



Workforce Innovation and Opportunity Act Program

Limited English Proficiency (LEP)

One-Stop Career Center

POLICY/PROCEDURES

Policy Number: OS-01-2018-2

New Policy

Policy Revision

Date: January 29, 2018

Subject: Serving One-Stop Customers with Limited English Proficiency (LEP)

A handwritten signature in black ink that reads "Michele Burns". The signature is written in a cursive style and is positioned above a horizontal line.

Michele Burns
Executive Director
CareerSource Okaloosa Walton



Limited English Proficiency (LEP)

Serving One-Stop Customers with Limited English Proficiency (LEP)

OF INTEREST TO

All CareerSource Okaloosa Walton's staff and One-Stop Partners serving customers through the CSOW One-Stop Delivery System.

SUBJECT

Serving One-Stop Customers with Limited English Proficiency (LEP)

PURPOSE

To establish local policy for CSOW regarding service delivery to LEP customers in the One-Stop Career Centers and affiliate offices. This policy applies to all CSOW staff and Partner staff who deliver services using federal funds through the One-Stop Delivery System. It includes but is not limited to programs and activities funded through WIOA Adult and Dislocated Worker Programs, WIOA Youth Program, Wagner-Peyser Programs, TANF Welfare Transition Program, and Unemployment Compensation.

Supersedes/Revision:	Date: July 1, 2003
Serving One Stop Customers with Limited English Proficiency (LEP)	

REFERENCES

1. Title VI of the Civil Rights Act of 1964 (Title VI), and its implementing regulations.
2. Section 188 of the Workforce Innovation and Opportunity Act of 2014.

BACKGROUND

On May 29, 2003, the U.S. Department of Labor (DOL) issued revised guidance regarding the responsibilities of recipients of federal financial assistance in serving persons with Limited English Proficiency (LEP). This revised guidance was published in pursuant to requirements of Title VI of the Civil Rights Act of 1964 (Title VI), its implementing regulations, and Section 188 of the Workforce Innovation and Opportunity Act of 2014. In order to avoid discrimination against LEP persons on the grounds of national origin, reasonable steps must be taken to ensure that such persons receive, free of charge, the language assistance necessary to afford them meaningful access to programs, services, and information.

POLICY GUIDANCE

A. COMPLIANCE WITH LIMITED ENGLISH PROFICIENT (LEP) GUIDELINES

1. All recipients of federal financial assistance from the Department of Labor (DOL) are required to comply with LEP guidelines. Federal financial assistance includes WIOA funds, TANF funds, grants, training, use of equipment, donations of surplus property, and other assistance.
2. Recipients of DOL assistance include State Workforce Agencies, Local Workforce Delivery Areas, One-Stop Career Center Operators, Youth Service providers, eligible training providers (who may or may not already be required to comply with Title VI), and OJT employers. Coverage extends to a recipient's entire program even if only one part of the recipient receives federal funding.

B. WHO IS ENTITLED TO LEP ASSISTANCE?

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be LEP and entitled to language assistance. Examples include but are not limited to unemployed and/or dislocated workers seeking unemployment insurance, job search, job training, youth looking for summer employment, academic and career exploration and employment opportunities, and migrant and seasonal agricultural workers.

C. OBLIGATION TO PROVIDE LEP SERVICES

1. CSOW is required to take reasonable steps to ensure meaningful access to programs and activities by LEP persons. Assessment of the obligation to provider services is based on the following four factors:
 - a. The number of LEP persons served or encountered in the eligible service population. Instead of being guided by a population survey, CSOW will conduct ongoing assessment of its local service population and report that data, along with local census data on language groups.

- b. The frequency with which LEP individuals come in contact with the program. The steps that are reasonable for serving an LEP customer on a one-time basis will be very different from steps that serve LEP customers daily. CSOW Program Coordinators will ensure outreach to LEP persons in order to increase frequency of contact with LEP language groups, particularly in those language group areas that census data shows to have a sizeable presence in the region.
- c. The nature and importance of the program, activity, or service provided. The more important the program, activity or service, or the greater the possible consequences of the contact to LEP individuals, the more likely language services are needed. Program Coordinators must determine when denial or delay of access to services or information could have serious implications for a LEP individual. Compulsory activities require greater need for provision of language services than do voluntary or supplementary activities.
- d. The resources available and the cost of those services; while reasonable steps must be taken to provide LEP services, "reasonable steps" may cease to be reasonable when the costs substantially exceed the benefits. **DOL has determined that costs associated with providing meaningful access to LEP persons are allowable program costs.** However, before limiting services due to resource concerns, CSOW will carefully explore and develop technological and information-sharing resources in the local communities.

D. SELECTING LANGUAGE ASSISTANCE SERVICES

1. Language services provided may be written or oral, depending on the circumstance. Regardless of the type of language service provided, quality and accuracy of the language service is critical.

2. Oral Language Services

- a. CSOW will provide **interpretation services** when needed and reasonable. ***Interpretation is the act of listening to something in one language and orally translating it into another language.*** Where interpretation services are needed and reasonable, consideration should be given to the following:

- (1) When using interpreters, staff should ensure that interpreters demonstrate ability to communicate information accurately in both English and in the other language; have knowledge in both languages of any specialized terms or concepts peculiar to the program; understand and follow confidentiality and impartiality rules; and understand and adhere to their role as interpreter **without deviating into a role as a counselor, legal advisor, or other role.**

- (2) When interpretation is needed and is reasonable, it will be provided in a timely manner. In order to be timely, language assistance should be

provided at a time and place that avoids the effective denial or the imposition of an undue burden on or delay in important rights, benefits, or services to the LEP person.

- (3) **Although CSOW staff should not plan to rely on a LEP person's family members, friends, or other informal interpreters to provide language assistance services**, where LEP persons so desire, they should be permitted to use, at their own expense, interpreters of their own choosing in place of or as a supplement to the free language services offered by CSOW.
- (4) In cases where the LEP person chose to use their own interpreter, CSOW staff should document this in the case notes in Employ Florida (EF) and file in ATLAS.
- (5) CSOW staff will use the Certified Languages International for oral **Interpretation Services. Phone: 1-800-225-5254.**

3. Written Language Services

- a. *Translation is the replacement of a written text from one language into an equivalent written text in another language.*
- b. What documents should be translated? Title VI requirements are for the translation of vital documents. Whether or not a document is "vital" will depend on the importance of the program, information, encounter, or service involved and the consequence to the LEP person if the information is not provided in an accurate or timely manner.
- c. In general, vital records usually contain the full name of the individual involved, the date of the event, the county, state, or town where the event took place. Many vital records contain much more information. For example, birth records usually have the parent's full names, the name of the baby, the date of the birth, and county where the birth took place, marriage records often record the names and birthplaces of each individual's parents.
- d. Vital documents may also include applications to participate in a workforce program or activity or to receive benefits or services; written tests that assess competency for a particular license, job, or skill for which English language proficiency is not required; consent, complaint, and grievance forms; lists of One-Stop partners and services provided; letters containing important information regarding participation in a program or activity; notices pertaining to the reduction, denial, or termination of services or benefits and of the right to appeal such actions; information on the right to file complaints of discrimination; information on the provision of services to individuals with disabilities; state wage and hour and safety and health enforcement and information materials. Notices advising LEP persons of the availability of free language services.

- e. CSOW must develop a plan for consistently determining what documents are vital to the meaningful access of the LEP populations they serve. Lack of resources to translate all vital documents into dozens of languages do not necessarily relieve a CSOW of the obligation to translate those documents into at least several of the more frequently encountered languages and to set benchmarks for continued translations over time. Program Coordinators will accomplish ongoing assessment of the need for translation services and present recommendations to the Chief Operating Officer.
 - f. CSOW staff will use the Certified Languages International for written language **Translation Services. Phone: 1-800-225-5254.**
4. The documents listed in subparagraph 3. b. and c. of the section are defined as vital documents. Program Coordinators working with program staff must determine when translation services are needed and communicate this to need to policy@careersourceow.com.

E. ASSESSMENT OF LEP NEEDS

1. CSOW staff will conduct ongoing assessment of language needs of customers who use Career Center services. The results should be reported as part of program activities at the Quality Assurance and Technical Assistance and Performance Review Meetings.
2. **Identification of compulsory activities:** Program Coordinators, working with program staff should continue to evaluate the need for translation services and notify the Chief Operating Officer which activities are affect by LEP services.
3. **Methods of notification:** To ensure LEP customer are notified that language services can be provided "free" upon request, CSOW will require staff to provide this notice during all Career Center Orientations and Program specific presentations. The requirement to "give notice" is also extended to any one-on-one meetings staff may have with customers.
4. Plans for ongoing development of language resources with particular emphasis on resources to meet the LEP needs of language groups will be identified and included in the report at the Quality Assurance and Technical Assistance and Performance Review Meetings. These discussions should also take place at program specific training and meetings.
5. Training staff on availability of language assistance resources, including but not limited to computer-based translation services and telephone translation services will be ongoing and included in all new staff orientations and Training Checklists. These discussions should also take place at program specific training and meetings.

F. CONFIDENTIALITY

All data collected as a result of this policy is for official use only, and should only be used in conducting official business. Refer to the Workforce Boards Policy on confidentiality for additional information.

G. SUGGESTIONS FOR CHANGES OR WAIVERS

1. Submit request for changes or waivers to this policy to CareerSource Okaloosa Walton, 109 8th Avenue, Shalimar, Florida 32579, ATTN: Executive Director or Chief Operating Officer. Request may also be e-mailed to policy@careersourceow.com.
2. Request for **changes** must include the suggested change and an explanation of how the change will improve the process.
3. Request for **waivers** must include names, effective dates, case notes relating to the waiver, dollar amounts, etc.; and any other documentation to support the request.

I. ACTION REQUIRED

All CareerSource Okaloosa Walton's staff and One-Stop Partners serving customers through the CSOW One-Stop Delivery System will implement this policy upon receipt.