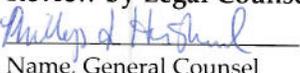




District of Columbia Department of Health Language Access Services and Requirements		PROCEDURE 250.10 Implementing Office: Office of the Director Training Required: Yes Originally Issued: 1/31/14 Revised/Reviewed:
Approved by:  Name, Agency Director	Review by Legal Counsel:  Name, General Counsel	Effective Date: 2/5/14 Valid Through Date:

I. Authority	DC Act 15-414, Title VI of the Civil Rights Act of 1964, U.S.C. 2000d et.seq.; Title 22A DCMR, Chap. 34, 3410
II. Reason for the Policy	The Language Access Act of 2004 mandates that District of Columbia Government agencies provide linguistically relevant access to all available programs and services to individuals with limited or no English language proficiency. This policy establishes procedures and responsibilities in furtherance of implementing this mandate.
III. Applicability	This policy applies to all DOH employees, contracted staff, volunteers, interns, and summer youth employees.
IV. Definitions & Acronyms	<p>Limited English Proficient Person (LEP) or Non English Proficient Person (NEP) – Any individual who cannot speak, write, read, or understand the English language at a level that permits him or her to interact effectively with Department of Health employees, contractors, grantees, or partners due to having been accustomed to speaking, writing, reading, or understanding a language other than English and not as result of a physical or mental disability.</p> <p>Oral language services- Using verbal means of communication to enable limited or non-English proficient individuals to access or participate in programs or services offered by DOH employees, contractors, grantees, or partners. These services may include placement of bilingual staff in public contact positions; coordinating access to experienced, trained, and certified interpreters through contract or other means; coordinating access to telephonic language interpretation services through contract or other means; and/or using interpreters made available by community based organizations that are funded by DOH for that purpose.</p> <p>Vital Documents –Documents identified and classified by the Language Access Coordinator as necessary for individuals to have meaningful access to DOH services. This list of documents may</p>

	<p>include, but is not limited to: applications for services, complaint forms, notices regarding rights or eligibility requirements for benefits and program participation, emergency notifications, and flyers or brochures designed to engage specific audiences.</p> <p>Interpretation – the process of orally conveying the meaning of something said from the speaker’s language into the language of the listener and vice versa. There are three common types of interpretation: (1) <i>Consecutive Interpretation</i> – the interpreter interprets a speaker’s words orally after the speaker has communicated his thoughts. The interpretation process follows in a consecutive manner; (2) <i>Simultaneous Interpretation</i> – the interpreter speaks simultaneously with the speaker (while the customer or service provider is still speaking). This usually entails auditory equipment for the listener(s) of the targeted language. Simultaneous interpretation works best in large settings such as public hearings or large community events; (3) <i>Sight Translation</i> – the interpreter reads a document written in one language and translates it orally into another language for the listener.</p> <p>Language Access Act of 2004 – Legislation approved by the Mayor and the Council of the District of Columbia for the purpose of providing greater access and participation in public services, programs, and activities for individuals with limited or no English proficiency by requiring that District government entities provide competent and relevant language access services free of charge.</p> <p>Language Access Coordinator – The individual responsible for conceptualizing, developing, and enforcing the mechanisms used to comply with the District of Columbia Language Access Act of 2004 within the Department of Health.</p>
<p>V. Contents</p>	<ol style="list-style-type: none"> 1. Language Access Coordinator Responsibilities 2. Employee Responsibilities 3. Expansion of Language Access Capabilities
<p>VI. Procedures</p>	<ol style="list-style-type: none"> 1. Language Access Coordinator Responsibilities <ol style="list-style-type: none"> a. The Language Access Coordinator will engage DOH employees to ensure that linguistically relevant access to services and information is available to LEP and NEP individuals. The Language Access Coordinator will collaborate across Administrations and program areas to expand awareness and utilization of telephonic and in-person interpretation services as

well as adequate and relevant translation of DOH vital documents.

- b. The Language Access Coordinator will provide or coordinate language access training to all DOH employees on an annual basis to expand awareness of the language access program and promote awareness of available language access services. The Language Access Coordinator may provide or coordinate training to front line and/or direct services personnel on a more frequent basis or as needed.
- c. The Language Access Coordinator shall coordinate with relevant DOH employees to post and maintain public notices regarding language access services in public areas; including but not limited to waiting rooms, reception areas, and other visible locations.
- d. The Language Access Coordinator shall review, analyze, and update the Agency Biennial Language Access Plan as required by the Language Access Act of 2004.
- e. The Language Access Coordinator shall receive and respond to complaints from individuals who believe they have not received access to linguistically relevant services from DOH employees, contractors, grantees, or partners.

2. Employee Responsibilities

- a. DOH employees shall attend annual language access training. Front line or direct service employees may be required to attend training on a more frequent basis.
- b. When engaging with LEP or NEP individuals, DOH employees shall quickly request the assistance of an interpreter or utilize the DOH Language Line to facilitate meaningful access to DOH services and ensure DOH compliance with the Language Access Act of 2004.
- c. Employees shall engage the Language Access Coordinator to obtain translation services for any documents they reasonably believe are necessary to promote or support meaningful access to services provided by their Administration.
- d. Employees shall coordinate with the Language Access Coordinator to provide linguistically relevant and

	<p>culturally sensitive access to oral interpretation and vital documents for events sponsored or organized by DOH or its contractors, grantees, or partners.</p> <p>3. Expansion of Language Access Capabilities</p> <p>a. The DOH Language Access Coordinator will collaborate with employees across the Department of Health to expand and enhance its language access capabilities in accordance with the Agency Biennial Language Access Plan or as needed. For example, the Language Access Coordinator may provide the following guidance, technical assistance, and supports:</p> <ul style="list-style-type: none"> ▪ Collaborate with program managers to draft Statements of Work (SOW) that include access to linguistically relevant language access services; ▪ Draft language to include in the DOH contract and Notice of Grant Award templates to require access to language access services; ▪ Provide training to DOH contractors and grantees; ▪ Identify new and innovative language access services and provide recommendations; and ▪ Assist human resources staff in developing and classifying position descriptions for bilingual positions
VII. Contacts	Language Access Coordinator – 442-9412
VIII. Related Documents, Forms and Tools	<ol style="list-style-type: none"> 1. Language Access Act of 2004 2. Language Line Quick Reference Guide

DC GOVN - DEPT OF HEALTH

HOW TO ACCESS AN INTERPRETER

■ When Receiving a call:

1. Use your phone's conference feature to place the Limited English Proficient (**LEP**) speaker on hold.
2. Dial **1-800-874-9426**
3. Provide your Client ID # **5 1 1 3 7 8**
4. Select the language you need
 - a. Press 1 for Spanish
 - b. Press 2 for all other languages and state the name of the language you need

*** Press 0 for agent assistance if you do not know the language*
5. Provide your: **Access Code: 2028995**
You will be connected to an interpreter who will provide his/her ID number.
6. Brief the interpreter.
Summarize what you wish to accomplish and provide any special instructions.
7. Add the LEP onto the call.
8. Say "End of Call" to the interpreter when your call is completed.

■ Note:

When placing an outbound call to a LEP, begin at **Step 2**. If you need assistance placing a call to the LEP, Please inform the interpreter or agent at the beginning of the call.

When the LEP is face-to-face with you begin at **Step 2**. Once the interpreter joins the line, brief him/her and place the phone on "Speaker" mode or pass the handset back-and-forth.

IMPORTANT INFORMATION:

INTERPRETER IDENTIFICATION - Interpreters identify themselves by name and ID number. Feel free to note this information for future reference if your organization requires it for their records or to comply with regulatory requirements.

WORKING WITH AN INTERPRETER – At the beginning of the call, briefly tell the interpreter the nature of the call. Speak directly to the limited English speaking speaker, not to the interpreter, and pause at the end of a complete thought. Please note, to ensure accuracy, your interpreter may sometimes ask for clarification or repetition.

CUSTOMER SERVICE– To provide feedback, commend an interpreter, or report any service concerns, call 1-800-752-6096 or go to www.languageLine.com, and click on the "Customer Service" tab to complete a Voice of the Customer form.

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To provide greater access and participation in public services, programs, and activities for residents of the District of Columbia with limited or no-English proficiency by requiring that District government programs, departments, and services assess the need for, and offer, oral language services; provide written translations of documents into any non-English language spoken by a limited or no-English proficient population that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered, or likely to be served or encountered; to ensure that District government programs, departments, and services with major public contact establish and implement a language access plan and designate a language access coordinator; to require that the Office of Human Rights coordinate and supervise District government programs, departments, and services in complying with the provisions of this act and establish the position of Language Access Director for this purpose; and to amend the District of Columbia Latino Community Development Act and to repeal the Bilingual Services Translation Act of 1977 to repeal redundant provisions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Language Access Act of 2004".

Sec. 2. Definitions.

For purposes of this act, the term:

(1) "Access or participate" means to be informed of, participate in, and benefit from public services, programs, and activities offered by a covered entity at a level equal to English proficient individuals.

(2) "Covered entity" means 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. The term "covered entity" shall not include the Advisory Neighborhood Commissions.

(3)(A) “Covered entity with major public contact” means a covered entity whose primary responsibility consists of meeting, contracting, and dealing with the public.

(B) Covered entities with major public contact are:

- (i) Alcoholic Beverage Regulation Administration;
- (ii) Department of Health;
- (iii) Department of Mental Health;
- (iv) Department of Human Services;
- (v) Department of Employment Services;
- (vi) Fire and Emergency Medical Services;
- (vii) District of Columbia Housing Authority;
- (viii) District of Columbia general ambulatory and emergency care centers;

- (ix) Emergency Management Agency;
- (x) Metropolitan Police Department;
- (xi) District of Columbia Public Schools;
- (xii) Department of Motor Vehicles;
- (xiii) Department of Housing and Community Development;
- (xiv) Department of Public Works;
- (xv) Department of Corrections;
- (xvi) Office on Aging;
- (xvii) District of Columbia Public Library;
- (xviii) Department of Parks and Recreation ;
- (xix) Department of Consumer and Regulatory Affairs ;
- (xx) Child and Family Services Agency;
- (xxi) Office of Human Rights;
- (xxii) Office of Personnel;
- (xxiii) Office of Planning;
- (xxiv) Office of Contracting and Procurement;
- (xxv) Office of Tax and Revenue; and
- (xxvi) Office of the People’s Counsel.

(C) Other covered entities with major public contact may be designated by the Language Access Director through the Mayor, by regulation, after consultation with the D. C. Language Access Coalition in accordance with section 6(b)(6).

(4) “Language Access Director” means the official in the Office of Human Rights who, pursuant to section 6, coordinates and supervises the activities of District agencies, departments, and programs undertaken to comply with the provisions of this act.

(5) “Limited or no-English proficiency” means the inability to adequately understand or to express oneself in the spoken or written English language.

(6) “Oral language services” means the provision of oral information necessary

to enable limited or no-English proficiency residents to access or participate in programs or services offered by a covered entity. The term “oral language services” shall include placement of bilingual staff in public contact positions; the provision of experienced and trained staff interpreters; contracting with telephone interpreter programs; contracting with private interpreter services; and using interpreters made available through community service organizations that are publicly funded for that purpose.

(7) “Vital documents” means applications, notices, complaint forms, legal contracts, and outreach materials published by a covered entity in a tangible format that inform individuals about their rights or eligibility requirements for benefits and participation. 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.

Sec. 3. Oral language services provided by covered entities.

(a) A covered entity shall provide oral language services to a person with limited or no-English proficiency who seeks to access or participate in the services, programs, or activities offered by the covered entity.

(b) A covered entity shall, at least annually, determine the type of oral language services needed based upon:

(1) The number or proportion of limited or no-English proficient persons of the population served or encountered, or likely to be served or encountered by the covered entity, in the District of Columbia;

(2) The frequency with which limited or no-English proficient individuals come into contact with the covered entity;

(3) The importance of the service provided by the covered entity; and

(4) The resources available to the covered entity.

(c)(1) In making the determination under subsection (b) of this section of the type of oral language services needed, the covered entity shall consult the following sources of data to determine the languages spoken and the number or proportion of limited or no-English proficient persons of the population that are served or encountered, or likely to be served or encountered, by the covered entity in the District of Columbia:

(A) The United States Census Bureau’s most current report entitled “Language Use and English Ability, Linguistic Isolation” (or any other successor report);

(B) Any other language-related information;

(C) Census data on language ability indicating that individuals speak English “less than very well”;

(D) Local census data relating to language use and English language ability;

(E) Other governmental data, including intake data collected by covered entities; data collected by the District of Columbia Public Schools; and data collected by and

made available by District government offices that conduct outreach to communities with limited-English proficient populations and that serve as a liaison between the District government and limited-English proficient populations, such as the Office of Latino Affairs and the Office of Asian and Pacific Islander Affairs; and

(F) Data collected and made available by the D.C. Language Access Coalition.

(2) A covered entity shall annually collect data about the languages spoken and the number or proportion of limited or no-English proficient persons speaking a given language in the population that is served or encountered, or likely to be served or encountered, by the covered entity. A covered entity's databases and tracking applications shall contain fields that will capture this information during the fiscal year that this act takes effect with respect to the covered entity pursuant to section 7. If it is demonstrated to the Office of Human Rights that this is not feasible due to budgetary constraints, a covered entity shall make all due efforts to comply with this paragraph by the beginning of the next fiscal year. All information collected under this section shall be provided to the Language Access Director and made available to the public, upon request, within a reasonable time.

(d) To the extent that a covered entity requires additional personnel to meet its requirement to provide oral language services based on the determination set forth in this section, the covered entity shall hire bilingual personnel into existing budgeted vacant public contact positions.

Sec. 4. Written language services by covered entity.

(a) A covered entity shall provide translations of vital documents into any non-English language spoken by a limited or no-English proficient population that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered, or likely to be served or encountered, by the covered entity in the District of Columbia.

(b) If the provisions of this act are contractually imposed on a non-covered entity, subsection (a) of this section shall apply.

Sec. 5. Additional obligations of covered entities with major public contact.

(a)(1) A covered entity with major public contact shall establish a language access plan, by regulation.

(2) Each language access plan shall be established in consultation with the Language Access Director, the D.C. Language Access Coalition, the entity's language access coordinator, and agency directors that conduct outreach to limited or no-English populations. Each language access plan shall be updated every 2 years and shall set forth, at minimum, the following:

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

(B) The titles of translated documents that the entity will provide and how the determination was reached;

(C) The number of public contact positions in the entity and the number of bilingual employees in public contact positions;

(D) An evaluation and assessment of the adequacy of the services to be provided; and

(E) A description of the funding and budgetary sources upon which the covered entity intends to rely to implement its language access plan.

(3) In establishing and updating the language access plan, the entity shall consult with the sources of data set forth in section 3(c)(1).

(b) A covered entity with major public contact shall designate a language access coordinator who shall report directly to the director of the entity and shall:

(1) Establish and implement the entity's language access plan in consultation with the Language Access Director, the D.C. Language Access Coalition, and the agency directors of government offices that conduct outreach to communities with limited or no-English proficient populations; and

(2) Conduct periodic public meetings with appropriate advance notice to the public.

(c) A covered entity with major public contact shall develop a plan to conduct outreach to communities with limited or no-English proficient populations about their language access plans and about the benefits and services to be offered under this act.

Sec. 6. Language access oversight; duties of Language Access Director.

(a) The Office of Human Rights shall provide oversight, central coordination, and technical assistance to covered entities in their implementation of the provisions of this act and ensure that the provision of services by covered entities meets acceptable standards of translation or interpretation.

(b) There shall be within the Office of Human Rights a Language Access Director to coordinate activities under this act. The Language Access Director shall:

(1) Review and monitor each covered entity's language access plan for compliance with this act and Title VI of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat. 252; 42 U.S.C. §§ 2000d through 2000d-7);

(2) Track, monitor, and investigate public complaints regarding language access violations at covered entities, and where necessary, issue written findings of noncompliance to the covered entities regarding failures to provide language access; provided, that this responsibility shall not supersede or preclude the existing individual complaint process and mechanism under the jurisdiction of the Office of Human Rights;

(3) Review and monitor the language access coordinators with respect to their performance of responsibilities under this act;

(4) Consult with language access coordinators, the D.C. Language Access Coalition, and the heads of government offices that conduct outreach to communities with limited or no-English proficient populations;

(5) Serve as the language access coordinator for the Office of Human Rights;
and

(6) Through the Mayor, by regulation, after consultation with the D.C. Language Access Coalition, designate additional covered entities with major public contact.

Sec. 7. Phased implementation.

(a) This act shall apply on its effective date to:

- (1) Department of Health;
- (2) Department of Human Services;
- (3) Department of Employment Services;
- (4) Metropolitan Police Department;
- (5) District of Columbia Public School System;
- (6) Office of Planning;
- (7) Fire and Emergency Medical Services; and
- (8) Office of Human Rights.

(b) This act shall apply as of October 1, 2004 to:

- (1) Department of Housing and Community Development;
- (2) Department of Mental Health;
- (3) Department of Motor Vehicles;
- (4) Child and Family Services Agency;
- (5) Alcoholic Beverage Regulation Administration; and
- (6) Department of Consumer and Regulatory Affairs.

(c) This act shall apply as of October 1, 2005, to:

- (1) Department of Parks and Recreation;
- (2) Office on Aging;
- (3) District of Columbia Public Library;
- (4) Office of Personnel;
- (5) Office of Contracting and Procurement;
- (6) Department of Corrections;
- (7) Department of Public Works; and
- (8) Office of Tax and Revenue.

(d) This act shall apply as of October 1, 2006 to all covered entities.

Sec. 8. Conforming amendments.

(a) Section 304 of the District of Columbia Latino Community Development Act, effective September 29, 1976 (D.C. Law 1-86; D.C. Official Code § 2-1314), is repealed.

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(b) The Bilingual Translation Services Act of 1977, effective October 26, 1977 (D.C. Law 2-31; D.C. Official Code § 2-1342 *et seq.*), is repealed.

Sec. 9. Inclusion in the budget and financial plan.

This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan. This act is subject to appropriations.

Sec. 10. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 11. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 831; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia