
POLICY BULLETIN NO. 115

SUBJECT:

Limited English Proficiency (LEP) communication

OBJECTIVE:

To take reasonable steps to ensure meaningful communication with LEP individuals and their authorized representatives. All interpreters, translators, and other aids needed to comply with this policy shall be provided without cost to the person being served, and they will be informed of the availability of such assistance, free of charge.

POLICY:

The purpose of this policy is to establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964 and Executive Order 13166, for agency personnel to follow when providing services to, or interacting with, individuals who have limited English proficiency (LEP).

PROCEDURES:

A. Identifying LEP Persons and Their Language

LYREC will identify the language and communication needs of the LEP population in their programs using a 4-Factor Analysis approach.

- a. Demographics/Proportion
- b. Frequency of Contact
- c. Importance
- d. Resources

If necessary, staff will use a language identification card (or “I speak cards,” available online at www.lep.gov) or posters posted in public lobby to determine the language.

In addition, when records are kept of past interactions with member/clients/residents or family members, the language used to communicate with the LEP person will be included as part of the record.

B. Providing Language Assistance Services

Language assistance will be provided through the use of competent staff or technology and telephonic interpretation services.

- a. Obtaining Interpreter Services – Language Link has agreed to provide qualified interpreter services. The agency’s hours of availability are 24/7, 365 days a year.

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and **after** the LEP person has understood that an offer of an interpreter at no charge to the person has been made. Such as offer and the response will be documented in the person's file. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any these reasons, competent interpreter services will be provided to the LEP person.

C. Providing WRITTEN and Vital Document TRANSLATIONS

LYREC will evaluate the number of proportion of LEP persons eligible to be served or likely to be encountered and determine if safe harbor provisions are applicable.

Documenting SAFE HARBOR Provisions

Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents
More than 5% of the eligible population or beneficiaries <i>AND</i> more than 50 in number	Translated vital documents
More than 5% of the eligible population or beneficiaries <i>AND</i> 50 or less in number	Translated written notice of right to receive free oral interpretation of documents
5% or less of the eligible population or beneficiaries <i>AND</i> less than 1,000 in number	No written translation is required

- a. Identify territorial lines
- b. Access the proportion of LEP persons or encountered in the eligible service population by:
 - i. Documented prior experiences with LEP persons
 - ii. Data from U.S. Census Bureau
 - iii. www.lep.gov (mapping tool)
 - iv. Input from community organizations and LEP persons

LYREC will provide translation of other written materials and written notice of the availability of translation, free of charge, if needed and safe harbor provisions are no applicable.

- a. When translation of vital documents are requested, submit documents to HR.
- b. Language Link provides bids on translation services.

D. Training of Staff

All staff will be provided notice of this policy and procedures, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques. The following are part of the Training Addendum:

- a. LEP Desk Aid
- b. Point2YourLanguage Poster
- c. How to Access Services
- d. How to work with an Interpreter
- e. Data Collection Form

E. Providing Notice to LEP Persons

LYREC will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. At a minimum, notices will be provided at intake areas.

F. Monitoring Language Needs and Implementation

LYREC will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, LYREC will regularly assess the efficacy of these procedures, including but not limited to self-assessments, mechanisms for securing interpreter services, equipment used for the delivery of language assistance, complaints filed by LEP persons, feedback from members and community organizations, etc.