

Guidance Notice No. 2-17
Communication with Persons with Limited English Proficiency (LEP)

TO: All Workforce Development Boards
All Workforce Development Board Directors
All Workforce Development Board EO Officers
All Workforce West Virginia American Job Center Liaisons
Workforce Development Council Chair

FROM: Vickie Elkins, EO Officer
Management Analysis Division
WorkForce West Virginia

DATE ISSUED: September 20, 2017

SUBJECT: Communication with Limited English Proficiency (LEP) Persons

EFFECTIVE DATE: September 20, 2017

I. REFERENCE(S)

Title VI of the Civil Rights Act of 1964; Section 188 of the WorkForce Innovation and Opportunity Act; Executive Order 13166

II. PURPOSE

To provide guidance regarding Title VI of the Civil Rights Act prohibitions against national origin discrimination affecting limited English proficient persons.

III. BACKGROUND

Pursuant to Title VI of the Civil Rights Act of 1964, and its implementing regulations, Executive Order 13166, and Section 188 of the WorkForce Innovation and Opportunity Act (WIOA), no person shall be subjected to discrimination on the basis of race, color or national origin under any program or activity that receives federal financial assistance.

IV. POLICY

In order to avoid discrimination against LEP persons on the grounds of national origin, WorkForce West Virginia will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in services, activities, programs and other benefits. This includes language assistance, free of charge. It is the policy of WorkForce West Virginia to ensure meaningful communication with LEP customers, recipients, and their authorized representatives.

WorkForce West Virginia will also provide the communication of information contained in vital documents, including but not limited to, intake forms, orientation material, notices, consent forms, etc. All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served, and patients/clients and their families will be informed of the availability of such assistance free of charge.

Language assistance will be provided through use of competent bilingual staff, staff interpreters, contracts or formal arrangements with local organizations providing interpretation or translation services, or technology and telephonic interpretation services. All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.

WorkForce West Virginia will conduct a regular review of the language access needs of our customer population, as well as update and monitor the implementation of this policy and these procedures, as necessary.

V. PROCEDURES:

Identifying the Language of LEP Persons

West Virginia will promptly identify the language and communication needs of the LEP person. If necessary, staff will use a language identification card (or “I speak cards,” available online at www.lep.gov) or posters to determine the language. In addition, when records are kept of past interactions with customers or family members, the language used to communicate with the LEP person will be included as part of the record.

In-person: WFWV has posted an *I Speak* poster in reception areas and other prominent locations, which is an effective tool for an LEP persons to communicate the language being spoken. Staff will direct LEP persons to the *I Speak* poster when it is apparent that they are having difficulty speaking or understanding English. The staff member will then utilize the language assistance services described in this plan.

In writing: When a staff member receives written material in a foreign language, that staff member will contact their section manager in order to determine the type language assistance needed.

Telephone: When a staff member receives a telephone call from a person who speaks a foreign language and is having difficulty communicating in English, the staff member will consult with the section manager so that the appropriate arrangements for language interpretation can be made.

Some LEP persons may prefer or request to use a family member or friend as an interpreter. Family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual, and **after** the LEP person acknowledges his/her understanding that an offer of an interpreter, at no charge to the person, has been offered by the local WorkForce West Virginia office. Such an offer and the response will be documented on the data system,

and in the customer's file, if applicable. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.

Children and other customers will **not** be used to interpret, in order to ensure confidentiality of information and accurate communication.

Written Language Services (Translation): Written translation of text from one language (source language) into the equivalent written text in another language (target language) will also be provided by the language interpretation service. Written translation of vital written materials into the more frequently-encountered Spanish-speaking LEP group has been completed, including written applications, written tests, consent and complaint forms, listing of partner services, letters containing information regarding participation in programs and activities, notices pertaining to reduction, denial or termination of services or benefits, right to appeal such actions, notices that require responses from WFWV, information on the right to file complaints of discrimination, information on the provision of services to individuals with disabilities, state wage and hour , safety and health enforcement material, notices advising LEP persons of the availability of free language assistance, and appropriate outreach materials. The extent of WFWV's obligation to provide written translation of documents in languages other than Spanish will be determined on a case-by-case basis.

Providing Notice to LEP Persons

WorkForce West Virginia will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. At a minimum, notices and signs will be posted and provided in intake areas and other points of entry. Notification will also be provided through one or more of the following: outreach documents, telephone voice mail menus, local newspapers, radio and television stations, and/or community-based organizations.

Monitoring Language Needs and Implementation

On an ongoing basis, WorkForce West Virginia will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, WorkForce West Virginia will regularly assess the efficiency of these procedures, including but not limited to mechanisms for securing interpreter services, equipment used for the delivery of language assistance, complaints filed by LEP persons, feedback from customers and/or and community-based organizations, etc.

LEP Complaint Process

Individuals who wish to file a discrimination complaint involving LEP, Title VI, and related statutes, are directed to contact the agency's EO Officer at:

EO Officer
WorkForce West Virginia
2699 Park Avenue, Suite 240
Huntington, WV 25704
Phone: 304-528-5525
FAX: 304-528-5529
TDD 304-558-1549
or WV Relay at 7-1-1

Complaint forms in Spanish are available on the agency's website, or from WorkForce West Virginia's EO Office at the location shown above.