

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF TRANSPORTATION



Policy No.	Subject	Date
	<i>Language Access Compliance</i>	<i>4/5/13</i>

1. **PURPOSE:** The purpose of this policy is to identify the agency's interest in providing greater access and participation in services, programs, and activities for agency customers with limited or non-English proficiency; to identify the roles and responsibilities of the agency, managers and supervisors, employees, and the Language Access Program Coordinator.

2. **APPLICABILITY:** This policy shall apply agency-wide to all full-time, seasonal, part-time, and temporary employees.

3. **AUTHORITIES:**

Language Access Act of 2004 (2004 District of Columbia Law 15-167 ((Act 15-414))

Title II U.S. Civil Rights Act of 1964

Title VII U.S. Civil Rights Act of 1964

D.C. Human Rights Act of 1977, as amended

4. **DEFINITIONS:** For the purpose of this policy, the following definitions are applicable:

- A. **"Customer"** means an individual who may attempt to benefit from or receive services provided by the District Department of Transportation (THE AGENCY).
- B. **"Access"** or **"participate"** means to be informed of, participate in, and benefit from public services, programs, and activities offered by THE AGENCY at a level equal to English proficient individuals.
- C. **"Language Access Coordinator (LAC)"** means the official within THE AGENCY who coordinates and supervises the activities of THE AGENCY' departments and programs undertaken to comply with the provisions of this policy.
- D. **"Limited English Proficient (LEP)"** refers to an individual who does not speak English as his/her primary language and has a limited ability to speak, read, write or understand English.
- E. **"Non-English Proficient (NEP)"** refers to an individual who cannot speak or understand the English language at any level.
- F. **"Oral language services"** means the provision of oral information necessary to enable limited or non-English proficiency customers to access or participate in programs or services offered by THE AGENCY. The term "oral language services" shall include placement of bilingual staff in public contact positions; the provision of experienced and trained interpreters; contracting with telephone interpreter programs; contracting with private interpreter services; and using interpreters

made available through community service organization that are publicly funded for that purpose.

- G. **“Translation”** means the written conversion of text in a source language into text written into a target language that retains the meaning and intent of the source text and produces a culturally competent product.
- H. **“Interpretation”** means oral or verbal conversion of the meaning of a dialogue from one language to another.
- I. **“Vital documents”** means applications, notices, forms, agreements, and outreach materials published or distributed by THE AGENCY that inform customers about their rights or eligibility requirements for participation in a THE AGENCY program.
- J. **“Language Access Program services”** including but not limited to: translations of vital documents; in-person oral interpretation/translation; commercial interpretation/translations (Language Line); and outreach activities.

5. RESPONSIBILITIES:

A. Agency Responsibilities

- 1) Provide oral language services to customers with limited or no-English proficiency who seek to access or participate in the services, programs, or activities offered by the agency.
- 2) Collect data about the languages spoken and the number or proportion of limited or non-English proficient persons speaking a given language in the population that is served or encountered, or likely to be served or encountered, by the agency.
- 3) Coordinate and facilitate the translation of vital documents in any non-English language spoken by a limited or non-English proficient populations that constitutes 3% or 500 individuals, whichever is less, of the customers served or encountered, or likely to be served or encountered by the agency.
- 4) Develop and maintain a two-year language access plan pursuant to regulation and in accordance with the following guidelines:
 - a. Established in consultation with the DC Office of Human Rights (OHR)
 - b. Reviewed and updated biennially.
 - c. Sets forth the type of oral language services that the agency will provide.
 - d. Sets forth the translated documents that the agency will provide.
 - e. Sets forth the rationale and data for translating any documents.
 - f. Sets forth the number of public contact positions within the agency.
 - g. Sets forth the number of bilingual employees in public contact positions and/or within the agency.
 - h. Evaluation and assessment of the adequacy of language access services the agency provides.

- 5) Appoint a Language Access Program Coordinator or Coordinators responsible for oversight of the agency's language access plan.

B. Division/Department Manager/Supervisor Responsibilities

- 1) Provide support and assistance in carrying out the provisions of the agency's Language Access Program policy as necessary.
- 2) Report public complaints regarding language access violations to the agency Language Access Program Coordinator.
- 3) Implement Language Access Program standard operating procedures within their assigned agency division or program area.

C. Language Access Program Liaisons (Primary and Secondary)

- 1) Communicate as necessary with the agency Language Access Coordinator regarding implementation of the agency Language Access Plan.
- 2) Identify and maintain a record of the vital documents utilized by the assigned agency division or program area.
- 3) Identify and report all agency events/functions which utilize interpretation services to the Language Access Program Coordinator within the Language Access Program Liaisons program area/division.
- 4) Ensure that LEP/NEP customers are identified in the Customer Management database and that language preference is noted.
- 5) Maintain a record of Language Access Program resources and services utilized by customers of the assigned agency division or program area.

D. Language Access Program Coordinator

- 1) Provide oversight of the agency's Language Access Program.
- 2) Provide guidance and advice to agency staff and management regarding the usage of Language Access Program services.
- 3) Ensure the agency's compliance with the District's Language Access Act of 2004 and all corresponding guidelines and regulations.
- 4) Track, monitor, and investigate formal or informal public complaints regarding alleged language access violations at the agency.
- 5) Communicate with Language Access Program Liaisons (Primary and Secondary) as necessary to carry out the mission of this policy.
- 6) Recommend corrective or adverse action for conduct contrary to this policy.

6. POLICY AND PROCEDURES:

- A. Interaction with customers who have limited or no-English proficiency.

- a. Employees must ensure that Limited English Proficient or Non-English Proficient customers have equal access to information and services. This means that LEP/NEP customers must be offered the use of an interpreter and receive service in the order of their arrival at the agency's facilities.
- b. Employees must not discourage or refuse agency services to customers who are Limited English Proficient or Non-English Proficient.
- c. Employees must document their interaction with customers who are Limited English Proficient or Non-English Proficient in accordance with their agency division/program area's Language Access Program standard operating procedures.
- d. Employees must identify LEP/NEP customer information to ensure that all future interactions with the customer include the provision of interpretation services and translation of vital documents in accordance with the provisions in this policy.

B. Public complaints regarding language access violations

- a. Employees must report any public complaints regarding language access violations to their manager/supervisor or to the agency Language Access Program Coordinator in a timely manner (within 5 business days of the incident).
- b. Employees must not discourage or refuse agency services to customers who have registered a complaint regarding language access violations.

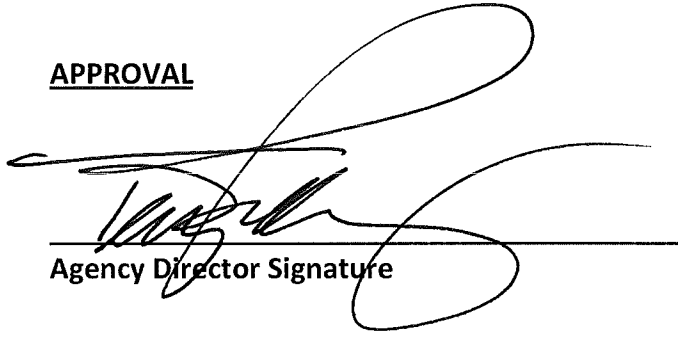
C. External resources

- a. Employees will be made aware of the Language Access Program resources provided by the agency and the DC Office of Human Rights. Language Access Program resources include: translation of vital documents; interpretation; translations; telephonic oral interpretation (Language Line).
- b. Employees in a public contact position as well as all managers/supervisors and/or Language Access Program Liaisons as set forth above will attend training as outlined in the agency's biennial Language Access Program plan.

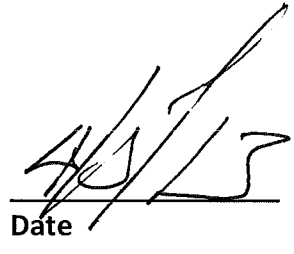
7. ATTACHMENT(S): Not applicable.

8. EFFECTIVE DATE AND IMPLEMENTATION: This policy is effective immediately upon signature.

APPROVAL



Agency Director Signature



Date

Effective Date:
Review Date:
Distribution:
Point-of-Contact:

Date of Signature
Two-Year Anniversary of Signature
All agency employees
Program Office, Office Email, Office Phone Number