

WORKFORCESOLUTIONS

G R E A T E R D A L L A S

Policy Number: CM0411, change 2	RE: Limited English Proficiency, WD 16-19
Date Issued: 09/4/19 Rescind policy – Customer Service 00-02	Effective Date: 07/18/19

Limited English Proficiency

Background

Directives from the US Department of Labor, Health and Human Services, and Justice require that recipients of federal financial assistance take reasonable steps to provide equal access to persons who are limited English proficient (LEP). It is believed that because of language barriers, LEP persons are sometimes excluded from programs or experience delays or denials from services from recipients of federal financial assistance. Therefore, language barriers experienced by LEP persons can result in limiting their access to programs and services to which they are legally entitled and can limit their ability to receive notification of or understand what services are available to them. Such exclusions, delays or denials could be determined to constitute discrimination on the basis of National Origin, in violation of Title VI. **This policy has been updated to include language from WD Letter #16-19.**

Policy

The key to ensuring equal access to benefits and services for LEP persons is to ensure effective communication between the program provider and the LEP customer. Contractors should take reasonable steps to ensure meaningful access to the information and services they provide. Factors that should be considered:

- Number or proportion of LEP persons in the Dallas County area,
- Frequency with which LEP individuals seek the information or services provided;
- Importance of the service provided by the program, and
- Resources available to the recipient.

Contractors should take reasonable steps to provide meaningful opportunities for access of programs to LEP persons. In addition, contractor staff must indicate LEP status of all WIOA Title I program participants in The Workforce Information System of Texas (TWIST) using the Limited English drop-down box found on the TWIST characteristics tab, and if LEP status is “yes” then staff must record the individual’s preferred language in TWIST Counselor notes.

Contractors must ensure that information related to the participant’s LEP status is maintained in a manner that ensures confidentiality and must be used only for purposes of record keeping and reporting; determining eligibility, where appropriate, for WIOA Title I- financially assisted programs or activities; determining the extent to which WIOA Title I – financially assisted programs or activities are operating in a nondiscriminatory manner; or other uses authorized by law.

Ensuring Equal Access to LEP Persons

- Contractors are responsible for an annual assessment of the language needs of their customers. An assessment of
- language needs maybe accomplished by:
- Identifying the languages other than English that are likely to be encountered in its program or activity,

- Determining the language needs of the LEP customers, and
- Reviewing the delivery system to determine whether any program system denies or limits participation by LEP customers.

Developing a plan for addressing the language assistance needs of LEP persons may best be accomplished through an assessment of the points of contact in the program or activity where language assistance is likely to be needed, the non-English languages that are most likely to be encountered, the resources that will be needed to fulfill this responsibility, and the location of such resources. Achieving effective communication with LEP persons may require the recipient to take all or some of the following steps:

- Having a procedure for identifying the language and service needs of participants
- Developing written policies and procedures regarding interpreter/translation services
- Ensuring staff awareness of these policies and procedures and of their Title VI obligations to LEP persons,
- Having ready access to, and provide services of proficient interpreters and/or translation services in a timely manner during hours of operation
- Have methods to effectively notify all LEP persons of their rights to language assistance and the availability of such assistance free of charge.

Providing Auxiliary Aids and Services

To meet its responsibility with respect to the provision of interpreter/translation services, the Contractor has the following services, including:

- Hiring bilingual staff;
- Hiring staff interpreters;
- Arranging for the services of a volunteer, community interpreters, etc.
- Contracting with an outside interpreter service;
- Using a telephone interpreter service;
- Translating necessary documents;
- Translating web sites or providing links to translation tools or telephone numbers for direct interpreter assistance; and
- The Equal Opportunity Policy Notice (29 CFR 38.35) is made available to all LEP persons.

The contractors should not require a beneficiary to use friends or family members as interpreters. Family and friends may not be competent to act as interpreters, since they may lack familiarity with specialized terminology. However, a family member or friend may be used as an interpreter if this approach is requested by the LEP customer and the use of such a person would not compromise the effectiveness of services or violate the customer's confidentiality.

The contractors should ensure that it utilizes competent interpreter services. Competency does not necessarily mean formal certification as an interpreter, though this certification generally is preferable. However, the competency requirement does require proficiency in both English and the other language; orientation or training that includes the ethics of interpreting, and fundamental knowledge in both languages of any specialized terms and concepts pertaining to the contractors' program or activity.

Action Required

Contractors shall establish and implement policies and procedures for fulfilling their equal opportunity and equal access responsibilities to LEP persons.

This policy should be distributed to all affected staff and other interested parties.

Contact

Inquiries regarding this policy should be directed to **Connie Rash, Senior Vice President, 214-290-1008.**

Approved for Content:	
<i>Connie Rash</i>	9/4/19
Signature	Date
<i>Samuel Sanders</i>	7/9/19
President's Signature	Date