



Missouri Division of Workforce Development
DWD Issuance 06-2014

Issued: December 12, 2014
Effective: December 12, 2014

Subject: Access to Meaningful Services for Individuals with Limited English Proficiency (LEP) Policy

1. Purpose: This Issuance is written to provide policy guidance specific to the Division of Workforce Development's (DWD) obligation to ensure LEP individuals have meaningful access to all programs and services; and are able to participate effectively regardless of their ability to speak, read, write, or understand English.

This policy guidance aligns with DWD's position by ensuring statewide consistency in language service delivery; and further assures quality language services are available for LEP individuals, enabling effective communication with workforce system staff.

2. Background: Identifying language barriers and developing strategies to overcome those barriers are essential for state agencies to comply with federal requirements. These requirements are within several guidance documents, including the following:

Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating based on national origin by, for example, failing to provide meaningful access to individuals who are LEP.

Executive Order 13166 signed by the President in August 2000 and titled "Improving Access to Services for Persons with Limited English Proficiency" contains two major initiatives. The first initiative aims to better enforce and implement Title VI of the Civil Rights Act of 1964 by requiring federal agencies that provide federal financial assistance to develop guidance to clarify obligations for recipients of such assistance. The second initiative requires all federal agencies to meet the same standards as federal financial assistance recipients in providing meaningful access for LEP individuals to federally conducted programs.

Section 188 of the Workforce Investment Act (WIA) and its implementing regulations provides that no person shall be subjected to discrimination based on national origin under any program or activity that receives federal financial assistance.

Federal policy guidance is intended to clarify the responsibilities of recipients of federal financial assistance from the U.S. Department of Labor or other entities that participate in the Missouri workforce system. This guidance is intended to assist recipients in fulfilling their responsibilities to LEP individuals, pursuant to these federal laws and implementing regulations.

3. Substance:

As recipients of federal financial assistance, local Workforce Investment Boards (LWIB), One-Stop operators, and other service providers have a responsibility to ensure non-discrimination in service delivery to LEP individuals. Guiding principles for situations in which an LEP individual is seeking to “access and participate” in public workforce services, programs, and activities include:

LEP individuals must be advised of availability of competent, confidential language interpretation services. The provision of this notice and the LEP individual’s election must be documented in any individual record, written or electronic, generated with respect to the LEP individual.

Recipients will take reasonable steps, appropriate to the circumstances, to ensure interpretative services are provided that demonstrate the level of fluency, comprehension, and confidentiality warranted by the nature, type, and purpose of the information at issue.

Recipients will expand the range or nature of language assistance strategies whenever (1) experience, (2) changes in target or service population demographics, or (3) new program-specific data indicates that the failure to do so may result in a denial of substantially equal and meaningful, effective services to a significant LEP population.

LEP, in and of itself, shall not act as a barrier to limit access to vital information, available in English, regarding when, where, or how to obtain benefits or services provided through the workforce system.

4. Action:

Effective March 11, 2010, all LWIBs, program operators, training providers, etc., were required to comply with this guidance as it supports compliance with Section 2 of Executive Order 13166 and the U. S. Department of Labor, Civil Rights Center, Directive No. 2006-03. Please distribute this Issuance to appropriate individuals.

DWD has developed a uniform language-assistance plan (**ATTACHMENT 1**) with clear goals for ensuring non-discrimination, management accountability, and opportunities for community input. All workforce entities (recipients of federal financial assistance as listed above) will take the following actions:

- **Oral Information:** Interpretation is the act of listening to something in one language (source language) and orally translating it into another language (target language). Where interpretation is needed and is reasonable, recipients should consider some or all of the options discussed below for providing competent interpreters in a timely manner.

Competence of Interpreters: When providing oral assistance, recipients should ensure competency of the language service providers, no matter which of the following strategies are used. Competency requires more than self-identification as bilingual. Some bilingual staff and community volunteers, for instance, may be able to communicate effectively in a language other than English when communicating information directly in that language, but **may not** be competent to interpret in and out of English. Likewise, they **may not** be able to do written translations.

Each Career Center location accessible to the public at which vital information is made available (reception desk or areas, resource areas, telephone communication lines, building entries, etc.), will have language assistance resources capable of providing, within a reasonable period of time, information and/or instruction in appropriate languages other than English. A language identification poster or “I Speak Card” (**ATTACHMENT 2**) should be located at each Career Center welcome/reception area for each LEP customer to identify their language.

At points of public contact, appropriate translations of commonly requested information and procedures for access to telephonic interpretive services are required to be in place. Further, procedures for accessing telephonic language assistance resources will be readily available at every point of public contact, and distributed to all workforce staff that routinely have contact with members of the public. All workforce staff who have volunteered to provide language assistance services (in case of an emergency, when telephonic assistance is deemed less timely) will be identified by name, location, business telephone number, work hours, language, and level of fluency; and a region-specific list of these volunteers shall be submitted to each local Equal Opportunity Officer (LEOO).

- **Electronic Information:** Translation is the replacement of a written text from one language (source language) into an equivalent written text in another language (target language).

What Documents Should be Translated? After applying the four-factor analysis, a recipient may determine that an effective LEP plan for its particular program or activity includes the translation of vital written materials into the language of each frequently encountered LEP group eligible to be served and/or likely to be affected by the recipient's program. Such written materials could include:

- Applications to participate in a recipient's program or activity or to receive recipient benefits or services;
- Written tests that do not assess English language competency, but test competency for a particular license, job, or skill for which English language proficiency is not required;
- Consent and complaint forms;
- List of partners at a One-Stop Career Center 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;
- 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 and hour and safety and health enforcement and information materials;
- Notices advising LEP persons of the availability of free language assistance; and
- Other outreach materials.

Where workforce locations maintain a web page accessible to members of the general public, information on the availability of language assistance shall be included. Where vital documents in English are placed on or are accessible through the web page, information on their availability shall be included in the appropriate languages on the web home page or other initial point of access.

- **Signage:** Where signage is maintained and/or posted in English, it shall also be provided, at a minimum, in the two most common non-English languages spoken in the region and served by a specific location. Signage in fewer languages is warranted where current demographic data establishes that the population potentially served by the region, does not include more than one minority (language) group.

The LWIBs will:

- Conduct an annual assessment of the language needs of the population to be served throughout the workforce regions beginning with the 2010 census data;
- Develop and implement a comprehensive, written policy that will ensure meaningful access and communication for LEP individuals;
- Take steps necessary to ensure state and local partner staff understand the policy and are capable of implementing the policy;
- Conduct regular oversight of the language assistance program to ensure effective, meaningful access to all workforce programs and services, in a consistent manner.

DWD currently makes available a number of vital documents and outreach materials in Spanish, with the goal to develop updated outreach products in additional languages, other than English.

DWD has re-vended for oral interpretation services through a telephone language assistance service and updated instructions were made available to all LWIBs, Division Supervisors, Regional Coordinators, and LEOOs October 18, 2013.

5. Contact: Direct questions or comments regarding this Issuance, to the State WIA Equal Opportunity Officer, Danielle Smith, at (573) 751-2428 or danielle.smith@ded.mo.gov, or to Julie Gibson, DWD Director, at (573) 751-3349.
6. Reference: Title VI of the Civil Rights Act of 1964
<http://www.dol.gov/oasam/regs/statutes/titlevi.htm>

Executive Order 13166 www.lep.gov/13166/eo13166.html

Facts about National Origin Discrimination
<http://www.ecoc.gov/facts/fs-nator.html>

29 CFR Part 37, specifically 29 CFR Part 37.35;
[http://www.dol.gov/oasam/regs/cfr/29cfr37\(2001\).htm](http://www.dol.gov/oasam/regs/cfr/29cfr37(2001).htm)

CTS LanguageLink: <http://www.ctslanguageink.com/>

DWD Issuance 01-2014, Change 1: Equal Opportunity and Complaint Grievance, Notice and Dissemination
https://worksmart.ded.mo.gov/includes/secure_file.cfm?ID=3114&menuID=6
7. Rescissions: This Issuance supersedes and replaces DWD Issuance 23-2009 dated March 11, 2010.
8. Attachments: 1)—Language Assistance Procedure Manual Customer Service for Individuals with Limited English Proficiency (LEP).
2) – U.S. Department of Commerce, Bureau of the Census, Language Identification Flashcard.

The Missouri Division of Workforce Development is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Missouri TTY Users can call (800) 735-2966 or dial 7-1-1.



Julie Gibson
Director
Missouri Division of Workforce Development



Missouri Division of Workforce Development

LANGUAGE ASSISTANCE PROCEDURE MANUAL

Customer Service for Individuals with Limited English Proficiency (LEP)

General Policy

Each year the state and local Equal Opportunity Officers will review existing policy and procedures to determine updates in populations serviced in specific regions and recommend changes to the LEP policy. The development, maintenance, and implementation of a periodically updated plan for use by the Division of Workforce Development (DWD) and partner staff when delivering services to the general public, will be the most appropriate and cost effective means of documenting compliance and providing a model for the provision of timely and reasonable language assistance. The Language Assistance Planning Self-Assessment Tool for Recipients of Federal Financial Assistance provides the framework for organizations to develop a comprehensive plan that supports Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)." While there is considerable flexibility for recipients in development of a comprehensive Language Assistance Plan, the ultimate goal is to provide meaningful access to LEP individuals.

Assessment

The state Workforce Investment Act (WIA) agency, as requested by the U.S. Department of Labor/Civil Rights Center, completed the Language Assistance Planning and Self-Assessment Tool to facilitate planning efforts, and has adopted its use for all future language assistance assessments conducted by DWD. This Self Assessment Tool document is intended to assist recipients in planning for the provision of language assistance to the LEP individuals they serve or encounter and to assist in assessing existing, other than English, language service capabilities.

Assessment involves identification of the languages that are likely to be encountered in the provider's service area, estimating the number of LEP individuals that are eligible to receive services or benefits who are directly affected by the provider's program or activity. It is required that the following four factors are considered to determine the nature of language assistance provided and to ensure the most effective, meaningful access for LEP individuals, participating in or seeking benefits from, the program or activity:

1. The number or proportion of LEP individuals served or encountered in the eligible service population or likely to be *directly or significantly* affected by program or activity;
2. The frequency with which LEP individuals come in contact with the program or activity;
3. The nature and importance of the program, activity, or service provided by the recipient; and
4. The resources available to the recipient and costs in carrying out the program or activity.

In cases where language barriers may have impeded access (i.e., LEP individuals did not know of the rights and/or the availability of free language assistance), statistics on past participation will not capture the true need. The proportion of LEP individuals in the overall program service population should correlate with the proportion of LEP individuals participating in or seeking benefits from the program or activity using the Four-Factor Analysis (i.e., Civil Rights Center; Enforcement of the 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 LEP Persons; Pages 32294-32295)..

Provision of Language Interpretation/Translation Services

DWD has contracted with CTS Language Link to provide telephone language interpretation services for the workforce system. Designated Career Center locations and Central Office have been provided individual accounts and instructions for use to ensure effective telephone communication between staff and LEP individuals. These instructions include tips for working with interpreters when initiating language assistance calls.

At a minimum, intake or Welcome Team staff, with whom the LEP individual has initial contact, will record the language of the LEP individual in his/her file (including files maintained electronically) so that all subsequent interaction will be conducted in the

appropriate language. Whenever the interpreter service is used, a brief description of how that service was used will be recorded in the LEP individual's file.

The use of "I Speak" cards is required by intake workers and other staff, who have direct contact with LEP individuals. This language identification aid will assist staff to record the LEP individual's language and be able to obtain appropriate interpreter services.

A system to receive incoming telephone calls from LEP individuals via the agency's existing 888-728-JOBS (5627) line has been developed. The system to receive calls from LEP individuals will be coordinated by the State WIA Equal Opportunity (EO) Officer, utilizing CTS Language Link and the agency's current telephone provider. A three-way response to the LEP individual will be initiated by the State WIA EO Officer directing the caller to the nearest Career Center location.

All LEP individuals will be notified that upon request, they will receive language assistance at no cost, and that vital documents (i.e., documents developed with the purpose of describing a LEP individual's rights, responsibilities, or benefits; requesting information or a response from LEP individuals; notifying LEP individuals of an action that may adversely affect them; requiring the LEP individual's informed consent or acknowledgement; and notifying LEP individuals of the opportunity for free language assistance) will be translated at no cost.

Essentially, translation of applications to participate in a program or activity or to receive benefits or services; consent and complaint forms; list(s) of partners at the One-Stop Career Center and the services provided; other outreach materials; and other informational and instructional documents into languages other than English, is required for LEP individuals after applying the four-factor analysis. The standard "menu" of services will support the identification of vital documents for the workforce system. To the extent reasonable, DWD will support translating vital documents into languages other than English.

Use of Family, Friends or Others as Interpreters

Use of family members, friends, or other informal interpreters present ethical and other privacy complications and is not supported nor recommended. It is our obligation to provide qualified interpreters to all individuals who need and/or request oral language assistance.

Use of family, friends, or others as interpreters may expose the recipient to liability under Title VI of the Civil Rights Act of 1964 and Section 188 of the WIA. Do not require, suggest, or encourage the use of friends, family members (including minor children), and other non-professionals as interpreters. Use of such persons could result in a breach of confidentiality or a reluctance of an LEP individual to disclose personal

information critical to the LEP individual's situation. Although the LEP individual's decision to use his or her own interpreter should be respected, there are concerns of confidentiality, conflict of interest, or a minor child's competency in communication to provide interpretation.

When staff inform the LEP individual of the right to free interpreter services and the individual declines (wanting to use a family member or friend as an interpreter), the staff may use the LEP individual's designated person as an interpreter while taking steps to document the LEP individual's choice is strictly voluntary and the offer of free interpreter services was declined. Staff should document all offers for language services that are declined; in the LEP individual's file, including those files maintained electronically.

Outreach/Training/Monitoring

Outreach efforts, ensuring awareness among workforce system (i.e., jobseekers, businesses, and workforce professionals) entities, will include the implementation of the language access policy. LEP individuals in need of language assistance services will receive "reasonable" notice of the availability of such services. The availability of free language assistance will be promoted/advertised as a part of regional outreach. Signage and other notices in lobbies, waiting areas, intake desks, etc. should be available in the two or three primary languages identified by region. Postings should inform individuals of their right to free interpreter services and invite them to identify themselves as individuals needing language assistance.

All staff should be knowledgeable regarding:

1. The nature and scope of language assistance services and resources available, and
2. The procedures to access language services for their LEP individuals.

A successful language access plan aligns with the overall obligation to ensure programs and services are provided in a non-discriminatory and equal manner. Access to services and programs has to be as effective for LEP individuals as the general public. It is unlawful to discriminate due to national origin; and through this plan; we affirm consistent, effective LEP access and compliance for all federally assisted programs and services operated within the Missouri workforce system.

Intake Procedures for LEP Individuals

1. When a walk-in LEP individual for services indicates the language of choice using the "I Speak" card, the intake personnel (i.e., welcome team member) will contact the Language Link contractor by telephone for language interpretation

services. At that time, the intake personnel will conduct the standard steps, with the assistance of the interpreter, to serve the LEP individual.

2. The LEP individual will be served in a location suitable to allow confidentiality, such as a conference room with speaker phone or other suitable arrangement.
3. During intake, the LEP individual will be provided a language identification card ("I Speak" card) listing the language of their choice. The LEP individual may keep this language identification card in their possession to display to staff as they are processed through the Career Center. Accepting and/or maintaining this language identification card is voluntary and will not impede the delivery of services.
4. In the event the intake personnel are unable to determine the LEP individual's language choice (after using the "I Speak" cards or any other readily available method, i.e., bilingual/multilingual staff), the intake staff will immediately contact the language interpretation service to attempt to determine the appropriate language to use with the LEP individual.
5. Each step of the initial assessment for services, including and up to service delivery, will include the language interpretation service.

United States
Census
2000

U.S. Department of Commerce
Bureau of the Census



LANGUAGE IDENTIFICATION FLASHCARD

| | |
|---|---------------------------|
| <input type="checkbox"/> املأ هذا المربع إذا كنت تقرأ أو تتحدث العربية. | Arabic |
| <input type="checkbox"/> Խոսողո՞ւմ ե՞նք հնչո՞ւմ կատարե՞ք այս քառակուսում, եթե խոսում կամ կարդում եք հայերեն: | Armenian |
| <input type="checkbox"/> যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন। | Bengali |
| <input type="checkbox"/> សូមបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។ | Cambodian |
| <input type="checkbox"/> Matka i kahhon komu un taitai pat un sang i Chamorro. | Chamorro |
| <input type="checkbox"/> 如果您具有中文閱讀和會話能力，請在本空格內標上X記號。 | Chinese |
| <input type="checkbox"/> Make kazyé sa a si ou li oswa ou pale kreyòl ayisyen. | Creole |
| <input type="checkbox"/> Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik. | Croatian (Serbo-Croatian) |
| <input type="checkbox"/> Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky. | Czech |
| <input type="checkbox"/> Kruis dit vakje aan als u Nederlands kunt lezen of spreken. | Dutch |
| <input type="checkbox"/> Mark this box if you read or speak English. | English |
| <input type="checkbox"/> اگر خواندن و نوشتن فارسی بدرهستین، این مربع را علامت بگذارید. | Farsi |

Cocher ici si vous lisez ou parlez le français.

French

Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.

German

Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.

Greek

अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस गोले पर चिह्न लगाएँ।

Hindi

Kos lub voj no yog koj paub twm thiab hais lus Hmoob.

Hmong

Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet.

Hungarian

Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.

Ilocano

Marchi questa casella se legge o parla italiano.

Italian

日本語を読んだり、話せる場合はここに印を付けてください。

Japanese

한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.

Korean

ໃຫ້ໝາຍໃສ່ຂໍ້ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.

Laotian

Zaznacz tę kratkę jeżeli czyta Pan/Pani lub mówi po polsku.

Polish

Assinale este quadrado se voce lê ou fala Português.

Portuguese

| | | |
|--------------------------|--|--------------------------|
| <input type="checkbox"/> | Însemnați această căsuță dacă citiți sau vorbiți Românește. | Romanian |
| <input type="checkbox"/> | Пометьте этот квадратик, если вы читаете или говорите по-русски. | Russian |
| <input type="checkbox"/> | Ma'a pe fa'ailoga le pusa lea pe afai e te faitau pe tusitusi i le gagana Samoa. | Samoa |
| <input type="checkbox"/> | Обележите овај квадратик уколико читате или говорите српски језик. | Serbian (Serbo-Croatian) |
| <input type="checkbox"/> | Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky. | Slovak |
| <input type="checkbox"/> | Marque esta casilla si lee o habla español. | Spanish |
| <input type="checkbox"/> | Markahan ang kahon na ito kung ikaw ay nagsasalita o nagbabasa ng Tagalog. | Tagalog |
| <input type="checkbox"/> | ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย. | Thai |
| <input type="checkbox"/> | Faka'ilonga'i 'ae puha ko'eni kapau 'oku te lau pe lea 'ae lea fakatonga. | Tongan |
| <input type="checkbox"/> | Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою. | Ukrainian |
| <input type="checkbox"/> | اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانہ میں نشان لگائیں. | Urdu |
| <input type="checkbox"/> | Xin đánh dấu vào ô này nếu quý biết đọc và nói được Việt Ngữ. | Vietnamese |
| <input type="checkbox"/> | צייכנט דעם קעסטל אויב איר שרייבט אדער ליינט אידיש. | Yiddish |