

WORKFORCE SOLUTIONS TEXOMA POLICIES & PROCEDURES

CHAPTER 8 PROGRAM SERVICES

SECTION 18 LIMITED ENGLISH PROFICIENCY (LEP)

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8.18.1 INTRODUCTION

The purpose of this Workforce Solutions Texoma (WST) policy is to set out guidelines for Limited English Proficiency (LEP) in accordance with Title VI of the Civil Rights Act of 1964, as amended, and Title VI regulations as set forth in 29 CFR Part 31 and Part 37; Section 188 of the Workforce investment Act (WIA). LEP individuals are identified as those who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. WST will not “restrict an individual in any way in the employment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program” or “utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program [with respect to] individuals of a particular race, color, or national origin.” [\(Executive Order 131166 – Improving Access to Services for Persons with Limited English Proficiency, 65 FR 50121, 8/16/2000\)](#)

8.18.2 LEP PROCEDURES

The following procedures are to serve as guidance for reasonable provision of assistance and service in the LEP individual's primary language.

8.18.2.1 IDENTIFICATION OF LEP CUSTOMERS

Individualized assessments for need will be balanced by the following four factors: “(1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP individuals come in contact with the program; (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 grantee/recipient and costs.”

8.18.2.2 LANGUAGE ASSISTANCE FOR LEP CUSTOMERS

Reasonable steps will be taken to provide meaningful access to benefits, information, services, activities, and programs to customers with Limited English Proficiency (LEP) with accommodations to ensure access on a basis equal with those proficient in English. Alternate language assistance will be provided to LEP individuals to assist in giving and receiving accurate and effective information. WST contractor should make an effort to hire bilingual staff who speaks languages respective to those spoken by the greater numbers of the local population. Federal guidance recommends that staff do **not** engage customers' friends or family members for interpretation. The following provisions may be utilized by WST's service providers/contractors to ensure that interpreter/translation services are made available to LEP customers in a timely manner during normal hours of operation:

(1) Front line contractor staff are provided with a card listing various languages to present to LEP individuals so that they may identify the language required for assistance.

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(2) A listing of bilingual staff who are qualified and competent interpreters shall be made available to staff. Being considered qualified and competent does not mean the interpreter has formal certification as an interpreter, though this certification is preferred. However, the interpreter is required to be proficient in both English and the other language, knowledgeable in the ethics of interpreting, and have fundamental knowledge in both languages of any specialized terms and concepts pertaining to WST's programs or activities.

(3) Formal arrangements, standards and procedures for the services of qualified volunteer and community interpreter services shall be implemented by the service provider/contractor. A copy of the formal arrangements and list of volunteers and community agencies shall be made available to WST Quality Assurance Department and to all center/sites staff.

(4) WST has contracted with the AT&T Language Line for telephone interpreter service. ~~The AT&T Language Line is contracted telephone interpreter service that~~ provides qualified interpreters in a wide variety of languages if interpreter staff is not available.

(5) Oral translation/interpretation of forms such as instructional, informational and other key documents for customers who speak languages other than English will be conducted by appropriate staff who are available to assist as interpreters. Other key documents such as notices, complaint procedures, and the rights of the LEP customer shall be in written format.

(6) Because oral communication between program providers and program beneficiaries is often a part of service delivery, WST shall ensure that provisions of interpreter/translation services are made available to LEP individuals both at the Board level and the service provider/contractor level.

(7) Written translations of applications, instructions, information and other key documents into languages other than English respective to languages of the highest population in the Texoma area will be provided to LEP customers.

(8) Oral interpretation of documents will be provided for LEP customers who speak languages not regularly encountered.

(9) WST Service Provider will ensure that any language assistance required is noted on the LEP individual's case file so that all subsequent interaction will be conducted in the appropriate language. In addition, any LEP assistance provided will be so noted in the case notes.

(10) LEP customers who require training in languages other than English will be referred to community partners who specialize in providing these services, including the community college system. In addition, soft skills training is currently being provided in all workforce centers via the Alchemy and AZTEC systems. These software systems have a Spanish-language component.

~~Intake workers should note on the LEP individual's record any language assistance required so that all subsequent interaction will be conducted in the appropriate language.~~

8.18.2.3 STAFF TRAINING

WST service provider will provide staff training to enable front desk staff access to interpreters for customers who require access to services in a language other than English in a timely manner.

All staff, particularly those who have applicant and client contact, shall be provided training to ensure awareness of the LEP policy and procedures. The training will include obligations to LEP customers as per Title VI of the Civil Rights Act (discrimination on the basis of national origin) and Section 188 of the WIA. Upon completion of the training, documentation shall be submitted to the Board's Equal Opportunity Officer to acknowledge that such training was provided.

8.18.2.4 PROVIDING NOTICE TO LEP CUSTOMERS

Signs will be posted in workforce center reception and waiting areas in languages other than English informing customers of their right to free interpreter services and inviting them to identify themselves as needing language assistance.

The rights of LEP customers to free interpreters and other language assistance will be included in brochures, pamphlets, manuals, and any other materials disseminated to the public and staff as part of the tag lines which address "the availability of auxiliary aids to individuals with disabilities" and makes reference to "An Equal Opportunity Employer/Program."

8.18.2.5 UPDATING LEP PROCEDURES

Annual assessment of the languages that are likely to be encountered and estimates of the number of LEP customers that are eligible for services will be determined through a review of contractor information about customer utilization, local census statistics, community agencies' feedback and organizations within the Texoma area. Based on current information, the majority of residents in the Texoma area with Limited English Proficiency speak Spanish as their primary language.

LEP customer needs will be considered when implementing new programs or activities, as well as when publishing new forms, brochures, instruction, or notices.

8.18.2.6 MONITORING

The Board will monitor delivery of procedures to ensure effective communication between the service providers and the LEP customer and compliance of this policy as mandated by Title VI.

It shall be the responsibility of the Board to monitor contracts with outside interpreter service(s) to ensure that the LEP individuals are assisted in a timely manner to enable them equal access and equal opportunity.

8.18.3 LEP COMPLAINTS / GRIEVANCES

LEP customers will be informed of their right to complaint by filing a grievance regarding any issues encountered with the provision of language assistance. LEP customer complaints / grievances will be documented and resolved following procedures outlined in the Orientation to Complaint which notifies and educates customers of the right to file a complaint of discrimination under Title VI and Section 188 with the U. S. Department of Labor.

References:

[Title VI of the Civil Rights Act of 1964,](#)

<http://www.dol.gov/oasam/regs/statutes/titlevi.htm>

[Section 188 of the Workforce Investment Act of 1988,](#)

<http://www.dol.gov/oasam/regs/statutes/sec188.htm>

[Executive Order No. 13166, http://www.dol.gov/oasam/regs/statutes/Eo13166.pdf](#)

[CRC Directive No. 1006-03, September 29, 2006, WIA Section 188 Language Assistance Planning and Self-Assessment Tool,](#)

[http://www.dol.gov/oasam/programs/crc/Directive-LEPTool092906-final\(revised\).doc](http://www.dol.gov/oasam/programs/crc/Directive-LEPTool092906-final(revised).doc)

[USDOL Language Assistance and Planning Self-Assessment Tool for Recipients of Federal Financial Assistance,](#)

<http://www.dol.gov/oasam/programs/crc/LEPAssessmentToolfinal.doc>

[CRC Compliance Assistance Tools,](#)

<http://www.dol.gov/oasam/programs/crc/compassis.htm>

[WD 24-01, Prohibition Against Discrimination Based on Disability or Limited English Proficiency in the Administration of Workforce Services](#)
[Meaningful Access for People who are Limited English Proficient – Recipients of Federal Funds, <http://www.lep.gov/recipient.html>](#)
[DOL - Civil Rights Center; Enforcement of Title VI of the Civil Rights Act of 1964; Policy Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; Notice, 5/29/03, <http://www.usdoj.gov/crt/cor/lep/DOLrecipientguidancefin.pdf>](#)

