

<b>Limited English Proficiency Policy</b>	ARIZONA@WORK -Yuma County  Approval Date: January 9, 2022  Authorized by: Yuma County Workforce Development Board
---	--

**I. PURPOSE**

This policy provides guidance and establishes the procedures regarding the prohibition against national origin discrimination as it affects persons with Limited English proficiency (LEP).

**II. SCOPE**

This policy applies to all entities administering or receiving funds under WIOA Title 1, hereinafter referred to as “recipients”.

**III. POLICY**

The nondiscrimination and equal opportunity provisions found in Section 188 of WIOA and 29 CFR part 38 prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, child birth and related medical conditions, transgender status, gender identity), national origin (including LEP), age, disability, or political affiliation or belief.

Since national origin discrimination now includes LEP (29CFR Section 38.9) and specifically states that in providing any aid, benefit, service, or training under WIOA Title 1-financially assisted program or activity, a recipient must not, directly or through contractual, licensing, or other arrangements, discriminate on the basis of national origin, including LEP.

In addition, 29 CFR Section 38.41 added “LEP and preferred language” to the list of categories of information that each recipient must record about each applicant, registrant, eligible applicant/registant, participant (active or terminated) and terminee.

**IV. MEANINGFUL ACCESS:**

Recipients are required to take reasonable steps to ensure that LEP individuals have **meaningful access to their programs and activities**.

<b>Limited English Proficiency Policy</b>	ARIZONA@WORK -Yuma County  Approval Date: January 9, 2022  Authorized by: Yuma County Workforce Development Board
---	--

Reasonable steps include, but are not limited to, the following (29 CFR Section 38.9(b)(1):

- Conducting assessments of LEP individuals to determine their language assistance needs.
- Providing oral interpretation or written translation of both hard-copy and electronic materials, in the appropriate non-English languages, to LEP individuals.
- Conducting outreach to LEP communities to improve service delivery in needed languages.

Reasonable steps for providing **meaningful access to training programs** include, but are not limited to the following (29 CFR Section 38.9 (b)(2)(i)(ii) e following (29 CFR Section 38.9(b)(1):

- Written training materials in appropriate non-English languages by written translation, or by oral interpretation, or summarization.
- Oral training content in appropriate non-English languages through in-person or telephone translation.

Furthermore, recipients should ensure that every program delivery method, whether it be in person, electronic, or by phone, conveys in the appropriate language how an LEP individual may effectively learn about, participate in, and/or access any aid, benefit, service, or training available to them.

As new methods for the delivery of information or assistance are developed, recipients are required to take reasonable steps to ensure that LEP individuals remain able to learn about, participate in, and/or access any aid, benefit, service, or training available to them (29CFR Section 38.9 (c)).

## **LANGUAGE ASSISTANCE SERVICES**

<p><b>Limited English Proficiency Policy</b></p>	<p>ARIZONA@WORK -Yuma County</p> <p>Approval Date: January 9, 2022</p> <p>Authorized by: Yuma County Workforce Development Board</p>
--	--

Language assistance generally comes in two forms: Oral Interpretation or Written translation.

Recipients must ensure that above all, these services are **free of charge and provided in a timely manner**. An LEP individual must be given adequate notice about the existence of interpretation and translation services and that they are available free of charge. Language assistance will be considered timely when it is provided at a place and time that ensures equal access and avoids the delay or denial of any aid, benefit, service, or training (29 CFR Section 38.9 (d) and ( e)).

**INTERPRETER SERVICES**

Recipients shall not require an LEP individual to provide their own interpreter. Furthermore, recipients **shall not rely on an LEP’s minor child for adult family or friend to interpret or facilitate communication, except for the following circumstances:**

- In emergency situations while awaiting a qualified interpreter.
- When the information conveyed is of minimal importance to the services to be provided.
- When an LEP individual specifically requests that an accompanying adult provide language assistance and they agree to provide assistance to the individual. If a recipient permits an accompanying adult to serve as an interpreter for an LEP individual, it must make and retain a record of the LEP’s individual’s decision to use their own interpreter.

Finally, where precise, complete, and accurate interpretations or translation of information and/or testimony are critical for adjudicatory or legal reasons, sub-recipients can still provide their own interpreter as well. This also applies in cases where the competency of the interpreter requested by the LEP individual is not established (29 CFR Section 38.9 (f)).

<b>Limited English Proficiency Policy</b>	ARIZONA@WORK -Yuma County  Approval Date: January 9, 2022  Authorized by: Yuma County Workforce Development Board
---	--

### **VITAL INFORMATION**

For languages spoken by a significant portion of the population eligible to be served or likely to be encountered, sub-recipients must translate vital information in written materials into these languages. These translations must in turn be readily available upon request in hard copy or electronically. Written training materials offered or used within employment-related training programs are excluded from these translation requirements.

Recipients must also be sure to include Babel Notice, indicating that language assistance is available in all communications of vital information. This includes letters or decisions in hard copy on electronic formats (29 CFR Section 38.9 (g)).

Finally, to the extent otherwise required by 29 CFR Part 38, once a recipient becomes aware of the non-English preferred language of an LEP beneficiary, participant, or applicant for aid, benefit, service, or training, the recipient must convey vital information in that language (29 CFR Section 38.9 (h)).

### **MOST FREQUENT LANGUAGE/ WIOA SERVICES**

According to the Arizona Job Connection (AJC) data collection system, the most frequent used languages for WIOA services in Yuma County are:

1. English
2. Spanish

### **V. PUBLIC OUTREACH AND NOTIFICATION**

This LEP policy will be posted on the ARIZONA@WORK-Yuma County website and it will be provided to the public upon request; Clients will be notified of the Policy at the first point of contact. Notification includes signs in intake areas or other customer entry points, outreach documentation such as posters and written materials especially in the areas with high concentrations of Spanish speaking population.

<b>Limited English Proficiency Policy</b>	ARIZONA@WORK -Yuma County  Approval Date: January 9, 2022  Authorized by: Yuma County Workforce Development Board
---	--

## **VI. PROCEDURES**

### **IDENTIFYING LEP INDIVIDUALS**

- At the first point of contact with individuals, recipients' staff should make reasonable efforts to conduct or arrange for an initial assessment of the need for language assistance services and make reasonable efforts to obtain such services
- Recipient staff can determine whether an individual needs language assistance in several ways:
  - Identifying the language the individual speaks if not English, and immediately finding an employee that can translate or that can assist them in the preferred language (usually Spanish);
  - Inquiring if the individual speaks English or another language?
  - Observing the individual's use of the "I speak...(language)" identification card.
- Arizona Job Connection captures the LEP status of all applicants at registration. The questions are:
  1. Is it hard for you to speak, read, write, or understand English; and
    - a) English is not your native language; or
    - b) You live in a family or community where English is not the main language?
  2. What is your native language?

### **ORAL LANGUAGE INTERPRETATION**

Recipient staff will assist LEP individuals in face-to-face and telephone encounters with oral interpreters or employees. At the time of first contact, the interacting staff member will determine whether the individual has LEP by

<b>Limited English Proficiency Policy</b>	ARIZONA@WORK -Yuma County  Approval Date: January 9, 2022  Authorized by: Yuma County Workforce Development Board
---	--

determining the primary language and implementing or procure the appropriate language assistance. Staff may identify an individual’s primary language using the methods mentioned above.

Recipient staff strictly limit and do not encourage the use of friends or family as interpreters. Permit such use only after meeting all of the following conditions:

- The LEP individual declines the right to free interpreter services and requests the use of a family member or friend;
- When the information conveyed is of minimal importance to the services to be provided;
- The use of such a person will not compromise the effectiveness of services or violate the LEP individual’s confidentiality; and
- The LEP individual’s file will have documented the offer and declination of free interpreter services.

If a LEP individual elects to use a friend or family member as an interpreter, the Local Board recommends that an alternate interpreter sit in on the encounter to ensure the accuracy of the interpretation.

**TRANSLATION OF WRITTEN MATERIALS**

Translation of Written Materials Translation of written material is the replacement of written text from one language (source language) into equivalent written text in another language (target language).

- Written materials may include but are not limited to: letters containing important information regarding participation in programs; notices pertaining to the granting or denial of benefits; notices of appeal rights; notices that require responses from beneficiaries; notices advising LEP individuals of the availability of free language assistance; and other outreach materials. Translation may include all or part of a document.

<p><b>Limited English Proficiency Policy</b></p>	<p>ARIZONA@WORK -Yuma County</p> <p>Approval Date: January 9, 2022</p> <p>Authorized by: Yuma County Workforce Development Board</p>
--	--

- Recipients should determine, on a case-by-case basis, the extent of the obligation to provide translated documents. Consider translating any document or information if it contains critical information for accessing WIOA programs, services, benefits or is required by law.
- Recipients will ensure that the individual translating the materials is appropriately qualified and the translations accurately convey the required information. For example, some verbatim translations may not accurately convey the substance contained in the original written materials.

To determine the resources available to provide language assistance to LEP persons and the costs associated with those resources, recipients shall explore the most cost-effective means of delivering competent and accurate language services. This exploration includes determining costs associated with translating documents, contracting interpreters, and securing other language assistance methods as needed in addition to using recipient staff who can assist customers in specific languages.

The recipient is required to have any WIOA materials produced translated to Spanish as it is the most frequently spoken language in Yuma County, after English.