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STATE OF NEVADA DEPARTMENT OF ADMINISTRATION

## PUBLIC EMPLOYEES' DEFERRED COMPENSATION PROGRAM

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### Language Access Plan

#### **I. Purpose and Authority**

The State of Nevada, through Nevada Revised Statute Chapter 232 and federal guidance on Title VI, address the barriers persons with limited English proficiency face in accessing governmental programs and services.

Persons with Limited English Proficiency (LEP) require and deserve meaningful, timely access to government services in their preferred language. Moreover, it is the responsibility of government to provide that access:

***State and local agencies and entities that receive public money have an obligation to provide meaningful, timely access for persons with limited English proficiency to the programs and services of those agencies and entities.***

The Nevada Public Employees' Deferred Compensation Program (NDC Program) is committed to complying with NRS 232.0081 and Title VI of the Civil Rights Act of 1964, 2 C.S. § 561 et seq. (Act 172 of 2006) to ensure meaningful access to State services and programs for individuals with limited English proficiency. The purpose of this document is to establish an effective plan and protocol for employees of the NDC Program to follow when providing services to, or interacting with, individuals who have limited English proficiency. Following this plan and protocol is essential to providing successful customer service and support to NDC Program participants and their beneficiaries, and to meet the objectives adopted in the NDC Program's Strategic Framework.

#### **General Policy**

The NDC Program recognizes that the population eligible to receive its services may include individuals with limited English proficiency. It is the policy of the NDC Program Administration and Committee to ensure meaningful access to LEP individuals. The NDC Program Administration and Committee will adopt the following policies and procedures to ensure that LEP individuals can gain equal access to the services the NDC Program Administration and Committee provides, governs, and regulates. It is Nevada's policy to grant access to services or programs to every person regardless of their ability to speak, understand, read, or write English. The NDC Program Administration and Committee intends to take all reasonable and available steps to provide LEP individuals with meaningful access to its services and programs. The NDC Program Administration and Committee seeks to reduce barriers by increasing its capacity to deliver services and benefits to people in their preferred languages. The NDC Program Administration and Committee endorses the following policies:

- The NDC Program Administration and Committee is committed to equity and will take all reasonable steps to provide limited English proficient (LEP) individuals with meaningful access to all its services, programs, and activities.
- The NDC Program Administration and Committee, rather than the LEP individual, bears the responsibility for providing appropriate language services, regardless of the LEP individual's preferred language, at no cost to the LEP individual.
- NDC Program Administration staff at the initial points of contact have the specific duty to identify and record language needs of both plan participants and eligible non-participating employees.
- Use of informal interpreters such as family, friends of the person seeking service, or other customers will be permitted if explicitly requested by the LEP individual needing services.

- NDC Program Administration staff may not require that an LEP individual provide an interpreter in order to receive NDC Program services.

NDC Program Administration and Committee Language Access Coordinator:

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## **II. Profile of Clients of the NDC Program**

Our preliminary assessment is that the NDC Program has a limited LEP constituency. Our primary “service” is enrolling, and servicing Program Participants and their beneficiaries. All Program participants and their beneficiaries must be an account holder, eligible for enrollment in the NDC Program, or a member of one of the multiple plans the NDC Program Administration and Committee oversees and governs on behalf of the State of Nevada.

The NDC Program Administration and its approved contractor currently collects specific demographic information from individuals enrolled in the Program Plans; however demographic information does not include LEP status, whether they identify as indigenous or as a refugee. However, the current NDC contracted Recordkeeper, does have capabilities to support a variety of languages through its call center. This allows for support of LEP individuals to request select communications and language assistance services in the account holder’s preferred language.

In the future, the NDC Program and/or it’s contractors, under the direction and oversight of the Agency administrator or designee, will periodically conduct a demographic survey to include questions about participant’s and qualified beneficiaries preferred language(s) to better assess the language access needs of individuals identifying as LEP, indigenous or as a refugee.

The NDC Program Administration and Committee is committed to tracking the languages preferred for communication among the individuals with limited English proficiency whom the NDC Program serves, so that the NDC Program Administration and Committee can better provide meaningful, timely access to the NDC Program’s services and supports without regard to any language impediments. The preferred language of the public and individual receiving services from the NDC Program is US English. The most common methods for the public to access services are by contacting the NDC Administrative office directly, through the NDC Program website, targeted communications via electronic distribution or mail services, through the NDC Program’s designated call center, and email communication.

## **III. Language Access Services and Procedures**

The NDC Program Administration and Committee does not have staff who can provide language assistance services.

The NDC Program Administration and Committee does not have any known LEP applicants or licensees. Currently it is not known whether any applicants or licensees identify as indigenous or refugee. The NDC Program Administration and Committee has never received a request for translation or American Sign Language services for LEP applicants, licensees or the public.

Language access needs will be addressed in the following manner:

The NDC Program Administration and Committee will utilize resources provided by our Contracted Recordkeeper and/or one of the active statewide contracts for translation and interpreter services offered by the State of Nevada, which can be found here:

[https://purchasing.nv.gov/Contracts/Documents/Translation\\_Interpretation/](https://purchasing.nv.gov/Contracts/Documents/Translation_Interpretation/)

- Providing Notice of Language Assistance Services:

- All staff will be made aware of appropriate language assistance services. Those seeking services may also request language assistance by contacting the NDC Program Administrative Staff by email which will be posted on the NDC Program website.

#### **IV. Implementing the Language Access Services**

In order to fulfill the goals of this Plan, the Language Access Coordinator(s) will provide NDC Program Administration staff with the necessary training to ensure that staff are familiar with the Language Access Plan and its related policies. This training will include:

- How to respond to LEP individuals via phone, writing, or in person.
- How to seek assistance with internal or state sanctioned language access resources.
- How to document the mode of communication and preferred language of an LEP individual to better understand the needs of those accessing services and ensure that equitable access is available throughout the duration of their interactions with the NDC Program Administration, Committee and approved Program Contractors.
- How to report these interactions to the Language Access Coordinator.

In addition to staff training, the NDC Program Administration, Committee, and approved Contractors (under the direction for the NDC Executive Officer/Administrator) will use the internal and State sanctioned resources to provide information in languages other than English.

#### **V. Evaluation of and Recommendations for the NDC Program's Language Access Plan**

The NDC Program Administration and Committee is committed to providing our LEP individuals full access to our services and is committed to monitoring the policies and procedures stated above to ensure that LEP Nevadans are receiving equitable access to NDC Program services.

The Language Access Coordinator will continue to develop and monitor this plan, and update it at least biennially based on applicant data and language accommodation requests documented by NDC Administration staff and/or by approved contractors under the direction of the NDC Executive Officer/Administrator or NDC Deputy Administrator, and demographic data obtained through surveys. The NDC Program Administration and Committee will also track any costs incurred by using NDC contractors and/or external, State of Nevada sanctioned resources.

NDC and its contracted recordkeeper have the capabilities of receiving demographic data from the State of Nevada Department of Administration Division of Human Resource Management, If they would regularly share that data, securely importing that data into the recordkeeping system to ensure compliance -- ethnicity, language preference, etc. At the execution of this Language Access Plan, NDC has been denied those requests due to the programming necessary to develop a regular data feed. NDC Will encourage this functionality with the creation and execution of the State's new HR and Financial Systems in coordination with CORE NV.

The NDC Program is exempt from the State Budget Act; all Program expenses are paid from fees received from Program Participants.

#### **Suggested Legislative Amendments:**

Independent regulatory Boards that do not have staff capacity to perform language access roles could benefit from a State assigned liaison that works for the Governor's Office of New Americans to provide those duties and services for the Boards and/or Executive Branch Agencies on an as needed basis; similar to agencies having an assigned Deputy Attorney General (DAG).