

**SOP 24-02**  
**Language Accessibility**  
**Standard Operating Procedures**  
**Grow Southwest Indiana Region 11**  
**Approval Date: 05/17/2024**

**Purpose**

- This policy provides information regarding the prohibition against national origin discrimination as it affects persons with Limited English Proficiency (LEP), particularly under the requirement of the Workforce Innovation and Opportunity Act (WIOA) Section 188 and regulations at 29 CFR 38.
- DWD partners must ensure that language access requirements are met within programming and that sub-recipients also meet federal requirements involving LEP applicants of program information, benefits, and services.
- At a minimum of every two years, the LAP will be reviewed.

**References**

- WIOA Sections 121 and 188
- 29 CFR Part 38
- TEN 28-16 Best Practices, Partnership Models, and Resources Available for Serving English Language Learners, Immigrants, Refugees, and New Americans
- DWD Policy 2016-09 Equal Opportunity and Nondiscrimination Guidance Letter
- United States Department of Labor Language Access Plan Fiscal year 2023

**Definitions**

**Babel Notice** - A short notice included in a document or electronic medium in multiple languages informing the reader that the communication contains vital information and explains how to access language services to obtain the contents of the communication provided in other languages.

**Employment-related Training** - Training that allows or enables an individual to obtain skills, abilities, and/or knowledge designed to lead to employment.

**LEP Individual** - An individual whose primary language for communication is not English and who has a limited ability to read, speak, write, and/or understand English. While an LEP individual may be competent in English for some types of communication (e.g. speaking or understanding), this may not include other purposes (e.g., reading or writing).

**LAP** - A written language access plan which assists in ensuring that LEP individuals have meaningful access to WIOA Title I-financially assisted programs and activities.

**Meaningful Access** - Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. Meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English proficient individuals.

**Primary Language** - An individual's primary language is the language in which they most effectively communicate, as identified by the individual.

**Qualified Interpreter for an individual who is LEP** - An individual who demonstrates expertise and ability to communicate information effectively, accurately, and impartially, in both English and the other language, and identifies and employs the appropriate mode of interpreting, e.g. consecutive, simultaneous, or sight translation.

**Vital information -**

- Written, oral, or electronic information necessary for an individual to understand how to obtain any aid, benefit, service, and/or training as required by law. Examples of documents containing vital information include, but are not limited to:
- Applications
- Consent forms
- Complaint forms
- Notices of Rights and Responsibilities
- Notices advising LEP individuals of the availability of free language assistance
- Rulebooks
- Written tests that do not assess English language competency but rather assess competency for a particular license, job or skill for which English proficiency is not required, and
- Letters or notices that required a response from the beneficiary or applicant, participant, or employee.

**Content**

Meaningful access for LEP individuals will include:

- assessing a LEP individual to determine their language needs
- providing oral interpretation and written translation of both hard-copy and electronic materials, and
- conducting outreach to LEP communities to improve service delivery in needed languages

## **Language Assistance Services**

- Every program delivery method, whether in person, electronic, or by phone, will convey in the appropriate language how an LEP individual may effectively learn about, participate in, and/or access any aid, benefit, service, or training available to them in written translation or oral interpretation.
- Language services are to be provided free of charge and in a timely manner meaning provided in a place and time that ensures equal access.
- An LEP individual will be given adequate notice about the existence of interpretation and translation services.

## **Interpreter Services**

- An LEP individual will not be required to provide their own interpreter.
- Programs will not rely on an LEP individual's minor child or adult family or friend to interpret or facilitate communications, except for the following circumstances:
  - In emergency situation while awaiting a qualified interpreter
  - When the information conveyed is of minimal importance to the services to be provided.
  - When an LEP individual specifically requests that an accompanying adult provide language assistance and they agree to provide assistance to the individual. The local area will permit this practice with the caveat that a record must be made and retained of the LEP individual's decision to use their own interpreter.
- Finally, where precise, complete, and accurate interpretations or translation of information and/or testimony are critical for adjudicatory or legal reasons, programs and partners can still provide their own, independent interpreter even if the LEP individual wants to use their own interpreter as well. This also applies in cases where the competency of the interpreter requested by the LEP individual is not established.

## **Concerning Vital Information**

- Vital information in written materials will be translated into languages spoken by a significant portion of the population eligible to be served or likely to be encountered. These translations will be available in hard copy and electronically. Currently, the languages spoken by a significant portion of the population eligible to be served or encountered include Spanish and Haitian-Creole.
- Written training materials used within employment-related training programs are excluded from these translation requirements.
- If not a language spoken by a significant portion of the population, vital information may be conveyed orally if not translated.

- A Babel notice is to be utilized to indicate that language assistance is available in all communications of vital information including letters or decisions in hard copy or electronic formats, such as email.
- When staff become aware of the non-English preferred language of an LEP individual, the staff must convey vital information in that language.

## **LAP Development**

When developing an LAP, the following elements should be addressed:

- Process used to determine the language needs of individuals who may, or may seek to, participate in activities that receive financial assistance under WIOA Title I.
- The results of assessment
- All language services to be provided to LEP individuals.
- The manner in which LEP individuals will be advised of available services.
- Steps LEP individuals should take to request language assistance.
- The process staff will use to provide language assistance services.
- Steps taken to create or modify documents, websites, outreach materials, applications, adaptations, and other needed documents.
- Staff training
- Steps to address complaints in a timely manner.
- Documentation of the provision of language services.
- The schedule for revising the LAP due to new recommendations and government guidance, changes in operations as well as the experiences and lessons learned, changing demographics, and stakeholder and beneficiary feedback.
- The individual(s) assigned to oversee implementation of the LAP.
- Allocation of resources to implement the LAP.

## **Attachments**

**Attachment A** for LAP Plan for Southwest Indiana Workforce Region 11.

### **Effective Date**

Immediately

### **Ending Date**

Upon rescission

## **Attachment A**

### **Southwest Indiana Workforce Language Access Plan (LAP)**

Developing and implementing an LAP has many benefits, including providing a roadmap for establishing and documenting compliance with nondiscrimination obligations and ensuring the LEP individuals receive the necessary assistance to participate in activities of workforce development programs.

- Assessment of language needs may include the utilization of the Babel document to determine the needed language.
- Staff will not require an LEP individual to provide their own interpreter.
- Staff will not rely on an LEP individual's minor child or adult family or friend to interpret or facilitate communication, except for the following circumstances:
  - In emergency situations while awaiting a qualified interpreter
  - When the information conveyed is of minimal importance to the services provided
  - When an LEP individual specifically requests that an accompanying adult provide language assistance and they agree to provide assistance to the LEP individual. It is permissible for an accompanying adult to serve as an interpreter for an LEP individual; however, a record of the LEP individual's decision to use their own interpreter must be made and retained in the client file.
  - Where precise, complete, and accurate interpretations or translation of information and/or testimony are critical for adjudicatory or legal reasons, programs and partners can still provide their own, independent interpreter, even if an LEP individual wants to use their own interpreter as well.
- Staff will advise LEP individuals of the different methods of interpretation including in-person, a virtual session, and a telephonic session.
  - In the event that an LEP individual is a walk-in desiring in person language services, staff will advise the individual of the process and time needed to arrange in-person meetings. See list above for emergency situations.
  - Staff will offer an immediate virtual session.
  - As new methods of delivery are developed, reasonable steps will be taken to offer the new methods.
- Staff will advise LEP individuals that services are available free of charge.
- LEP individuals will be advised of and provided with the Equal Opportunity documents.
- LEP individuals will be advised of and provided with the Employment-related Complaint System documents.
- Vital information will be available in English, Spanish, and Haitian Creole; other languages to be included if demographics change.
- The local area/region is currently working with interpretation/translation partners for job fair language assistance and outreach awareness of language accessibility.

- This includes language assistance services with Ad Astra and Heartland Translation Services.
- Provision of language services will be documented in client file case notes.
- The LAP will be revised at a minimum of every two years. In the event of changing demographics, new government guidance, experience and lessons learned, and feedback, revision may take place.