

South Dakota Department of Labor and Regulation
Language Assistance Plan (LAP)
Updated July 1, 2024

Purpose

The Language Assistance Plan is designed to outline South Dakota Department of Labor and Regulation (DLR) efforts to ensure federal programs and services are accessible to all people including Limited English Proficiency (LEP) individuals. The plan provides a framework for the provision of timely and effective language assistance to LEP persons that seek assistance and services with job service offices, the Reemployment Assistance (RA) call center, and any other division of DLR utilizing federal funding.

Definitions

Babel Notice – A short notice included in a document or electronic medium (e.g., Web site, “app,” email) in multiple languages informing the reader that the communication contains vital information, and explaining how to access language services to have the contents of the communication provided in other languages.

Limited English Proficient – an individual whose primary language for communication is not English and who has a limited ability to read, speak, write, and/or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).

Qualified Interpreter – an interpreter who is able to interpret effectively, accurately, and impartially, either for individuals with disabilities or for individuals who are limited English proficient. The interpreter must be able to interpret both receptively and expressively, using any necessary specialized vocabulary, either in-person, through a telephone, a video remote interpreting (VRI) service, or via internet, video, or other technological methods.

Vital Information - information, whether written, oral or electronic, that is necessary for an individual to understand how to obtain any aid, benefit, service, and/or training; necessary for an individual to obtain any aid, benefit, service, and/or training; or required by law.

Examples of documents containing vital information include, but are not limited to applications, consent and complaint forms; notices of rights and responsibilities; notices advising LEP individuals of their rights under this part, including the availability of free language assistance; rulebooks; written tests that do not assess English language competency, but rather assess competency for a particular license, job, or skill for which English proficiency is not required; and letters or notices that require a response from the beneficiary or applicant, participant, or employee.

Language Services

DLR contracts with CTS Language Link Services of Vancouver, WA to provide qualified telephonic interpretation, translate vital information, and American Sign-Language interpretation services. Additionally, DLR has the option to use Lutheran Social Services of Sioux Falls, SD to translate vital information.

American Sign-Language Interpreters for the deaf and hard of hearing are available to assist in the delivery of services to customers with hearing impairments using Language Links' video remote interpreting (VRI) service. Each job service office has been provided an account to use these services and can login from here:

<https://languagelink.interpretmanager.com/app/account/sign-in>

Additionally, DLR created new Babel Notices for Field Operations, Reemployment Assistance, and the Division of Human Rights. The Babel Notices include the top five languages requested from Language Link, at the time of writing the Language Assistance Plan. The Babel Notice should be included in any communication sent to an individual via mail, email, or other non-direct communication method.

As part of DLR's CAREER National Dislocated Worker Grant that South Dakota received in 2021, DLR indicated the need to increase technology efforts for translation. DLR is currently utilizing two vendors to assist in this effort. Translate Live, which offers a device called ILA, that allows for immediate translation when an individual comes into our offices. "ILA is the first language communication solution that allows people to easily and instantly have a real-time, natural back-and-forth conversation, no matter the language, disability, device or location. Using the All-In-One ILA Pro Device, users can speak, spell out loud, or type, and the entire conversation is immediately communicated to the other party in their chosen language."

South Dakota DLR also works with a vendor to provide a translation hub for document translation. This hub allows for instantaneous translation of documents, ability to integrate a human in to loop to identify and fix common translation issues before they become disastrous, and even allow us to customize the translation of certain industry acronyms. The Translation Hub went into effect January 2024 and training for staff can be found in DLR Learn LMS. Course is called, "Google Translation Hub."

DLR utilizes a relay service (Relay SD or 711) used by the recipient for communication with individuals with a hearing impairment. DLR must ensure brochures, publications, and broadcasts include a relay number or provide an equally effective means of communication with individuals who are hearing impaired.

If Braille services are needed, offices should contact DLR Property and Procurement Manager who will acquire Braille services from a qualified Braille translator from an

online vendor or SD Department of Corrections Pheasant Land Industry Braille Shop (Ph: 605-367-5073).

Staff guidance for how to use the services mentioned in this section can be found in the Field Operations>Equal Opportunity SharePoint page. Resources for staff include:

- Limited English Proficient (LEP) presentation
- Language Link Process (phone interpretation services)
- Language Link VRI Users Guide (sign-language)
- Relay SD Information
- Language Assistance Plan presentation

Needs Assessment

DLR analyzes the Language Links report which shows what languages are requested for translation by each job service office and the Division of Reemployment Assistance. DLR's MIS system SDWORKS is also used to run reports on individuals enrolled into WIOA programs by race and Hispanic ethnicity.

Graph 1 shows the RA division utilized Language Links the most in fiscal year 2024 with 1,131 calls followed by job service offices with 573 calls.

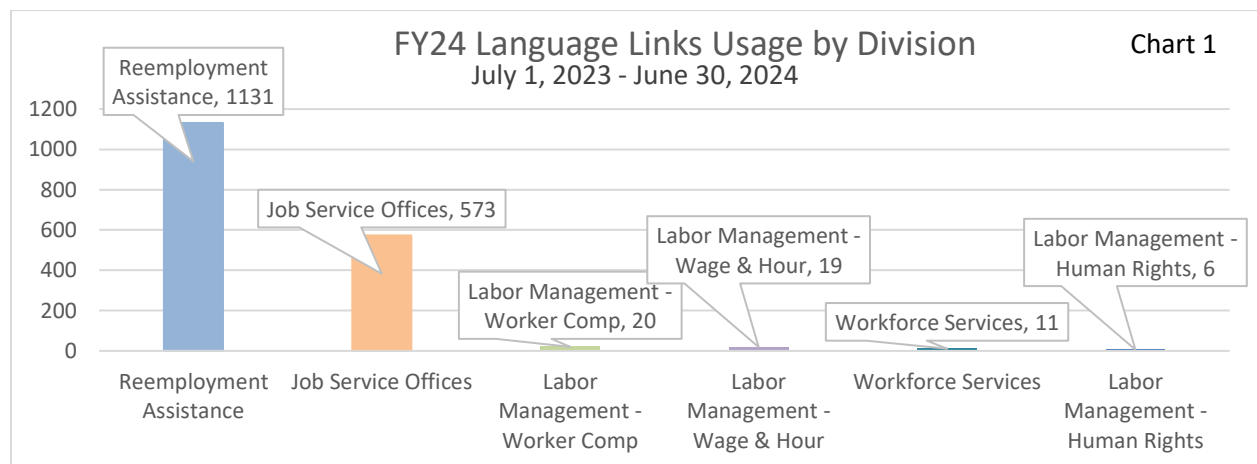


Chart 2 shows 94% of the calls made were for Spanish interpreter services followed by Amharic and Tigrinya with 1% each for the Reemployment Assistance division during FY24.

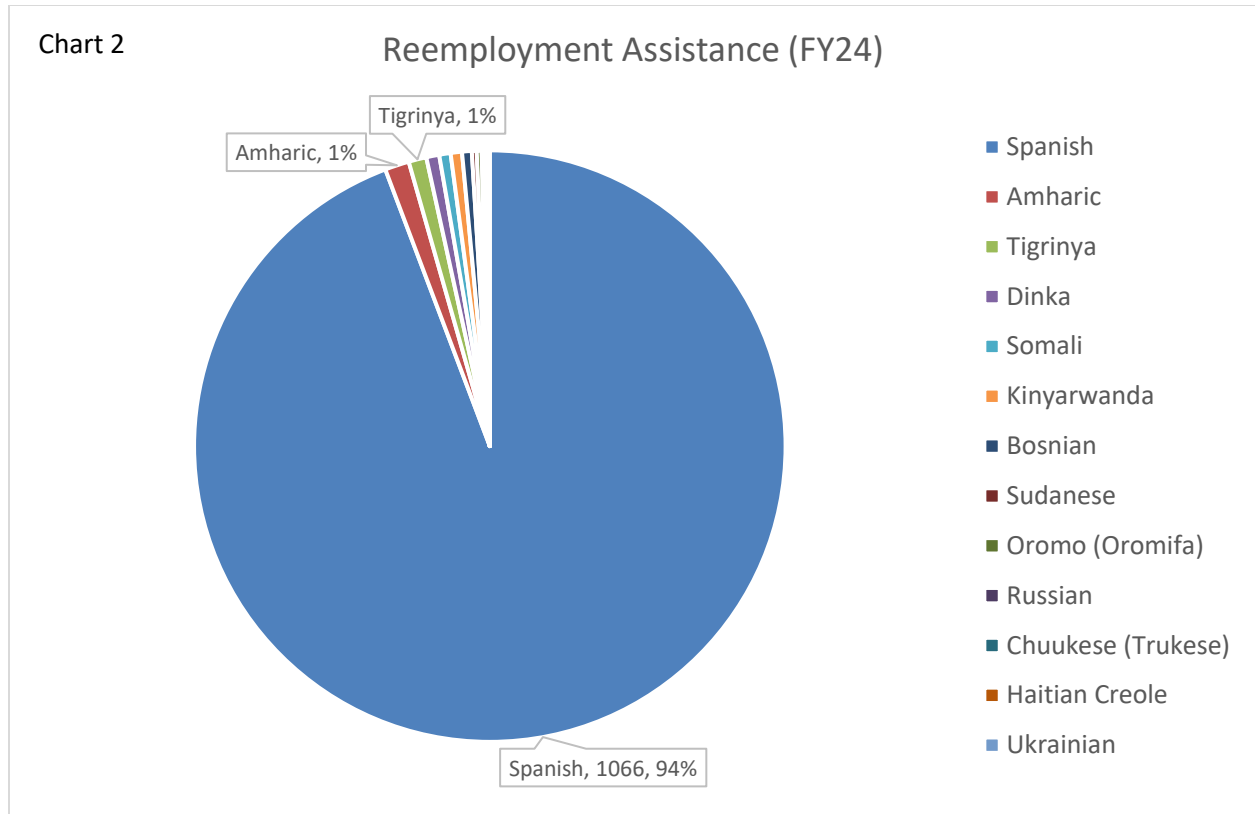


Chart 3 shows the Language Links usage by job service offices over the past three fiscal years.

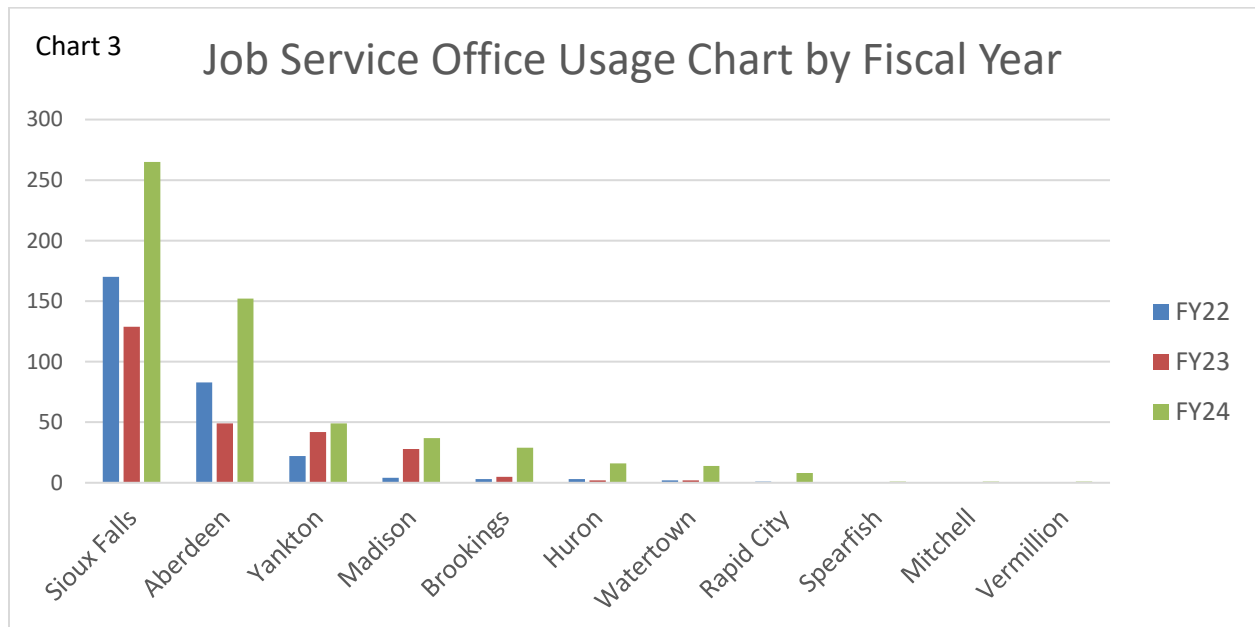


Chart 4 shows the Language Links usage of all the Job Service Offices for fiscal year 2022 through 2024 combined broken down by language. The chart illustrates the primary language needing translator services was Spanish (51%) followed by Amharic (7%), Arabic (6%), and Swahili (6%).

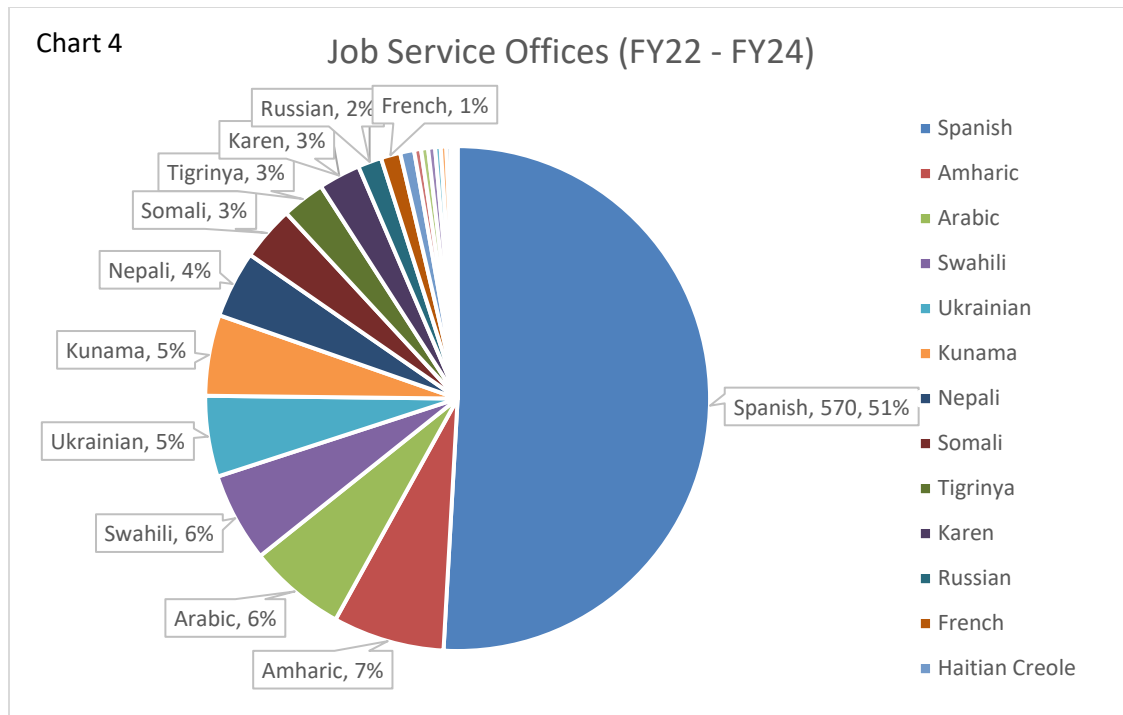
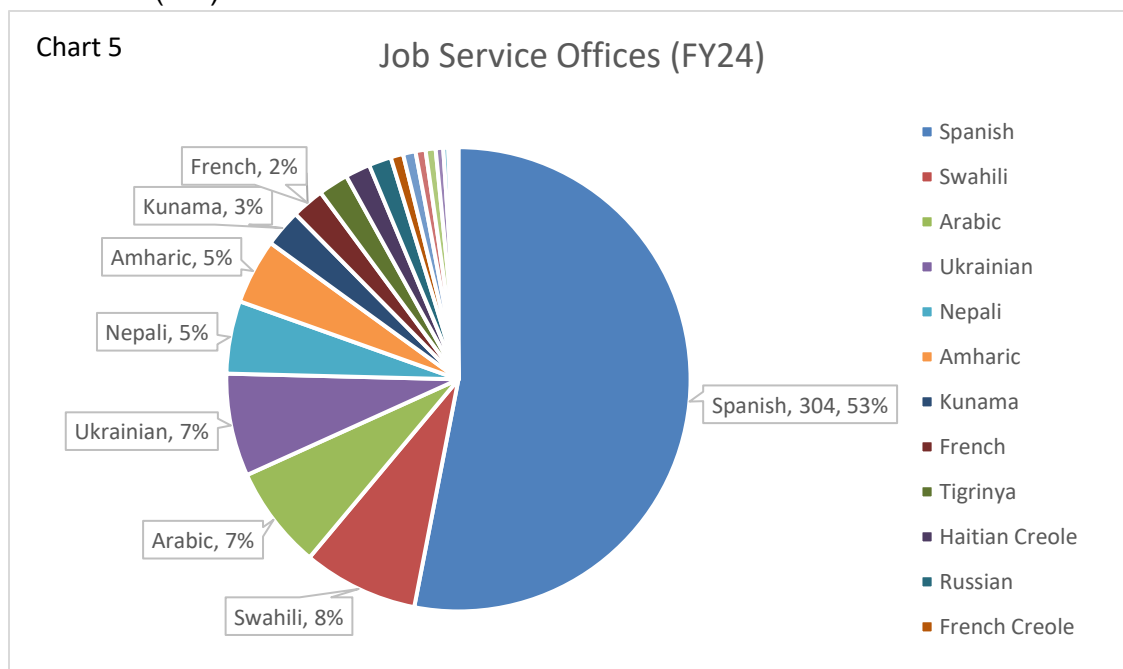


Chart 5 shows the Language Links usage of all the Job Service Offices for fiscal year 2024 broken down by language. The chart illustrates the primary language needing translator services was Spanish (53%) followed by Swahili (8%), Arabic (7%), and Ukrainian (7%).



Language Assistance Provided

Through assessment and review of available South Dakota data, Spanish is the primary language where assistance may be needed.

At minimum, DLR will translate all vital information in written form to Spanish for job service offices and Reemployment Assistance. Participants who speak a language other than English or Spanish will be provided interpreter services using Language Links or other qualified interpreter service to translate the vital information in written form.

DLR will review Language Links usage on an annual basis to determine if vital information needs to be translated into additional languages.

DLR will translate vital information into languages deemed to be spoken by a significant number or portion of the population eligible to be served in a serving area. DLR defines significant number or portion of the population as either making up 20% or more of 100 or more Language Links calls or 50% or more of 50 Language Links calls from a Job Service Office/RA.

All translator and interpreter services will be provided to participants and claimants free of charge.

DLR Responsibility

DLR staff must identify if a participant is LEP during the intake process and ensure LEP participants are correctly recorded as being LEP in SDWORKS. The primary language of an LEP participant must also be indicated in SDWORKS. If the primary language is not one of the options provided by SDWORKS, the intake staff should note the language in case notes to ensure subsequent interaction will be conducted in the appropriate language. All LEP participants must be provided reasonable accommodations to ensure he/she is effectively informed about and/or able to participate in WIOA program or activities.

Reemployment Assistance intake process must identify if a claimant is LEP and if so, what the primary language spoken is. Claimants whose primary language is Spanish must receive vital information translated in Spanish. For other languages, RA must provide reasonable accommodations to ensure LEP individuals served or encounters are effectively informed of vital information provided to them regarding RA services or benefits.

Reasonable accommodations, at minimum, must include providing a "Babel notice" indicating in appropriate languages that language assistance is available in all communications of vital information, such as applications, hard copy letters, decisions or those communications posted on websites and is provided free of charge. The notice must also provide information explaining how to access language services to have the contents of the communication provided in other languages.

The Babel Notice will be translated into the following languages for job service offices: Spanish, Amharic, Swahili, Arabic, Ukrainian, and Nepali.

The Babel Notice will be translated into the following languages for Reemployment Assistance: Spanish, Amharic, Tigrinya, Dinka, Somali, and Kinyarwanda

DLR Evaluation

To ensure all LEP persons can benefit from the services provided, the DLR and its partners, programs, providers, and other potential sub-grantees must take reasonable steps to provide services and information to these groups. To accomplish this, recipients are asked to follow a model language assistance program for all recipients. The model plan incorporates a variety of standards for providing meaningful access to LEP beneficiaries including:

- A formal written language assistance program (LAP) reviewed annually;
- Outreach to LEP communities to improve service delivery by advertising WIOA programs and partners and providing access to free language assistance to assist in enrolling in those programs;
- Use of “I speak cards” by front desk and intake staff so applicant/customers can identify their primary language;
- Contracts with interpretive services that can provide qualified interpreters in a wide variety of languages, in a timely manner;
- Provide adequate training and resources for DLR staff to ensure they are knowledgeable with the LAP and the language assistance services used to assist LEP individuals.
- Insertion of Babel notices, in appropriate languages, regarding the right of LEP applicants and participants to free interpretive services and other language assistance, in brochures, pamphlets, manuals, websites, and other material disseminated to the public and to staff;
- Appointment of a senior level DLR employee to coordinate the language assistance program and ensure there is regular monitoring of the program, and;
- Consideration of LEP persons’ needs when implementing new programs or activities, publishing new forms or notices, etc.