

Adopted Policies

Limited English Proficient (LEP) Policy

Background:

The Workforce Investment Act (WIA) requires nondiscrimination on the basis of national origin in programs receiving Federal financial assistance. Denial of equal access to federally funded programs and activities based on national origin, including Limited English Proficient (LEP) is strictly prohibited. This policy is pursuant to Section 188 of WIA; Title VI of the Civil Rights Act of 1964; Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency;" The Dymally-Alatorre Bilingual Services Act; and the Department of Labor (DOL) Training and Employment Guidance Letter 25-02.

Purpose/Definition:

This policy provides guidance and sets standards for the City of Los Angeles Workforce Development System¹ and other agencies serving LEP individuals to ensure meaningful access to WIA-funded programs and services.

For this purpose, no one will be denied access to information, services, or resources throughout the Workforce Development System because of their limited proficiency in the English language, or be subjected to unreasonable delays in the receipt of such services. As such a person can qualify as LEP *if they are an adult or out of school youth who has a limited ability to read, write, speak, or understand English, and a) who native is language is a language other than English; or b) who lives in a family or community environment where a language other than English is the dominate language.*²

Policy

1. LEP Assessment

As the first key to ensuring meaningful access, each Agency in the Workforce Development System will conduct a thorough annual assessment of the languages spoken by customers and potential customers in the communities it serves. In addition to identifying the current LEP makeup of the service areas, the Workforce Development System will also examine a) whether existing LEP resources and tools are adequate and, b) what improvements are needed to outreach to LEP populations that might be underserved relative to their proportion in the service area.

For the Workforce Development System to properly assess the significant LEP population, the Workforce Investment Board (WIB) promotes the use of the DOL's four factors to determine the language needs of an area³:

- a. The number or proportion of LEP persons served or encountered in the eligible service population--the greater the number or proportion of LEP persons in a language group, the more language services needed;
- b. The frequency with which LEP individuals come in contact with the program-- higher frequency requires more services;
- c. The nature and importance of the program, activity, or service provided by the recipient; and

¹ Workforce Development System includes the WorkSource Centers and the OneSource Youth Opportunity System

² Workforce Investment Act of 1998

³ Department of Labor, Civil Rights Center, Federal Register, issued May 29, 2003, p.32294-32295.

Adopted Policies

- d. The resources available to the recipient and costs--larger recipients with larger budgets must provide a higher level of language services

2. Language Assistance Plan

Workforce Development System must develop a language assistance plan based on the LEP Assessment. The Language Assistance plan at a minimum should include the following elements:

- ❑ Identification of LEP individuals who need language assistance
- ❑ Use of language assistance tools (e.g. "I Speak Identification Cards")
- ❑ Translation of vital information and services to LEP individuals in their primary language
- ❑ Staff training on plan to build knowledge of federal regulations pertaining to LEP persons.
- ❑ Monitoring and oversight of the plan

3. Translation of Vital Documents

The language assistance plan should incorporate a plan to translate "vital" written materials into the languages that were identified through the LEP assessment. DOL has acknowledged the difficulty in identifying vital documents. However, the federal register states that "meaningful access" must be granted to all individuals. Thus, vital documents could include:

- ❑ Applications to participate in a Workforce Investment Act (WIA) program, activity, or services
- ❑ Written tests that do not assess English language competency, but test the competency for a particular license, job, or skill for which English language proficiency is not required
- ❑ Consent and compliance forms
- ❑ List of partners at a Center and services provided
- ❑ Letter 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
- ❑ Notices that require a response from beneficiaries
- ❑ Information on the right to file complaints of discrimination
- ❑ Information on the provision of services to individuals with disabilities
- ❑ State wage, hour, safety, health enforcement, and information materials
- ❑ Notices advising LEP persons of the availability of free language assistance
- ❑ Other marketing and outreach information

Additionally, all translated documents must be reviewed for accuracy. Even though certified translators are not required, the Workforce Development System should have mechanisms in place to verify the accuracy of the translated document.

4. Interpreter Requirements

At a minimum all interpreters used by the Workforce Development System must meet the following requirements:

- ❑ Demonstrated proficiency in both English and another language
- ❑ Fundamental knowledge in both languages of any specialized terms or concepts peculiar to the Center's program or activity
- ❑ Sensitivity to the LEP person's culture
- ❑ Demonstrated ability to convey information in both languages accurately; and if possible, use staff trained in the skills and ethics of interpreting

Adopted Policies

There may be cases where interpretation services are offered to the LEP person and these are declined. In such cases the LEP person requests the use of a family member or friend as an alternative. It is then appropriate for the Center to use this person to assist in the provision of services. However, the use of such a person should not compromise the effectiveness of services or breach confidentiality. In these cases, the Center should have a competent bilingual staff member observe the communication and interpretation to ensure it is adequate. The Center must also document in the LEP person's file: the offer of an interpreter, the refusal of free language assistance services, and the witnessing of the communication using "Interpreter Services Statement" form. (see page 29)

Consistent with DOL's federal register guidance, the WIB adopts the following hierarchy of methods to meet LEP needs as needed:

- a. Ensuring the Workforce Development System hire multilingual staff
- b. Paid interpreters that are on staff
- c. Paid outside interpreters
- d. Use telephone interpreter lines
- e. Community volunteers-trained in both interpretation and in WIA programs
- f. Not using children, family members, friends, and/or strangers as interpreters--except in an emergency circumstances or when the LEP person decides to use them after being advised of free and competent interpreters being available.

5. LEP Customer Flow

After the Center identifies an LEP client's primary language through the LEP assessment, this information should be documented in the case files preferably using a language identification form such as the Oral and Written Language Designation Form (see page 31). The choice of whether to use the LEP individual's primary language for oral or written communication is the customer's choice.

The Workforce Development System will serve LEP individual's in their service delivery area and ensure that LEP customers are offered meaningful and equal access to WIA services. Each Center must be able to describe and document how LEP customers receive services.

Furthermore, as the WIB develops new sector initiatives and other training programs, Vocational English as a Second Language (VESL) training should be incorporated in these programs to increase LEP customer participation. The WIB is committed to designing programs to ensure that limited English speakers are included in skills training as well as bridge programs as described in a WIB policy on Training and Supportive Services. Moreover, the Workforce Development System shall leveraged resources to increase training opportunities in other languages where available.

6. Monitoring and Oversight

Both Workforce Development System and City staffs will be responsible for monitoring the quality of services to LEP persons.

Adopted Policies

The Workforce Development System must annually evaluate its language assistance plan to keep information current on the LEP makeup of its service area, the communication needs of LEP customers, whether assistance offered is meeting the needs of such persons, whether staff is knowledgeable about policies and procedures and how to implement them, and whether sources of and arrangements for assistance are still current and viable. Oversight of the plan should include obtaining the LEP persons' feedback in these areas.

Monitoring and evaluation of the Workforce Development System for compliance with Civil Rights legislation is incorporated in the Division's routine monitoring processes. The WDD website may be used as a resource for the Workforce Development System, providing translated and outreach material in languages that represent Los Angeles demographics.

Evaluation of the Workforce Development System's efforts in serving LEP customers will be measured through the following activities:

- ❑ Enrollment activity
- ❑ Surveys of customers, clients, and advocates
- ❑ Periodic assessment of current data and local demographics
- ❑ Review of the effectiveness of policies and practices describing services to LEP individuals

References:

- ❑ Section 188 of the Workforce Investment Act of 1998
- ❑ Federal Register Part IV (Volume 68, Number 103) Civil Rights Center; Enforcement of Title VI of the Civil Rights Act of 1964; Policy Guidance on the Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; Notice (May 29, 2003)
- ❑ Dymally-Alatorre Bilingual Services Act, California Government Code Section 7290-7299.8
- ❑ Employment Development Department WIA Directive, Subject: Limited English Proficiency (May 12, 2005)
- ❑ Department of Labor Training and Employment Guidance Letter 25-02
- ❑ Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency"

Adopted Policies