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DEPARTMENT OF AGRICULTURE
LIMITED ENGLISH PROFICIENCY PLAN

PURPOSE OF PLAN

Effective immediately, this Department of Agriculture Limited English Proficiency Plan shall be implemented to ensure that the Hawaii Department of Agriculture ("HDOA") provides language accessible services to limited English proficient individuals or organizations accessing, participating or benefiting from services, programs and activities offered by the department in order to meet the requirements of Act 290, SLH 2006, codified into Part II of Chapter 371, HRS, and Presidential Executive Order 13166.

BACKGROUND

Presidential Executive Order 13166, "Improving Access to Services for Persons with Limited English proficiency" was created to ". . . improve access to . . . federally assisted programs and activities for persons, who as a result of national origin, are limited in their English proficiency . . . ." Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d ("Title VI") serves as the basis for Executive Order 13166. Title VI provides that no person shall "on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Certain divisions of the HDOA receive Federal funding and, by virtue of that funding, Title VI applies to all HDOA's operations. *See* 29 CFR parts 31.1; 31.2(g); and 31.3. Accordingly, HDOA seeks to implement the initiatives set forth in this Limited English Proficiency ("LEP") Plan to meet its obligations under Title VI. The purpose of this LEP Plan is to take reasonable steps to ensure persons with limited English proficiency gain meaningful access to HDOA services and programs.

Hawai`i's population reflects a rich blend of peoples and cultures. According to the 2000 census, almost 290,000 of Hawai`i's 1.2 million people speak a language other than English at home, including over 250,000 persons that speak an Asian or Pacific island language. For many, English is not their primary language. Many have only a limited ability to read, write, speak or understand English. Language barriers often prohibit many residents from fully participating in our community and undermine efforts to become self-sufficient and productive. This LEP Plan speaks to HDOA's commitment to provide essential and meaningful access to LEP customers.

DEFINITION OF LIMITED ENGLISH PROFICIENT PERSONS/CUSTOMERS

For purposes of this LEP Plan, LEP persons or LEP customers mean individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. Such persons may be eligible to receive language assistance with respect to a particular service, benefit, or encounter.

EXHIBIT 8

RELEVANT FACTORS

In determining how to provide effective and meaningful access to LEP customers, the U.S. Department of Labor has established the following four guidelines (68 FR 32290, 32294 (May 29, 2003)):

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program;

2. The frequency with which LEP persons come into contact with the program;

3. The nature and importance of the program, activity, or service provided by the program to LEP persons; and

4. The resources available to the program and the costs of providing interpretation/translation services.

The touchstone of this four-factor analysis is reasonableness--reasonableness as measured by balancing (1) the size, needs, and the nature of assistance to the LEP population served and (2) HDOA's capacity and available resources.

SUMMARY

This HDOA LEP Plan is comprised of six (6) components:

(1) Designation of Responsibilities;

(2) Development of a reporting system designed to obtain key information about the LEP Customers who use HDOA services;

(3) Compilation of comprehensive multi-lingual listing of HDOA employees;

(4) Notice of interpretation/translation services to qualified LEP customers;

(5) Providing interpretation/translation services for qualified LEP customers;

(6) Seek stakeholders' input; review and revision of the LEP Plan.

Each component will be explained below.

LEP PLAN

I. DESIGNATION OF RESPONSIBILITIES

Chairperson

The Chairperson shall designate a person to serve as the LEP Plan Coordinator.

LEP Plan Coordinator

The LEP Coordinator shall be responsible to:

(1) coordinate, monitor, and evaluate the overall implementation of the LEP Plan;
(2) coordinate responses to any inquires or comments/complaints regarding the LEP Plan and its implementation;
(3) coordinate any revisions and modifications to the LEP Plan, as necessary;
(4) train HDOA division and program managers, by providing the proper background necessary to implement the objectives of the LEP Plan;
(5) coordinate efforts to solicit stakeholders' input aimed at improving the current LEP Plan;
(6) coordinate the compilation of the listing of materials/documents that should be translated from English into a foreign language;
(7) develop a survey form to collect information necessary to enable the department to render meaningful access to its LEP customers and compile the data on a yearly basis and submit an annual report to the Chairperson and Deputy by no later than July 31, 2008 and every year at this date thereafter;
(8) compile listing of multi-lingual listing of HDOA employees who would be willing to provide interpretation/translation services to LEP customers; and
(9) compile listing of interpreters/translators and their costs for program personnel to use in providing services to their LEP customers.

Division Administrators and Program Managers

The Division Administrators and Program Managers shall be responsible to:
(1) identify and determine important materials/documents that should be translated from English into a foreign language;
(2) compile information requested by the LEP Plan Coordinator on multi-lingual HDOA employees and LEP customers;
(3) ensure appropriate program staff have reviewed and been trained on implementing the LEP Plan including the proper background necessary to implement the objectives of the LEP Plan;
(4) inform what LEP interpretation/translation services are available to their customers;
(5) respond to request for oral and written translation services by identifying available internal bi-lingual staff or contacting available interpreter services and record information about oral or written language service provided;
(6) monitor program staff to ensure that the LEP Plan is being implemented; and
(7) notify the LEP Coordinator of any complaints/concerns from customers regarding LEP services provided by the department.

Employees

Each employee is responsible to:
(1) review and assist in the implementation of the LEP Plan;
(2) assist in obtaining interpretation/translation services for LEP customers and record information about oral or written language service provided, if applicable; and
(3) notify division administrator or program manager of any complaints/concerns from customers regarding LEP services provided by the department.

II. DEVELOPMENT OF A REPORTING SYSTEM TO OBTAIN KEY INFORMATION ABOUT THE LEP CUSTOMERS WHO USE HDOA SERVICES

In order to provide meaningful access to LEP customers, HDOA has gathered information about what languages they speak. HDOA will determine what services they use, and the frequency with which they use these services.

In July 2006, the Hawaii Agricultural Statistical Service, a branch of the HDOA, conducted a language study of Hawaii agricultural workers (see attachment A). This study identified the first language of workers and operators (farm/ranch owners) as well as their level of English and math proficiency. These statistics, however, are limited to the types of languages spoken and do not reflect the kinds of HDOA services requested or provided or how frequently such services were used by LEP customers.

The study showed the most prevalent first language among Hawaii agricultural workers is Ilocano at 2,560 or 40 percent of the total estimate of 6,410. The second most prevalent language among Hawaii agricultural workers is English, estimated at 2,280 or 36 percent.

Of those workers whose first language is Ilocano, 2,040 or 80 percent understand written instructions in their first language. Of the same population, 2,270 or 89 percent comprehend English verbal instructions and 1,520 or 59 percent comprehend English written instructions.

Hawaii agricultural operators' first language is predominantly English, at 2,730 or 88 percent of the total estimate of 3,090.

A survey form designed to collect the information necessary to enable us to render meaningful access to LEP customers who use our services was developed. This form will be filled out by all appropriate HDOA employees and collect, among other things, the following information: (1) the kinds of HDOA services requested by LEP customers; and (2) the frequency with which LEP customers use certain HDOA services. The data will be compiled on a yearly basis and an annual report prepared and submitted to the Chairperson and Deputy no later than July 31, 2008 and every year at this date thereafter. HDOA will use this information to develop the appropriate set of services.

III. COMPILATION OF COMPREHENSIVE MULTI-LINGUAL LISTING OF HDOA EMPLOYEES

To effectively service LEP customers, HDOA must ascertain what language skills and resources it may already have available through its employees.

HDOA has compiled information volunteered by HDOA personnel including, among other things, the language or languages that the HDOA employee can speak and/or read, the degree of fluency in those identified languages, and the contact information for that HDOA employee. An employee on this list may be contacted when a LEP customer requesting HDOA services needs language assistance.

HDOA has identify external organizations and individuals that have language capabilities that can be called upon for assistance. In the past, HDOA has worked with Pacific Gateway and University of Hawaii College of Tropical Agriculture and Human Resources (UHCTAHR) as well as individuals throughout the islands with diverse language expertise.

Pursuant to HRS Section 371-33(d), to the extent that HDOA requires additional personnel to provide oral and written language services as determined by the totality of the circumstances and relevant factors in HRS Sections 371-33(a)(1)-(4), HDOA will hire qualified personnel who are bilingual to fill existing, budgeted vacant public contact positions.

IV. NOTICE OF INTERPRETATION/TRANSLATION SERVICES TO LEP CUSTOMERS

A. OFFICE NOTICE

The HDOA employee will inform LEP customers orally, as required when reasoned or recognized, of the availability of an oral interpreter/translator in their primary language. Signage developed by the Office of Language Access and adapted for HDOA, will be posted and invite LEP customers to indicate they are in need of oral language services.

B. REQUESTING WRITTEN TRANSLATION

The HDOA employee will inform LEP customers in person and over the phone, as required when reasoned or recognized, of written translation services available. Should the LEP customer request written translation services, the employee shall notify the Program Manager or Division Administrator who shall respond to the request.

V. PROVIDING INTERPRETATION/TRANSLATION SERVICES FOR LEP CUSTOMERS

A. ORAL INTERPRETATION

If an individual approaches a HDOA employee and appears to be accessing services but has difficulty communicating what he or she needs, the employee shall respond as follows:

(1) When a request for an interpreter is made either orally or in writing, the employee shall determine whether bi-lingual staff in the office or a nearby unit is available who speaks the language being requested. The employee shall record information on the interpreter services provided on Attachment C.
(2) When bilingual staff is not available, the employee shall refer the request to their Program Manager or Division Administrator. The Program Manager or Division Administrator shall contact Pacific Gateway at 845-3918 or the appropriate department personnel of the University of Hawaii, College of Tropical Agriculture and Human Resources (UHCTAHR) specializing in the area of inquiry to request interpreter services. The Program Manager or Division Administrator shall record information on the interpreter services provided on Attachment C. The program or division shall be responsible to cover any cost related to providing the interpreter services.
(3) In the event an individual declines the offer to be provided a free interpreter, the individual should be asked to sign a waiver (Attachment D). The waiver should be kept in the client's file.

B. WRITTEN TRANSLATION

In 2007, the HDOA conducted an internal assessment and contacted the Hawaii Farm Bureau Federation in order to find out the need for interpretation or translation services. The HDOA subsequently compiled a listing of material and documents identified and determined by the division and/or program managers as important and/or believed to be important through the experiences of the program, and needing translation from English into a foreign language.

The HDOA currently has five (5) documents translated into various languages. The HDOA will continue to consult with its Administrators and Managers to determine whether any additional materials need clarification and translation. Written translations of documents are subject to the four-factor analysis and reasonableness. Examples of translated materials are

included as Attachment B. (NOTE: For booklets, only the cover of the respective document is attached)

For LEP groups that meet the 5% threshold but number less than 50, the HDOA will determine whether to provide written notices on important documents notifying the individual of their right to receive competent oral interpretation of written materials in their primary language.

VI. SEEK STAKEHOLDERS' INPUT; REVIEW AND REVISION OF THE LEP PLAN

HDOA will actively seek input from agricultural organizations that have contact with LEP customers.

This LEP Plan shall be reviewed and revised periodically in light of comments from LEP customers, their representatives, interested stakeholders, and HDOA staff.

An updated LEP Plan shall be submitted to the Office of Language Access by July 1, 2013 and every two (2) years thereafter.

CONCLUSION

Through the enactment of this LEP Plan, HDOA, in compliance with the mandate of Title VI, has memorialized the initial steps in providing reasonable and meaningful access to LEP customers that seek HDOA services.

All HDOA divisions and administratively attached agencies shall immediately comply with this LEP plan.

Date: July 1, 2013

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Attachments

Attachment A - Language Study of Hawaii Agricultural Workers

Attachment B - Examples of HDOA Translated Materials *

Attachment C - Limited English Proficiency Translation Services Monthly Log

Attachment D – Waiver of Interpreter Services

* For booklets, only the cover of the respective document is attached