

**LIMITED ENGLISH PROFICIENCY**

**FOUR-FACTOR ANALYSIS AND LANGUAGE ACCESS PLAN  
(LAP)**

**FOR**

**ROUGH RIDER ELECTRIC COOPERATIVE, INC  
800 HIGHWAY DRIVE  
HAZEN, ND 58545-4737**

**Date: March 14, 2019**

## **Policy:**

Our organization is committed to providing meaningful access to its programs and services to persons who, as a result of their national origin, are limited in English proficiency. It is our policy to ensure no person is subjected to prohibited discrimination based on national origin in any program receiving Federal financial assistance from USDA Rural Development (RD).

## **Purpose:**

This Language Access Plan (LAP) sets forth the policy and procedures for ensuring that persons with Limited English Proficiency (LEP) have meaningful access to our programs and activities that receive Federal financial assistance from the U.S. Department of Agriculture/Rural Development (USDA/RD). The purpose of this document is to determine the extent and needs of the Limited English Proficient (LEP) population in our service area and identify actions to ensure discrimination does not occur to persons who receive our services who do not speak English very well.

## **Authorities:**

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

Executive Order 13166, "Improving Access to Services to Persons with Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000) states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. 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 shall be consistent with the standards set forth in the U.S. Department of Justice's 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"), represented at 67 R 41455 (June 18, 2002).

Consistent with the DOJ LEP Guidance, USDA published its Final "Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency" on November 28, 2014. 7 CFR Part 15 Subpart A effectuates the provisions of Title VI of the Civil Rights Act of 1964 (hereafter referred to as the "Act") to the end that no person in the United States shall, on the ground 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 of an applicant or recipient receiving Federal financial assistance from the U.S. Department of Agriculture or any Agency thereof.

7 CFR Part 1901 Subpart E which contains policies and procedures for implementing the regulations of the U.S. Department of Agriculture issued pursuant to Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1968, Executive Order 11246, and the Equal Credit Opportunity Act of 1974, as they relate to Rural Development. Nothing herein shall be interpreted to prohibit preference to American Indians on Indian Reservations.

### **Definitions/Key Terms:**

- (1) Federally Assisted Programs and Activities. Programs and activities of an entity that receives Federal financial assistance.
- (2) Interpretation. The process by which the spoken word is used when transferring meaning between languages.
- (3) Limited English Proficient (LEP) Persons. Persons who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English are limited English proficient, or LEP.
- (4) Qualified Interpreter. An individual who is competent to provide interpretation services at a level of fluency, comprehension, impartiality and confidentiality appropriate to the specific nature, type, and purpose of the information at issue.
- (5) Recipient. Any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary.
- (6) Translation. The process of transferring ideas expressed in writing from one language to another language.
- (7) 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.

## PART I: LEP FOUR FACTOR ANALYSIS

**FACTOR 1: *Number & Proportion of LEP persons served or encountered in the in Service Area of our programs.***

**✓ After surveying our employees to determine their past encounters with LEP populations, we have identified the following LEP populations:**

Spanish

**✓ We have talked to community organizations who serve LEP populations and they have identified the following LEP populations:**

Spanish

**✓ We have reviewed the census data report B16001 (attached) and have identified the following LEP populations (those listed under "Speak English Less Than Very Well"):**

Spanish, French, German, Scandinavian, Russian, Slavic, Chinese, Japanese, Korean, Thai, Vietnamese, Other Asian, Tagalog, Other Pacific Island, Other Native North American, Arabic

### **INSTRUCTIONS ON HOW TO ACCESS B16001 LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH**

1. Go to: <https://factfinder.census.gov>
2. Select Advanced Search.
3. Select Show Me All.
4. In topic or table box - start typing in B16001 until report "B16001 Language Spoken at Home . . ." shows up on drop down list & click on it so it appears in box.
5. In state, county or place box - start typing city, county you need until it shows up on drop down list & click on it so it shows up in box.
6. Hit Go.
7. Select top report (most recent data) by double clicking on it.
8. Identify languages where assistance may be needed by finding population numbers in the Speak English less than "very well" line for all language groups.
9. Insert these languages in the report and use the total to compare to total population when determining whether written translation needed. (If less than 5% and less than 1000, none needed).
10. Be sure to total all cities/counties if service area encompasses more than one county/city.

**FACTOR 2. The Frequency with Which LEP Persons come into Contact with our programs, activities or services:**

**✓ After surveying our employees, they have identified the following number of contacts with LEP individuals:**

LANGUAGE		FREQUENCY
		Rarely, Monthly, Bi-Weekly, Weekly or Daily
<input type="checkbox"/>	NO CONTACTS WITH LEP PERSONS	
<input checked="" type="checkbox"/>	Spanish	_____ rarely _____
<input type="checkbox"/>	German	_____
<input type="checkbox"/>	Chinese	_____
<input type="checkbox"/>	African – (Describe) _____	_____
<input type="checkbox"/>	Indic	_____
<input type="checkbox"/>	Other – (Describe) _____	_____
<input type="checkbox"/>	Other – (Describe) _____	_____
<input type="checkbox"/>	Other – (Describe) _____	_____

**✓ We have visited with community organizations that have contact with LEP persons and they have indicated the frequency of contacts with LEP individuals to be:**

LANGUAGE		FREQUENCY
		Rarely, Monthly, Bi-Weekly, Weekly or Daily
<input type="checkbox"/>	NO CONTACTS WITH LEP PERSONS	
<input checked="" type="checkbox"/>	Spanish	_____ rarely _____
<input type="checkbox"/>	German	_____
<input type="checkbox"/>	Chinese	_____
<input type="checkbox"/>	African – (Describe) _____	_____
<input type="checkbox"/>	Indic	_____
<input type="checkbox"/>	Other – (Describe) _____	_____
<input type="checkbox"/>	Other – (Describe) _____	_____
<input type="checkbox"/>	Other – (Describe) _____	_____

**✓ We have determined that future contacts with LEP persons are most likely to happen when these individuals request the following services:**

If they request electrical service.

**FACTOR 3: *The Importance of the Program, Activities or Services we provide to the LEP persons.***

**✓ *The services provided to LEP persons financed through USDA-RD and importance of those services would be:***

Providing central station electrical service – electric energy to power their life.

Rural Economic Development Loans and Grants – program provides funding for rural projects through local utility organizations. USDA provides zero-interest loans to local utilities which they, in turn, pass through to local businesses (ultimate recipients) for projects that will create and retain employment in rural areas. Program intermediaries pass the funding to ultimate recipients on to eligible projects. Examples of eligible projects include: Business incubators, Facilities and equipment for medical care for rural residents, Start-up venture costs, including, but not limited to, financing fixed assets such as real estate, buildings, equipment, Business expansion.

Revolving Loan Fund - revolving loan funds (RLF). Loans are made from the revolving loan funds to projects that will create or retain rural jobs. Funds from the RLF program serve as seed money to generate economic development. The cooperative will work with local lenders and others to maximize the leverage of the RLF dollars so that the result is the maximum possible economic development. It is further intended that the cooperative will use the RLF program to supplement, but not compete with, capital that may already exist within the communities.

**✓ *Based on the information above, the number of interactions with LEP persons would occur:***

(Check appropriate box)

- Rarely, if ever
- Infrequently
- Regularly
- Often

**FACTOR 4: The Resources Available to the Recipient and Costs.**

**✓ Please check the items below you have identified as a resource and provide estimated cost.**

	<b>RESOURCE</b>	<b>COST</b>
<input type="checkbox"/>	<b>Staff</b>	<b>\$</b>
<input checked="" type="checkbox"/>	<b>I Speak Cards</b>	<b>\$0.00</b>
<input checked="" type="checkbox"/>	<b>Internet language Interpretation websites, i.e. <a href="http://translate.google.com">translate.google.com</a> / <a href="http://languageline.com">languageline.com</a></b>	<b>\$0.00</b>
<input type="checkbox"/>	<b>Local Language Interpreters</b>	<b>\$</b>
<input type="checkbox"/>	<b>Court Interpreters</b>	<b>\$</b>
<input checked="" type="checkbox"/>	<b>Telephone Interpreter Services</b>	<b>\$0.62/min</b>
<input type="checkbox"/>	<b>Universities/Colleges</b>	<b>\$</b>
<input type="checkbox"/>	<b>Other (please identify):</b>	<b>\$</b>
	_____	
	_____	

## PART II: LANGUAGE ACCESS PLAN

### Our Programs / Mission:

**INSTRUCTIONS:** *In this section please include a description of your programs and mission – should also include a description of the specific geographic area serviced by the RD funded Program or activity – i.e. county(ies), city, census tract).*

✓ **Mission:**

Roughrider Electric Cooperative is dedicated to providing affordable, reliable energy and services that support and unite our member-owners

✓ **Service Area:**

Counties: Billings, Dunn, Mercer, Oliver and Stark



## **PART 1: LEP Individuals Who Need Language Assistance**

**INSTRUCTIONS:** *Recipients should include the U.S. Census language demographic information and data used during their assessment as well as language demographics obtained from the Four Factor Analysis.*

***Please attach the B16001 report for your service area.***

Our organization has conducted an assessment of the number or proportion of LEP individuals eligible to be served or encountered and the frequency of encounters in the Four Factor Analysis. Assessment methods used are identified in Factor 1 of the Four Factor Analysis and frequency of contacts are identified in Factor 2 of the Four Factor Analysis.

✓ **Language groups in our service area based on assessment:**

**Spanish**

## PART 2: Language Assistance Measures

**INSTRUCTIONS:** An effective LAP plan should include information about the ways in which language assistance will be provided. Recipients, should include information on the following:

- ∨ Types of language services available (list providers)
- ∨ How recipient staff can obtain services (determine who you will use and how to contact)
- ∨ How to respond to LEP callers
- ∨ How to respond to written communication from LEP persons
- ∨ How to respond to LEP individuals who have in-person contact with program staff
- ∨ How to ensure competency of interpreters and translation services (i.e. follow-up evaluations of services provided).

Types of Language Services Available (Providers) for us to use are identified in Factor 4 of the Four Factor Analysis. Language assistance for LEP individuals will be provided as follows:

✓ **After reviewing number of contacts and anticipated contacts, as well as resources and budget available to use for those resources, we have determined the following services will be used for LEP individuals who may use our services:**

I Speak cards/poster, Internet Translation, Telephone Translation Services.

✓ **Contact information for services selected, if applicable:**

<https://www.languageline.com/>, [www.translate.google.com](http://www.translate.google.com) and CTS LanguageLink by phone

✓ **Face-to-face Interaction: Describe how to respond to LEP individuals who have face-to-face contact with staff.**

Show the I Speak cards and use the <https://www.languageline.com/>, [www.translate.google.com](http://www.translate.google.com) and CTS LanguageLink by phone. If needed, Roughrider has a private room adjacent to the lobby where the interaction may take place.

✓ **Telephone Interaction: Describe how to respond to an LEP caller:**

We will initiate a conference call with CTS LanguageLink, or use [www.translate.google.com](http://www.translate.google.com) with speaker phone

✓ **Written Communication: Describe how to respond to written communication from LEP persons:**

We could use [www.translate.google.com](http://www.translate.google.com)

✓ **Describe how we will evaluate the competency of interpreters and translation services:**

Thru a combination of feedback from LEPs and staff

### **PART 3: Staff Training**

**INSTRUCTIONS:** Recipient staff members should know their obligations to provide meaningful access to information and services for LEP persons and all employees in public contact positions should be properly trained. An effective LAP plan must include a training component to ensure:

- ∨ Staff members are knowledgeable of LEP policies and procedures.
- ∨ Staff members in contact with the public are trained to work effectively with in-person and telephone interpreters.

Staff members responsible for contact with the general public will be knowledgeable about our Language Access Plan and how to provide services to persons that are limited English proficient in the languages identified through the assessment in Part 1. Refresher information will be provided to our staff when updates are made to the LAP to ensure consistency.

#### **✓ Plan for Training Employees:**

All employees will be given a copy of the Language Assistance Plan so they are aware of the policy. I Speak Cards will be provided to employees for their work stations and vehicles. New Employees will be given information during orientation. We also subscribe to the CTC LanguageLink service through our statewide organization and receive program coordination and training through them.

**PART 4: Vital Document Translation**

**INSTRUCTIONS:** RD recipients may use the “Safe Harbor” provision for translation of vital written materials found in the USDA LEP Guidance. The provision outlines the circumstances that can provide a “Safe Harbor” for compliance with LEP requirements (meaning no translation is required). If a recipient provides written language services under the conditions identified in the table below, such action will be considered strong evidence of compliance with written translation obligations under title VI:

<b>SAFE HARBOR PROVISIONS</b>	
<b>Size of Language Group</b>	<b>Written Language Assistance Required</b>
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents
5% or more of the eligible population or beneficiaries and 50 or more in number	Translated vital documents
5% or more of the eligible population or beneficiaries and fewer than 50 in number	Translated written notice of right to receive free oral interpretation of documents
Less than 5% of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required

**✓ Please check the appropriate box and provide information.**

In accordance with the Safe Harbor Provisions and because the size of our language group is less than 5% of the eligible population and less than 1,000 in number, no written translation is required.

**OR**

The following documents have been identified as vital documents and will be translated into the languages groups identified in Part 1 and using the safe harbor provisions.

**Vital Documents Translated:**

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\_\_\_\_\_

## Part 5: Notice to LEP Persons

**INSTRUCTIONS:** *Methods of providing notification may include:*

- ∨ Posting signs in intake areas and other entry points. This is important so that LEP persons can learn how to access language services at initial point of contact.*
- ∨ Posting information on the website that language services are available.*
- ∨ Stating in outreach documents that language services are available from the recipient. Announcements could be in, for instance, brochures, booklets, and in outreach and recruitment information. These statements should be translated into the most common languages and could be "tagged" onto the front of common documents.*
- ∨ Working with community-based organizations and other stakeholders to inform LEP individuals of the recipients' services, including the availability of language assistance services.*
- ∨ Using an automated telephone voice mail attendant or menu system. The system could be in the most common languages encountered. It should provide information about available language assistance services and how to obtain them.*
- ∨ Including notices in local newspapers in languages other than English, as well as established community papers published in languages other than English.*
- ∨ Providing notices on non-/English language radio and television stations about the available language assistance services and how to obtain them.*
- ∨ Providing presentations and/or notices at schools and religious organization.*

This organization will provide notice to the public that language services are available and the services are free of charge. Notices will be provided in the following methods:

**✓ Method of Providing Notification:**

The I Speak Cards will be posted at all entry points for services.

Additional methods of notification selected from the list above and/or determined by our staff will include:

ND.gov translation services \_\_\_\_\_

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## PART 6: Monitoring and Updating

This organization will review the LAP to ensure it remains current to the LEP populations in our service area as need, including at any time new census data reveals a significant increase in LEP persons in our service area OR if a significant increase in contacts or inquiries with LEP persons is evidenced. At a minimum, the LAP will be reviewed every three (3) years to ensure our LEP policies and procedures remain current and result in effective language services and meaningful access.

<b>SIGN HERE</b>	<b>DATE</b>
	<u>3/21/19</u>
<b>Signature:</b> <b>Principal Director/Official/ Manager/ Executive Director/ Mayor/</b> <b>Board President</b>	

