

Executive Summary

The Montana Department of Livestock is committed to providing equal and meaningful access to individual's with limited English proficiency (LEP) in all programs, services, and activities offered by the department, in accordance with the following:

1. Title VI of the Civil Rights Act of 1964;
2. Executive Order 13166 implementing Title VI and requiring meaningful access to all federally financially assisted programs and activities by persons with limited English proficiency (LEP); and
3. Guidelines established by the U.S. Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS).

LEP individuals are defined as, "Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.

Title VI of the Civil Rights Act of 1964 and its implementing regulations state no person in the United States shall be denied the benefits of or otherwise be discriminated against based on race, color, or national origin under any program or activity receiving federal financial assistance.

The U.S. Supreme Court interpreted the Title VI regulations to prohibit conduct that disproportionately affects LEP persons, because such conduct constitutes national origin discrimination.

Executive Order 13166, [Improving Access to Services for Persons with Limited English Proficiency](#), directs Federal agencies to examine the services they provide and to develop and implement a system by which LEP persons can meaningfully access those services. The executive order further states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

The executive order instructed federal agencies to publish guidance for their respective recipients to assist them in meeting their obligations to LEP persons under Title VI. The executive order recommended uniform guidance to recipients on the preparation of LEP plans to improve access to its federally assisted programs and activities by eligible LEP persons.

Each plan must follow the standards set forth in the U.S. Department of Justice's (DOJ) policy guidance document, [Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficiency Persons](#). DOJ published the guidance to serve as a model for other federal agencies.

In accordance with DOJ's LEP guidance, the USDA issued LEP guidance for federally assisted programs on November 28, 2014.

Background

Establishments have the option to apply for federal or state inspection. States operate under a cooperative agreement with FSIS. States' program must enforce requirements "at least equal to" those imposed under the Federal Meat and Poultry Products Inspection Acts and the Humane Methods of Slaughter Act of 1978. However, product produced under state inspection is limited to intrastate commerce, unless a state opts into an additional cooperative program, the Cooperative Interstate Shipment Program.

The Cooperative Interstate Shipment (CIS) program promotes the expansion of business opportunities for state-inspected meat and poultry establishments. Under CIS, state-inspected plants can operate as federally-inspected facilities, under specific conditions, and ship their product in interstate commerce and internationally. Without CIS, a state-inspected plant is limited to sales within its own borders even if an adjoining state is just across the highway or river.

As a result of these cooperative agreements, participating states have an obligation to ensure LEP services are provided to customers (beneficiaries) whose first language is not English. Those services need to be "at least equal to" the services that FSIS provides to its LEP customers.

The department's LEP plan addresses these requirements and identifies resources based on needs across the state of Montana.

Policy

The Montana Department of Livestock will provide individuals whose first language is not English with meaningful access and equal opportunity to participate in services, activities and programs. Montana Department of Livestock Inspection Program Personnel (IPP) should promptly contact the Montana Department of Livestock, Meat and Poultry Inspection (MPI) Bureau, for guidance should they receive a request from a current recipient or prospective applicant of inspection services. The Montana Department of Livestock will update this LEP plan annually.

Definitions/Key Terms

Agency - The departmental program with delegated authority to deliver programs, activities, benefits, and services.

American English – The language/dialect primarily used in the United States.

Certified Interpreter – An individual who has taken and passed an examination administered by a knowledgeable authority.

Discrimination – The unfavorable treatment or consideration of, or making a distinction in favor of or against, a person based on the group, class, or category to which that person

belongs rather than on individual merit.

Federally Assisted Program – All programs and operations of entities that receive assistance from the Federal government.

Interpretation – Listening to communication in one language and orally converting it to another language while retaining the same meaning.

Language Access – Efforts to make programs and services accessible to individuals who are not proficient in English.

Language Assistance Services – Interpretation or translation services that assist Limited English Proficient individuals in understanding or communicating in another language.

Limited English Proficiency Person – An individual who does not speak English as his or her primary language and has a limited ability to reason, speak, write, or understand English.

Translation – The process of transferring ideas expressed in writing from one language to another.

Translator – A person who converts language into an alternative form of communication so it is understandable to persons who communicate differently.

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.

Analysis

The department will conduct an annual analysis of four factors, as outlined by the FSIS, to ensure LEP customers receive meaningful access to services across Montana. The four factors include:

1. The number or proportion of LEP persons serviced or encountered in the eligible service population.

According to ACS 2012, individuals five years of age and over who speak a language other than English at home or speak English less than very well [LVW] make up less than one percent of Montana's population (approximately 9,085 individuals).

The most prominent languages other than English, by order of frequency, include: Spanish, German, Chinese, French, Other Native American, and all other languages combined.

The Montana counties with the greatest populations of LEP or LVW individuals, by order of frequency, include:

- Yellowstone (Spanish, Chinese, Vietnamese, German, Other Native American, and all other languages)
- Missoula (Spanish, German, Japanese, Chinese, French, and all other languages)
- Gallatin (Spanish, German, Japanese, French, Arabic, and all other languages)
- Flathead (Russian, Spanish, other Slavic, Chinese, Korean, and all other languages)
- Lewis and Clark (Spanish, German, African, Japanese, Scandinavian, and all other languages)

Refer to Appendix 1 and 2 for detailed information.

2. The frequency with which LEP individuals come in contact with the program.

The department is currently assessing and will annually survey employees on the frequency of contact with LEP individuals within the program and will update the LEP plan accordingly.

3. The nature and importance of the program, activity or service provided by the program.

The department is currently assessing and will annually assess the nature and importance of various programs, services, and activities provided by the department. The department will use this information, along with demographic and geographic data, to determine an effective and meaningful approach to providing access to programs, services, and activities to the LEP population in Montana and develop and update an LEP communication plan, as needed.

4. The resources available to the recipient and cost.

The department will train appropriate staff on the importance of providing meaningful access to LEP individuals and to increase awareness of the following resources to provide meaningful access with no cost to the LEP individual:

- Multi-language flashcards (“[I Speak Cards](#)”) to assist in identifying the appropriate language and interpreter as needed. Cost to the department: Minimal.
- Contracting with one of three telephone-based interpreting agencies available through a master agreement with the Western States Contracting Alliance. Visit <http://www.naspoaluepoint.org/#/contract-details/59/contractors> for additional information on telephone based

interpreting services. Cost to the department: Moderate, based on length of call.

- Contracting with an individual or interpreting agency on the qualified language interpreter list, maintained by the Montana Department of Administration, State Diversity Program Coordinator, to provide information and documents in an alternative language upon request. Cost to the department: Moderate, based on the volume of materials interpreted and provided.

Resources may include, but are not limited to one of the previously mentioned telephone-based interpreting services or the Montana State University “Modern Languages and Literatures Tutors and Translators” available at <http://www.montana.edu/ml/tutors.html>.

Implementation

Our current implementation goals include similar actions and timelines as listed in Appendix 1 of the January 2016 guidelines for federally assisted programs for LEP implementation strategy. This table is included as part of this LEP Plan for our state meat inspection program.

RESPONSIBLE PERSON/STAFF	ACTION TO BE TAKEN	TIMELINE
State Director	<ol style="list-style-type: none"> 1. Ensure employees who interact with LEP individuals receive LEP training. 2. Develop an LEP plan. 3. Gather data for languages spoken in geographic areas being serviced. 4. Identify vital documents to be translated. 5. Compile and analyze data gathered to determine what LEP services are needed. 6. Ensure that there is adequate funding, and that other resources are available to provide effective and efficient LEP services. 7. Notify beneficiaries of LEP services. 8. Track LEP interactions. 9. Report LEP interactions to the Agency's Civil Rights Staff. 	<p>December 31, 2015</p> <p>April 30, 2016</p> <p>May 31, 2016</p> <p>June 30, 2016</p> <p>July 31, 2016</p> <p>Ongoing</p> <p>August 30, 2016</p> <p>Ongoing</p> <p>Annual basis</p>

Communication/Outreach (Current LEP practices)

The Montana Department of Livestock has displayed the USDA poster, “And Justice for All,” in both English and Spanish, in locations where recipients of, and applicants for, inspection services may visit (i.e. in-plant government offices and the Montana Department of Livestock’s website). The non-discriminatory policy statement is published on applications for inspections services, grants of inspection, letterhead and the Department’s website.

LEP Training

Montana MPI employees who encounter or may encounter LEP persons shall receive training biennially (every other year). Currently the MPI Bureau Trainer is responsible for maintenance of training records. Training shall be conducted using a combination of FSIS training and in-house training and will include information specific to Montana such as where to obtain translation services. Training and implementation competency will be completed through annual performance evaluations. Records show the FSIS LEP training was completed by inspection program personnel by October 31, 2015.

Appendix A

U.S. LEP Population

Appendix B

Montana LEP Population