

City of Worcester



Limited English Proficiency Language Access

Policy and Procedures

January 2016

INTRODUCTION: The City of Worcester, an All American City, strives to be an all-inclusive community and is committed to ensuring that all residents have access to programs, services and information. The City of Worcester will not discriminate on the basis of disability, gender identity & expression, sexual orientation, race, age, color, religious creed, national origin, genetic information, ancestry, military service, source of income or language. This policy is designed to break down barriers that inhibit the ability to offer services to residents in languages other than English.

Implementation of this policy brings the City into compliance with long standing civil rights laws. Title VI, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. In 2000, Executive Order #13166, "Improving Access to Services of Persons with Limited English Proficiency" was issued which directed Federal agencies and all programs of entities who receive assistance from the federal government to take reasonable steps to ensure that Limited English Proficiency (LEP) persons have access to the programs, services and information that they provide.

An LEP person is someone who does not speak English as their primary language and has limited ability to read, speak, and/or write English at a level that permits him/her to interact efficiently with English speakers or documents without language assistance.

POLICY:

The City of Worcester will take reasonable steps to ensure that LEP persons have meaningful access and an equal opportunity to participate in our activities, programs and be able to access all services. The policy of the City of Worcester is to ensure meaningful communication with LEP persons and their authorized representatives involving services and programs. The policy also provides for communication of information contained in vital documents, including but not limited to, applications, statements, ordinances and relevant forms. All interpretation and translation services needed to comply with this policy shall be provided without cost to the LEP person being served, and such person 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, and a contract for language bank services with Ascentria Care Alliance who will provide interpretation and translation services either in person or via telephone contact. All city employees will be provided notice of this policy and procedure, and those that may have direct contact with LEP persons will be trained in effective communication techniques, including the effective use of an interpreter. Each department will be required to participate in a language survey so that a list of on-site bi-lingual employees can be available at each work site.

Each department will identify an LEP coordinator. These employees will serve as resources for other staff and will communicate directly with the City's human resources staff to report any

problems or concerns with the implementation of this policy. The Human Resource office will also serve as the grievance officer for the public in the event that a problem with accessing language services arises.

The City of Worcester will conduct a regular review of the language access needs of our constituent population, as well as update and monitor the implementation of this policy and these procedures, as necessary

PROCEDURES:

1. PROVIDING NOTICE TO LEP PERSONS

The City 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 customer service areas and other points of entry, including but not limited to the information booth in City Hall, all Customer Service counters in every City building including the Library and Workforce Development. Notification will also be provided through one or more of the following: outreach documents, local newspapers, radio and television stations, and community-based organizations.

2. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE

City of Worcester staff will promptly identify the language and communication needs of the LEP person. Staff in every department will be provided with a language identification card or posters to determine the language provided. The posters will serve to alert LEP customers that interpretation is available in their language and also provide staff with the number to call for service. In addition, when records are kept of past interactions with customers/residents, the language used to communicate with the LEP person will be included as part of the record.

3. OBTAINING A QUALIFIED INTEPRETER

When the need for interpretation arises, staff persons will first consult the employee list to determine if someone on staff can assist. If not, the contracted language bank will be accessed. Staff will be directed to call the Ascentria language bank and, by using a department specific account code, they will arrange for an immediate interpreter to speak to the customer on the phone. For those times when telephonic interpretation is not adequate to meet the LEP person's needs, the staff person will log onto the Ascentria website and make an appointment for an on-site interpreter within 48 hours. In the event of an emergency, every effort will be made by Ascentria to provide an interpreter as quickly as possible.

Departments who make house visits including, but not limited to, Health Department, Inspectional Services and Fire Inspection will carry language identification cards so that in the event a resident does not speak English, there can be effective interpretation at the home of the LEP person.

Public agency meetings such as Boards and Commissions will be required to provide interpretation services with proper notice but no later than 48 hours.

4. PROVIDING WRITTEN TRANSLATIONS

When translation of vital documents is needed, each division shall make every effort to use the google translation document on the City's website which will translate all online forms and documents in Spanish, Portuguese, Chinese, Vietnamese, Albanian, French and Polish with Arabic, Twi and Nepali added to the website by mid-January 2016. Should document translation be necessary in languages other than those available in Google Translate, divisions and departments should contact the Human Resources Office so that the document can be sent to Ascentria for translation.

The City will make every effort to provide written translation of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.

If there are fewer than 50 persons in a language group that reaches the five percent trigger, the City does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

Original documents being submitted for translation will be in final, approved form with updated and accurate legal information.

To determine if a document is 'vital,' the Human Resources Office will assess whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual. Whether a document is 'vital' may depend upon the importance of the program, information, or service involved, and the consequence to the LEP individual if the information in question is not provided accurately or in a timely manner.

Examples of 'vital' written documents could include the following:

- Consent and complaint forms
- Intake forms with the potential for important consequences
- Written notices of eligibility criteria, rights, denial, loss or decrease in benefits or services, and other hearings
- Notices advising LEP persons of free language assistance
- Applications for a program, activity, or to receive a City government benefit or service

5. DEPARTMENT LANGUAGE ASSISTANCE MEASURES

City employees should assess three factors in determining the most appropriate response to a request for Interpreter Services: **urgency, reasonableness, and timeliness.**

When determining **urgency**, staff should assess whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual.

- The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individual, the more likely language services are needed.
- If the activity is both important and urgent, it is more likely that relatively immediate language services are needed.
- If the activity is important, but not urgent, it is more likely language services are needed, but such services can be delayed for a reasonable period of time.
- If an activity is neither important nor urgent, it is more likely language services would not be needed.

When determining **reasonableness**, staff should determine the types of resources available or possible options available to determine if interpretation services are reasonable. Before using this factor as a reason to limit language assistance, large entities and those entities serving a significant number or proportion of LEP individuals should ensure their resource limitations are well-substantiated.

What constitutes **timeliness**? While there is no single definition for ‘timely,’ one clear guide is language assistance should be provided at a time and place that avoids the effective denial of the service, benefit, or right at issue or the impositions of an undue burden on or delay in important rights, benefits, or services to the LEP individuals. Where access to or exercise of a service, benefit, or right is not effectively precluded by a reasonable delay, language assistance can likely be delayed for a reasonable period.

6. RESPECTING AN LEP PERSON’S DESIRE TO USE HIS/HER OWN INTERPRETER

The City, with some exceptions, **may not require** an LEP person to use a family member or friend as an interpreter. Staff **must** make the LEP person aware of the option of having an interpreter without charge, or of using his/her own interpreter.

When determining whether to respect the desire of the LEP individual’s choice of interpreter, staff shall consider the following:

- Do you believe the interpreter competent in the circumstances?
- Do you believe the interpreter appropriate in light of the circumstances and subject matter?
- Is there an administrative or enforcement interest in accurate interpretation by the Department?
- Did you make a note in the record of the LEP individual’s decision and the offer of assistance?

Even if an LEP person wants to use his or her own interpreter, the City may want to consider providing an independent interpreter for certain events. Questions to consider:

- Are you conducting an administrative hearing?
- Is the contact a life, health, and/or safety situation?
- Is the contact about accessing important benefits and services?
- Is the contact about protecting an individual’s rights and access to important services?

- Are precise, complete, and accurate interpretations or translation of information and/or testimony considered critical?
- Is the competency of the LEP individual's interpreter not yet established?

While the LEP person's decision should be respected, there may be additional issues of competency, confidentiality, or conflict of interest. Extra caution should be exercised when the LEP person chooses to use a minor as the interpreter.

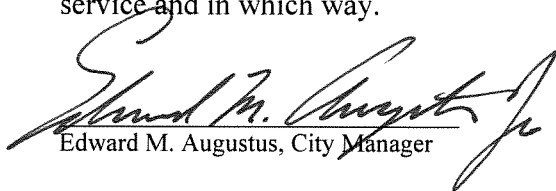
Employees should take reasonable steps and consider:

- Is the LEP person's choice voluntary?
- Is the LEP person aware of the possible problems?
- Does the LEP person know a competent interpreter can be provided at no cost?

7. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION

On an ongoing basis, the City will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, the City will regularly assess the efficacy 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 patients and community organizations, etc.

Every department will be assigned an access code for accessing interpretation services. This will allow Ascentria and the Human Resources Office to know which departments are utilizing the service and in which way.


Edward M. Augustus, City Manager

1-14-16
Date