

**OFFICE OF HUMAN RIGHTS****NOTICE OF FINAL RULEMAKING**

The Director of the Office of Human Rights (“Director”), pursuant to the authority set forth in Sections 2(C) and 6(b)(6) (D.C. Official Code § 2-1931(C) and 2-1935(b)(6)) of the Language Access Act, effective June 19, 2004 (D.C. Law 15-167, D.C. Official Code §2-1931 *et seq.*) (“Language Access Act” or “Act”) and Mayor’s Order 2007-127, dated May 31, 2007, hereby gives notice of the adoption of an amendment to Title 4 of the District of Columbia Municipal Regulations. A new Chapter 12 has been added to Title 4 to provide guidance and assistance to District agencies with the implementation of the Language Access Act for individuals with Limited English Proficiency/No English Proficiency (“LEP/NEP population”) being served by the District of Columbia Government.

**TITLE 4 District of Columbia Municipal Regulations, (Human Rights and Relations) is amended as follows:**

A new Chapter 12 is added to read as follows:

**CHAPTER 12        LANGUAGE ACCESS ACT****1200        SCOPE**

The provisions of this chapter shall apply to all District government agencies that constitute “covered entities” and “covered entities with major public contact” as defined in Sections 2(2) and 2(3) of the Act. (D.C. Official Code §§2-1931(2) and 1931(3)).

**1201        PURPOSE**

1201.1        In order for covered entities to meet their obligations under the Act and to provide enforcement thereof, the Office of Human Rights (“OHR”) adopts this chapter:

- (a)        To define the roles and responsibilities of parties assigned to oversee and implement the Language Access Act (“the Act”);
- (b)        To provide assistance with data collection on the languages spoken by a limited or non-English proficient (“LEP/NEP”) population as required under the Act;
- (c)        To provide assistance and guidance to covered entities with major public contact in implementing a biennial language

access plan (“BLAP”) and on reporting requirements for all covered entities; and

- (d) To set forth guidelines for the investigation of complaints filed under the Act and its enforcement.

## **1202           ROLE OF THE OFFICE OF HUMAN RIGHTS (OHR)**

1202.1           The Office of Human Rights (“OHR”) shall provide covered entities with oversight, central coordination, and technical assistance in their implementation of the provisions of the Act.

1202.2           OHR shall ensure that the delivery of services by covered entities meets acceptable standards of translation and interpretation by providing information to the Office of Contracts and Procurement (OCP) to assist in the development of a quality procurement process.

1202.3           OHR shall collect and publish statistical information regarding Language Access public complaints on an annual basis.

## **1203           ROLE OF THE DIRECTOR OF THE OFFICE OF HUMAN RIGHTS**

1203.1           The Director of the Office of Human Rights (“OHR Director”) shall designate a Language Access Director to coordinate activities under the Act. The Language Access Director shall carry out all job functions under the direction and supervision of the OHR Director. The OHR Director may also designate additional staff to assist the Language Access Director with the implementation of the Act.

1203.2           The OHR Director shall report out annually to the Mayor, and the Office of the City Administrator (“OCA”) on the deficiencies found, progress made, and overall compliance with the Act for each covered entity.

## **1204           ROLE OF THE LANGUAGE ACCESS DIRECTOR**

1204.1           The Language Access Director (“LA Director”) shall monitor the performance and responsibilities of the Language Access Coordinators, as described in § 1207..

1204.2           The LA Director shall review and monitor each BLAP for compliance with the Act.

1204.3           If a BLAP should fail to comply with the Act, the LA Director shall assist the agency in revising the BLAP and shall set a deadline for resubmission of the revised BLAP.

- 1204.4 The LA Director's responsibilities include reviewing covered entities' implementation reports and providing an annual synopsis to the OHR Director on the deficiencies found and progress made in implementing the Act.
- 1204.5 The LA Director shall produce a final Annual Compliance Report at the end of each fiscal year and provide copies to the OCA, Office of African Affairs (OAA), Office of Asian and Pacific Islander Affairs (OAPIA), Office of Latino Affairs (OLA), and the D.C. Language Access Coalition. Annual reports shall also be made available to the public within thirty (30) days of a request..
- 1204.6 With regard to public complaints for alleged violations of the Act, the LA Director shall oversee the Language Access complaint procedures for the OHR.
- 1204.7 The LA Director shall conduct education and outreach to covered entities and community providers on their requirements under the Act.
- 1204.8 The LA Director shall consult with the D.C. Language Access Coalition, the Mayor's Office on OAA, OAPIA, and OLA regarding the implementation of the Language Access Act.
- 1204.9 The LA Director shall advise the District's Department of Human Resources ("DCHR") and the personnel authorities of covered entities who have independent hiring authority on issues related to the recruitment and hiring of bilingual public contact personnel.
- 1204.10 The LA Director shall serve as the Language Access Coordinator for OHR and shall fulfill the responsibilities listed in § 1207 for that agency.

## **1205 ROLES OF COVERED ENTITIES**

- 1205.1 Pursuant to Section 2(2) of the Act, covered entities are any District government agency, department, or program that furnishes information or renders services, programs, or activities directly to the public or contracts with other entities, either directly or indirectly, to conduct programs, services or activities to the public.
- 1205.2 The covered entity shall ensure that contractors hired to carry out services, programs or activities directly to the public are required to comply with the same requirements of covered entities.

- 1205.3 The covered entity shall ensure that any grantee that provides services under a covered entity' mandate complies with the requirements of the Act.
- 1205.4 The covered entity shall require that contractors and grantees, as described in 1205.2 and 1205.3, certify that the same compliance requirements will be satisfied by their subcontractors and sub-grantees.
- 1205.5 Covered entities are distinguished from covered entities with major public contact, as described in § 1206.
- 1205.6 The covered entity shall annually collect data about the languages spoken and the number of LEP/NEP customers speaking a given language in the population served by updating its databases and tracking applications to contain fields that will capture this information.
- 1205.7 The covered entity shall determine its target language requirements for its LEP/NEP customers to access or participate in the services, programs, or activities they offer, based on the following factors and as determined by § 1205.6 and Section 3(c)(1) of the Act:
- (a) The number or proportion of LEP/NEP persons of the population served or encountered by the covered entity;
  - (b) The frequency with which LEP/NEP individuals come into contact with the covered entity;
  - (c) The importance of the service provided by the covered entity; and
  - (d) The resources available to the covered entity.
- 1205.8 To the extent that a covered entity requires additional personnel to meet the target language requirements of the entity's LEP/NEP constituency, it shall, in consultation with its personnel authority, give preference to hiring qualified bilingual personnel into existing budgeted vacant public contact positions.
- 1205.9 The covered entity shall maintain a current account with a professional and qualified multilingual telephonic interpretation service that provides immediate oral language services to LEP/NEP customers and District staff in a variety of languages.
- 1205.10 The covered entity shall ensure that the telephone interpretation service assists in providing access to customers who are both within and outside of LEP/NEP target languages as determined under § 1205.7.

- 1205.11 The covered entity shall train all staff members in public contact positions on the usage of professional and qualified multilingual telephonic interpretation services and how to appropriately direct LEP/NEP customers to such services.
- 1205.12 Appropriate signs/posters communicating the availability of language accessible services shall be placed at all conspicuous points of entry and other public locations at the covered entity. The signs or posters shall be in the language(s) that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered by the covered entity.
- 1205.13 When the services described in § 1205.9 are not reasonably sufficient to allow access to the services provided by the covered entity, the entity shall provide qualified and experienced in-person interpretation services to LEP/NEP customers in the entity's target languages, as determined under §1205.7.
- 1205.14 The covered entity shall provide oral language services to LEP/NEP customers who seek to access or participate in public meetings and administrative hearings conducted by the covered entity, provided that the request is received by the covered entity within five (5) business days of the meeting or hearing.
- 1205.15 Requests for oral language services in advance of public meetings or hearings shall be made directly to the entity's Language Access Coordinator, as described in § 1207, in person, via phone, or by electronic mail.
- 1205.16 The covered entity shall provide written translation of vital documents into any non-English language spoken by a LEP/NEP population that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered by the covered entity.
- 1205.17 The covered entity shall ensure that all vital documents that are translated into any non-English language spoken by a LEP/NEP population are widely distributed within the agency, accessible at points of entry, and available online.
- 1205.18 The covered entity must also obtain written acknowledgment from each LEP/NEP customer who waives his/her rights to interpretation or translation services prior to the individual accessing the entity's services.

**1206 ROLES OF COVERED ENTITIES WITH MAJOR PUBLIC CONTACT**

1206.1 Covered entities with major public contact are covered entities whose primary responsibility consists of meeting, contracting, and dealing with the public. "Dealing" with the public refers to providing direct services to and interacting with the public.

1206.2 Covered entities with major public contact are:

- (a) Agencies listed in section (2)(3)(B) of the Act, which are as follows:

Alcoholic Beverage Regulation Administration;  
Department of Health;  
Department of Mental Health;  
Department of Human Services;  
Department of Employment Services;  
Fire and Emergency Medical Services;  
District of Columbia Housing Authority;  
District of Columbia general ambulatory and emergency care centers;  
Homeland Security and Emergency Management Agency;  
Metropolitan Police Department;  
District of Columbia Public Schools;  
Department of Motor Vehicles;  
Department of Housing and Community Development;  
Department of Public Works;  
Department of Corrections;  
Office on Aging;  
District of Columbia Public Library;  
Department of Parks and Recreation;  
Department of Consumer and Regulatory Affairs;  
Child and Family Services Agency;  
Office of Human Rights;  
Department of Human Resources;  
Office of Planning;  
Office of Contracting and Procurement;  
Office of Tax and Revenue; and  
Office of the People's Counsel.

- (b) Agencies designated by the LA Director under the direction of the OHR Director, which are as follows:

Department of Disability Services;  
Department of Youth Rehabilitation Services;  
Department of Transportation;  
Office of Unified Communications;

Department of the Environment;  
Office of the State Superintendent for Education;  
Department of Small and Local Business Development;  
Office of Zoning;  
Office of Tenant Advocacy; and  
District of Columbia Lottery and Charitable Games Control Board.

- 1206.3 Covered entities with major public contact must meet all of the responsibilities for covered entities under the Act and these regulations, and in addition shall:
- (a) Establish and implement a complete BLAP that is approved by the LA Director and published in the D.C. Register every two years;
  - (b) Designate a Language Access Coordinator; and
  - (c) Conduct one (1) public meeting per fiscal year with reasonable advance notice to the public.
- 1206.4 Covered entities with major public contact shall develop a plan to conduct outreach to LEP/NEP communities about their BLAP and the benefits and services to be offered under the plan. Outreach activities may include, but are not limited to, the following:
- (a) Conducting public meetings;
  - (b) Organizing events in LEP/NEP communities (including fairs, community meetings, forums, educational workshops);
  - (c) Deploying entities' mobile unit/truck/van to visit specific community centers, community based organizations or schools;
  - (d) Disseminating information through LEP media outlets (including local TV, newspapers, and radio);
  - (e) Deploying outreach personnel to visit and/or perform regular "walk throughs" within the various LEP/NEP communities;
  - (f) Partnering with community based organizations for the implementation of projects and/or delivery of services;
  - (g) Distributing flyers, brochures, and other printed material in diverse languages and at diverse locations;
  - (h) Disseminating information through entities' websites;

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

**1207           ROLE OF THE LANGUAGE ACCESS  
COORDINATORS**

- 1207.1           Language Access Coordinators ("LAC") shall report directly to their agency director, and consult with the agency director on budgeting issues for the delivery of language access services as required by the Act.
- 1207.2           The LAC must also establish and implement the agency's BLAP pursuant to § 1213.
- 1207.3           The LAC shall coordinate and assist in implementing all of the requirements for covered entities with major public contact under the Act and these regulations.
- 1207.4           On a quarterly basis, the LAC shall submit a report to the LA Director regarding the agency's implementation of its BLAP.
- 1207.5           The LACs shall receive reports of alleged violations of the Language Access Act from individuals, consultative agencies or other organizations, and shall report them to the LA Director as they are received.

**1208           ROLE OF AGENCY DIRECTORS**



- 1208.1 The Directors must meet all language access measures that are outlined in his/her individual performance contracts and scorecard goals developed by the OHR, through the OCA.
- 1208.2 The Directors shall ascertain that all applicable agency contracts and grants fully comply with all provisions of the Act.
- 1208.3 In the case of covered entities with major public contact, the Directors shall designate a LAC and review and evaluate the role and performance of the LAC on an annual basis.

**1209 ROLE OF LANGUAGE ACCESS COALITION**

1209.1 The D.C. Language Access Coalition (“LA Coalition”) shall serve in an external non-governmental role consulting on the implementation of the Act. The LA Coalition shall have no authority to make final decisions. In addition, the LA Coalition shall have no obligation to fulfill governmental obligations for providing language access to LEP/NEP individuals, unless its members are contractually or by means of a grant required to do so through the District government.

1209.2 The LA Director shall consult with the LA Coalition on the following:

- (a) Data Collection;
- (b) Development and modification of BLAPs;
- (c) Identification of additional covered entities to be named under the Act as “covered entities with major public contact;” and
- (d) Overall implementation of the Language Access Act.

1209.3 Consultation pursuant to § 1209.2 requires that the LA Director notify the Coalition of activities that would significantly impact the implementation of the Act with sufficient notice so as to allow the Coalition to provide meaningful input, and give reasonable consideration to the Coalition’s input, which may, where appropriate, lead to changes or modifications in decisions.

**1210 ROLES OF MAYOR’S OFFICE ON AFRICAN AFFAIRS, THE MAYOR’S OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS, AND THE MAYOR’S OFFICE ON LATINO AFFAIRS (CONSULTATIVE AGENCIES)**

- 1210.1 OAA, OAPIA, and OLA (collectively referred to as “consultative agencies”) shall serve as consultative bodies to the LA Director and the OHR Director to develop and update covered entities’ BLAPs, and assist in the implementation of the Act.
- 1210.2 The consultative agencies shall furnish demographic data on their respective communities to covered entities.
- 1210.3 The consultative agencies shall also provide outreach to LEP/NEP communities in the District on the Act and assist the LACs to develop and implement outreach efforts
- 1210.4 The consultative agencies shall assist OHR in the development of quality control instruments for their respective languages.
- 1210.5 The consultative agencies shall provide technical assistance to the District of Columbia Department of Human Resources (“DCHR”) and the personnel authorities of covered entities who have independent hiring authority (collectively personnel authority”) regarding issues related to the recruitment and hiring of bilingual public contact personnel.
- 1210.6 The consultative agencies shall assist their constituents with language access concerns by first referring the concern to the LAC of the entity in question. If the concern is not addressed by the entity, the consultative agency shall refer the allegation to the attention of the LA Director.

**1211 ROLE OF PERSONNEL AUTHORITIES FOR COVERED ENTITIES**

- 1211 .1 The personnel authority for each covered entity shall provide central coordination and technical assistance to the entity in its implementation of the provisions of the Act and shall report accordingly to the LA Director, OHR and OCA.
- 1211.2 The personnel authority shall develop strategies for recruiting and maintaining bilingual personnel, including assessing the non-English language abilities of all future and current District personnel who self-identify as bilingual, and who apply for or currently fill a “bilingual” or “bilingual preferred” position.
- 1211.3 Pursuant to § 1205.8, the personnel authority shall assess the covered entity’s budgeted vacant public contact positions and classify identified positions as “bilingual” or “bilingual preferred” to satisfy the requirement.

1211.5 In consultation with the LA Director and consultative agencies, the personnel authority shall create a linguistic and cultural competency training curriculum that will be made available through DCHR.

## **1212 BASELINE ASSESSMENTS**

1212.1 Each covered entity with major public contact shall complete baseline assessments at the beginning of their implementation phase to provide data for comparison or as a control prior to creating and implementing its first BLAP.

1212.2 Upon the completion of the two-year plan cycle, each covered entity with major public contact shall update the information in the assessments with current information, which shall be included in the entity's BLAP.

1212.3 The LAC for each covered entity with major public contact shall facilitate the work required for completing the baseline assessments within the agency, as well as complete and submit the assessments to the LA Director as required in § 1212.1.

1212.4 The LA Director shall meet with each LAC and respective agency director to review agency responses to the baseline assessments.

## **1213 BIENNIAL LANGUAGE ACCESS PLAN**

1213.1 A covered entity with major public contact shall establish a biennial language access plan ("BLAP") by regulation. Each BLAP shall be established in consultation with:

- (a) The Language Access Director;
- (b) The D.C. Language Access Coalition;
- (c) The entity's Language Access Coordinator;
- (d) The entity's Director; and
- (e) Consultative agencies.

1213.2 Each BLAP shall be updated every two (2) fiscal years and shall set forth, at a minimum, the following:

- (a) The types of oral language services that the entity will provide and how the determination was reached;

- (b) The titles and types of each translated document that the entity will provide and how the determination was reached;
- (c) The total number of public contact positions in the entity and the number of bilingual employees in public contact positions, including languages spoken;
- (d) The number, position, and location of bilingual employees the entity plans to hire in public contact positions;
- (e) An evaluation and assessment of the adequacy of services to be provided, including mechanisms used to assess adequacy;
- (f) A description of the budgetary sources specifying the various resources and expenditures upon which the covered entity intends to implement its BLAP;
- (g) A plan to conduct outreach to the District's LEP/NEP communities served or likely to be served by the covered entity; and
- (h) A plan to conduct cultural and linguistic competency trainings within the designated BLAP period to the entity's staff who fill public contact positions.

- 1213.3 The LA Director shall meet with each LAC and respective agency director to review agency plans prior to approval of the BLAP.
- 1213.4 BLAPs shall be completed by the covered entity with major public contact and approved by the LA Director upon completion of the baseline assessments.
- 1213.5 BLAPs shall be completed by the covered entity with major public contact, within a reasonable deadline established and approved by the LA Director. Failure to submit BLAPs in a timely manner shall be reported to the Director of OHR and shall be included in the Director's annual report to the OCA. Failure to fulfill the criteria set forth by 1213.2 may also be reported to the Director OHR.

## **1214 QUARTERLY REPORTS**

- 1214.1 Each covered entity with major public contact shall submit to the LA Director a quarterly report on the entity's BLAP at the end of each official quarter of the fiscal year or as otherwise required by the LA Director.

1214.2 Quarterly reports shall provide the status of all tasks required of the entity in accordance with the entity's BLAP and requirements of the Act.

1214.3 Quarterly reports submitted in the last quarter of a fiscal year shall contain:

- (a) Information on progress made during the quarter;
- (b) A summation of all activity performed within the fiscal year; including a self-assessment of what objectives were unmet with explanation; and
- (c) The number of language access complaints received during the quarter being reported out on and the steps taken to resolve those complaints.

1214.4 Failure to submit quarterly reports in a timely manner shall be reported to the Director of OHR, and such failure shall be included in the Director's annual compliance report to the OCA.

## **1215 ANNUAL REPORT**

1215.1 Each covered entity with major public contact shall furnish a narrative report on progress made in the implementation of the Act at the end of each fiscal year to the LA Director. The report shall be included on a form designated by the LA Director and shall contain summary data on the following:

- (a) Total number of LEP/NEP individuals served or encountered from the total population served by the entity within the fiscal year (delineated by language);
- (b) A list of translated vital documents;
- (c) Oral language services offered through the entity's services and programs;
- (d) The names of all organizations to which the entity provides grants or contracts to provide services to its LEP/NEP customers.
- (h) An itemized budget allocated for Language Access purposes;

- (i) A comprehensive list of the entity's bilingual staff employed in public contact positions;
- (j) The list of contractors and grantees, as described in §§1205.3 and 1205.4, and the status of their compliance with the Act; and
- (k) The number of language access complaints received during the course of the fiscal year, and the steps taken to resolve those complaints.

1215.2 Annual reports shall be submitted to the LA Director by a deadline designated by the LA Director. Failure to fulfill the criteria set in section 1214.1 may also be reported to the Director OHR.

1215.3 The LA Director shall provide copies of the annual report to the OCA, the LA Coalition, OAA, OAPIA, and OLA.

1215.4 Annual reports shall be made available to the public within thirty (30) days of a request.

## **1216 PUBLIC COMPLAINTS OF NONCOMPLIANCE WITH THE LANGUAGE ACCESS ACT**

1216.1 OHR shall accept information concerning alleged violations of the Act through the filing of a public complaint.

1216.2 By filing a public complaint, any person or organization may request an inquiry into individual or systemic noncompliance with the Act.

1216.3 The LA Director, under the direction and supervision of the OHR Director, shall coordinate the investigation and resolution of public complaints filed under this section.

1216.4 The filing of a public complaint does not supersede or preclude the filing of a complaint by any person or organization alleging intentional illegal discrimination under the D.C. Human Rights Act of 1977, as amended, effective December 13, 1977, D.C. Law 2-38, D.C. Official Code § 2-1401.01 *et seq.* Discrimination complaints shall be filed in accordance with the procedures in Chapter 7 of Title 4 of the District of Columbia Municipal Regulations.

## **1217 FILING OF PUBLIC COMPLAINTS**

- 1217.1 The procedures in this section apply to the filing of a public complaint as described in § 1216.
- 1217.2 Any person or organization may file with OHR a complaint of violation of the provisions of the Language Access Act. If a complainant lacks capacity, the complaint may be filed on his/her behalf by a person or organization with an interest in the welfare of the complainant.
- 1217.3 The complaint may be submitted in writing on questionnaire obtained from the OHR or submitted online via the OHR's website.
- 1217.4 The LA Director may initiate an investigation whenever he or she has reason to believe that any agency covered under the Act or its employee has committed an act of noncompliance with the Act.
- 1217.5 A complaint shall be deemed sufficient when OHR receives from the complainant a written statement sufficiently precise to identify the parties, and to describe generally the action or practice complained of.
- 1217.6 A complaint shall be filed with the Office through its intake procedures.
- 1217.7 The LA Director shall attempt to resolve the alleged violation with the covered entity in question prior to formally docketing the complaint.
- 1217.8 If the LA Director has jurisdiction to investigate the complaint and if the complaint has not successfully been resolved as described in 1221, it shall be docketed and assigned to the LA Director who may assign it to an OHR investigator.

## **1218 DISMISSAL FOR LACK OF JURISDICTION**

- 1218.1 The Language Access Director has the statutory authority to receive, investigate, and seek an appropriate remedy for allegations of noncompliance with the Act's provisions, provided that the following requirements are met:
- (a) The complaint is filed with the OHR within one year of the occurrence of the alleged act of noncompliance, or the discovery thereof; whichever occurs sooner.
  - (b) The alleged act of noncompliance occurred within the District of Columbia; and
  - (c) The respondent is identified as follows:

- (1) A covered entity or a covered entity with major public contact; or
- (2) An organization, company, or service provider operating under a grant or contract with the District of Columbia or a covered entity pursuant to §§ 1205.2-1205.4. .

1218.2 If the LA Director determines, on the face of the complaint, that the complaint lacks jurisdiction, pursuant to Section 6(b)(2) of the Act or fails to state a noncompliance claim under the Act, an order dismissing the complaint shall be issued without an investigation two (72) business hours from the time of intake. No cases shall be docketed until this process is completed.

## **1219 ADMINISTRATIVE DISMISSALS**

1219.1 The LA Director shall dismiss a public complaint without prejudice if the complainant submits a written request to withdraw the complaint, or for the following administrative reasons:

- (a) The complainant is absent and has failed to contact or cannot be contacted by the Office;
- (b) The complainant fails to state a claim of noncompliance; or
- (c) After preliminary investigation, the LA Director determines that he or she lacks jurisdiction over the matter pursuant to the Act.

1219.2 An Order dismissing a complaint for administrative reasons shall be in writing and served on the parties stating the reasons for dismissal.

1219.3 A complainant may request that a complaint previously closed for administrative reasons or voluntarily withdrawn be reopened, provided that the complainant submits a written request within thirty (30) days of receipt of the order dismissing the complaint and stating specifically the reasons why the complaint should be reopened.

1219.4 The LA Director, upon receipt of a request to reopen a complaint, may, within his or her discretion, reopen the case for good reasons or in the interest of justice, provided that no determination has previously been made on the merits of the claim.

1219.5 The decision of the LA Director to reopen a complaint shall be served on all parties to the complaint.



**1220 WITHDRAWAL OF COMPLAINTS**

1220.1 Complaints filed with the OHR under the provisions of the Act may be voluntarily withdrawn at the request of the complainant at any time prior to the completion of the LA Director's investigation and findings, except that the circumstances accompanying a withdrawal may be fully investigated by the LA Director.

**1221 INVESTIGATION**

1221.1 When a public complaint is filed, the LA Director shall:

- (a) Facilitate the resolution of the complaint. The cited covered entity shall evaluate the complaint and either resolve to provide immediate access to the required services or, if resolution is not possible, propose a solution that is acceptable to the complainant, the covered entity, and the LA Director within a reasonable period of time. If the complaint is not resolved within thirty (30) days, the LA Director shall process a formal complaint;
- (b) When resolution is not possible, supervise and monitor the investigation of the complaint; and
- (c) When the investigation is completed, issue written findings.

1221.2 If the alleged act(s) of noncompliance was committed by OHR, the complaint shall be brought before the OCA for investigation.

1221.3 Upon assignment and docketing of the case, the investigator shall serve (by certified mail) on the respondent a copy of the complaint.

1221.4 Under the direction of the LA Director, the investigation shall include, but not be limited to, site visits, interviews of witnesses, and inspection of respondent's records.

1221.5 After the receipt of all requested documents from the respondent, the investigator shall provide the complainant with an opportunity to rebut relevant information submitted by the respondent.

1221.6 After the completion of the investigation and legal review, the results shall be submitted to the LA Director.

**1222 DETERMINATION**

1222.1 Upon receipt of a report and recommendation from the investigator and OHR's Legal Unit, the LA Director shall determine whether respondent is in compliance with the Act.

1222.2 The LA Director shall mail the written findings to both parties. All reports and findings shall be forwarded to the OCA.

### **1223 FINDINGS**

1223.1 If there is a finding of noncompliance with the Act,, the LA Director shall issue an Order containing terms and conditions to the respondent to provide the services in question within a reasonable timeframe to the complainant and other LEP/NEP individuals. If respondent does not provide the services required by the Order within the designated timeframe, respondent's actions will be reported to the OCA for further action.

1223.2 If the LA Director determines that no violation against the Act has taken place, a letter shall be issued to the Parties dismissing the complaint.

### **1224 RIGHTS AND RESPONSIBILITIES OF PARTIES**

1224.1 All parties are entitled to, and shall receive, a fair and impartial investigation by the LA Director.

1224.2 All parties have a duty to cooperate with and furnish OHR with the following:

(a) All documents, records, names of witnesses and any other necessary information needed to investigate the complaint; and

(b) Current contact information.

1224.3 Failure by both parties to perform any of the duties described in § 1226.2 may adversely affect the outcome of the case, up to and including dismissal.

1224.5 Respondent and the complainant shall comply with all requests from the LA Director or OHR during the investigation of the complaint. Noncompliance by the parties shall be reported to the OCA for further action.

### **1225 AUDITS**

1225.1 The OHR shall conduct audits on covered entities, as deemed necessary, to ascertain the level of compliance with the Act.

1225.2 Upon the completion of an audit, results will be issued to the entity being audited, the LA Director and the OCA. Failure to meet audit standards may result in being reported in the OHR's annual compliance report.

1225.3 The LA Director shall investigate and make a determination in accordance with §§ 1221 through 1223 on any instance of noncompliance cited in the audit.

## 1226 DEFINITIONS

1226.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

**Administrative Hearing** - a hearing before any governmental or administrative agency, or before an administrative law judge.

**Agency** - a designated District of Columbia entity which has specified functions and/or provides particular services to the public.

**Baseline Assessment** - a collection of data regarding specific characteristics of a covered entity as of the date the Language Access Act becomes effective for that entity.

**Biennial Language Access Plan (BLAP)** - a two-year mandatory compliance plan for each covered entity with major public contact that is to be revised and published in the D.C. Register biennially by the entity.

**Bilingual Employee** - an employee who is assessed and certified as "proficient" in both the English language and a language other than English by DCHR or the personnel authority of the entity in which he/she is employed should the entity not fall under DCHR's purview.

**Complainant** - an individual, group of individuals, or organization(s) who brings or files a public complaint alleging violations of the Language Access Act against an agency, generally titled the respondent.

**Consultative Agencies** - is as collective term used to refer to the Mayor's Offices on African Affairs, Asian Pacific Islander Affairs, and Latino Affairs. These agencies are referred to in the Act as government offices that conduct outreach to communities with LEP/NEP populations.

**D.C. Language Access Coalition-** the established alliance of diverse community-based organizations in the District that work with the District government to foster and promote the civil rights of immigrant and LEP/NEP communities by advocating for meaningful language access within the District.

**Formal Complaint-**means a docketed public complaint that is being investigated for systemic language access noncompliance.

**Interpretation-** oral/verbal conversion of the meaning of a dialogue from one language to another language and vice versa. There are three (3) types of interpretation:

Sight translation: an interpreter reads a document written in one language and translates it orally into another language.

Consecutive interpretation: an interpreter translates a speaker's words orally after the foreign language speaker has stopped speaking.

Simultaneous interpretation: an interpreter speaks simultaneously with the source language speaker.

**Limited English Proficient (LEP) -** means individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

**Linguistic and Cultural Competency Training-** training that educates, informs, instructs or guides agency staff on how to provide readily available, culturally appropriate oral and written language services to LEP/NEP individuals through such means as bilingual/bicultural staff, trained interpreters, and qualified translators.

**Non-English Proficient (NEP) -** persons who cannot speak or understand the English language at any level.

**Oral Language Services-** the provision of oral information necessary to enable LEP/NEP individuals to access or participate in programs or services offered by a covered entity. The types of oral language services include:

Commercial Interpretation Services: Professional businesses that offer oral interpretation as part of their array of services

Community Interpretation Services: Community interpreters are members of a given language community who serve as liaisons between monolingual speakers of their native language and English.

Multilingual Telephonic Interpretation Services: An over-the-phone interpretation service that provides professionally trained and qualified interpreters in various languages.

Staff Interpreter: An employee who has been trained and proven competence in interpretation. Certification, training, or assessments indicate the employee's proficiency as an interpreter.

Bilingual employee.

**Party**- the individual, group of individuals, or organization(s) named in a public complaint charging noncompliance with the Language Access Act, and is generally the complainant or the respondent.

**Personnel Authority**-The District's Department of Human Resources or individual departments within covered entities with independent hiring authority responsible for human resource matters, including, but not limited to hiring, compensation and promotion.

**Public Complaint** -an administrative complaint filed under the rules of procedure established by Section 6(b)(2) of the Act , the LA Director or OHR, and § 1217 of the Language Access Act municipal regulations, which is filed by a person or organization claiming lack of access to a covered entity(ies) services due to significant language barriers posed by the entity(ies) in violation of the Language Access Act.

**Public Contact Position** - position in a covered entity for which the primary responsibilities include greeting, meeting, serving or providing information or services to the public. These are positions that require personal contacts with the public, community and civic organizations, or any combination of these groups.

**Public Meeting**- a meeting scheduled by a covered entity and a LEP/NEP community to allow for input or feedback from community members on issues of interest relating to the Language Access Act and service(s) provided by the entity.

**Respondent**-The respondent agency against whom the complainant files a public complaint charging noncompliance with the Language Access Act

**Translation**- the written conversion of texts in the source language into texts written in the target language, retaining the meaning and intent of the original source text and producing a culturally competent product. All translators providing translation services to the District must be certified and/or otherwise qualified.

**Vital documents** – applications and their instructions, notices, complaint forms, legal contracts, correspondence, and outreach materials published by a covered entity in a tangible 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. The term "vital documents" shall include tax-related educational and outreach materials produced by the Office of Tax and Revenue, but shall not include tax forms and instructions.

**THE DISTRICT OF COLUMBIA  
LOTTERY AND CHARITABLE GAMES CONTROL BOARD**

**NOTICE OF FINAL RULEMAKING**

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in D.C. Official Code § 3-1306, District of Columbia Financial Responsibility and Management Assistance Authority Order issued September 21, 1996, and Office of the Chief Financial Officer Financial Management Control Order No. 96-22 issued November 18, 1996, hereby gives notice of the adoption of amendments to Chapter 5, 6 and 9 of Title 30 DCMR, "Lottery and Charitable Games" No substantive changes have been made to the text of the emergency and proposed rules published in the DC Register on March 7, 2008 at 55 DCR 2305. The final rules will be effective upon publication of this notice in the DC Register.

**AMEND CHAPTER 5. "LOTTERY TICKET"**

Amend subsection 501.2 by substituting the following:

- 501.2 In addition to the persons identified in § 501.1, none of the following persons shall purchase a POWERBALL<sup>®</sup>, Hot Lotto<sup>™</sup>, Sizzler ticket or win or be paid a POWERBALL<sup>®</sup>, Hot Lotto<sup>™</sup> or Sizzler prize:
- (a) A Multi-State Lottery Association ("MUSL") employee, officer, or director;
  - (b) A contractor or consultant under agreement with MUSL to review the MUSL audit and security procedures;
  - (c) An employee of an independent accounting firm under contract with MUSL to observe drawings or site operations and actually assigned to the MUSL account and all partners, shareholders, or owners in the office of the firm located at the MUSL draw site or in the District of Columbia; or
  - (d) A parent, stepparent, child, stepchild, spouse, or sibling of an individual described in §§ 501.2(a), (b) and (c).

Amend subsections 503.1 and 503.4 by substituting the following:

- 503.1 A ticket which is printed in error for the Lucky Numbers and DC-4 game(s) may be cancelled only on the date purchased and prior to the drawing break. The tickets shall be voided only by the issuing agent and the terminal that printed the ticket, and the player may request a refund or a replacement ticket. If for any reason the terminal that issued the ticket is inoperable prior to the drawing break, the player's sole recourse shall be a refund of the ticket price.
- 503.4 A ticket for POWERBALL<sup>®</sup>, KENO, Hot Lotto<sup>™</sup>, Sizzler, DC Daily 6<sup>™</sup>, Rolling Cash 5<sup>™</sup>, Quick Cash<sup>™</sup>, and HOT FIVE<sup>™</sup> tickets shall not be voided or cancelled.

**AMEND CHAPTER 6. "CLAIMS AND PRIZE PAYMENTS"**

Amend subsection 605.1 by substituting the following:

605.1 In addition to the validation requirements of § 603, an on-line game ticket shall not be valid unless all of the following conditions are met:

(a) The ticket validation number shall be presented and shall correspond in its entirety, using the computer validation file, to the selected numbers printed on the ticket for the date printed on the ticket;

(b) For the POWERBALL®, Hot Lotto™, Sizzler and Rolling Cash 5™ games, the player selected numbers on the ticket shall be in individual groups of prescribed numbers each associated with a single letter "A," "B," "C," "D," or "E";

(c) For the Quick Cash™ game, the player selected numbers on the ticket shall be in individual groups of prescribed numbers each associated with a single letter "A," "B," and "C." The requisite number and the associated letters constitute a single lettered game board play;

(d) For the DC Daily 6™ game, the player selected numbers on the ticket shall be in individual groups of prescribed numbers each associated with a single letter "A" and "B." The requisite number and the associated letters constitute a single lettered game board play;

(e) The ticket data shall have been recorded on the central computer system on magnetic tape or disk prior to the drawing, and the ticket data shall match this computer record in every respect;

(f) The player selected numbers, the validation number data and the drawing data of an apparent winning lottery ticket shall appear on the official file of winning tickets, and a ticket with that exact data shall not have been previously paid; and

(g) The Agency shall not pay tickets that cannot be processed for validation purposes by the terminal except as provided in § 503.7.

Amend subsection 611.1 by substituting the following:

611.1 Payment of any prize, including a POWERBALL®, Hot Lotto™, Sizzler or a prize awarded pursuant to Chapter 10 of this title, shall discharge the District of Columbia, the Agency, the Multi-State Lottery Association, and their members, product groups, officers, employees, agents and attorneys, representatives, and contractors of all liability for payment of the prize.

**AMEND CHAPTER 9, "DESCRIPTION OF ON-LINE GAMES"**

Amend Chapter 9 by adding a new section 945 to read as follows:

945 DESCRIPTION OF SIZZLER

945.1 The Agency may offer a game enhancement to the Hot Lotto Game that shall be known as Sizzler. Nothing in sections 945 and 946 shall be construed to repeal,



amend or modify any provisions of this title concerning Hot Lotto except as provided herein.

- 945.2 A Hot Lotto Sizzler that wins one of the 8 regular set prizes, as set forth in Section 946 of this title shall be multiplied by 3. The Hot Lotto Grand Prize shall not be a set prize and shall not be multiplied.
- 945.3 A Hot Lotto player must complete the following steps to add Sizzler to a wager:
- (a) Complete a Hot Lotto bet slip marking the Sizzler box on the bet slip; and
  - (b) Pay the total amount wagered for the Hot Lotto and Sizzler wager.
- 945.4 A Sizzler wager is an additional \$1.00 for every dollar wagered for Hot Lotto.
- 945.5 The Executive Director may change the Sizzler multiplier number for special promotions, for a specified period of time and made available to agents and the public in game instructions issued pursuant to Chapter 7 and 8 of this Title.

Amend Chapter 9 by adding a new section 946 to read as follows:

**946 Sizzler Prize Chart and Probability**

- 946.1 Provided the prize pools are fully funded, pursuant to section 943.3 and 943.4 of this Title, the fixed prize payments for Sizzler based on a one dollar (\$1) bet are as follows:

Match	Regular Prize Amount	Sizzler 3X
5 of first set and none of second set	\$10,000.00	\$30,000
4 of first set plus 1 of second set	500.00	\$1,500
4 of first set and none of second set	50.00	\$150
3 of first set plus 1 of second set	50.00	\$150
3 of first set and none of second set	4.00	\$12
2 of first set plus 1 of second set	4.00	\$12
1 of first set plus 1 of second set	3.00	\$9
0 of first set plus 1 of second set	2.00	\$6

- 946.2 The Hot Lotto Grand Prize is not subject to the Sizzler multiplier.
- 946.3 The following table sets forth the probability of winning and the probable distribution of winners in and among each prize category, based upon the total number of possible combinations in the Hot Lotto Sizzler game.

Match	Probability	Sizzler 3X
5 of first set and none of second set	1: 607,744	\$30,000
4 of first set plus 1 of second set	1: 64,349	\$1,500
4 of first set and none of second set	1: 3,575	\$150
3 of first set plus 1 of second set	1: 1,950	\$150
3 of first set and none of second set	1: 108	\$12
2 of first set plus 1 of second set	1: 183	\$12
1 of first set plus 1 of second set	1: 47	\$9
0 of first set plus 1 of second set	1: 39	\$6

Overall odds of winning: 1:16

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, N.W., SUITE 200, WEST TOWER  
WASHINGTON, D.C. 20005

**NOTICE OF FINAL RULEMAKING**

**TELEPHONE TARIFF 08-3, IN THE MATTER OF THE APPLICATION OF  
VERIZON WASHINGTON, DC INC. FOR AUTHORITY TO AMEND THE  
GENERAL SERVICES TARIFF, P.S.C.-D.C.-NO. 203**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to D.C. Official Code § 2-505<sup>1</sup> of its final rulemaking action, taken in Order No. 14820 (May 27, 2008), approving the tariff application of Verizon Washington, DC Inc. (“Verizon DC”)<sup>2</sup> to amend the following tariff pages:

**GENERAL SERVICES TARIFF, P.S.C.-D.C.-NO. 203**  
**Section 31, Original Page 6.1**  
**Original Page 8.1**

2. In its Application, Verizon DC seeks to introduce an additional discount option, the Voice Discount Plan, for Regional Essential and Regional Value bundled services.<sup>3</sup> The Voice Discount Plan will allow qualifying residential customers subscribing to either Regional Essential or Regional Value bundled services to be eligible to receive a monthly credit.<sup>4</sup> Although the tariff revisions are not classified under Price Cap Plan 2004, Verizon DC states that the Application is filed pursuant to, and fulfills the requirements of, the Plan.<sup>5</sup>

3. The Commission issued a Notice of Proposed Rulemaking (“NOPR”), which was published in the *D.C. Register* on March 21, 2008, inviting public comment on the proposed tariff amendment.<sup>6</sup> No comments were filed. The Commission subsequently approved Verizon DC’s Application in Order No. 14820, finding that the

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<sup>1</sup> D.C. Official Code § 2-505 (2001 Ed.).

<sup>2</sup> *Telephone Tariff 08-1, In the Matter of the Application of Verizon Washington, DC Inc. for Authority to Amend the General Services Tariff, P.S.C.-D.C.-No. 203*, Letter from J. Henry Ambrose, Verizon DC Vice President for State Public Policy to Dorothy Wideman, Commission Secretary (February 22, 2008) (“Application”).

<sup>3</sup> See Application at 1.

<sup>4</sup> *Id.* at 2-3.

<sup>5</sup> See *id.* See also *Formal Case No. 1005, In the Matter of Verizon Washington, DC Inc.’s Price Cap Plan 2004 for the Provision of Local Telecommunications Services in the District of Columbia*, Order No. 13370, rel. September 9, 2004. (“Price Cap Plan 2004” or “Plan”).

<sup>6</sup> 55 *D.C. Reg.* 2942-2943 (2008).

tariff revisions were consistent with the requirements of Section 3(a) of Price Cap Plan 2004. The tariff revisions will become effective upon publication of this Notice of Final Rulemaking in the *D.C. Register*.

## DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

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NOTICE OF FINAL RULEMAKING

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## DOCKET NO. 08-07-IPMA

The Director of the Department of Transportation hereby gives notice of the adoption of amendments to Title 18, "Vehicle and Traffic Regulations," Chapter 40, "Traffic Signs And Restrictions At Specific Locations." The amendments establish a "No Standing or Parking, 7AM-9:30AM; 4P.M.-6:30P.M., Monday-Friday" restriction on the west side of the 3300 block of 14<sup>th</sup> Street N.W.; replace the 2- and 3-hour meters with ½-hour or 1-hour meters; establish a taxicab stand in the first layby south of Park Road N.W. on the west side of the 3100 block of 14<sup>th</sup> Street N.W.; and establish a "No Parking Entrance" restriction in the second layby on the west side of the 3100 block of 14<sup>th</sup> Street N.W.

Emergency and proposed rules were published in the D.C. Register on March 21, 2008, at 55 DCR 2986, and became effective immediately on that date. These rules become effective upon publication in the D.C. Register.

- A. Title 18 DCMR, Section 4019, **PARKING RESTRICTIONS**, Subsection 4019.13, (a) Northwest Section, is amended by adding the following to the list of locations where parking is to be limited as specified:

14<sup>th</sup> Street N.W.

From Park Road to Irving Street, first layby north of Irving Street on the west side, "No Parking Entrance."

- B. Title 18 DCMR, Section 4023, **PARKING METER ZONES**, Subsection 4023.2, (a) Northwest Section, is amended by adding the following to the list of locations where parking is to be limited as specified:

14<sup>th</sup> Street N.W.

From Harvard Street to Columbia Road, on the east side, "One Hour Parking, 7:00a.m.-8:30p.m., Monday-Saturday."

From Harvard Street to Columbia Road, on the west side, "One Hour Parking, 7:00a.m.-8:30p.m., Monday-Saturday."

From Irving Street to Columbia Road, on the west side, "30-Minute Parking, 7:00a.m.-8:30p.m., Monday-Saturday."

From Irving Street to Kenyon Street, on the east side, “30-minute Parking, 7:00a.m.-8:30p.m., Monday-Saturday.”

From Park Road to Irving Street, on the west side, “30-Minute Parking, 7:00a.m.-8:30p.m., Monday-Saturday.”

From Park Road to Monroe Street, on the east side, “One Hour Parking, 7:00a.m.-8:30p.m., Monday-Saturday.”

From Monroe Street to Park Road, on the west side, “One Hour Parking, 9:30a.m.-4:00p.m., Monday-Saturday.”

- C. Title 18 DCMR, Section 4023, **PARKING METER ZONES**, Subsection 4023.3, (a) Northwest Section, is amended by deleting the following:

14<sup>th</sup> Street, N.W.

From Harvard Street to Columbia Road, on the east side, “Two-Hour Parking, 7a.m.-6:30p.m., Monday-Friday”

From Irving Street to Columbia Road, on the west side, “Two-Hour Parking, 9:30a.m.-6:30p.m., Monday-Friday”

- D. Title 18 DCMR, Section 4023, **PARKING METER ZONES**, Subsection 4023.4, (a) Northwest Section, is amended by deleting the following:

14<sup>th</sup> Street N.W.

From Park Road to Monroe Street, on the east side “Three-hour Parking, 9a.m.-6:30p.m., Monday-Friday”

From Monroe Street to Park Road, on the west side, “Three-hour Parking, 9a.m.-6:30p.m., Monday-Friday”

- E. Title 18 DCRM, Section 4026, **TAXICAB STAND**, Subsection 4026.1, (a) Northwest Section, is amended by adding the following to the list of locations where parking is to be limited as specified:

14<sup>th</sup> Street N.W.

From Park Road to Irving Street, first layby south of Park Road on the west side, “No Parking Taxicab Stand.”

- F. Title 18 DCMR, Section 4038, **NO STANDING OR PARKING RESTRICTIONS**, Subsection 4038.1, (a) Northwest Section, is amended by adding the following to the list of locations where parking is to be limited as specified:

14<sup>th</sup> Street N.W.

From Park Road to Monroe Street, on the west side, “No Standing or Parking, 7:00a.m.-9:30a.m.; 4:00p.m.-6:30p.m., Monday-Friday.”