

Limited English Proficiency Language Access Plan (LAP)

For Washington Electric Cooperative, Inc.

Policy No. 92

RESPONSIBILITY: GENERAL MANAGER

WEC BOARD APPROVAL: 05/29/2019

Policy

Washington Electric Cooperative, Inc. (WEC) is committed to providing meaningful access to its programs and services to persons who, as a result of their national origin, are limited in English proficiency. It is our policy to ensure no person is subjected to prohibited discrimination based on national origin in any program receiving Federal financial assistance from the United States Department of Agriculture/Rural Development (USDA/RD).

Purpose

This Language Access Plan (LAP) sets forth the policy and procedures for ensuring that persons with Limited English Proficiency (LEP) have meaningful access to our programs and activities receiving Federal financial assistance from the USDA/RD. This LAP applies to all programs and activities of recipient's receiving Federal financial assistance from the USDA/RD.

Authorities

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, and its implementing regulations provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives Federal financial assistance. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI regulations promulgated by the former U.S. Department of Health, Education, and Welfare to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination.

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. The Executive Order states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. Federal agencies were instructed to publish guidance for their respective recipients in order to assist them with their obligations to LEP persons under Title VI. The Executive Order recommended uniform guidance to recipients on the preparation of a plan to improve access to its federally assisted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the U.S. Department of Justice's Policy Guidance Document entitled, "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" ("DOJ LEP Guidance"), reprinted at 67 FR 41455 (June 18, 2002). The DOJ LEP Guidance was drafted and organized to function as a model for similar guidance by other Federal agencies.

Consistent with the DOJ LEP Guidance, USDA published its Final "Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency" on November 28, 2014. The Guidance does not create new obligations for recipients but provides guidance to recipients in meeting their existing LEP obligations. It clarifies the responsibilities of recipients and will assist them with fulfilling their responsibilities to LEP persons under Title VI and its regulations.

7 CFR Part 15 Subpart A effectuates the provisions of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Act”) to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of an applicant or recipient receiving Federal financial assistance from the U.S. Department of Agriculture or any Agency thereof.

7 CFR Part 1901 Subpart E contains policies and procedures for implementing the regulations of the U.S. Department of Agriculture issued pursuant to Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11246, and the Equal Credit Opportunity Act of 1974, as they relate to Rural Development. Nothing herein shall be interpreted to prohibit preference to American Indians on Indian Reservations.

Definitions/Key Terms

- (1) Federally Assisted Programs and Activities. Programs and activities of an entity that receives Federal financial assistance.
- (2) Interpretation. The process by which the spoken word is used when transferring meaning between languages.
- (3) Limited English Proficient (LEP) Persons. Persons who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English are limited English proficient, or LEP.
- (4) Qualified Interpreter. An individual who is competent to provide interpretation services at a level of fluency, comprehension, impartiality and confidentiality appropriate to the specific nature, type, and purpose of the information at issue.
- (5) Recipient. Any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary.
- (6) Translation. The process of transferring ideas expressed in writing from one language to another language.
- (7) 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.

Washington Electric Cooperative's Mission

WEC was founded in 1939 with a mission to bring electricity to rural Vermont communities. WEC strives to provide members with a voice in their energy future that unites our founders' pioneering spirit with a commitment to our environment, our community and to our member owners. WEC serves over 10,500 members in 41 towns in north-central Vermont, in the counties of Washington, Orange, Caledonia and Orleans.

Part 1: LEP Individuals Who Need Language Assistance

WEC conducted an assessment of the number or proportion of LEP individuals eligible to be served or encountered and the frequency of encounters. Our assessment identified the following language groups in our service area:

Table 1: Language Spoken at Home as Described by the US Census Bureau

Language Spoken in the Home	Percentage of Population Who Speak this Language at Home and Who Speak English Less Than Well
French	0.38%
Spanish	0.10%
Serbo-Croatian	0.09%
Chinese	0.07%
German	0.05%
Japanese	0.02%
Greek	0.01%
Russian	0.01%
Polish	0.01%
Persian	0.01%
Korean	0.01%
Vietnamese	0.01%
Other and Unspecified	0.01%
Portuguese	<0.01%
Yiddish	<0.01%
Scandinavian	<0.01%
Other Slavic	<0.01%
Hindi	<0.01%
Urdu	<0.01%
Other Indic	<0.01%
Other Indo-European	<0.01%
Thai	<0.01%
Tagalog	<0.01%
Other Pacific Island	<0.01%
Arabic	<0.01%
African	<0.01%

Table 2: Language Spoken at Home as Described by the US Census Bureau

Language Encountered in the Office	Number of Encounters in Last 4 years
None	0

Part 2: Language Assistance Measures

Language assistance for the groups identified above will be provided on-demand by using Cooperative Response Centers (CRC) Translation Services.

WEC staff can obtain interpreting service from CRC by dialing 1-888-898-9290. This is a pay-as-you-go service, available at \$1.65 per minute for Spanish translation, and \$2.10 per minute for any other language as of the adoption of this policy, subject to change. WEC will rely on the screening and hiring processes of CRC to ensure competency of interpreters utilized by CRC.

Responding to LEP Callers

WEC will not have service available in real-time to LEP Callers unless a person with English speaking ability calls with or on behalf of the LEP person and requests interpreting service. When such a request is received, the WEC staff person will call CRC and request a 3rd party call-out to the LEP person.

Responding to Written Communication from LEP Persons

If written correspondence, in English, is received by WEC from an LEP person, and the LEP person requests in-person communication at the WEC office, then WEC staff will respond in writing to the LEP person, describing the interpreting service available to them. The WEC staff will include the CRC language list with the written correspondence to the LEP person.

WEC will not have the ability to respond to written correspondence received in a language other than English from an LEP person. CRC does not currently offer this service and due to the very low probability of this occurrence, WEC is not addressing such written correspondence at this time with this policy.

Part 3: Staff Training

WEC staff members responsible for contact with the general public will be knowledgeable about our Language Access Plan and how to provide services to persons that are limited English proficient in the languages identified through the assessment in Part 1. Refresher information will be provided to our staff when updates are made to the LAP to ensure consistency.

WEC staff will receive initial in-house training at WEC's office, which will consist of the following training elements:

- Review and group discussion about CRC's Instructions and Procedures for using their Language Line. (Document Titled "Washington Electric VT_Language Line CRC")

Part 4: Vital Document Translations

The following guidelines were used by WEC to determine whether any vital documents must be translated for the benefit of any LEP language group:

<i>Size of Language Group</i>	<i>Written Language Assistance</i>
<i>1,000 or more in the eligible population in the market area or among current beneficiaries</i>	<i>Translated vital documents</i>
<i>5% or more of the eligible population or beneficiaries and 50 or more in number</i>	<i>Translated vital documents</i>
<i>5% or more of the eligible population or beneficiaries and fewer than 50 in number</i>	<i>Translated written notice of right to receive free oral interpretation of documents</i>

<i>Less than 5% of the eligible population or beneficiaries and less than 1,000 in number</i>	<i>No written translation is required</i>
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As determined in WEC's LEP 4-Factor Analysis, no LEP language group is greater than 1,000 in number or greater than 5% of the total population. Therefore, no written translation is required, and no written translation will be performed.

Part 5: Notice to LEP Persons

WEC will provide notice to the public that language services are available, and the services are free of charge. Notices will be provided in the top five languages identified in Part 1 and in the following methods:

- Posting on WEC website
- Posting in a prominent location near the front door of the Cooperative's office, where member service representatives greet and serve the public.

Part 6: Monitoring and Updating

Periodically, WEC will review the LAP to ensure that it remains current to the LEP populations in our service area. At a minimum, the LAP will be reviewed every five (5) years to ensure our LEP policies and procedures remain current and result in effective language services and meaningful access.



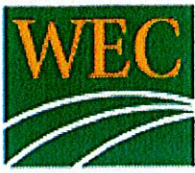
Washington Electric Cooperative, Inc.

Limited English Proficiency

4-Factor Analysis

For the Washington Electric Cooperative, Inc.

Last Reviewed by the WEC Board of Directors on 05/29/2019



Washington Electric Cooperative, Inc.

Purpose

This 4-Factor Analysis uses a variety of data sources to assess the needs of persons with Limited English Proficiency (LEP) have meaningful access to programs and activities of the Washington Electric Cooperative, Inc. (WEC) receiving Federal financial assistance from the U.S. Department of Agriculture/Rural Development (USDA/RD).

The 4-Factor Analysis considers the following four factors:

1. Geographic area and LEP population served
2. WEC's experience with LEP persons
3. Importance of WEC programs with respect to LEP persons' needs
4. Resources harnessed by WEC in recognition of factors 1, 2, and 3

Factor 1: LEP Population within Geographic Area Served by WEC

For purposes of this analysis, WEC considered its service territory to consist of 41 towns in 4 counties within Vermont State. Although WEC's service territory does not provide 100% contiguous coverage within any of the 41 towns served, the entire populations of the towns served was assumed to be representative of the WEC membership within those towns. WEC used United States Census Bureau Table B16001, Languages Spoken at Home, as the basis for this analysis.

Specifically, WEC used 5-Year Estimates from the 2011-2015 American Community Survey to assess what languages are spoken in the homes of our eligible population and what percentage of our eligible population speaks English "less than very well." A tabulation of this Census Bureau data is provided as an attachment to this Plan. Our assessment identified the following LEP language populations in our service area:

Table 1: Languages Spoken at Home as Described by the US Census Bureau

Language Spoken in the Home	Percentage of Population Who Speak this Language at Home and Who Speak English Less Than Well
French	0.38%
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Serbo-Croatian	0.09%
Chinese	0.07%
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Russian	0.01%
Polish	0.01%
Persian	0.01%
Korean	0.01%
Vietnamese	0.01%
Other and Unspecified	0.01%
Portuguese	<0.01%
Yiddish	<0.01%
Scandinavian	<0.01%
Other Slavic	<0.01%
Hindi	<0.01%
Urdu	<0.01%
Other Indic	<0.01%



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Other Indo-European	<0.01%
Thai	<0.01%
Tagalog	<0.01%
Other Pacific Island	<0.01%
Arabic	<0.01%
African	<0.01%

Factor 2: WEC's Experience with LEP Persons over the Last 4 Years

WEC Director of Finance and Administration interviewed each of the 5 WEC office staff with frequent responsibilities related to serving members and the public. WEC staff estimated that there have been no interactions with members who speak English "less than very well" over the last 4 years. Office staff categorized members as speaking English "less than very well" if members were not able to make themselves understood to staff or if members were unable to confirm that they understood what was said by office staff. Table 2 summarizes the experience of office staff with LEP persons over the last 4 years.

Table 2: Languages Encountered by WEC Staff within the WEC Office in the Last 4 Years

Language Encountered in the Office	Number of Encounters in Last 4 years
None	0

Factor 3: Importance of Program on LEP Persons' Needs

The mission of the Washington Electric Cooperative is to make electric energy and related services available to members at the lowest cost consistent with sound economy and a commitment to our environment. Electric service is an essential element of daily life and ability of our members to meet their basic needs. Therefore, it is critical that members of the Cooperative have the ability to communicate effectively with WEC staff about their electric service.

Factor 4: Resources

WEC researched what resources are available to assist LEP persons within the communities we serve. There are no LEP resources widely available to LEP persons within the Cooperative's geographic service territory. Therefore, WEC will be forced, at least for the time being, to rely on resources that WEC itself can obtain on behalf of the LEP population it serves.

WEC currently has a contract with Cooperative Response Center(CRC) for after hours services. CRC offers language interpretation services on a per call basis. After reviewing CRC's service availability, language availability, and cost, WEC selected Cooperative Response Center (CRC) to provide interpreting services to our LEP population. Information regarding WEC's implementation, training, notification, monitoring, and updating of these services is described in the companion document to this document, entitled, "Limited English Proficiency Language Access Plan (LAP) for the Washington Electric Cooperative, Inc."