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and Inclusion  
  
Area General  
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0001-0100

## Language Access Policy - PO-0802

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### I. Purpose

The purpose of this policy is to ensure the agency provides customers with Limited English Proficiency (LEP) with meaningful access to the agency's programs, services, and benefits. The Oregon Employment Department is an equal opportunity agency and does not discriminate in employment or the provision of public services on the basis of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions, gender identity, and transgender status), sexual orientation, national origin (including limited English proficiency), age, disability, political affiliation or belief, citizenship or marital status, or participation in any Workforce Innovation and Opportunity Act Title I— financially assisted program or activity.

The agency will ensure that this policy achieves a legitimate business purpose; complies with the state's Affirmative Action Guidelines and state and federal laws; and reflects the agency's mission, vision, values, strategic goals, and commitment to equity and inclusion.

### 2. Applicability

This policy applies across all agency services and work sites.

### 3. Definitions

- A. Accessibility Statement (also known as a Babel notice): A short notice included in a document or electronic medium (*e.g.*, letter, website, “app,” email) in multiple languages informing the reader that the communication may contain vital information, and explaining how to access language services to have the contents of the communication provided in other languages. **OED’s Accessibility Statement must be translated into OED’s significant and additional languages.**
- B. Significant language: A language spoken by a significant number or portion of the population eligible to be served, or likely to be encountered by OED.
- C. Vital information: As defined by 29 CFR 38.4(ttt), information, whether written, oral or electronic, that is necessary for a person to understand how to obtain any aid, benefit, service, and/or training; necessary for a person to obtain any aid, benefit, service, and/or training; or required by law. Examples of documents containing vital information include, but are not limited to:
  - 1. Applications
  - 2. Consent and complaint forms
  - 3. Notices of rights and responsibilities
  - 4. Notices advising Limited English Proficient individuals of their rights, including the availability

of free language assistance

5. Rulebooks

6. Written tests that do not assess English language competency, but rather assess competency for a particular license, job, or skill for which English proficiency is not required

7. Letters or notices that require a response from the beneficiary or applicant, participant, or employee.

D. Additional language: A language that does not meet the standards of a significant language, but is the next level of priority for proactively translating vital information.

E. Babel notice: For plain language purposes, OED refers to this as an Accessibility Statement.

F. Limited English Proficiency/Proficient (LEP): People who do not speak English as their primary language and who have a limited ability to read, speak, write, and/or understand English can be described as Limited English Proficient (LEP). LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).

G. Qualified bilingual employees: Employees who have been assessed by an independent third party as able to conduct agency business in English and an additional language and provide meaningful access to Limited English Proficient customers. The agency selects the independent third party and pays for the assessments.

## 4. Policy

Once OED becomes aware of the preferred language of a Limited English Proficient customer for aid, benefit, service, or training, OED **must** convey vital information in that language.

A. If the preferred language is a significant language, OED **must** translate vital information in written materials into the significant language and make the translations readily available to the customer in hard copy or electronically.

1. OED determines significant languages using the following standards:

a. If the language is spoken or written by at least 25,000 people likely to be encountered or eligible to be served, as based on Oregon's labor force, OR

b. If the language is spoken or written by at least 2% of the people likely to be encountered or eligible to be served, as based on Oregon's labor force.

2. Based on the above standards, the significant language for OED is Spanish. OED **must** translate vital information in written materials into Spanish and make the translations readily available to the customer in hard copy or electronically.

B. For all non-significant languages, OED must still take reasonable steps to determine and meet the specific language needs of each Limited English Proficient customer who seeks to learn about, participate in, and/or access the aid, benefit, service, or training that the OED provides. For example, if translating the information is not reasonable or would not meet the specific customer's needs, OED may communicate the vital information through either qualified bilingual employees or contracted interpreters. The Procedure contains further examples.

C. As part of OED's commitment to customer service, OED will also make efforts to proactively translate vital information into additional languages, as guided by OED's Equity Framework. OED determines additional languages by analyzing customer language requests, the language preferences of Oregon's labor

force who speak English less than very well, and other relevant data.

- I. OED's additional languages are Simplified Chinese (written), Traditional Chinese (written), Cantonese (spoken), Mandarin (spoken), Vietnamese, Russian, Korean, Arabic, Somali, Lao, Amharic, and Farsi.

## **5. Review Schedule**

This policy will be reviewed every two years or more often as needed.

## **6. Exceptions**

There are no exceptions to this policy.

## **7. Compliance**

Failure to comply with this procedure may result in disciplinary action up to and including dismissal from state service. Please consult with a manager, division or deputy director, or human resources if you are unsure about compliance.

## **8. References**

- A. Section 188 of the Workforce Innovation and Opportunity Act  
<https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-188-workforce-innovation-opportunity-act>
- B. 29 CFR 38 – Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act  
<https://www.ecfr.gov/current/title-29/subtitle-A/part-38>
- C. Title VI, Civil Rights Act of 1964  
<https://www.dol.gov/agencies/oasam/regulatory/statutes/title-vi-civil->

[rights-act-of-1964#%3A~%3Atext%3DNo%20person%20in%20the%20United%20Cactivity%20receiving%20Federal%20financial%20assistance](#)

## Questions or Complaints

- Complaints/Equal Opportunity Officer: Eric Villegas, 503-947-1794, or [eric.l.villegas@employ.oregon.gov](mailto:eric.l.villegas@employ.oregon.gov)
- Complaint form: <https://www.oregon.gov/employ/Pages/Equal-Opportunity.aspx>