

# Limited English Proficiency Services

## 212.1 PURPOSE AND SCOPE

Federal MODIFIED

This policy provides guidance to employees when communicating with members of the public with limited English proficiency (LEP) (42 USC § 2000d).

### 212.1.1 DEFINITIONS

Federal MODIFIED

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the District to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English proficiency (LEP) individual** - Any individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. These individuals may be competent in certain types of communication (e.g., speaking, understanding) but still exhibit LEP for other purposes (e.g., reading, writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

**Qualified bilingual employee** - An employee of the District, designated by the Fire Chief or the authorized designee, who has the ability to communicate fluently, directly, and accurately in both English and another language. Bilingual employees may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

## 212.2 POLICY

Federal MODIFIED

It is the policy of the District to reasonably provide LEP individuals with meaningful access to services, programs, and activities, while not imposing undue burdens on the District or its employees.

The District will not discriminate against or deny any individual access to services, rights, or programs based upon national origin or any other protected interest or right.

## 212.3 LEP COORDINATOR

Federal MODIFIED

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The Fire Chief or the authorized designee should delegate certain responsibilities to an LEP coordinator.

The responsibilities of the coordinator should include but not be limited to:

- (a) Coordinating and implementing all aspects of the District's LEP services to LEP individuals.
- (b) Developing procedures that will enable employees to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all employees.
- (c) Maintaining and making available to employees, as appropriate, a list of all qualified bilingual employees and authorized interpreters. The list should include information regarding:
  - 1. Languages spoken.
  - 2. Contact information.
  - 3. Availability.
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
  - 1. Content on the District website should be included in this review and should be translated on the website, if appropriate.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and data from government and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used to qualify individuals as qualified bilingual employees or authorized interpreters.
- (h) Periodically reviewing efforts of the District in providing meaningful access to LEP individuals and, as appropriate, developing reports, developing new procedures, or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding District LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to District services, programs, and activities.
- (k) Requiring third parties providing District services, rights, or programs through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prohibit discrimination or denial of access or services based upon national origin or any other protected interest or right.

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### **212.4 FOUR-FACTOR ANALYSIS**

**Federal** **MODIFIED**

Because there are many different languages that employees could encounter, the District will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by District employees, or who may benefit from programs or services within the jurisdiction of this District.
- (b) The frequency with which LEP individuals are likely to come in contact with District employees, programs, or services.
- (c) The nature and importance of the contact, program, information, or service provided.
- (d) The cost of providing LEP assistance and the resources available.

### **212.5 TYPES OF LEP ASSISTANCE AVAILABLE**

**Federal** **MODIFIED**

Employees should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The District will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The District will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept District-provided LEP services at no cost, or they may choose to provide their own.

District-provided LEP services may include but are not limited to the assistance methods described in this policy.

### **212.6 WRITTEN FORMS AND GUIDELINES**

**Federal** **MODIFIED**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. If English versions of any vital documents are published on the District website, the translated versions of the same document must also be posted on the website. The LEP coordinator will arrange to make all translated documents available to employees and other appropriate individuals, as necessary.

### **212.7 AUDIO RECORDINGS**

**Federal** **MODIFIED**

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The District may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

### **212.8 QUALIFIED BILINGUAL MEMBERS**

**Federal** **MODIFIED**

Bilingual employees may be qualified to provide LEP services when they have demonstrated through established District procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. employees utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit.

When a qualified bilingual employee is not immediately available, personnel from other District divisions who have been identified by the District as having the requisite skills and competence may be requested.

### **212.9 AUTHORIZED INTERPRETERS**

**Federal** **MODIFIED**

Any person designated by the District to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the transaction involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a legal or other proceeding.

Authorized interpreters must pass a screening process established by the LEP coordinator that demonstrates their skills and abilities in the following areas:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any applicable specialized terms or concepts and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

#### **212.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

**Federal** **MODIFIED**

The District may contract with authorized interpreters who are available over the telephone. employees may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

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- Qualified bilingual employees of another division within the District.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this District, and with whom the District has a resource-sharing or other arrangement that they will interpret according to District guidelines.

### 212.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

**Federal** **MODIFIED**

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the District to communicate with LEP individuals.

Where qualified bilingual employees or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, employees must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

### 212.10 CONTACT AND DOCUMENTATION

**Federal** **MODIFIED**

Although all public contacts, services, and individual rights are important, this District will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular activity involved.

Whenever any employee of this District is required to complete a report or other documentation that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report or documentation. Employees should document the type of interpretation services utilized and whether the individual elected to use services provided by the District or some other identified source.

### 212.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

**Federal** **MODIFIED**

The District will take reasonable steps to develop in-house language capacity by hiring or appointing qualified employees proficient in languages representative of the community being served.

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### 212.11.1 EMERGENCY ASSISTANCE

**Federal** **MODIFIED**

District employees will make every reasonable effort to promptly accommodate LEP individuals who appear to be in need of emergency assistance. An employee who determines that a person in need of emergency assistance is an LEP individual should attempt to gather sufficient information to determine what type of assistance the person needs and to initiate an appropriate response to the situation. As soon as possible, if language assistance is still needed and the language is known, the employee should attempt to locate a qualified bilingual employee to assist with the situation.

If a qualified bilingual employee is not available or the employee is unable to identify the primary language used by the LEP individual, the employee should contact the contracted interpretation service for assistance.

### 212.12 COMMUNITY OUTREACH

**Federal** **MODIFIED**

Community outreach programs and other such services offered by this District are important to the ultimate success of local government and achievement of the District's mission. This District will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.

### 212.13 TRAINING

**Federal** **MODIFIED**

To ensure that all employees who may have contact with LEP individuals are properly trained, the District will provide periodic training on this policy and related procedures, including how to access authorized telephonic and in-person interpreters and other available resources.

New employees should receive LEP training. Those who may have contact with LEP individuals should receive periodic refresher training. Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.

#### 212.13.1 TRAINING FOR AUTHORIZED INTERPRETERS

**Federal** **MODIFIED**

All employees on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Employees on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.