

**South Dakota Department of Labor and Regulation (DLR)
2013 Language Assistance Plan (LAP)**

SECTION I: Legal Basis and Purpose

This document serves as the plan for the South Dakota Department of Labor and Regulation (DLR) to help ensure access for persons with limited English proficiency (LEP). It is designed to respond to Title VI of the Civil Rights Act of 1964, the requirements imposed by Executive Order 13166, and related guidance.

The plan provides a framework for the provision of timely and effective language assistance to persons with LEP that come into contact with South Dakota DLR offices, the South Dakota Unemployment Insurance Call Center, and any other division of DLR.

The U.S. Department of Justice has the right to investigate complaints against any federally funded agency that does not provide free language services when necessary to participate in a program. An agency's federal funding may be withheld until the complaint is resolved. DLR receives federal funds for the following programs:

- Workforce Investment Act (WIA)
- Unemployment Insurance (UI)
- Employment Security functions through the Wagner-Peyser Act (ES)
- Temporary Assistance to Needy Families (TANF)
- Supplemental Nutrition Assistance Program (SNAP)

SECTION II: Needs Assessment

DLR's Workforce Services Division is responsible for conducting a needs assessment and developing a department-wide LAP to meet the communication obligations of the agency. DLR will update its needs assessment annually and determine whether changes to its LAP are required. This can include tracking the number of interpreters requested for each language, consulting new demographic/census information, observing trends in interpretive usage, ensuring DLR is using the most-qualified interpreters available, reviewing translated materials, training staff as necessary, and exploring what new services are being offered. The LAP will consider the state's demographic and language needs, the frequency with which LEP persons use the programs offered by DLR, the importance of the services offered, and a cost-benefit analysis.

Demographics

Interpretive language needs in South Dakota are relatively minimal. However, due to immigration shifts and a rising foreign population in the state, the need for interpretive services continues to grow. South Dakota's population, diversity, and nativity data obtained from the 2010 U.S. Census is included in this section.

South Dakota Demographics

- The State of South Dakota has approximately 824,082 people (2011 est.);
- Demographic breakdown of population:

White	86.6%
Native American	8.9%
Hispanic/Latino	2.9%
Black	1.4%
Asian	1.0%
Hawaiian/Pacific Is.	.01%
TOTAL	100.9% (some report two or more races, thus does not equal 100%)

Service Information

Each Division within DLR will be made aware of the demand for interpreter services in both the Central and Local DLR offices and where the interpretive services can be obtained. Staff will be made aware of which languages are most often needed. Because of the relatively small, statewide population of LEP individuals, DLR relies mainly upon the telephone interpretive services of Language Link Services.

South Dakota Service Information

- DLR requires interpreters primarily for UI claims taken at the UI Call Center, but some Local Office use does occur;
- In calendar year 2012, DLR averaged 40 Spanish-speaking interpretive calls per month and an average of 15 Karen-speaking interpretive calls per month, mainly for UI claims taking;
- DLR needs "other language" interpreters occasionally;
- The languages most in need for interpretation are Spanish, Karen, and Arabic dialects, especially Somali and its various dialects.

Nature of the Program

Since DLR is the provider for filing UI claims and enrolling in most WIA titles, DLR is the only venue for obtaining these services. DLR will consider how serious the consequences may be if it is unable to provide services effectively. If resources are limited, they will be directed to the most essential matter first – UI claims taking.

Costs

An analyst in the Central Office will monitor the amount DLR spends on interpretive services. As the state's LEP population increases, the number of interpreter usages will increase. The level of departmental services required by the federal guidance depends on, in part, the size and proportion of the state LEP population. If funding for increased services is limited, DLR may provide services beginning with the most critical services and commonly used languages.

Title VI of the Civil Rights Act contemplates that interpreter services will be provided free of charge to the user whenever necessary to participate in a federally funded program. State budget constraints are an important part of the picture, but do not justify failure to make as much progress as possible with the money available.

During state fiscal year 2012 (July 1, 2011 – June 30, 2012), DLR expended \$32,115 for telephonic interpretive services. State fiscal year 2013 (July 1, 2012 – June 30, 2013) has already seen dramatic growth in the usage of Language Link and, subsequently, higher costs.

DLR has access to interpreters for the hearing impaired, but did not use a sign-language interpretation during 2012.

SECTION III: DLR Responsibilities

DLR provides the central role in planning, investigating, providing interpretive options, and handling requests/complaints from DLR Local Office staff and/or the public using DLR services. All DLR EO officers are senior-level administrators and provide direct input to administration regarding EO issues.

DLR empowers its staff people to contact Language Link Services or contact bi-lingual staff to assist with an LEP individual without the need for managerial approval. If a person needs assistance, bureaucracy should not stand in the way.

The primary obligation to pay for interpreter services rests with DLR. DLR cannot seek reimbursement for this type of obligation.

Interpreters or other services must be provided to hearing impaired users covered by the Americans with Disabilities Act (ADA) when needed. The costs of these services must be absorbed by DLR and cannot be charged to the user. Interpreters will be provided when rights are at stake, as with UI, WIA, or Workers' Compensation Insurance or in any circumstance where personal safety is an issue.

SECTION IV: Resources Available

Statewide

DLR staff will make professionally translated forms available when necessary. Workforce Services will evaluate frequently requested local materials and consider having them translated by accredited professional translators.

Translation of forms will only be made when a substantial use or request of a particular form is deemed necessary. Funding considerations will be taken into account. Federal postings and publications made available to the state will be made available to the Local Offices for distribution. Most, if not all, federal publications are available for download from various federal government labor-related sites. These sites and resources are made known to DLR staff when available.

DLR Local Offices will use “I speak” cards to help identify which language a user speaks. Offices will post translated signs informing users of the right to an interpreter. “I speak” cards are made available to DLR through Language Link Services.

Appointing an Interpreter

If a translator is used, DLR will use professional interpreters who are independent contractors or employees of a professional interpretive agency. Any interpreter utilized by DLR will be a trained, neutral professional, not a family member or friend of the party, an attorney, or law enforcement officer. Use of nonprofessional interpreters such as those mentioned will be limited to simple proceedings such as a change of date or address, to emergencies where no neutral, professional interpreter can be found in person or on the telephone, and to situations where no other person can communicate with the LEP person.

Because of South Dakota’s low LEP population, DLR will utilize telephone interpretive services in appropriate circumstances. Telephone interpretation is a good choice if a hearing is short, if the distance an interpreter would have to travel is long, or if a rare language is needed. A well-qualified interpreter used through a contracted telephonic interpretive agency is a better choice than a poorly-qualified local interpreter or nonprofessional.

DLR staff know that many people who need an interpreter will not request one because they do not realize interpreters are available or because they do not recognize the high level of communication skills needed for many DLR programs. When it appears an individual has difficulty communicating, DLR will err on the side of providing an interpreter to ensure full access to the DLR’s programs. DLR is also responsible for providing assistance to LEP and hearing impaired individuals on the phone and in the offices.

Local Resources

Social services agencies, community groups and cultural centers, professional interpreting and translating agencies, college language departments, local hospitals, and schools can all be of assistance in providing interpretation. DLR Divisions will keep in mind that interpreters from these sources are not necessarily prepared to do specific programmatic work and should be questioned carefully about their qualifications. Interpreters will be hired from sources used in past situations that have proven effective, if at all possible.

In South Dakota, the four most effective resources are Lutheran Social Services, Language Link Services telephone interpretation, Black Hills Special Services Cooperative's WIA 167 training program (agricultural workers retraining/MSFW), and the use of bilingual staff within DLR.

SECTION V: Public Input

Comments, suggestions, and complaints from the general public or staff regarding access and language services will be brought first to the attention of Local Office managers who will bring the concern forward to the Employment Services Director and the DLR Lead EO Officer. Complaints about interpreters who have allegedly engaged in unethical or unprofessional conduct in the course of performing their interpreter duties will be similarly reported to the EO Officer.

SECTION VI: Department Staff Training

Front line staff is often the first point of contact with LEP individuals. Receptionists and administrative assistants will be made aware of the possibility of LEP individuals coming into the offices, how to utilize the Language Link "Point to Your Language" cards when addressing the LEP individual, and getting the person referred to ES staff who have knowledge of Language Link and are aware of the methods of service delivery and possible cultural issues that may be encountered.

As new DLR employees are hired, the LAP will be included in their orientation. DLR Central Office staff can provide information and provide resources for staff on how to use interpreters and how to communicate effectively with persons of limited English proficiency and cultural understanding. Local Office staff should contact their manager/supervisor to request training or assistance when questions arise.

SECTION VII: Evaluation of the Language Assistance Plan

Annually, EO Officers will coordinate with DLR Local Offices and other departmental users, to review the effectiveness of the plan, and identify problems and proposed solutions. Evaluation includes:

- Number of LEP persons receiving interpretive services and for what purpose; i.e., UI claims, welfare assistance, WC, Human Rights, WIA assistance, or general usage.

- Assessment of whether staff members adequately understand language assistance policies.
- Determination if additional services or translated materials will be provided.
- Feedback from other agencies such as social services agencies, churches, etc.

The language assistance plan shall be approved by the Secretary of the Department of Labor and Regulation and filed with Workforce Services. The plan and any future revisions will be communicated to all employees.

DLR Evaluation Measures

- All DLR personnel will be informed of this plan. It will be posted on the DLR Internet and Intranet (employee access) sites.
- Signs or placards will be posted informing customers interpretive services are available.
- Local Office staff and intake staff will be given "I speak" cards for identifying language needs.
- Local Office staff will use translated material available from federal, state and local sources.
- New staff will be informed of the plan as they are hired.

State Contact Person

Andrew Szilvasi, Lead EO Officer, has been designated Interpretive Services Coordinator for DLR. He can be reached at the following address and phone number:

Andrew Szilvasi
SDDL, Kneip Bldg.
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Pierre, SD 57501

(605)773-3101

Effective Date

The effective date of this Language Assistance Plan is January 24, 2013.