.

The NWWIB 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 NWWIB 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 NWWIB reviews the language access needs of its LEP customer population as part of its programmatic and civil rights/EO data analysis processes at least every two years.
- The NWWIB has a complaint process, including a clearly defined timetable to process complaints quickly. In addition, the NWWIB makes this information available to all individuals in digital format and hard copy.
- The NWWIB seeks feedback from service providers, employees, and stakeholders to support continuous improvement efforts. This is done through informal conversations, staff training, biannual customer surveys, and meetings and board meetings.
- The NWWIB will continue to allocate resources, including staff time for the assessment and continuous improvement of the Limited English Proficiency Plan, training, and associated elements. In addition, we'll collaborate with partners as appropriate. The NWWIB maintains a budget annually to ensure resources are available to support access for LEP customers.

Documenting Language Service Provision

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

Review of the Limited English Proficiency Plan

The NWWIB EOO and supporting staff will review the LEP Plan implementation, including the language access needs of our customer populations, at a minimum of every two years. In addition, the NWWIB 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. Finally, the NWWIB will update and monitor the implementation of this plan, as necessary.

Compliance References

<https://www.law.cornell.edu/cfr/text/29/38.9>
Appendix to 29 CFR §38.9 - Guidance for Recipients

Resources

Wisconsin WIOA State Plan (page 112)
<https://dwd.wisconsin.gov/wioa/pdf/wi-wioa-state-plan-2020.pdf>

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Babel Notice

Wisconsin Relay Service (7-1-1) or at 800-947-3529

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