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Language Access Plan (Draft pending approval)

September 2022

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I. Purpose and authority

Nevada's Senate Bill 318 (SB318) and the federal guidance on Title VI of the Civil Rights Act of 1964, 2 C.S. § 561 et seq. (Act 172 of 2006) both agree that language should not be a barrier to accessing governmental programs and services. Per SB318, "Persons with limited English proficiency require and deserve meaningful, timely access to government services in their preferred language." Moreover, it makes it clear that it is the responsibility of government to provide that access:

"State and local agencies and entities that receive public money have an obligation to provide meaningful, timely access for persons with limited English proficiency to the programs and services of those agencies and entities."

The Nevada Department of Agriculture (NDA) is committed to compliance with SB318 and Title VI in ensuring meaningful access to State services and programs for individuals with limited English proficiency as well as individuals who are deaf or hard of hearing.

The purpose of this document is to establish an effective plan and protocol for NDA personnel to follow when providing services to, or interacting with, individuals who face barriers in accessing NDA services due to language. Following this plan and protocol is essential to the success of our mission to "preserve, protect and promote Nevada agriculture."

II. General information

The NDA recognizes that the population eligible to receive its services includes individuals with limited English proficiency (LEP) and individuals who are deaf or hard of hearing. It is the goal of the NDA to ensure meaningful access to all individuals. This LAP applies to all the NDA's programs and services including, but not limited to:

- Programs related to human or public safety
- Programs related to community and school nutrition and addressing food insecurity
- Programs required for business licensing, operation, or engagement in commerce

The NDA Language Access Coordinator:

Sandy Lopez, Public Information Officer I (*interim*)
s.lopez@agri.nv.gov; 775-842-3530

The coordinator will oversee the annual review of the LAP to ensure the NDA is meeting the needs of limited English proficiency, deaf or hard of hearing individuals. Additionally, the coordinator will work with NDA staff regarding the implementation of tools and resources available to provide appropriate language services as needed.

Implementation of the LAP tools and resources is dependent upon the NDA receiving adequate funding through the 82nd Nevada Legislative process to provide these services as outlined in the proposed budgetary implications included in this plan under section VI. Evaluation of and recommendations for the NDA's language access plan.

III. Profile of the NDA's limited English proficiency customers

The NDA's customers and the public access information and services through in-person, in-office and in-the-field visits, interactions via phone, paper documents or electronic, or online communications such as email, the NDA website, social media and more.

The NDA provides programs and services to customers and the public through the following divisions:

- Division of Administrative Services
- Division of Animal Industry
- Division of Food and Nutrition
- Division of Measurement Standards
- Division of Plant Health and Compliance

Nevada demographic data

The following data was pulled from the United States Census Bureau's 2020: American Community Survey 5-Year Estimates, [Subject Table: S1602](#), Limited English Speaking Households.

Percent of limited English-speaking households in Nevada by language:

- Spanish – 19.2%
- Other Indo-European languages – 3.4%
- Asian and Pacific Island languages – 6.7%
- Other languages – 1.3%

NDA self-assessment

A self-assessment was conducted by the NDA with division administrators in the summer of 2022. In general, the self-assessments indicated that the NDA does not have enough data to determine whether the NDA customer base is reflective of the above demographic data. Anecdotally, the divisions report that Spanish is the most commonly encountered language after English, but additional information is needed to identify the most common language needs of LEP individuals interacting with the department.

Data collection

The NDA is committed to tracking the languages preferred for communication among our LEP, deaf or hard of hearing customers, so that we can better provide meaningful, timely access to our services and programs without regard to any language barriers.

Since the NDA does not currently collect or track information related to language needs, the NDA will implement the following processes to obtain the needed information to develop a profile of the NDA's LEP, deaf or hard of hearing customers.

- Staff reporting to LAP coordinator regarding interactions with LEP, deaf or hard of hearing individuals using Attachment A. (*Internal form to be implemented by December 2022.*)

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- Survey collection of demographic data, including preferred language, language access needs, and additional information on gender identity or expression as outlined in [Senate Bill 109](#) from current NDA customers. *(Completed by end of FY24.)*

The following data will be collected to help shape the NDA's LAP in future years:

- Indigenous individuals served
- Refugee individuals served
- Deaf or hard of hearing individuals served
- Percent of individuals served with limited English proficiency
- Specific languages spoken by individuals served
- Services/programs accessed

Plain language

The NDA does not currently have a method of collecting literacy data, however, the general practice of the NDA is to deliver all public facing information at an 8-11 grade reading level. This aligns with standard journalistic practices to ensure that public facing documents are clear, organized and concise, using common words and short sentences.

IV. NDA language access services and procedures

The NDA will employ a variety of resources to enable all to access our services and programs more fully. In every case, using state approved contractors, the NDA will ensure that all language service providers are fully competent to provide these services.

Oral/sign language services

A. In-house multilingual staff:

The NDA will annually survey staff for the self-identification of language skills and any interest in providing interpretative services to customers if needed. New employees will have an opportunity to self-identify language skills during new hire orientation. *(Initial survey of staff to be completed by June 2023, integration of language skill identification during new hire onboarding to be completed by June 30, 2024.)*

Staff who self-identify language skills and indicate an interest in providing interpretative services in addition to their job responsibilities will need to demonstrate their skill level is proficient. To establish competence, the NDA will use a state approved contract service provider to administer language testing and proficiency assessments. *(Service agreement to be completed by June 30, 2024.)*

The LAP will be annually reviewed at the beginning of each fiscal year and updated as needed to include:

- Listing of staff interpreters and contact information
- Listing of language(s) represented

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B. Contracted language access providers:

The NDA will contract with a state approved language access vendor to provide remote services including:

- Over the phone language interpretation and document translation
- Video language interpretation and sign language
- Text translation

By utilizing a state approved vendor, the NDA is able to access service providers with established reputations and demonstrated competency who are able to provide translation and interpretation services in a variety of languages. (*Service agreement to be completed by June 30, 2023.*)

C. Telephone relay services:

Persons with a hearing or speech disability may contact the NDA using a telecommunications relay service. This service is available free of charge by dialing 711 through [Relay Nevada](#). NDA staff also have access to Relay Nevada's services by dialing 711 to communicate with persons who use a text telephone (TTY) or similar device to communicate over the phone.

Written language services

The NDA uses the following procedures to identify vital written information used in the provision of its services and programs, including both paper and electronic communications. The procedures apply to identifying vital written communication between the NDA and individuals, as well as, vital communications targeting the broader public.

Vital documents identification procedure

The NDA will evaluate the development of new or updated communications (print, website, videos, news releases, forms and applications, etc.) based on staffing (*pending budget approval*) and the following four factors to determine if they should be translated into additional languages for accessibility:

1. The number or proportion of LEP individuals eligible to be served or likely to be encountered by the program;
2. The frequency with which LEP individuals come into contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to LEP individuals, specifically if related to public safety or emergencies, accessing food security resources, or the ability to operate a business in Nevada; and
4. The resources available to the program and the costs of providing interpretation/translation services.

NDA programs will carefully consider these four factors and the needs of LEP individuals to determine the appropriate language assistance required for LEP individuals to have meaningful access to its programs, services and activities.

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Community outreach and engagement

The NDA is committed to ensuring that customers and the public are aware of and able to access all available language services. The NDA will take steps to publicize the availability of its language services in the community. The NDA will also provide notification of its services at all relevant points of contact. Additionally, the NDA will provide resources for its staff to improve their cultural competency and ability to work with diverse groups.

The NDA has engaged in the following outreach activities:

- NDA news releases are distributed to Spanish media outlets
- Distribution of translated vital information related to food security programs through Spanish media outlets
- Periodically engaged in interviews with Spanish media outlets to distribute information, conducted in English with an NDA subject matter expert and transcribed or dubbed in Spanish

The NDA plans to expand community outreach through the following activities:

- Notifying relevant partners and/or organizations of translated materials available. *(To be completed by June 30, 2024 pending budget approval.)*
- Explore public service announcements of NDA language access services with emphasis on Spanish media engagement *(To be completed by June 30, 2024 pending budget approval.)*

Providing notice of language assistance services: The NDA will develop resources, including a listing of all language assistance options and language options available through contracted service providers and other resources.

- Posted on the NDA website at agri.nv.gov *(To be completed by June 30, 2024 pending budget approval.)*
- Posting language identification guides and language assistance services in each public access lobby of the NDA's offices *(To be completed by June 30, 2024 pending budget approval.)*
- Public facing staff will have access to language identification guides to directly inform LEP and applicable individuals about the availability of free language services *(To be completed by June 30, 2024 pending budget approval.)*
- Update the NDA rulemaking procedure and associated public meeting notifications to specify language assistance services available and how to access in order to fully participate in the regulatory process *(To be completed by June 30, 2025 pending budget approval.)*
- Posting language identification guides at NDA hosted events/activities that serve or engage minority populations or LEP individuals *(To be completed by June 30, 2024 pending budget approval.)*

Cultural competency resources: The NDA will provide the following resources to its staff to improve their ability to work with diverse groups.

- Language access policies and procedures will be reviewed with new employees during onboarding (*To be completed by June 30, 2024 pending budget approval.*)
- How to work with interpreters to communicate with LEP, deaf or hard of hearing individuals via phone, video or in-person training through contracted services (*To be completed by June 30, 2025 pending budget approval.*)
- Plain language principles training by NDA communications staff (*To be completed by June 30, 2025 pending budget approval.*)

V. Implementing the NDA's language access services

The NDA is committed to providing LEP, deaf or hard of hearing individuals full access to our services and programs. Towards this end, the NDA requires its staff to follow the procedures described below to ensure meaningful access to available language services. Moreover, the NDA is committed to 100% compliance with these procedures and providing staff with the training described below to help ensure that all staff are familiar with these procedures and recognize their importance to the NDA's mission.

Information on how to access contracted services will be available to all staff on the NDA SharePoint intranet. (*To be completed by June 30, 2023.*)

Identifying customer language needs and preferred language

The following procedures should be followed to (1) interact appropriately with LEP, deaf or hard of hearing customers, (2) inform customers of the availability of language services, (3) determine customer's preferred languages, and (4) record and track LEP customer language preferences so that the data will follow them throughout their interactions with the NDA.

At the initial point of contact, staff need to keep in mind the need for language access for all individuals and consider that not everyone speaks English or prefers to speak English.

- Customers should be informed that they have the right to receive information deemed vital regarding NDA programs and services in their preferred language at no cost.
- Staff may utilize the language identification guide for the customer to identify the preferred language of service.
- Staff may request the assistance of a bilingual/multilingual staff in the identification of the language or dialect.

Accessing appropriate oral/sign language services

Staff should seek appropriate oral/sign language services in this order:

- The preferred method of serving LEP, deaf or hard of hearing customers is by using competent bilingual staff able to provide services directly to the customer in their preferred language. Available, trained, competent bilingual staff may be used for in-person or telephone interpreting to support other staff. NDA staff who have not completed the language proficiency assessment process are not allowed

to interpret but may still provide in-language assistance to help identify preferred language and share language access resources.

- Anything that is interpreted or translated by a bilingual NDA staff member designated to provide these services should be kept confidential at all times.
- Staff should seek assistance from professional, contracted telephone or video interpreters when NDA staff cannot meet language needs. The NDA recognizes that certain circumstances may require specialized interpretation and translation services even when staff with bilingual abilities are available. Depending on the mode of communication (in-person, phone, or video conference) and preferred language, staff will engage one of the following:
 - 711 may be used for phone relay services to communicate with individuals who are deaf or hard of hearing.
 - If the individual would like to use American Sign Language or another form of sign language, NDA staff may utilize the video interpretation services of the NDA's contracted service provider.
 - For other language needs, NDA staff may utilize telephone or video interpretation services of the NDA's contracted service provider.
- Minors should never be used to interpret for individuals when receiving services. The only time you may engage a child under the age of 18 is for in-language assistance in the identification of the individual's preferred language or during life-threatening medical emergencies.
- If an LEP, deaf or hard of hearing individual has a friend or family member present and indicates they can translate/interpret, kindly ask that person to provide in-language assistance in the identification of the individual's preferred language. Explain the NDA's policy regarding credentialed interpreters and the process that will take place as you connect with an interpreter.

Staff are authorized to provide language services to communicate effectively even when such assistance is not requested by the customer.

Accessing appropriate written language services

According to the NDA's determination of "vital" documents as outlined in this plan, the following procedures should be followed to access qualified written language services. This applies both to written information intended for broad distribution as well as written communications between the NDA and individual customers. The term "document" is inclusive of any output that may require translation or transcribing to increase accessibility, including print, web, video, etc.

- If NDA staff believe a service/program's public-facing document may be determined "vital" they should work with the NDA communications team for confirmation and assistance in getting the document translated as appropriate through contracted service providers.
 - Before any new document or other media is made available to the public or submitted for translation into another language, it must be reviewed for plain language. The plain language review ensures that public facing documents are clear, organized and concise, using common words and short sentences. NDA staff should work with the communications team and the LAP coordinator for assistance in reviewing materials using plain language principles.
- Individual customer communications requiring translation may be addressed on a case-by-case basis. If an approved NDA staff service provider is available to translate written correspondence or do sight translation of documents for their colleague, they may do so. If that option is not available, staff should

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discuss with their division administrator utilizing contracted service providers for written translation or for oral interpreter services based on the information being shared with the customer.

Maintaining records of language access services provided to LEP individuals

Staff shall complete Attachment A, the NDA Language Access Services Report form, and submit to the LAP coordinator following direct delivery of services to a customer. Staff shall also record in program specific databases the individual's primary language and/or preferred language access services, to the extent possible in the current systems capabilities.

Declared emergency/natural disaster

Communication with the public is essential for preparedness, response, and recovery during a declared emergency or natural disaster. The NDA will ensure timely and meaningful access to vital information related to a declared emergency or natural disaster to LEP individuals. These services may include translation of information into the main languages identified and/or providing language access services with the release of information to ensure effective communication.

Language Services Quality Assurance

The NDA is committed to ensuring that all language service providers it uses are qualified and competent to provide those services. The following procedures are in place to (1) establish provider qualifications and (2) track provider performance.

- The NDA will utilize State approved vendors for contract services. The LAP coordinator will collect feedback from staff and customers when able and appropriate who utilized contract services to annually evaluate their service and reevaluate contract agreements if feedback indicates unsatisfactory interactions.
- The NDA will utilize a contracted service provider to administer language testing and proficiency assessments to staff self-identifying as bilingual or multilingual and interested in taking on interpreter or translation roles. The LAP coordinator will collect feedback from staff regarding their satisfaction with the service provider as well as feedback from customers when possible regarding the proficiency of NDA staff providing translation and interpreter services.

Staff Training

The NDA believes that the appropriate provision of language services is vital to the fulfillment of its mission. Towards that end, the NDA will ensure that its staff are familiar with its language access policies and the above procedures for providing said services. NDA staff will receive training related to the LAP through the following activities:

- Language access policies and procedures released to staff for annual review and acknowledgement by all staff/contractors
- New employee onboarding by the NDA and assigned program
- Position specific training as a part of standard operating procedures, desk manuals, and other trainings for positions that work directly with the public
- Cultural competence and confidentiality training conducted for staff related to accessing and utilizing language services

VI. Evaluation of and recommendations for the NDA's language access plan

The NDA is committed to monitoring the performance of the above policies, procedures, and resources to ensure that its LAP is responsive to the needs of both the NDA and the people it serves. At a minimum, the NDA will review, evaluate and update LAP annually or as needed.

Parties responsible for LAP maintenance:

The designated language access plan coordinator with responsibility for the LAP and diversity and inclusion considerations in communications. The NDA is requesting a new staff position to fulfill these roles. The LAP coordinator will oversee the following:

- Implementation of the LAP
- Management of contract services related to the LAP
- Coordination with human resources regarding the delivery of cultural competency training and language proficiency for dual-role staff
- Tracking and reporting of data related to the LAP and LEP, deaf and hard of hearing customer needs.
- Biennial LAP review process
- Report language access needs to the NDA deputy director for decision-making on allocation of resources and/or amendment to policies and procedures

Criteria and methods for LAP evaluation:

The NDA will track its LAP's performance using the criteria indicated below. The methods for gathering/tracking the relevant data for these criteria are likewise described.

- Customer access to information – The NDA will translate customer complaint forms into identified languages to collect customer feedback.
- Track LEP participation/engagement in NDA programs – The NDA will collect both quantitative and qualitative data in regard to programs or resources that are communicated about/distributed in identified languages.
- Staff ability to support LEP customers - Questions will be added to the annual NDA Employee Survey to gauge comfort level in implementing the language access policies, procedures, and services to support LEP customers. *(To be completed by June 30, 2024.)*

Performance monitoring data:

As the NDA is initiating this LAP, past data on the criteria above has not previously been collected. The LAP will be reviewed annually and update this section as data becomes available.

Proposed LAP revisions:

As previously noted, as the inaugural LAP, all action items noted throughout the document are considered proposed revisions.

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Proposed budgetary implications:

Current staff time and funding is insufficient to implement the LAP outlined above. The NDA has identified the following expenses and submitted as a budget enhancement request for State fiscal years 2024 and 2025:

- \$3,105 for contract services to translate vital documents
- \$187.80 for contract services to interpret via video or phone
- \$800 for contract services for writing and speaking proficiency assessments for NDA staff assuming dual roles
- \$13,200 for contract services to deliver staff training to increase cultural competency
- \$55,983 towards annual salary for a Public Information Officer I position with dedicated responsibilities to lead the implementation of the department's LAP and diversity and inclusion efforts with minority groups (Amount noted reflects the total requested from general fund, which is 50% of an annual salary of \$111,966.)

For future budget cycles, the NDA will explore the use of contract services of a web developer for coding of translated forms on the NDA's business permit system and compensation for NDA staff providing translation/interpreter services should NAC 286.206 be amended as outlined below in Legislative amendment recommendations.

Suggested Legislative amendments:

Based on the NDA's experience with language access to date, the following revisions to SB318 or other legislation are recommended:

Recommendation A:

The NDA requests that [Nevada Revised Statute 284](#) be amended to add a pay plan for compensation of state employees who use bilingual or sign language skills to assist their department in ensuring access to state programs and services as outlined in the department's LAP. In addition, the NDA requests the Division of Human Resource Management review and amend [Nevada Administrative Code 284.206](#) regarding staff receiving an incremental pay increase when providing translation services, regardless of collective bargaining agreements.

Current NAC 284.206 language:

2. An employee may receive a special adjustment to pay equivalent to 5 percent of the employee's base rate of pay during any period in which:
 - (b) The employee is required to use bilingual skills or sign language for persons who are deaf at least 10 percent of his or her work time.

Proposed NAC 284.206 language:

2. An employee may receive a special adjustment to pay equivalent to **10 5** percent of the employee's base rate of pay during any period in which:
 - (b) The employee is required to use bilingual skills or sign language for persons who are deaf **at least 10 percent of his or her work time.**

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Justification:

With the State's emphasis to make government more accessible to all, State employees who are able to demonstrate language proficiency can play an important role in achieving equity and access. Employees willing to utilize those skills to assist their department should be eligible for the special pay adjustment for the time spent providing services, regardless of what percentage of their work time is required.

Recommendation B:

The NDA requests the Legislature consider the requirements of SB318 and the opportunity to provide resources to the Office of Employee Development within the Department of Administration Human Resource Management to facilitate or develop and deliver diversity and language interpretation trainings on a statewide basis.

Justification:

If equity and access are goals, that also applies to a department's ability to provide relevant training to their employees. A statewide program would create cohesion and enable all State employees to receive necessary training.

Recommendation C:

The NDA requests the Legislature align SB318 with existing federal language access plan requirements.

Justification:

As the NDA operates programs and services that are federally funded, the different requirements between state and federal could become a barrier to data collection. The department may not have the ability to collect additional State required data through federal forms and would have to develop additional strategies to obtain required information.

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Definitions

“Diversity & Inclusion Liaison.” A designated Department staff person responsible for monitoring and facilitating meaningful language access to persons with limited English proficiency.

“In-language.” Refers to services provided in a language other than English, without the aid of an interpreter. Someone who is dual- or multi-lingual and not qualified to interpret may still be able to provide services in-language.

“Interpretation.” The act of conveying the meaning of a spoken or signed communication into another spoken or signed language. For example, conveying what someone signs in American Sign Language into spoken English.

“Language access.” Language assistance that results in accurate, timely, and effective communication at no cost to the person with limited English proficiency.

“Language services.” Refers to the services provided by the Department to assist people who are limited English proficient or deaf or hard of hearing. This includes interpretation and translation services.

“Limited English proficiency (LEP).” Individuals who do not speak English as their primary language and who have a limited ability read, write, speak, or understand English. Persons with limited English proficiency may be competent in English for certain types of communication but still have limited English proficiency for other purposes.

“Meaningful access.” Benefits, programs and services that are compliant with state and federal limited English proficiency requirements as set out in federal statutes that ensure assistance is available to the recipients of the benefits or services using accurate and effective communication and prevents undue delay or the denial of benefits to which the recipients are eligible.

“Multilingual.” An individual who has the ability to use more than one language. A multilingual person can learn to become a translator or an interpreter but is not automatically so qualified by virtue of their language abilities.

“Plain language.” Communication that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience.

“Telephonic interpretation.” Interpretation that is conducted over a telephonic device or medium.

“Translation.” The replacement of written text from one language with an equivalent written text in another language while retaining the same meaning.

“Vital document.” A document that contains information that is critical for obtaining federal or state services or benefits. Vital documents may include, but are not limited to, application materials, complaint forms, documents that include an acknowledgment, release, or waiver, and notices concerning program eligibility, program rules, or notices of termination.

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ATTACHMENT A

**Nevada Department of Agriculture
Language Access Services Report**

Instructions: NDA staff should complete this form and return to the NDA language access plan coordinator following a direct delivery of language access services to an individual. This form does not need to be completed for translation of NDA print materials for public distribution.

Division & Program:

Date of service:

Time of service:

Language access service needs:

- ☐ Limited English proficiency (LEP), preferred language is: _____
- ☐ Sign language, preferred language is: _____
- ☐ Telephonic interpretation for an individual who is deaf or hard of hearing

If the individual identified themselves as either of the following, please mark:

- ☐ Indigenous population
- ☐ Refugee population

If oral/sign language services were provided, what type of service was utilized?

- ☐ NDA staff within job duty interpreted
- ☐ NDA staff volunteer from another division/unit interpreted
- ☐ Contracted serviced provider interpreted
- ☐ Other: _____
- ☐ If a written document was verbally translated for the LEP, please identify the document type and general subject of document: _____

If written language services were provided, what type of service was utilized?

- ☐ Translation by NDA staff within job duty
- ☐ Translation by NDA staff volunteer from another division/unit
- ☐ Translation by contracted service provider
- ☐ Other: _____
- ☐ Document(s) translated (I.e., email, letter, application form, webpage) and general subject of document: _____