

General Topic: Administrative Services	Policy #: 2.07
Subject: Language Access Services	Issued: October 12, 2015 (no previous policy)
Contact: Web and Communication Services	See also: References and Resources

I. Policy Statement

The policy of the Department of Labor & Industries (L&I) is to provide limited English proficient (LEP) customers timely and meaningful access to all agency programs and activities. All L&I staff shall provide free language assistance services to LEP customers whom they encounter or whenever an LEP customer requests language assistance services. L&I will inform members of the public that language assistance services are available free of charge to LEP customers and that the agency will provide these services to them.

II. Purpose and authority

This policy directs all L&I staff to provide LEP customers with meaningful access to agency programs and services. L&I staff shall ensure that all customers can effectively access agency services to understand their rights and responsibilities in a language they understand. This policy establishes and maintains standards for programs and services provided by L&I and contractors who are required to comply with L&I standards.

The purpose of this policy is to establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964 (Title VI) and Section 188 of the Workforce Investment Act of 1998 (WIA) and their implementing regulations, for agency personnel to follow when providing services to, or interacting with, individuals who have limited English proficiency. L&I, as a recipient of federal financial assistance, is required to take reasonable steps to ensure meaningful access to its programs and activities by LEP customers.

While meaningful access is always required, the level of language assistance services that L&I must provide is a fact-specific inquiry that balances a variety of factors including:

1. The number or proportion of LEP customers eligible to be served or likely to be encountered by each program and division;
2. The frequency with which LEP customers come in contact with each program and division;
3. The nature and importance of the program, activity, or service provided by the program to people's lives; and
4. The resources available to the program and costs.

For assistance in serving customers with disabilities, including customers who have vision or hearing impairments, please refer to Administrative Policy 3.11.

III. Definitions and Common Terminology for Language Access Related Services

1. **Authorized translator:** An L&I employee serving in a designated bilingual position who is responsible for translating documents in the language indicated in his/her position description.
2. **Certified interpreter:** A person employed by a vendor that has met the requirements to provide interpretation services by the Department of Enterprise Services and/or the Fee Schedules and Payment Policies (MARFS) published by Health Services Analysis in Insurance Services. A certified interpreter must either be an L&I provider or employed by an interpreter service contracted by L&I.
3. **Certified translator:** A person employed by a vendor that has met the requirements to provide translation services by the Department of Enterprise Services and/or the Fee Schedules and Payment Policies (MARFS) published by Health Services Analysis in Insurance Services at L&I. These translators can only bill for services rendered to L&I for the languages they are certified to translate.
4. **Contracted service provider or vendor:** A person, agency, or business entity that contracts with L&I to provide the amount and kind of services requested to serve customers in their language of preference. In some cases, these services can be provided through a vendor contracted through statewide contracts with the Department of Enterprise Services or an L&I provider.
5. **Cultural competency:** A set of behaviors, attributes, and policies enabling an agency (or individual) to function effectively and appropriately in diverse cultural interactions and settings. Creating culturally competent materials requires respect for individuals and cultural differences, and the use of appropriate language, messages, and images that are relevant to a specific community.
6. **Customer's preferred language:** The language that a customer identifies as the language in which s/he wishes to communicate verbally and/or in writing with L&I.
7. **Designated Bilingual Employee:** L&I staff in any position whose current, assigned job responsibilities include proficient use of written and/or oral English and proficiency in speaking and/or writing one or more foreign language, receive dual language assignment pay, and have met the qualifications for bilingual/multilingual proficiency as established by the Office of Human Resources (OHR).
8. **Interpretation:** Listening to a message in one language and orally converting it to another language in a manner that preserves the intent and meaning of the original message.
9. **Language access services:** The full spectrum of oral and written services available to provide meaningful access to L&I programs and services for LEP customers, including, but not limited to, in-person interpreter services, telephonic and video interpreter services, the translation of written materials, and services provided by designated bilingual staff.

10. **Language Access Steering Committee:** L&I committee comprised of representatives from all divisions that coordinates and monitors the implementation of the Language Access Service Policy and provides other oversight and advisory functions related to language access activities as needed.
11. **Limited English proficient (LEP):** Customers who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English and are entitled to language assistance with respect to a particular type of L&I service, benefit, or encounter.
12. **Sight translation:** Oral rendition of text written from one language into another language, usually done in the moment.
13. **Source language:** The language of the speaker or author from which translation or interpretation occurs. For example, if an English document is translated into Russian, the source language is English.
14. **Target audience:** The audience to which the translated document is intended for use. Some terms and concepts are hard to translate in a meaningful way due to cultural or linguistic differences. In these cases, it may be more appropriate to redesign and tailor the language of a document in English to ensure the intended message will be understood by the target audience that speaks a non-English language.
15. **Target language:** This is the language to which translation or interpretation occurs – the language of the listener or reader. For example: If an English document is translated into Russian, the target language is Russian.
16. **Translation:** The conversion of written communication from one language (source language) to another (target language) in a written form. An accurate translation is one that conveys the intent and essential meaning of the original text.
17. **Vital documents:** Documents deemed as vital to customer access to L&I services and activities, or are required by law. Whether a document is considered vital or not may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP customer if the information in question is not provided accurately or in a timely manner.

V. Policy

A. Provision of Language Access Services to Customers with Limited English Proficiency

L&I staff will provide LEP customers with meaningful access to L&I programs and services by offering language access services at no cost through one or more of the following methods:

1. Direct provision of services by designated bilingual or multilingual employees;
2. Interpreter services provided by certified contracted interpreters (in person or over the phone);
3. Interpreter services provided by qualified interpreters for languages in which certification is not available; and
4. Translation of written documents provided by certified or authorized translators.
5. When L&I is notified that an LEP individual is represented by an attorney, L&I will send written communications within the scope of the representation in English exclusively through the attorney.

L&I staff shall not use web-based applications or software to process or provide translations for LEP customers.

B. Notice of Language Access Services

L&I staff will inform LEP customers about the availability of language assistance, free of charge, by providing written notice in non-English languages LEP customers will understand. At a minimum, language access services notices and signs will be posted in conspicuous locations and provided to LEP customers at all L&I field offices. Notification of language access services will also be provided through one or more of the following methods: outreach documents, telephone menus, local newspapers, radio and television stations, and/or outreach to community-based organizations.

C. L&I Staff Responsibilities

1. Identify LEP customers as early as possible during initial contact.
2. Record the preferred language of LEP customers according to the program recordkeeping requirements. Use any relevant database systems that maintain a foreign language flag or other process or procedures identified to capture this language preference information.
4. Inform LEP customers of their right to have language access services provided at no cost to them.
5. Arrange and provide effective language access services to all LEP customers.

D. L&I Division Responsibilities

1. Appoint a representative to the Language Access Steering Committee;
2. Collaborate in the development and implementation of procedures for providing interpreter and translation services for the division by ensuring administrative support and funding for positions and additional resources as appropriate;
3. Ensure staff are trained on the Language Access Services Policy, can locate available language access resources, and receive any other training necessary for staff to perform their LEP related job duties.
4. In divisions where there is face-to-face interaction with the public, ensure that multilingual signs are posted in all L&I customer waiting areas that explain the availability, at no cost to the customer, of language access services.
5. Identify vital documents for translation. Federal guidelines are helpful in determining vital documents that need to be prioritized for translation and may not be readily provided through oral services through bilingual staff or interpreter services. Vital documents include, but are not limited to:
 - a. Documents that must be provided by law;
 - b. Complaint, consent, release or waiver forms;
 - c. Claim or application forms;
 - d. Conditions of settlement or resolution agreements;
 - e. Letters or notices pertaining to the reduction, denial, or termination of services or programs or that require a response from the LEP customer;
 - f. Time-sensitive notices, including notice of hearing, upcoming deposition appearance, or other investigation or litigation-related deadlines;
 - g. Forms or written material related to individual rights;
 - h. Notices of rights, requirements, or responsibilities;
 - i. Notices regarding the availability of free language assistance services for LEP individuals; and
 - j. Outreach or informational material when lack of awareness of the existence of a particular program may effectively deny LEP individuals meaningful access.
6. Include language in service contracts to advise providers of their responsibility under federal law to provide or arrange for language services.
 - a. Note that service providers under contract with L&I must comply with all federal (e.g., [Title VI of the U.S. Civil Rights Act of 1964](#)) and state regulations, as well as contractual requirements pertaining to the provision of language services;
7. Ensure that data is collected and reviewed annually to determine the appropriate mix of language access services to provide LEP customers consistent with the four-factor analysis discussed in Section II.
8. Ensure customer reports and complaints of any failures by L&I staff to provide language access services are addressed promptly and then tracked and reviewed to identify improvements that may be made in the division's delivery of language services for all LEP customers.

E. Language Services for Oral and Written Communications

Depending on the LEP customer's communication needs and circumstances, L&I staff will choose among the following options when identifying the form of oral and/or written communication to use in a given situation. Staff may consult documents outlining specific procedures for accessing interpreter and translation services on the Director's Office, Bilingual Resources intranet site.

1. Oral Communications

- a. If an LEP customer is not being served directly by a designated bilingual employee, L&I staff will communicate verbally with the customer through the use of a certified interpreter.
- b. An oral interpretation of an English written communication may be acceptable, but the LEP customer must be informed that translations service are also provided at no cost to him/her.
- c. L&I staff must not use children, family members, or friends of the LEP customer as interpreters.

2. Written Communications

- a. Staff will provide LEP customers with one or more of the following forms of translated written communications:
 1. A fully translated written communication or correspondence from L&I in the customer's preferred language,
 2. A written summary of the English written communication or a short description, indicating the subject and its significance and any deadlines, in the customer's preferred language; or
 3. A note or letter in the customer's preferred language that tells him/her how to contact L&I for assistance in understanding written communication that they receive from L&I in English.
- b. Vital documents are prioritized for translation.
- c. Staff may consult with their division's Language Access representative for assistance in determining the most appropriate method of communicating with an LEP customer.

F. Training

Staff will receive training as part of the new employee onboarding process. Refresher training will be conducted as determined by the Language Access Steering Committee.

G. Monitoring

The Language Access Steering Committee will annually monitor and evaluate implementation of this policy and corresponding LEP activities for effectiveness and that language services are updated as needed to reflect information on relevant LEP populations, their language assistance needs, and their experience under this policy.

H. Complaint Procedure

When customers report failures by L&I staff to provide language access services, the first responsibility is to provide the service requested and resolve the issue at the lowest level possible.

Customers who believe they have been denied meaningful access to L&I services because of their lack of English proficiency shall be informed that they have the right to file a complaint with L&I or the U.S. Department of Labor, Civil Rights Center. Complaints filed with L&I will be sent to the Office of Internal Audit & Civil Rights for independent review and, if necessary, investigation under the authority of the Assistant Director of the Office of Internal Audit & Civil Rights.

VII. References

1. Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d-2000d-7 , <http://www.gpo.gov/fdsys/pkg/USCODE-2008-title42/pdf/USCODE-2008-title42-chap21-subchapV.pdf>
2. Section 188 of the Workforce Investment Act of 1998 (WIA), 29 U.S.C. § 2938, <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title29/pdf/USCODE-2011-title29-chap30-subchapV-sec2938.pdf>
3. Title VI regulations, 28 C.F.R. 42.405(d)(1), <http://www.gpo.gov/fdsys/pkg/CFR-2014-title28-vol1/xml/CFR-2014-title28-vol1-sec42-405.xml>.
4. WIA regulations, 29 C.F.R. 37.35, <http://www.gpo.gov/fdsys/pkg/CFR-2014-title29-vol1/xml/CFR-2014-title29-vol1-sec37-35.xml>
5. U.S. Department of Labor (2003). Federal Register Vol. 68, No. 103. Policy Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. <http://www.gpo.gov/fdsys/pkg/FR-2003-05-29/pdf/03-13125.pdf>
6. U.S. Department of Justice (2002). Federal Register Vol. 76, No. 117. Policy Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. <http://www.gpo.gov/fdsys/pkg/FR-2002-06-18/pdf/02-15207.pdf>
7. U.S. Department of Justice (2011). Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Program. http://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf.
8. Presidential Documents. Federal Register Vol. 65, No. 159. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency. www.gpo.gov/fdsys/pkg/FR-2000-08-16/pdf/00-20938.pdf

VIII. Resources

Translation and Language Reference Resources

1. American Translators Association, <http://atanet.org/>
2. Dictionary of Occupational Safety and Health Terms, Department of Consumer and Business Services and the Oregon Occupational Safety and Health Division (OR-OSHA), <http://www.cbs.state.or.us/external/ osha/pdf/dictionary/english-spanish.pdf>
3. Federal Interagency Website: LEP FAQs, <http://www.lep.gov/faqs/faqs.html>
4. Occupational Safety and Health Administration (OSHA) Dictionary of General Industry Terms in Spanish, https://www.osha.gov/dcsp/compliance_assistance/spanish/ osha_gi_ensp.html
5. OSHA Glossary of Construction Terms, https://www.osha.gov/SLTC/etools/construction_sp/glossary.html

6. Real Academia Española, Spanish-language dictionary, usage and grammar handbook, www.rae.es
7. Top 10 Best Practices for Multilingual Websites, <http://www.digitalgov.gov/2012/08/12/top-10-best-practices-for-multilingual-websites>.
8. Washington Courts Glossaries of Legal Terms (multiple languages), http://www.courts.wa.gov/programs_orgs/pos_interpret/index.cfm?fa=pos_interpret.display&fileName=glossary/index
9. Workforce Investment Act (WIA) Services for Individuals with Limited English Proficiency: Glossary of Terms, <http://www.doleta.gov/reports/pdf/English-Spanish.pdf>
10. Washington State Coalition for Language Access, <http://www.wascla.org/>

Demography and Census Data Resources

1. Migration Policy Institute, <http://www.migrationpolicy.org/>
2. U.S. Census 2010, <http://www.census.gov/2010census/>
3. Office of the Superintendent of Public Instruction, Demographic information by school in Washington State, <http://reportcard.ospi.k12.wa.us/DataDownload.aspx>