

DLT Policy Notice: 13-1

SUBJECT: Language Access Policy

PURPOSE: To implement new policy for language access services for non-English speaking customers and customers with Limited English Proficiency.

Date Issued: November 15, 2013

Background

The United States Department of Labor (USDOL) guidance regarding persons with Limited English Proficiency requires recipients of federal financial assistance to ensure meaningful access to their programs and activities by persons with Limited English Proficiency (LEP) pursuant to Title VI of the Civil rights act of 1964, its implementing regulations, and Section 188 of the Workforce Investment Act of 1998. The guidance does not create new legal requirements or change existing requirements. It clarifies what the law already requires with respect to ensuring that information and services are accessible to LEP persons. Eligible LEP persons must be able to access the full spectrum of services provided by the recipients (Department of Labor and Training). The purpose, as stated in the revised guidance, is “to assist recipients in fulfilling their responsibilities to provide meaningful access to LEP persons under existing law.” The USDOL advises that recipients are required by Title VI to take reasonable steps to provide meaningful access to federally assisted programs and activities by LEP persons through language assistance that is reasonable, timely and effective.

Policy Statement

It is the policy of the Department of Labor and Training (DLT) to provide meaningful access to all programs and services offered by the department to non-English speakers and LEP persons. Each division within DLT shall take reasonable steps to ensure access to non-English speakers and LEP persons to their division’s programs, services and activities. To ensure equal access, each division shall:

- Conduct a needs assessment
- Determine capacity for providing services
- Determine which documents are vital
- Translate vital documents into languages other than English
- Ensure access to oral language assistance/translators
- Develop written procedures for serving non-English speakers and LEP persons
- Notice customers as to the availability of services in languages other than English
- Monitor customer access to language assistance

Purpose and Authority

The purpose of this policy is to provide guidelines consistent with Title VI of the Civil Rights Act of 1964, its implementing regulations, and Section 188 of the Workforce

Investment Act of 1998 for DLT personnel to follow when working with or providing services to non-English speakers and LEP persons.

Definitions

Customer – Any applicant, claimant or recipient of services provided by the Department of Labor and training, including non-English speakers and LEP persons.

Department – Rhode Island Department of Labor and Training

Language Access Services – Any oral or written translation necessary for non-English speaking/LEP customers.

Limited English Proficient Person – Any person that cannot read, speak or understand the English language at a level that permits effective interaction with the department.

Translation – The rendering of the written text of one language into an equivalent written text of another language while retaining the same meaning.

Vital Document – A document, either written or electronic, that contains information critical for accessing services.

Language Access Coordinator

Matthew Weldon, Assistant Director/EO Compliance Officer, is the department's Language Access Coordinator (LAC). Mr. Weldon serves as DLT's point of contact for all language access related matters.

Standards

1. General Statement – DLT staff shall provide services to all customers, including non-English speakers and LEP persons, in a manner that ensures that the customer has meaningful access to department programs and activities.
2. Division/Program Area Procedures – Each division/program area shall work with the LAC to develop appropriate written procedures regarding access to language services for their customers. Procedures shall address the provision of language services, identification of language needs, notification of available language services, staff training on language service provision and monitoring access to language services. All plans must be submitted to the LAC for review to ensure compliance with all applicable policies and laws.
3. Compliance/Responsibilities – The Assistant Director for each division/program area at DLT is responsible to ensure that the services offered by their division are in compliance with this policy. Divisions shall assign a point of contact for EO/LEP matters that will work to ensure that ongoing information needs are met and compliance matters are addressed in a timely manner.

4. Needs and Capacity Assessment – Each division of DLT shall, on a regular schedule, determine the need for language access services within their division. In order to effectively serve non-English speaking and LEP customers, DLT’s divisions shall determine:
 - a. The number or proportion of non-English/LEP customers served
 - b. The nature and importance of the program/activity
 - c. The available resources for addressing language access services

Needs/capacity assessments must be reviewed and approved by the LAC.

5. Oral Language Assistance – Each division of DLT shall provide oral language assistance to customers either face-to-face or via telephone. Divisional written procedures serve as a guide for staff to access such services. Oral language assistance shall be provided free of charge to the customer. Services shall be provided in a timely and effective manner.
 - In the event that a customer requests assistance in a language other than a language DLT personnel are certified by the State of RI – Human Resources Division to interpret, DLT shall contract with a service to provide qualified and appropriate language services that accommodate the customer in question.
6. Translation of Written Materials – Each division shall ensure that all vital documents pertaining to their program area are available in languages other than English. Vital documents shall be translated into languages determined to be used significantly by the customers of their respective divisions. Vital documents may be translated either by state certified interpreters or a state approved translation contractor.
7. Monitoring – Each division shall develop procedures regarding monitoring the accessibility of language services in their program area. Additionally, divisions shall utilize a monitoring tool that has been approved by the LAC. Monitoring shall focus on reviewing the language access practices, materials and policies utilized by the division. Monitoring may also include desk reviews with personnel and interviews with customers to evaluate how practices are being implemented for quality assurance purposes.
8. Training – All DLT personnel that interact with customers will be trained on DLT’s practices and their division’s procedures for providing appropriate language access services. Training will occur on a regular schedule.
9. Complaints – The LAC (EO Compliance Officer) shall receive complaints and conduct investigations in accordance with the policies set forth in the department’s Methods of Administration (MOA). This procedure will be located on the department’s website.

Effective Date

This policy is effective as of the issuance date.