District of Columbia Office of Human Rights

July 2022



DC Grantee/Contractor Language Access Implementation Guide



DISTRICT OF COLUMBIA OFFICE OF HUMAN RIGHTS

441 4th Street NW, Suite 570N Washington, DC 20001

Phone: (202) 727.4559 Fax: (202) 727.9589

ohr.dc.gov facebook.com/dcohr twitter.com/dchumanrights instagram.com/dchumanrights

Office of Human Rights DC Grantee/Contractor Language Access Implementation Guide

The Language Access Program is housed under the District of Columbia Office of Human Rights (OHR). It exists to eliminate language-based discrimination, enabling DC residents, workers, and visitors to receive equivalent information and services from DC government agencies (also referred to as "covered entities"), including <u>public-facing contractors and grantees</u>, who receive funding from the DC Government also known as "funded entities." As a DC government funded entity, your respective organization/program has an obligation to comply with the DC Language Access Act of 2004 ("the Act"). The Act requires that all DC government agencies ensure that the Limited English Proficient and Non-English Proficient (LEP/NEP) population has equal access to the full range of government services by receiving translation and interpretation services.

The District of Columbia is one of the most linguistically diverse cities in our nation, and this guide is meant to assist your organization/program prepare for the possibility of engaging with someone from the LEP/NEP community. This guide explains the implementation of each compliance area and the proper way to use and display associated resources. The guide also provides information on helpful tools and resources used in the implementation of the Act's requirements. Please note that this guide is a resource and educational tool and is not meant to provide legal advice.

The following are the six Language Access (LA) compliance requirements that will be covered in this guide:

- I. Collect data on encounters with LEP/NEP customers and report this data to the covered entity on a quarterly basis
- II. Provide oral interpretation services via qualified telephonic interpreters, inperson interpreters, or bilingual staff, who can facilitate language communication
- III. Translate vital documents according to the same standards required of the covered entity
- IV. Train personnel on language access compliance requirements
- V. Certify in writing that the Act compliance requirements will be satisfied
- VI. Display multilingual signage, which communicates the availability of interpretation and translations services in all public facing locations
- VII. Outreach that engages the LEP/NEP communities

I. Data Collection:

The Act requires covered entities and their funded grantees/contractors to <u>collect and</u> <u>report data quarterly</u> on the demand for language assistance by LEP/NEP individuals, called encounters, to understand the linguistic needs of an organization or program. Encounters include interactions with both groups of people and individuals.

Most covered entities have several points of contact with the public. A comprehensive data collection system will gather information from each of these points of contact, including hotlines, walk-in facilities, mobile units, community events, and online applications for services. Each interaction counts as an encounter because every interaction uses government resources.

OHR's LA program requires the following components in data collection reports:

- Languages Encountered, which refers to the language preferred by the LEP/NEP individual
- Number of Encounters per language, which refers to the number of times a language other than English was used to communicate.
- Mode of Interpretation, which refers to the method used to provide language service to communicate with the LEP/NEP individual, there are three manners in which these encounters occur and should be captured for reporting purposes:
 - A telephonic interpreter refers to a telephonic language service provider (such as Language Line Solutions) and is used to communicate with a LEP/NEP individual in their preferred language. Telephonic interpretation can be used in daily communication.
 - An *in-person interpreter* is used to communicate with the LEP/NEP individuals in their preferred language. An in-person interpreter refers to an impartial individual that has interpreter training certification.
 - A bilingual staff member refers to an individual in your organization who is fluentin the LEP/NEP individual's primary language and can facilitate communication. As a representative of your organization, the bilingual staff member is not an impartial interpreter.

The Language Access Coordinator (LAC) or Point of Contact (POC) from your DC Government Agency will inform your organization/program of the way data will be collected. It is recommended to exclusively use <u>professional and qualified interpreters</u> and not family, friends, neighbors, volunteers, bystanders of the LEP/NEP individual without obtaining a waiver.

II. Interpretation Requirements

As funded entities (grantees/contractors) your respective organization/program must offer interpretation services in the primary language spoken by the customer identified as LEP/NEP. Language services can be provided through telephonic interpretation, bilingual staff or through a professional interpreter (as noted in the text above).

Funded entities are required to set up an active account with a telephonic interpretation service provider in order to always have access to an interpreter over the phone. DC Government agencies can also opt to let funded entities use their Language Line Solutions (LLS) account for telephonic interpretation services. To set up a new account, funded entities should contact LLS directly (call 1-800-752-6096 and press 4).

The following are tips and answers to frequently asked questions to use when attempting to provide language services to the LEP/NEP customers:

- Please do not make guesses or assumptions about the customer's language preference. If the communication or encounter with the LEP/NEP client is over the phone then you should let the customer speak and if you don't understand, then proceed to call the telephonic interpretation provider: Language Line Solutions and you will be assisted to figure out the individual's preferred language.
- If the communication or encounter with the LEP/NEP client is in person, you should show her or him the Language Identification poster for the customer to choose their preferred language. and then proceed to access telephonic interpretation service through Language Line Solutions.
- How do I tell a customer over the phone to hold on while I get an interpreter if I don't speak the customer's language? The best option is to stick with standard pronunciation, pause between words, and avoid contractions or idioms. For example, don't say "hold on" instead say "wait a minute" or "one moment please". If you are assisting a Spanish speaker and you have a basic Spanish pronunciation level, you may say "un momento por favor" or simply "un momento".
- Is it ok to make a LEP/NEP customer wait until a bilingual employee is available? No. Employees should use the Language Line Service as the first resource while serving LEP/NEP customers.
- Can a child provide interpretation services to a parent customer? No. Employees should never allow children to perform interpretation services for their parent/guardian. DDC funded organizations/programs' employees are required to offer qualified interpretation services thru the Language Line.
- Can an adult provide interpretation customer? Yes, but only if the customer signs the Language Access Waiver first. Employees should always offer qualified telephonic interpretation services regardless of the situation. If an in-person customer refuses to
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use the Language Line service because s/he prefers an adult family member or friend to perform the interpretation, the customer must sign the waiver in order to obtain services. The age of the accompanying family member or friend should be verified, they must be at least 18 years of age to serve in such capacity.

III. Translation Requirements

As funded entities (grantees/contractors) your respective organization/program must translate vital documents.

Vital documents must be translated into any language spoken by Limited English Proficient/Non- English Proficient (LEP/NEP) populations that constitute 3% or 500 individuals, whichever is less, of the population served or encountered, or likely to be encountered, by the covered entity or by its grantees and contractors. As more fully described in the Implementation Resources section below, OHR encourages the use of multilingual taglines on non-vital documents. LEP/NEP populations vary somewhat, but the top languages in the District include Spanish, Amharic, French, Chinese, Korean, Vietnamese, Arabic, Tagalog, German, Korean, Portuguese, and Russian. Please note that Chinese in written form is either Simplified Chinese or Traditional Chinese. Also note that for oral interpretation the most encountered Chinese dialects are Cantonese and Mandarin.

The following are two of the most common questions received regarding translation.

- What is a vital document? A vital document is defined as applications and their instructions, notices, complaint forms, legal contracts, correspondence, and outreach materials published by a covered entity in a paper or electronic format including but not limited to those which inform individuals about their rights and responsibilities or eligibility requirements for benefits and participation, as well as documents that pertain to the health and safety of the public.
- What should I do if I receive correspondence in a foreign language? If an employee receives correspondence in a foreign language or otherwise discovers that a customer needs to receive correspondence in a language other than English, notify your supervisor immediately. Your respective organization/ program should provide guidance on getting the correspondence translated. It is recommended that a response is sent in the target language and not in English.

IV. Training Requirements

All employees of funded entities in public contact positions must be trained on the requirements of the DC Language Access Act and the resources to use to serve LEP/NEP customers. Language Access Compliance trainings are provided by OHR or by the funding agency and may be delivered in the following formats upon approval by OHR: web-based training by developing an online module or through a virtual meeting platform. Note that training can also be requested from the Office of Human Rights by contacting 202-727-4559.

V. Certification of grantee/contractor compliance with the DC Language Act of 2004

The District government agency that provides funding to the grantee's respective organization/program must include LA compliance requisites in the contract or Memorandum of Understanding (MOU). District government agencies are also required to ensure that contractors hired to carry out services, programs, or activities directly to the public comply with the Language Access Act.

VI. Display multilingual signage

Funded entities (grantees/contractors) must display signage on the availability of interpretation and translations services in all public facing locations: waiting areas, meeting rooms, intake rooms.

VII. Outreach

Please note that the following guidance for outreach is only required of entities that receive funds from a major public contact agency (see full list of designated agencies on page 12). If your entity receives funds from a non-major public contact agency and want to engage the LEP/ NEP community through outreach, please see the list below for possible engagement strategies:

- (a) Organizing events in LEP/NEP communities (including fairs, community meetings, forums, educational workshops);
- (b) Deploying entities' mobile unit/truck/van to visit specific community centers, community based organizations or schools;
- (c) Disseminating information through LEP media outlets (including local TV, newspapers, and radio);
- (d) Deploying outreach personnel to visit and/or perform regular "walk throughs" within the various LEP/NEP communities;
- (e) Partnering with community based organizations for the implementation of projects and/or delivery of services;
- (f) Distributing flyers, brochures, and other printed material in diverse languages and at diverse locations;
- (g) Disseminating information through entities' websites;

- (h) Issuing press releases in diverse languages and directing those press releases to media outlets serving the LEP/NEP community;
- (i) Implementing a topic-specific campaign to raise awareness of a particular service or project in an LEP/NEP community;
- (j) Sponsoring educational, informational, cultural and/or social events in LEP/NEP communities;
- (k) Participating in LEP/NEP community events and/or meetings;
- Inviting LEP/NEP community members to visit agency service site(s) and government facilities;
- (m) Cosponsoring community events with LEP/NEP community based organizations;
- (n) Participating in and/or cosponsoring events that target the District's LEP/NEP communities with other District government agencies;
- (o) Organizing regular needs assessment meetings with LEP/NEP community based organizations.

To engage the LEP/NEP community in an inclusive and equitable manner outreach material should be linguistically appropriate. To achieve this, the outreach material should be translated into the target languages. It should also include the steps to arrange for language access services prior to the event. The LA program has developed taglines in the top six languages encountered in the District that state the following: "If you are interested in participating in this event and would like language assistance, please call: (###)###-#####."

Note that the phone number that should be listed is for your establishment/program and not language line solutions. It is also important to inform those that will receive the expected influx of calls from the LEP/NEP community of the event and how to arrange for interpreter assistance. Below is an example of the proper use of taglines within an English only outreach material:



Below you will find an example of the proper use of a linguistically appropriate tagline within a translated outreach material:



Note that the tagline is still needed for the LEP/NEP individual to arrange for language services.

Equitable Language Access and Event registration

If the advertisement states that language access services can be provided at the event, then the registration process should also be made available in those languages. Below you will find an example:

Join the DC Office of Human Rights for Fair Housing Month (FHM) as we discuss the variety of ways COVID-19 has impacted fair housing. About this event

Come celebrate FHM with us on April 7th at 6:00pm with a virtual panel discussion.

Our guest speakers include a real estate agent, housing advocate and the Office of the Tenant Advocate. Each will share how the COVID-19 pandemic has reshaped housing and how it has impacted fair housing practices, as well as what steps need to be taken to address these new issues we now face.

Zoom link to be provided closer to the event date. We will also be broadcasting the event on Facebook Live (facebook.com/DCOHR)!

To request a reasonable accommodation or interpretation, please email (insert email contact) or call (###) ###-##### at least 3 business days before the training date.

በCOVID/Coronavirus (ኮሮናቫይረስ) ወቅት ፍትሃዊ የ<mark></mark>ኖሪያ ቤት

የፓናል ውይይት

COVID-19/Coronavirus (ኮሮናቫይረስ) ፍትሃዊ የሞኖሪያ ቤት ላይ ተጽዕኖ የፈጠረበትን የተለያዩ ሞንንዶች ላይ የምንወያይበትን የዲሲ የሰብዓዊ ሞብቶች ቢሮ የፍትሃዊ የሞኖሪያ ቤት ወር (FHM) ይቀላቀሉ። ይምጡ እና ኤፕሪል 7፣ 6፡00ፒኤም ላይ በቨርችዋል በምናደርንው የፖናል ውይይት FHMን እናክብር።

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Outreach and Language Access resources

When conducting outreach and you have a table setup, it is recommended to prominently display the availability of LA resources. This allows the LEP/NEP individual to request language services to learn about your establishment/program's services and activities. Please see the example below:



Language Access Implementation Resources

As mentioned, funded entities are required to display signage to inform their LEP/NEP client base about the availability of LA resources. Below is an image of two important resources the Language Identification poster and the "I Speak" cards.

The **Language Identification poster** is tailored for DC's most common languages, and it is available on the OHR website for easy download. Note that the Language Line also provides a similar poster. It is an excellent tool to identify a speaker's language. As a reminder, the Language Line can assist you if you are unsure of the preferred language of the LEP/NEP individual.

The **"I Speak" card** communicates the LEP/NEP individual's language preference to government employees and funded entities. The LEP/NEP individual may also self-identify by presenting District employees with an "I Speak" card. The DC Office of Human Rights distributes wallet-sized copies of these cards, which are available in Amharic, Arabic, Chinese, French, Korean, Portuguese, Russian, Spanish, Tagalog, and Vietnamese. Below is an image of the proper manner to display the advertisement of the availability of language access resources:



Interpreter Waiver Form

Covered entities and their grantees/contractors are required to always use professional interpreters or bilingual staff and should never rely on minors, friends, family members, or

Tôi,	xác nhận rằng	đã thông báo cho tồi rằng
theo Đạo Luật Tỉ of 2004), tôi đượ đảo tạo. Bằng vi chọn sử dựng mỹ người này chưa đ "insert Agency Nane không gảnh chịu cùng hiểu rằng v Nếu tôi cần thông	hóng Tin Đa Ngôn Ngữ của L c quyển sử dụng một thông đi čc kỳ tên đười đảy, tối xác r t thống địch viên khác mà tối tược cho trên khác mà tối chorer Ageso Name kerc- không chịu trách nhiệm về kere- bất kỳ trách nhiệm pháp lý ni cế khước từ này chỉ áp dụng	C năm 2004 (D.C. Language Access Ac da viên aniše phi chuyên nghiệy và đã qua dà tim được để nghiệ để và. Thời biết rằng ểt đến hoặc kiểm tra và chug việc cung cấp các dịch vù này và chug no có thể này sinh tri các dịch vu này. Thời giữp đó sua này, tối sế thông bảo trực hước:
Tên In Ký Tên		Ngây
OFF	ER OF FREE INTERPRETER	SERVICES WAIVER FORM
Act of 2004 at n and opted to rely this individual w incur any liabilit only applies to th in the future, I wi	o cost to me. By signing belo on interpreter assistance by s as not identified by or vetted the is neither responsible for the	as required by the D.C. Language Access w I agree that I have refused this service omeone I have identified. I am aware that rough and that he provision of these services nor does not ervices. I am also aware that this waive ervicet assistance from
Print Name		
Signature		Date
D.C. Office of Human	Rights 20m 2. IV DCMR	

other customers to serve as an interpreter. If a LEP/NEP customer refuses the interpretation services you offer, the customer must sign this waiver form. The form should be made available in the language of the customer and confirm that the LEP/NEP customer is voluntarily waiving his or her right to free interpretation and/or translation services. All District government funded entities' public-facing staff should be provided with access to the forms. The following are further tips to follow when attempting to provide language services to the LEP/NEP customers.

Can an adult provide interpretation customer?

Yes, but only if the customer signs the Language Access Waiver first. Your organization/program's staff should always offer quality telephonic interpretation services regardless of the situation. If an in-person customer refuses to use the Language Line service because s/he prefers an adult family member or friend to perform the interpretation, the customer must sign the waiver to obtain services. The age of the accompanying family member or friend should be verified, they must be at least 18 years of age to serve in such capacity.

Can a child provide interpretation services to a parent customer?

No. Employees should never allow children to perform interpretation services for their parents/guardian. If a parent/guardian insists on using the child as an interpreter, you can politely explain that you are required to provide interpretation services in order all parties involved engage with your respective organization/program in a meaningful manner. As a District funded organization/program employees are required to offer quality interpretation

Reference guide	
Multilingual Tag	glines Version 1
inglish – Amharic – Chinese – Fre	ench – Korean – Spanish –Vietnamese
ELP IN YOUR LANGUAGE You need help in your language, please call _	for free interpreter assistance.
የገኛ እርዲታ እማደኝኛ እርዲታ ክሬልቱ - በ ይደመታለ። የ <u>የ</u>	1 Jatcher, Emergandera
雪龍勒 8果您需要用(中文)陳受幫助、請電治	將生產向意識供口譯員服務
IDE UNGUISTIQUE I vous avez besoin d'aide en Français appelez- sumie <u>gratuitement.</u>	le et l'assistance d'un interprète vous sera
1여 지원	
응국어로 언어 지원이 필요하신 경우	로 연락을 주시면 <u>무료로</u> 통역이 제공됩니다.
AUDA EN SU IDIOMA i necesita ayuda en Español, por favor liame a ratuita-	gara proporcionarle un intérprete <u>de manera</u>
ườp bởi về NGÔN NGữ Hĩu quộ vị cần giúp đời về tiếng Việt, xin gọi lên giúp quý vị miễn phi.	để chúng tôi thụ xếp có thông dịch viên

services thru the Language Line.

How do I use Taglines in non-vital documents?

As previously mentioned, OHR encourages the use of multilingual taglines on non-vital documents. Additionally, when considering translation of nonvital documents, if your organization/program finds that it can only translate the material into the top two languages encountered in the district, as opposed to all six, then the tagline system can be utilized to inform the LEP/NEP community of the availability of language service to understand the material. In order to provide equitable access to other written communication, it is also recommended to use multilingual taglines that indicate how constituents can request assistance in

their primary language. The Office of Human Rights has translated the sample taglines into the most common languages found in the District: Amharic, Chinese, French, Korean, Spanish, and Vietnamese. Feel free to use these templates for your written communications.

Please note that the taglines have a space to input your organization's phone number, and it is recommended to inform the individuals on the receiving end of the phone call of the information that was sent out and also inform them that there may be an influx of calls from those needing LA services to understand the written communication.

If a tagline is used to inform the LEP/NEP community of an event, and they are calling to ask for 10 | DC Grantee/Contractor Language Access Implementation

interpretation services at the event, then inform the call taker of the process or the contact person that will secure an interpreter for the LEP/NEP customer to meaningfully participate in the event. If applicable it is also important to give a copy of the advertisement to the individuals receiving the calls to ease communication between organization staff and customers.

The following is an example of the proper as opposed to improper manner to use taglines:

Incorrect usage of taglines:

If you need information about electronics recycling in Spanish, Chinese, Vietnamese, Korean, Amharic or French, please call (202) 535-2600.

The LEP/NEP person cannot understand because it is in English only.

Correct usage of taglines:

Need help in your language? Call (202) 727-2525 Amharic: (快?快?) 차 (오라, 아이가 가 있지? 이어지 휴가ር (202) 727-2525 ይደውሉ። Chinese: **需要以您的**语言帮助 ? 拨打Call (202) 727-2525 French: Avez-vous besoin d'aide dans votre langue ? Appelez le (202) 727-2525 Korean: 모국어로 도움이 필요하세요? (202) 727-2525로 전화해주세요 Vietnamese: Cần sự trợ giúp ngôn ngữ của bạn? Hãy gọi (202) 727-2525 Spanish: ¿Necesita ayuda en su idioma? Llame al (202) 727-2525

The taglines are in the foreign languages. The LEP/NEP individual will understand because it is in their language.

Please note that the resources covered in this guide can be found on OHR's website <u>Language</u> <u>Access Information Portal</u>. The guide should have been shared with all the attachments that assist in the implementation of the Act at your respective organization/program, including the following resources:

- Vendor details & contact info
- Downloadable signage & forms
- Helpful guides for Language Line
- Best-practice references for data
- Collection and reporting
- Policy templates
- Regulation text

Should you have any questions about the information covered in this guide please reach out to the Office of Human Rights Language Access Team:

Rosa Carrillo Director, Language Access Program: Rosa.carrillo3@dc.gov Priscilla Mendizábal, Program Analyst, Language Access Program: priscilla.mendizabal@dc.gov Alkindi Kadir, Program Support Specialist: Alkindi.Kadir@dc.gov

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Major Public Contact Agencies

- 1. Alcoholic Beverage Regulation Administration
- 2. Child and Family Services Agency
- 3. Department of Aging and Community Living
- 4. Department of Behavioral Health
- 5. Department of Consumer and Regulatory Affairs
- 6. Department of Corrections
- 7. Department of Employment Services
- 8. Department of Energy & Environment
- 9. Department of General Services
- 10. Department of Health Care Finance
- 11. Department of Housing and Community Development
- 12. Department of Human Resources
- 13. Department of Human Services
- 14. Department of Motor Vehicles
- 15. Department of Parks and Recreation
- 16. Department of Public Works
- 17. Department of Small and Local Business Development
- 18. Department of Youth Rehabilitation Services
- 19. Department on Disability Services
- 20. District Department of Transportation
- 21. District of Columbia Health
- 22. District of Columbia Housing Authority
- 23. District of Columbia Office of Zoning
- 24. District of Columbia Public Library
- 25. District of Columbia Public Schools
- 26. Fire and Emergency Medical Services Department
- 27. Homeland Security and Emergency Management Agency
- 28. Metropolitan Police Department
- 29. Office of Administrative Hearings
- 30. Office of Contracting and Procurement
- 31. Office of Lottery and Gaming
- 32. Office of Planning
- 33. Office of Tax and Revenue
- 34. Office of the Attorney General Child Support Services Division
- 35. Office of the People's Counsel
- 36. Office of the State Superintendent of Education
- 37. Office of the Tenant Advocate
- 38. Office of Unified Communications

Non-Major Public Contact Agencies

- 1. Department of Forensic Sciences
- 2. District of Columbia Board of Elections
- 3. District of Columbia Commission on the Arts and Humanities
- 4. District of Columbia Corrections Information Council
- 5. District of Columbia Department of Insurance, Securities and Banking
- 6. District of Columbia Health Benefit Exchange Authority
- 7. District of Columbia Housing Finance Agency
- 8. District of Columbia Office of Police Complaints
- 9. District of Columbia Retirement Board
- 10. District of Columbia State Board of Education
- 11. District of Columbia Vehicle For Hire
- 12. District of Columbia Water and Sewer Authority
- 13. Mayor's Office on Community Affairs
- 14. Mayor's Office on Community Relations
- 15. Office of Attorney General
- 16. Office of Cable Television, Film, Music and Entertainment
- 17. Office of Chief Medical Examiner
- 18. Office of Chief Technology Officer
- 19. Office of Disability Rights
- 20. Office of Employee Appeals
- 21. Office of Inspector General
- 22. Office of the Chief Financial Officer
- 23. Office of Victim Services and Justice Grant
- 24. Public Services Commission
- 25. Real Property Tax Appeals Commission

