

State of Oregon Governor's Office of Education and Workforce Policy Salem, Oregon 97310	Classification: MOA
	Date: June 5, 2001

Oregon Workforce Letter No. 4-01

TO: ALL LOCAL AND REGIONAL WORKFORCE BOARDS
 ALL STATEWIDE ACTION TEAM MEMBERS
 ALL STATE WORKFORCE AGENCIES
 ALL EO COORDINATORS AND STATE EO OFFICERS

FROM: Annette Talbott, Governor's Workforce Policy Coordinator

SUBJECT: Plan to Develop A Language Assistance Program for Persons with Limited English Proficiency

1. Purpose.

This letter details what steps the Governor's Office of Education and Workforce Policy (OEWFP) will take over the next year to implement any federally required policy guidance on serving individuals with Limited English Proficiency (LEP). The federal policy guidance specifies that recipients of federal WIA funds must take reasonable steps to ensure that LEP individuals receive the language assistance necessary to afford them meaningful access to the programs, services, and information those recipients provide, free of charge.

2. References.

The Workforce Investment Act, Section 188; 29 CFR part 37, particularly 29 CFR 37.35; and Federal Register, Vol. 66, No. 11, January 17, 2001, Notice. Page 4604 et seq.: Civil Rights Center: Enforcement of Title VI of the Civil Rights Act of 1964; Policy Guidance on the Prohibition Against National Origin Discrimination As It Affects Persons With Limited English Proficiency.

3. Background.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. and Section 188 of the Workforce Investment Act and implementing regulations provide that no person shall be subjected to discrimination on the basis of 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 ("recipients") from the U.S. Department of Labor (DOL) or other entities that participate in Oregon's One Stop system. This policy guidance is intended to

assist recipients in fulfilling their responsibilities to Limited English Proficient (LEP) persons pursuant to these federal laws and implementing regulations.

4. Description. The OEWP will, with the advice and assistance of local and regional boards, staff and state and local workforce partners:

a) Conduct an Assessment.

The OEWP will conduct a thorough annual assessment of the language needs of the population to be served throughout the state and by workforce area as 2000 census data becomes available;

b) Develop and Implement a Written Policy on Language Access.

The OEWP will develop and implement a comprehensive written policy that will ensure meaningful communication. This plan is amended on an annual basis, as needed, and the state will ask local boards to implement it based on the service population in the local area;

c) Conduct Training of Staff.

The OEWP will take steps to ensure that state and local staff understand the policy and are capable of carrying it out; and

d) Undertake Monitoring.

The OEWP or the state EO Officer will conduct regular oversight of the language assistance program to ensure that LEP persons can meaningfully access the program or activity.

5. Implementation. Phased In Over Program Years 2001-2002

6. Action Required. The state, local and regional workforce boards and recipients of WIA Federal funds shall:

a) Assist the OEWP in defining the “population eligible to be served”. The current policy guidance specifies:

“A significant number or proportion of the population eligible to be served, or likely to be directly affected, by a WIA Title I-financially assisted program or activity may need services or information in a language other than English in order to be effectively informed about, or able to participate in, the program or activity.”

b) Work with the OEWP to identify where such a significant number or proportion exists, what actions the recipient/board may wish to after considering:

(i) The scope of the program or activity; and

(ii) The size and concentration of the population that needs services or information in a language other than English; and

c) Consider the following four factors in determining the nature of the assistance that should be provided:

i the number or proportion of LEP individuals eligible to participate or likely to be directly or significantly affected by the program or activity;

ii the frequency of contact a participant or beneficiary is required to have with the program or activity;

iii the nature and importance of the program or activity to the participant or beneficiary; and,

iv the resources available to the recipient in carrying out the program or activity.

d) Based on the considerations above, ask the state and local workforce boards and recipients to take reasonable steps to provide services and information in appropriate languages as resources allow.

7. Inquiries.

Contact Annette Talbott, Governor's Workforce Policy Coordinator, at 503-378-3921, x 24 or Janie McCollister, Equal Opportunity Officer, at 503-947-1324.

8. Attachments

Federal Regulations

Model Language Assistance Program from federal policy guidance

Regulations Implementing WIA Section 188:
29 CFR 37.35

Sec. 37.35 What are a recipient's responsibilities to provide services and information in languages other than English? (a) A significant number or proportion of the population eligible to be served, or likely to be directly affected, by a WIA Title I-financially assisted program or activity may need services or information in a language other than English in order to be effectively informed about, or able to participate in, the program or activity. Where such a significant number or proportion exists, a recipient must take the following actions: (1) Consider: (i) The scope of the program or activity, and (ii) The size and concentration of the population that needs services or information in a language other than English; and (2) Based on those considerations, take reasonable steps to provide services and information in appropriate languages. This information must include the initial and continuing notice required under Secs. 37.29 and 37.30, and all information that is communicated under Sec. 37.34. (b) In circumstances other than those described in paragraph (a) of this section, a recipient should nonetheless make reasonable efforts to meet the particularized language needs of limited-English-speaking individuals who seek services or information from the recipient.

Model Plan for Language Assistance Program for Persons With Limited English Proficiency

The following is an example of a model language assistance program that is potentially useful for all recipients, but is particularly appropriate for recipients that serve a significant and diverse LEP population. See *Civil Rights Center: Enforcement of Title VI of the Civil Rights Act of 1964; Policy Guidance on the Prohibition Against National Origin Discrimination As It Affects Persons With Limited English Proficiency*. Federal Register, Vol. 66, No. 11, January 17, 2001, Notice. Page 4604-05.

This model plan incorporates a variety of options and methods for providing meaningful access to LEP beneficiaries:

1. A formal written language assistance program, reviewed annually;
2. Identification and biennial assessment of the languages that are likely to be encountered and estimating the number of LEP persons that are eligible for services and that are likely to be affected by its program or activity through a review of census, client utilization data and statistics from school systems, community agencies and organizations;
3. Outreach to LEP communities, advertising program eligibility and the availability of free language assistance;
4. Posting of signs in lobbies and in other waiting areas, in several languages, informing applicants and clients of their right to free interpreter services and inviting them to identify themselves as persons needing language assistance;
5. Use of "I speak cards" by intake workers and other client contact personnel so that applicants/clients can identify their primary languages;
6. Requiring intake workers to note the language of the LEP person in his/her record so that all subsequent interaction will be conducted in the appropriate language;
7. Employment of a sufficient number of staff, bilingual in appropriate languages, in applicant and client contact positions. These persons must be qualified interpreters;
8. Contracts with interpreting services that can provide qualified interpreters in a wide variety of languages, in a timely manner;
9. Formal arrangements with community groups for qualified and timely interpreter services by community volunteers;
10. An arrangement with a telephone language interpreter line;
11. Translation of application forms, instructional, informational and other key documents into appropriate languages other than English. Oral interpretation of documents for persons who speak languages not regularly encountered;
12. Procedures for effective telephone communication between staff and LEP persons, including instructions for English-speaking employees to obtain assistance from bilingual staff or interpreters when initiating or receiving calls from LEP persons;
13. Notice to and training of all staff, particularly applicant and client contact staff, with respect to the recipient's Title VI and Section 188 obligation to provide language assistance to LEP persons, and on the language assistance policies and procedures to be followed in securing such assistance in a timely manner;

14. Insertion of notices, in appropriate languages, about the right of LEP applicants and clients to free interpreters and other language assistance, in brochures, pamphlets, manuals, and other materials disseminated to the public and to staff;
15. Notice to the public regarding the language assistance policies and procedures, plus notice to and consultation with community organizations that serve LEP persons regarding problems and solutions, including standards and procedures for using their members as volunteer interpreters;
16. Adoption of a procedure for the resolution of complaints regarding the provision of language assistance, and for notifying and educating clients of the right to file a complaint of discrimination under Title VI and Section 188 with DOL; and,
17. Appointment of a senior level employee to coordinate the language assistance program and ensure that there is regular monitoring of the program.
18. Consideration of LEP needs when implementing new programs or activities, publishing new forms or notices, etc.