

DATE: February 1, 2021

OPERATIONS MEMORANDUM #21-02-01

SUBJECT: Limited English Proficiency (LEP) Resources and Procedures

TO: Executive Directors

FROM: Inez Titus
Director
Bureau of Operations

PURPOSE

To provide County Assistance Offices (CAOs) with the guidelines and procedures to provide language assistance for individuals with LEP to ensure meaningful and comprehensive access to benefits and services. To provide the procedure for CAOs to request translations.

BACKGROUND

Title VI of the Civil Rights Act of 1964 states "No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. §2000d). The prohibition of discrimination based upon national origin has been interpreted to mean that no person shall be denied access to services due to LEP.

DISCUSSION

All staff who have contact with clients must ask clients what their preferred language is and record that language preference in the language field in CIS data entry. Case comments must also include the type of language assistance services offered to an individual as applicable.

Language services will be provided through bilingual staff (if available) or through language services and include interpretation for oral communication and transliteration for written communication. The Office of Income Maintenance (OIM) has established contracts for telephonic and written translation services. The preferred languages of significant portions of our recipient population are Spanish, Russian, Vietnamese, Cambodian (Khmer), Arabic, and Chinese. To meet the needs of these populations, Office of Income Maintenance (OIM), Bureau of Policy (BOP)

has identified vital documents and translated those documents into additional languages. These applications and other vital documents are located in DocuShare. In order to comply with Title VI, CAOs must utilize all available documents and resources to assist individuals with LEP. OIM continues to ensure that all required languages are translated in compliance with Title VI of the Civil Rights Act of 1964 to ensure meaningful and comprehensive access to benefits and services for LEP individuals.

The OIM Communications Coordinator has been designated as the Language Assistance Coordinator (LAC) and serves as a liaison between OIM and the United States Department of Health and Human Services, Office of Civil Rights. The LAC provides support and guidance to CAOs and OIM contractors with respect to compliance with the nondiscrimination protections for individuals. The LAC reviews and responds to questions and complaints that have been elevated from a local level to ensure OIM's compliance with Title VI. The LAC will forward complaints involving equal opportunity to the Department of Human Services (DHS), Office of Administration (OA), Bureau of Equal Opportunity (BEO). The LAC informs and monitors LEP compliance by contractors, subcontractors, grantees, and subgrantees, at the time of contract/grant inception or renewal. The LAC will collect and maintain reports from OIM Bureau of Program Support (BPS) related to language assessments.

Each bureau and local office under the authority of OIM is responsible for designating a Limited English Proficiency Coordinator (LEPC) who will assist local staff and business partners in identifying local language needs, interpreter and translation resources and the means, location and availability of timely access to such services. CAOs should ensure that they have a designated LEPC and that the coordinator is aware of their role.

The LEPC's duties also include, but are not limited to:

- Maintaining an LEP resource file.
- Providing information regarding LEP as requested or as needed.
- Providing technical assistance regarding compliance with the LEP requirements of Title VI of the Civil Rights Act.
- Monitoring local office compliance with the LEP requirements of Title VI.
- Monitoring provision of training for both newly hired and existing staff.
- Monitoring the provision of notice of free interpretation and translation services through posters and flyers.
- Ensuring that translated written materials are displayed and readily available at local offices.
- Collecting data regarding use of language services.
- Periodically reassessing language needs of the population served to identify any changes and to assure that appropriate local language services and resources are available.

- Providing an annual report to OIM on LEP activities and findings for the previous year including any adjustments made or needed in policies or procedures.

The LEPCs are responsible for ensuring the OIM staff in their office are adequately trained and made aware of available resources to assist clients with LEP. All available LEP information is located on the MyDHS LEP page (<http://mydhs/oim/lep/index.htm>).

An update of the LEPCs will be made yearly to ensure the contacts are current.

PROCEDURES

For cases in which an Agreement of Mutual Responsibility (AMR) is completed for a client with LEP, the client should be provided two copies of the completed AMR, one in English and one in the preferred language of the client. The English copy is needed for employment and training contractors or others who assist the client, as well as being needed by the CAO. The CAO LEPC will send the completed English AMR to the Area Staff Assistant who will work with BOP to facilitate the translation into the preferred language. Both copies of the AMR (one in English and one in the client's preferred language) must be imaged to the case record.

Form [General Guidance for Volunteer Interpreters](#) and [Volunteer Interpreter Statements, PA 1777](#), is to be used when a Volunteer Interpreter assists in interviewing the client. This form is to be used at each face-to-face interview that is conducted with the assistance of a Volunteer Interpreter, unless the form has been completed at a prior interview, at which the volunteer served as interpreter for the client. A Volunteer Interpreter is defined as an individual who is not a CAO staff person or a person who is a paid contractor for interpreter service. OIM will not require an individual with LEP that has requested translation or interpretation services to use family members or friends to provide interpretation or translation services against their will. OIM will make such individuals with LEP aware and will emphasize that they have the option to use an interpreter provided by OIM free of charge.

If an individual with LEP elects to use a family member or friend to provide interpretation, OIM staff or contractors shall take reasonable steps to determine whether the individual providing the interpretation sufficiently understands English or is otherwise competent to perform interpretations. OIM staff or contractors will take reasonable steps to determine whether confidentiality or other concerns, such as age, make the family member or friend inappropriate. Minor children should be the last resort for providing translation services and must meet the standard to be considered competent to provide translation services including understanding confidentiality requirements and be sufficiently proficient in understanding English. If the family member or friend is not competent or appropriate for the circumstances, OIM staff or contractors shall offer and recommend interpreter services in place of, or, if appropriate, in addition to the person by the individual with LEP and will emphasize that these services are being provided at

no charge to the individual. In addition to an English version, there are eight additional versions of the *Volunteer Interpreter Statements* document containing the Client Statement For Use of a Volunteer Interpreter portion of the form translated into either Spanish, Russian, Vietnamese, Cambodian, Arabic, Nepali, Korean, and Chinese that can be found on OIM Online Forms. The form in the language spoken by the person with LEP that is being served is to be used.

Once the Volunteer Interpreter has completed the form, a copy is given to the client and the volunteer, and the original is scanned to the case record. Please note that the case record must always indicate when any interpreter is used. If the Volunteer Interpreter refuses to sign the *Volunteer Interpreter Statements* form, the individual may not act as an interpreter for the client in the interview, even if the client wants the individual to be the interpreter.

Phone Translation Services

It is the responsibility of each OIM bureau to ensure through its contracts, grants, or other means; that contractors, subcontractors, grantees and subgrantees adhere to the LEP policy.

OIM staff shall ensure that contracts, grants, requests for proposal, grant announcements, and similar documents contain language specifying the requirement under Title VI to assure that persons with LEP have meaningful access to DHS programs. Access can be provided through the provision of bilingual staff or competent interpreting and translation services. Propio LS LLC is contracted for all over-the-phone translation services.

Please see the linked documents which include a poster that provides a list of languages covered under the contract, the instructions card with the telephone number to call for the service, a tips guide for working with the interpreters, and a guide to help you say [“One moment please” in 18 languages](#).

[Tips for Working With Interpreters – Propio](#)

[Language ID Poster – Propio](#)

[Instruction Card for Over-the Phone Interpreting](#)

[An expanded list of codes is available at: <http://www.languagecode.info/>](#)

Document Translation Services

If CAOs require translation of a document sent in by a client, they must utilize their bilingual staff to translate whenever possible. In instances when this is not possible, the CAO may request translation of the received document. The CAO staff will make the request to the LEPC. The LEPC will provide a copy to their Area Staff Assistant who will work with BOP to review the request and facilitate the translation.

Please use the following directions to access Departmental forms and other vital documents for Spanish, Russian, Vietnamese, Cambodian, Arabic, and Chinese-speaking individuals:

- From your desktop, click on the “OIM Online Forms” icon
- Click the “Statewide Forms” button on the top of the website
- Locate the language folder you require (either on page 1 or page 2)

NOTE: Forms can also be found by entering the desired language in the “Search” field.

Listed below are direct links to our language folders:

- [Cambodian-Forms and Applications](#)
- [Chinese-Forms and Applications](#)
- [Russian-Forms and Applications](#)
- [Spanish-Forms and Applications](#)
- [Vietnamese-Forms and Applications](#)
- [Arabic-Forms and Applications](#)
- [Other Languages Applications](#)

Language Access

OIM has established the following procedures to ensure suitable points of access for clients:

- It is the responsibility of CAO staff or staff of a DHS contractor to notify applicants and recipients of the availability of oral and written language services at no cost to the applicant/recipient.
- Provide the LEP client with the [Preferred Language Flyer](#) (PA 1965)
- The CAO staff must narrate whether language assistance was used or declined and indicate who (individual, organization) provided interpretive services.
- The provider may NOT request or require the use of family members (including children) and/or friends as interpreters.
- Each office that serves clients directly shall display posters and distribute flyers announcing the availability of free interpretation and translation services provided by OIM.
- Provide the client with oral language interpretation, including in-person interpreters.

- Provide translation of vital documents and portions of documents into frequently encountered language. Vital documents include but are not limited to:
 - documents that must be provided by law;
 - application forms;
 - client-notices providing information on changes in benefits and services;
 - consent and release forms;
 - referrals for services;
 - time-sensitive notices, including notices for renewal of benefits;
 - written material related to individual rights; notice of rights, requirements, or responsibilities;
 - notices regarding the availability of free language assistance services for individuals with LEP.

Staff Training

To meet OIM LEP standards, all staff must be aware of the need to provide language services for LEP clients. Immediate orientation and ongoing training regarding LEP policies, procedures, and available resources are vital in raising awareness and enhancing overall communications.

Clerical and Income Maintenance staff are to be instructed in identifying persons with LEP and offering language assistance services. A notation of this offer must be made in the client's case file. If the applicant/client refuses the offer for language assistance, his/her refusal, along with the method used to communicate, must be documented as well. In addition, when an appeal is submitted to the Bureau of Hearing and Appeals (BHA) for an individual with LEP, the CAO must notify BHA of the need for an interpreter.

OIM Staff Development conducts a mandatory web based LEP training through Learning Solutions (LSO) for new employees and contractors who will continue to receive this training no later than 30 days from the start date of employment. The LEP training is a mandatory yearly training for all CAO employees.

As a continuing effort to address LEP issues a Website is available on the OIM tab of MyDHS. Clicking on "LEP" on the left-hand navigation menu gets you to the LEP web page.

NEXT STEPS

1. Review this Operations Memorandum with all CAO staff.
2. Direct questions regarding this Operations Memorandum to your Area Manager.
3. Operations Memorandum 02-06-02; Operations Memorandum 04-06-04; Operations Memorandum 14-12-04; and Operations Memorandum 15-12-01 will be obsoleted as a result of this Operations Memorandum.
4. This Operations Memorandum will become obsolete when all information is incorporated into the applicable Handbooks.

ATTACHMENTS

Attachment 1: [General Guidance for Volunteer Interpreters](#)

Attachment 2: [Volunteer Interpreter Statements, PA 1777](#)

Attachment 3: [One moment please” in 18 languages](#)

Attachment 4: [Tips for Working With Interpreters – Propio](#)

Attachment 5: [Language ID Poster – Propio](#)

Attachment 6: [Instruction Card for Over-the Phone Interpreting](#)

Attachment 7: [Cambodian-Forms and Applications](#)

Attachment 8: [Chinese-Forms and Applications](#)

Attachment 9: [Russian-Forms and Applications](#)

Attachment 10: [Spanish-Forms and Applications](#)

Attachment 11: [Vietnamese-Forms and Applications](#)

Attachment 12: [Arabic-Forms and Applications](#)

Attachment 13: [Other Languages Applications](#)

Attachment 14: [Preferred Language Flyer](#)