

## DC DEPARTMENT OF HUMAN RESOURCES

### Office of the Director

POLICY NO.	SUBJECT	DATE
LAC-21-01	Language Access Compliance	August 1, 2021

### Purpose

The purpose of this policy is to ensure that the D.C. Department of Human Resources' ("DCHR") programs and services meet the requirements of the Language Access Act of 2004, as well as identify the roles and responsibilities of DCHR, managers and supervisors, employees, and the Language Access Coordinator. As a covered entity with major public contact, DCHR must provide equal access to programs and services to all persons living in, working in, or visiting the District of Columbia, regardless of their ability to speak English.

### Applicability

This policy shall apply to all DCHR members, defined as all employees as well as volunteers, grantees, contractors, and affiliates providing direct services to the public on DCHR's behalf.

### Authorities

This policy is consistent with DCHR's mission, as well as applicable federal and District of Columbia laws, rules, and regulations. These laws, rules, and regulations include but are not limited to:

- Civil Rights Act of 1964, as amended, Public Law 88-352 (42 U.S.C. Chapter 21)
- Language Access Act of 2004 (the "Act"), as amended, D.C. Law 15-167, D.C. Code § 2-1931 *et seq.*
- Regulations of the Act, 4 D.C.M.R. § 1200 *et seq.*
- Human Rights Act of 1977, as amended, D.C. Law 2-38, D.C. Code § 2-1401.01 *et seq.*

### Definitions

For the purposes of this policy, the following definitions are applicable:

- "Access"** or **"participate"** means to be informed of, participate in, and benefit from public services, programs, and activities offered by a covered entity at a level equal to English proficient individuals.
- "Biennial Language Access Plan (BLAP)"** is a two (2)-year mandatory compliance plan for each covered entity with major public contact that is to be revised and published in the *D.C. Register* biennially by the covered entity.
- "Bilingual"** refers to the ability to use two languages proficiently.
- "Covered entity"** means any District government agency, department, or program that furnishes information or renders services, programs, or activities directly to the public or contracts with other entities, either directly or indirectly, to conduct programs, services, or activities.
- "Covered entity with major public contact"** means a covered entity whose primary responsibility consists of meeting, contracting, and dealing with the public.

- f) **"Customer"** means any individual who may attempt to benefit from or receive services that the agency provides.
- g) **"Interpretation"** means oral or verbal conversion of the meaning of a dialogue from one language to another language and vice versa. There are three types of interpretation:
  - a. Sight translation, in which an interpreter reads a document written in one language and translates it orally into another language;
  - b. Consecutive interpretation, in which an interpreter translates a speaker's words orally after the speaker has stopped speaking; and
  - c. Simultaneous interpretation, in which an interpreter speaks simultaneously with the source language speaker.
- h) **"Language Access Coordinator (LAC)"** means the official within the agency who coordinates and supervises agency activities undertaken to comply with the provisions of this policy.
- i) **"Language access services"** entail assessing the need for assistance in a language other than English and offering interpretation and/or translation services to facilitate communication.
- j) **"Language Line"** refers to Language Line Solutions, a company that provides interpretation services over the phone for all DC government agencies.
- k) **"Language threshold"** denotes agency exposure to a non-English language spoken by a limited or non-English proficient population that constitutes 3% of the agency's customers or 500 individuals, whichever is less. Once the agency reaches the threshold for a language, the agency must provide translations of vital documents in that language.
- l) **"Limited English Proficient (LEP) individual"** refers to an individual who does not speak English as his or her primary language and who has a limited ability to read, speak, write or understand English.
- m) **"Members"** are all agency employees, as well as volunteers, grantees, contractors, and affiliates providing direct services to the public on behalf of the agency.
- n) **"Non-English Proficient (NEP) individual"** refers to an individual who cannot speak or understand the English language at any meaningful level.
- o) **"Public complaint"** means an administrative complaint filed with OHR or a covered entity alleging violation of the Act by a covered entity.
- p) **"Translation"** refers to the written conversion of texts in the source language into texts written in another language, retaining the meaning and intent of the original source text and producing a culturally competent product.
- q) **"Vital documents"** means applications, notices, complaint forms, legal contracts, and outreach materials published by a covered entity in a tangible format that inform individuals about their rights or eligibility requirements for benefits and participation.

## Responsibilities

### Agency Responsibilities

- 1) Provide written and oral language services to customers with limited or non-English proficiency who seek to access or participate in the services, programs, or activities offered by DCHR.
- 2) Collect data about the languages spoken and the number or proportion of limited or non-English proficient persons speaking a given language in the population that is served or encountered, or likely to be served or encountered, by DCHR. This data collection serves two purposes:
  - To determine whether the agency has reached the language threshold for a given non-English language, establishing the language(s) into which the agency must translate its vital documents; and
  - To record the customer's primary language in LEP/NEP case files, ensuring that further interactions with previously identified LEP/NEP customers include appropriate language accommodations
- 3) Develop and maintain a two-year language access plan pursuant to regulation and in accordance with the following, though not exhaustive, guidelines:
  - Establish the biennial language access plan in consultation with and approval by the DC Office of Human Rights (OHR).
  - Review and update the language access plan biannually.
  - Set forth the type of written and oral language services that DCHR will provide.
  - Set forth the rationale and data for translating any documents.
  - Set forth the number of bilingual employees in public contact positions and/or within the agency.
  - Evaluate and assess the adequacy of language access services the agency provides.
- 4) Appoint a Language Access Coordinator or Coordinators responsible for oversight of the agency's language access plan.
- 5) Ensure that signage is visible to customers within customer service locations informing them of the availability of language accessible services.
- 6) Maintain a list of bilingual staff members within DCHR.
- 7) Ensure that members in public contact positions be proficient in the requirements and legal obligations for serving LEP/NEP customers by attending either web-based or in-person trainings provided by OHR or the DCHR's LAC. Training shall occur as part of the onboarding process for new members, and as part of continued professional development for existing members.
- 8) Develop a plan for conducting outreach to LEP/NEP communities in order to disseminate information about DCHR's language access services. Outreach activities may include, but are not limited to, the following:
  - Organizing events such as fairs, forums, and educational workshops;
  - Distributing flyers, brochures, and other printed material in diverse languages and at diverse locations;
  - Disseminating information through the agency's websites;
  - Issuing press releases in diverse languages and directing those press releases to media outlets serving LEP/NEP communities;
  - Participating in LEP/NEP community events and/or meetings;
  - Inviting LEP/NEP community members to visit agency service site(s) and facilities; and

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- Participating in and/or cosponsoring events that target the District's LEP/NEP communities with other District government agencies.

### 9) Contractors and Grantees –

(A) Ensure contractors hired by DCHR to carry out services, programs, or activities directly to the public (i) collect data regarding contact with LEP/NEP customers and report this data to DCHR on a quarterly basis; (ii) provide oral interpretation services and translate vital documents according to the same standards required of DCHR; and (iii) train personnel on all compliance requirements.

(B) Ensure that any grantee that provides services under DCHR's mandate complies with the requirements of the Act.

(C) Require that contractors and grantees certify in writing that the compliance requirements will be satisfied by their subcontractors and sub-grantees.

(D) Ensure that contractors and grantees receive language access compliance training or guidance in accordance with standards set forth by OHR. Any required training shall be provided by OHR, unless DCHR agrees to provide the training and OHR approves the provision of training by DCHR.

## Department Manager/Supervisor Responsibilities

- 1) Provide support and assistance in carrying out the provisions of DCHR's Language Access Program policy as necessary.
- 2) Report public complaints regarding language access violations to DCHR's Language Access Coordinator.

## Language Access Coordinator

- 1) Coordinate and assist in implementing the requirements of the Act and its regulations that apply to DCHR.
- 2) Report directly to DCHR's Director, or the Director's designee, on issues related to compliance with the Act and implementation of the Act, including budget issues related to the delivery of language access services required by the Act.
- 3) Establish and be responsible for ensuring implementation of the agency's Biennial Language Access Plan.
- 4) Submit a quarterly report to the Language Access Director regarding DCHR's implementation of its Biennial Language Access Plan.
- 5) Receive reports of alleged violations of the Act from individuals, Consultative Agencies (the Office on African Affairs, Office on Asian and Pacific Islander Affairs, and Office of Latino Affairs), or other organizations, and provide the reports to the Language Access Director as they are received.

## Policy and Procedures

### Interactions with Limited or Non-English Proficiency Customers

- a) Employees must ensure that LEP or NEP customers have equal access to information and services. This means that LEP/NEP customers must be offered the use of an interpreter and receive service, including providing vital documents, in the order of their arrival at DCHR's facilities via in person, virtually or over the telephone.

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- b) Employees must not discourage or refuse DCHR services to LEP or NEP customers.
- c) Employees and/or the LAC must document their interaction with customers who are LEP or NEP.
- d) An OHR waiver form is required to be filled out if a LEP/NEP customer refuses/declines to use DCHR's written translation or oral interpretation services.

### Public Complaints Regarding Language Access Violations

- a) Employees must report any public complaints regarding language access violations to their manager/supervisor or to the LAC, [dchr.languageaccess@dc.gov](mailto:dchr.languageaccess@dc.gov), in a timely manner (within 5 business days of the incident).
- b) The LAC will work with OHR to track, monitor, and investigate public complaints regarding alleged language access violations at DCHR and report to the OHR Language Access Director as they are received.
- c) Employees must not discourage or refuse agency services to customers who have registered a complaint regarding language access violations.

### External Resources

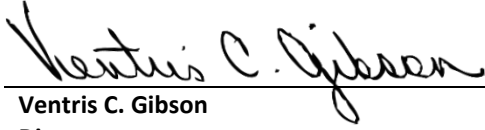
- a) Employees will be made aware of the Language Access Program resources provided by DCHR and OHR through training, DCHR's website and information made available electronically or in person. Language Access Program resources include translation of vital documents (provided by OHR); interpretation; telephonic oral interpretation (Language Line) and electronic communication (i.e., email).
- b) Employees in public contact position as well as all managers/supervisors will attend training as outlined in the agency's biennial Language Access Program plan approximately every two years.

### Effective Date and Implementation

This policy is effective immediately upon signature.

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**APPROVAL**



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**Ventris C. Gibson**  
**Director**

Effective Date: 9/30/21  
Review Date: 7/20/2021  
Distribution:  
Point-of-contact:

Date of Signature: 10/20/21  
Two-Year Anniversary of Signature  
All agency employees  
Program Office, Office Email, Office Phone Number

**DC DEPARTMENT OF HUMAN RESOURCES****Language Access Coordinator****Roles and Responsibilities****FY 21/22 – BLAP Period**

- 1) LAC will work with agency Director, senior managers to prepare and submit the agency's completed Biennial Language Access Plan (BLAP).
- 2) LAC will submit quarterly reports to the Office of Human Rights on language access agency compliance.
- 3) LAC will respond in a timely manner to all inquiries regarding language access issues and language access compliance related requests made by the Office of Human Rights. Including OHR Language Access program personnel and/or other individuals.
- 4) LAC will meet as needed with the designated agency Language Access Coordinators OHR team to evaluate agency compliance and address trends or challenges with regards to services provided by the agency to LEP/NEP customers.
- 5) LAC will attend meetings held every quarter with the OHR Language Access Director and LACs from all other agencies with major public contact.
- 6) LAC will deliver presentation to agency personnel regarding how to use Language Line services and to ensure all personnel have call-in information. The LAC and/or OHR will deliver this presentation, at a minimum of once per year, during an all-staff agency meeting or on a needed basis. One-on-one training sessions can be delivered per request of the employee/manager/Associate Director(s).
- 7) LAC will report language access complaints to the OHR Language Access Director.
- 8) LAC will ensure that the agency meets all requirements regarding compliance.
- 9) Whenever an agency employee contacts or is contacted by an LEP/NEP customer by telephone or in person, the member shall:
  - e) Ascertain the LEP/NEP customer's English proficiency and primary language as described in parts VI.A and VI.B of the Language Access Act; and Ascertain the availability of a bilingual member (if available) from the list of bilingual staff members who speaks the non-English language in question and agree to serve as a language facilitator.
  - f) If such bilingual member is available and agrees to serve as language facilitator, the agency member serving as the point of contact shall transfer communication to the bilingual employee. If such a bilingual member is not immediately available, the agency member serving as the point of contact shall request an interpreter from Language Line Solutions by calling the Language Line number (1-800-367-9559) and providing the agency's Client ID, and Access Code. Members can receive this information from the Language Access Coordinator.
  - g) Written communication:

If DCHR employee(s) receive written communication, (i.e letters, mailing, electronic mail), in a non-English language, and the member is not bilingual in that language, the written communication shall be forwarded

to the agency's LAC within two business days of receiving set communication. The LAC shall respond to the sender with an acknowledgement letter in the sender's language and arrange to have the original correspondence translated into English. Once the written communication is translated into English, LAC shall forward the English version of the communication to the intended agency recipient for response. The member responsible for writing the response shall do so and then forward the response to LAC. LAC shall arrange to have the response translated into the target language and mail the response to the sender, with a copy to the member who prepared the response. **NOTE: DCHR is not responsible for translating personal legal document(s) including: Birth certificates, court orders, death certificates, marriage licenses, tax information, school transcripts/certificates and all other personal information documents.** The LEP/NEP is fully responsible for translating them prior to submitting them to DCHR.

Screening bilingual staff:

- 10) 10DCHR collects data on the non-English language(s) spoken by bilingual staff members. Data collected is for information purposes only. Employees that are bilingual are not obligated to divulge set information. Those employees that agree to be language access liaisons, will be asked to provide interpretation for LEP/NEP when needed. Employees do not have to be certified interpreters, but if the employee wishes to become a certified interpreter can do so. The Language Access Coordinator will provide employee with information of the aptitude test. A cost is associated with the exam, paid by DCHR. Language Line Solutions is the vendor for the certification. Once certification is completed, translation services from the employee are required on an at will basis when requested.

Tannia Baqueiro

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Language Access Coordinator

*Tannia Baqueiro*

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Signature

9/30/21

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Date

Ventris C. Gibson

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Agency Director

*Ventris C. Gibson*

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Signature

10/20/21

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Date