

District of Columbia Office of Human Rights

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DC Grantee/Contractor Language Access Implementation Guide



Office of Human Rights
DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA OFFICE OF HUMAN RIGHTS

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Office of Human Rights

DC Grantee/Contractor Language Access Implementation Guide

The Language Access Program is housed under the District of Columbia Office of Human Rights (OHR). It exists to eliminate language-based discrimination, enabling DC residents, workers, and visitors to receive equivalent information and services from DC government agencies (also referred to as “covered entities”), including public-facing contractors and grantees, who receive funding from the DC Government also known as “funded entities.” As a DC government funded entity, your respective organization/program has an obligation to comply with the DC Language Access Act of 2004 (“the Act”). The Act requires that all DC government agencies ensure that the Limited English Proficient and Non-English Proficient (LEP/NEP) population has equal access to the full range of government services by receiving translation and interpretation services.

The District of Columbia is one of the most linguistically diverse cities in our nation, and this guide is meant to assist your organization/program prepare for the possibility of engaging with someone from the LEP/NEP community. This guide explains the implementation of each compliance area and the proper way to use and display associated resources. The guide also provides information on helpful tools and resources used in the implementation of the Act’s requirements. Please note that this guide is a resource and educational tool and is not meant to provide legal advice.

The following are the six Language Access (LA) compliance requirements that will be covered in this guide:

- I. Collect data on encounters with LEP/NEP customers and report this data to the covered entity on a quarterly basis
- II. Provide oral interpretation services via qualified telephonic interpreters, in-person interpreters, or bilingual staff, who can facilitate language communication
- III. Translate vital documents according to the same standards required of the covered entity
- IV. Train personnel on language access compliance requirements
- V. Certify in writing that the Act compliance requirements will be satisfied
- VI. Display multilingual signage, which communicates the availability of interpretation and translations services in all public facing locations
- VII. Outreach that engages the LEP/NEP communities

I. Data Collection:

The Act requires covered entities and their funded grantees/contractors to collect and report data quarterly on the demand for language assistance by LEP/NEP individuals, called encounters, to understand the linguistic needs of an organization or program. Encounters include interactions with both groups of people and individuals.

Most covered entities have several points of contact with the public. A comprehensive data collection system will gather information from each of these points of contact, including hotlines, walk-in facilities, mobile units, community events, and online applications for services. Each interaction counts as an encounter because every interaction uses government resources.

OHR's LA program requires the following components in data collection reports:

- Languages Encountered, which refers to the language preferred by the LEP/NEP individual
- Number of Encounters per language, which refers to the number of times a language other than English was used to communicate.
- Mode of Interpretation, which refers to the method used to provide language service to communicate with the LEP/NEP individual, there are three manners in which these encounters occur and should be captured for reporting purposes:
 - A *telephonic interpreter* refers to a telephonic language service provider (such as Language Line Solutions) and is used to communicate with a LEP/NEP individual in their preferred language. Telephonic interpretation can be used in daily communication.
 - An *in-person interpreter* is used to communicate with the LEP/NEP individuals in their preferred language. An in-person interpreter refers to an impartial individual that has interpreter training certification.
 - A *bilingual staff member* refers to an individual in your organization who is fluent in the LEP/NEP individual's primary language and can facilitate communication. As a representative of your organization, the bilingual staff member is not an impartial interpreter.

The Language Access Coordinator (LAC) or Point of Contact (POC) from your DC Government Agency will inform your organization/program of the way data will be collected. It is recommended to exclusively use professional and qualified interpreters and not family, friends, neighbors, volunteers, bystanders of the LEP/NEP individual without obtaining a waiver.

II. Interpretation Requirements

As funded entities (grantees/contractors) your respective organization/program must offer interpretation services in the primary language spoken by the customer identified as LEP/NEP. Language services can be provided through telephonic interpretation, bilingual staff or through a professional interpreter (as noted in the text above).

Funded entities are required to set up an active account with a telephonic interpretation service provider in order to always have access to an interpreter over the phone. DC Government agencies can also opt to let funded entities use their Language Line Solutions (LLS) account for telephonic interpretation services. To set up a new account, funded entities should contact LLS directly (call 1-800-752-6096 and press 4).

The following are tips and answers to frequently asked questions to use when attempting to provide language services to the LEP/NEP customers:

- Please do not make guesses or assumptions about the customer's language preference. If the communication or encounter with the LEP/NEP client is over the phone then you should let the customer speak and if you don't understand, then proceed to call the telephonic interpretation provider: Language Line Solutions and you will be assisted to figure out the individual's preferred language.
- If the communication or encounter with the LEP/NEP client is in person, you should show her or him the Language Identification poster for the customer to choose their preferred language. and then proceed to access telephonic interpretation service through Language Line Solutions.
- **How do I tell a customer over the phone to hold on while I get an interpreter if I don't speak the customer's language?** The best option is to stick with standard pronunciation, pause between words, and avoid contractions or idioms. For example, don't say "hold on" instead say "wait a minute" or "one moment please". If you are assisting a Spanish speaker and you have a basic Spanish pronunciation level, you may say "un momento por favor" or simply "un momento".
- **Is it ok to make a LEP/NEP customer wait until a bilingual employee is available?** No. Employees should use the Language Line Service as the first resource while serving LEP/NEP customers.
- **Can a child provide interpretation services to a parent customer?** No. Employees should never allow children to perform interpretation services for their parent/guardian. DDC funded organizations/programs' employees are required to offer qualified interpretation services thru the Language Line.
- **Can an adult provide interpretation customer?** Yes, but only if the customer signs the Language Access Waiver first. Employees should always offer qualified telephonic interpretation services regardless of the situation. If an in-person customer refuses to

use the Language Line service because s/he prefers an adult family member or friend to perform the interpretation, the customer must sign the waiver in order to obtain services. The age of the accompanying family member or friend should be verified, they must be at least 18 years of age to serve in such capacity.

III. Translation Requirements

As funded entities (grantees/contractors) your respective organization/program must translate vital documents.

Vital documents must be translated into any language spoken by Limited English Proficient/Non- English Proficient (LEP/NEP) populations that constitute 3% or 500 individuals, whichever is less, of the population served or encountered, or likely to be encountered, by the covered entity or by its grantees and contractors. As more fully described in the Implementation Resources section below, OHR encourages the use of multilingual taglines on non-vital documents. LEP/NEP populations vary somewhat, but the top languages in the District include Spanish, Amharic, French, Chinese, Korean, Vietnamese, Arabic, Tagalog, German, Korean, Portuguese, and Russian. Please note that Chinese in written form is either Simplified Chinese or Traditional Chinese. Also note that for oral interpretation the most encountered Chinese dialects are Cantonese and Mandarin.

The following are two of the most common questions received regarding translation.

- **What is a vital document?** A vital document is defined as applications and their instructions, notices, complaint forms, legal contracts, correspondence, and outreach materials published by a covered entity in a paper or electronic format including but not limited to those which inform individuals about their rights and responsibilities or eligibility requirements for benefits and participation, as well as documents that pertain to the health and safety of the public.
- **What should I do if I receive correspondence in a foreign language?** If an employee receives correspondence in a foreign language or otherwise discovers that a customer needs to receive correspondence in a language other than English, notify your supervisor immediately. Your respective organization/ program should provide guidance on getting the correspondence translated. It is recommended that a response is sent in the target language and not in English.

IV. Training Requirements

All employees of funded entities in public contact positions must be trained on the requirements of the DC Language Access Act and the resources to use to serve LEP/NEP customers. Language Access Compliance trainings are provided by OHR or by the funding agency and may be delivered in the following formats upon approval by OHR: web-based training by developing an online module or through a virtual meeting platform. Note that training can also be requested from the Office of Human Rights by contacting 202-727-4559.

V. Certification of grantee/contractor compliance with the DC Language Act of 2004

The District government agency that provides funding to the grantee's respective organization/program must include LA compliance requisites in the contract or Memorandum of Understanding (MOU). District government agencies are also required to ensure that contractors hired to carry out services, programs, or activities directly to the public comply with the Language Access Act.

VI. Display multilingual signage

Funded entities (grantees/contractors) must display signage on the availability of interpretation and translations services in all public facing locations: waiting areas, meeting rooms, intake rooms.

VII. Outreach

Please note that the following guidance for outreach is only required of entities that receive funds from a major public contact agency (see full list of designated agencies on page 12).

If your entity receives funds from a non-major public contact agency and want to engage the LEP/NEP community through outreach, please see the list below for possible engagement strategies:

- (a) Organizing events in LEP/NEP communities (including fairs, community meetings, forums, educational workshops);
- (b) Deploying entities' mobile unit/truck/van to visit specific community centers, community based organizations or schools;
- (c) Disseminating information through LEP media outlets (including local TV, newspapers, and radio);
- (d) Deploying outreach personnel to visit and/or perform regular "walk throughs" within the various LEP/NEP communities;
- (e) Partnering with community based organizations for the implementation of projects and/or delivery of services;
- (f) Distributing flyers, brochures, and other printed material in diverse languages and at diverse locations;
- (g) Disseminating information through entities' websites;

- (h) Issuing press releases in diverse languages and directing those press releases to media outlets serving the LEP/NEP community;
- (i) Implementing a topic-specific campaign to raise awareness of a particular service or project in an LEP/NEP community;
- (j) Sponsoring educational, informational, cultural and/or social events in LEP/NEP communities;
- (k) Participating in LEP/NEP community events and/or meetings;
- (l) Inviting LEP/NEP community members to visit agency service site(s) and government facilities;
- (m) Cosponsoring community events with LEP/NEP community based organizations;
- (n) Participating in and/or cosponsoring events that target the District’s LEP/NEP communities with other District government agencies;
- (o) Organizing regular needs assessment meetings with LEP/NEP community based organizations.

To engage the LEP/NEP community in an inclusive and equitable manner outreach material should be linguistically appropriate. To achieve this, the outreach material should be translated into the target languages. It should also include the steps to arrange for language access services prior to the event. The LA program has developed taglines in the top six languages encountered in the District that state the following: “If you are interested in participating in this event and would like language assistance, please call: (###)###-####.”

Note that the phone number that should be listed is for your establishment/program and not language line solutions. It is also important to inform those that will receive the expected influx of calls from the LEP/NEP community of the event and how to arrange for interpreter assistance. Below is an example of the proper use of taglines within an English only outreach material:

Fair Housing in the time of COVID

Join the DC Office of Human Rights for Fair Housing Month (FHM) as we discuss the different ways COVID-19 has impacted fair housing.

About this event

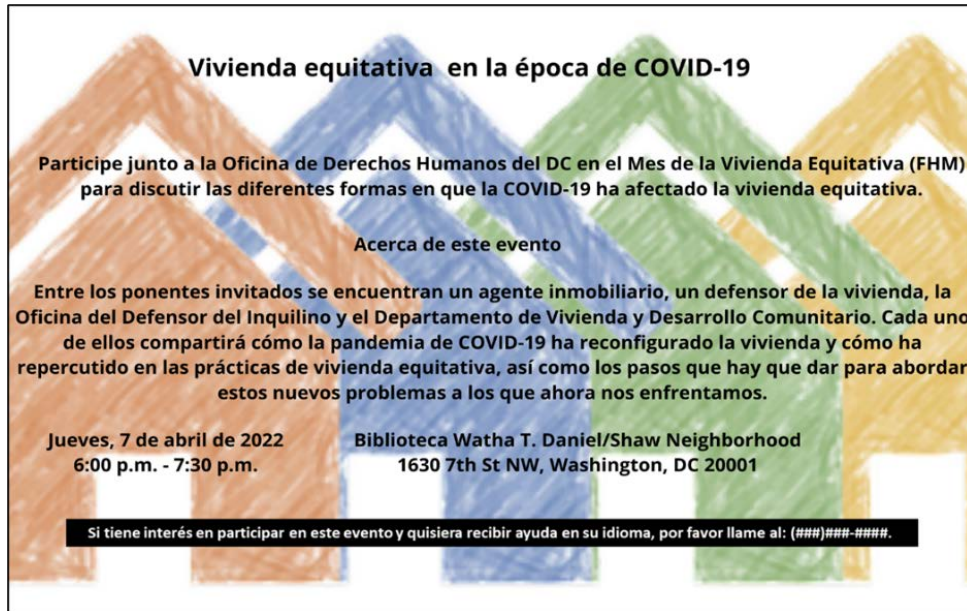
Our guest speakers include a real estate agent, housing advocate, Office of Tenant Advocate and Department of Housing and Community Development. Each will share how the COVID-19 pandemic has reshaped housing and how it has impacted fair housing practices, as well as what steps need to be taken to address these new issues we now face.

Thursday, April 7, 2022
6:00 - 7:30 PM

Watha T. Daniel/ Shaw Neighborhood Library
1630 7th St NW, Washington, DC 20001

If you are interested in participating in this event and would like language assistance, please call: (###)###-####. - Si tiene interés en participar en este evento y quisiera recibir ayuda en su idioma, por favor llame al: (###)###-####. - የዚህ ዝግጅት ተሳታፊ የመሆን ፍላጎት ካልሞት እና የትርጉም አገልግሎት የሚገኙ ከሆኑ፣ እባክዎን በ (###)###-#### ይደውሉ። - 如果您有兴趣参加本次活动，且需要语言协助，请致电：(###)###-#### - Si vous souhaitez participer à cet événement et bénéficier d'une assistance linguistique, veuillez appeler le numéro suivant : (###)###-####. - Nếu bạn muốn tham gia sự kiện này và muốn được hỗ trợ về ngôn ngữ, vui lòng gọi: (###) ###-####. - 본 이벤트에 참가하기를 원하고 언어 서비스가 필요하시면 (202)727-3120 로 전화주시기 바랍니다.

Below you will find an example of the proper use of a linguistically appropriate tagline within a translated outreach material:



Note that the tagline is still needed for the LEP/NEP individual to arrange for language services.

Equitable Language Access and Event registration

If the advertisement states that language access services can be provided at the event, then the registration process should also be made available in those languages. Below you will find an example:

Join the DC Office of Human Rights for Fair Housing Month (FHM) as we discuss the variety of ways COVID-19 has impacted fair housing.
About this event
Come celebrate FHM with us on April 7th at 6:00pm with a virtual panel discussion.
 Our guest speakers include a real estate agent, housing advocate and the Office of the Tenant Advocate. Each will share how the COVID-19 pandemic has reshaped housing and how it has impacted fair housing practices, as well as what steps need to be taken to address these new issues we now face.
 Zoom link to be provided closer to the event date. We will also be broadcasting the event on Facebook Live (facebook.com/DCOHR)!
 To request a reasonable accommodation or interpretation, please email (insert email contact) or call (###) ###-#### at least 3 business days before the training date.

በCOVID/Coronavirus (ኮሮናቫይረስ) ወቅት ፍትሃዊ የመኖሪያ ቤት
 የፓናል ውይይት
 COVID-19/Coronavirus (ኮሮናቫይረስ) ፍትሃዊ የመኖሪያ ቤት ላይ ተጽዕኖ የፈጠረበትን የተለያዩ መንገዶች ላይ የምንወያይበትን የዲሲ የሰብዓዊ መብቶች ቢሮ የፍትሃዊ የመኖሪያ ቤት ወር (FHM) ይቀላቀሉ። ይምጡ እና ኤፕሪል 7፣ 6:00 ፕኤም ላይ በሽሮችዋል በምናደርገው የፓናል ውይይት FHMን እናካብር።
 ተጋባዥ ተናጋሪዎች የሪል ስቴት ኤጀንት፣ የመኖሪያ ቤት ተሟጋች፣ የተከራይ ተሟጋች ቢሮ እና የመኖሪያ ቤት እና የማህበረሰብ ልማት ዲፓርትመንት ውስጥ ያሉትን ያካትታሉ። እያንዳንዱ ተናጋሪ የ COVID-19/Coronavirus (ኮሮናቫይረስ) ወረርሽኝ የመኖሪያ ቤትን እንዴት እንደለወጠ እና ፍትሃዊ የመኖሪያ ቤት ልማዶች ላይ እንዴት ተጽዕኖ እንዳሳደረ፣ እንዲሁም አሁን የተጋረጡብንን አዳዲስ ጉዳዮች ለመፍታት መወሰድ ያለባቸውን እርምጃዎች ያገራሉ።
 የዝግጁቱ ቀን ሲቀረጥ የዙም ሊንክ ይሰጣል። በተጨማሪ ዝግጁቱን በፊስቡክ ላይ ብቻ እና በተለያዩ ሌሎች (facebook.com/DCOHR)! ምክንያታዊ የሆነ አቅርቦት ወይም ትርጉም ለመጠየቅ፣ እባክዎ ቢያንስ ከስልጠናው 3 የሥራ ቀናት በፊት ለ (insert email contact) ኢሜይል ያድርጉ ወይም ወደ (###) ###-#### ይደውሉ።

Outreach and Language Access resources

When conducting outreach and you have a table setup, it is recommended to prominently display the availability of LA resources. This allows the LEP/NEP individual to request language services to learn about your establishment/program’s services and activities. Please see the example below:



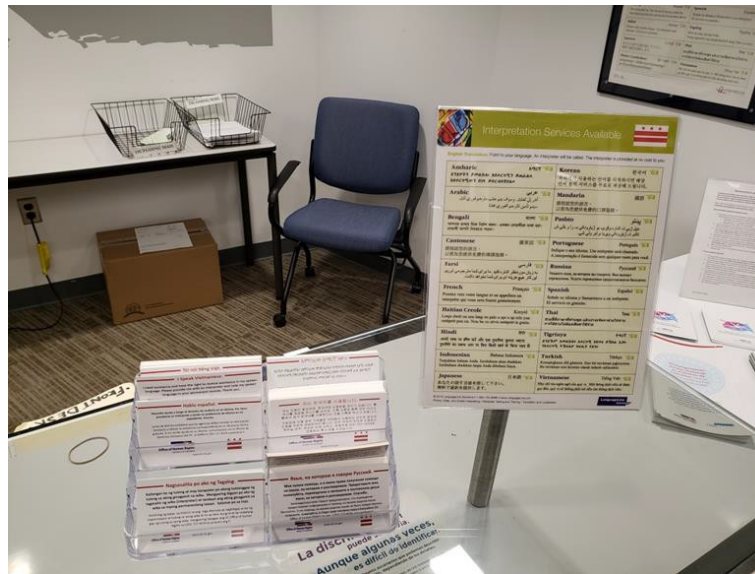
Language Access Implementation Resources

As mentioned, funded entities are required to display signage to inform their LEP/NEP client base about the availability of LA resources. Below is an image of two important resources the Language Identification poster and the “I Speak” cards.

The **Language Identification poster** is tailored for DC’s most common languages, and it is available on the OHR website for easy download. Note that the Language Line also provides a similar poster. It is an excellent tool to identify a speaker’s language. As a reminder, the Language Line can assist you if you are unsure of the preferred language of the LEP/NEP individual.

The **“I Speak” card** communicates the LEP/NEP individual’s language preference to government employees and funded entities. The LEP/NEP individual may also self-identify by presenting District employees with an “I Speak” card. The DC Office of Human Rights distributes wallet-sized copies of these cards, which are available in Amharic, Arabic, Chinese, French, Korean, Portuguese, Russian, Spanish, Tagalog, and Vietnamese.

Below is an image of the proper manner to display the advertisement of the availability of language access resources:



Interpreter Waiver Form

Covered entities and their grantees/contractors are required to always use professional interpreters or bilingual staff and should never rely on minors, friends, family members, or other customers to serve as an interpreter. If a LEP/NEP customer refuses the interpretation services you offer, the customer must sign this waiver form. The form should be made available in the language of the customer and confirm that the LEP/NEP customer is voluntarily waiving his or her right to free interpretation and/or translation services. All District government funded entities' public-facing staff should be provided with access to the forms.

GIẤY KHƯỞC TỪ CUNG CẤP DỊCH VỤ THÔNG DỊCH MIỄN PHÍ

Tôi, _____ xác nhận rằng _____ đã thông báo cho tôi rằng "Insert Agency Name here"

theo Đạo Luật Thông Tin Đa Ngôn Ngữ của D.C năm 2004 (D.C. Language Access Act of 2004), tôi được quyền sử dụng một thông dịch viên miễn phí chuyên nghiệp và đã qua đào tạo. Bằng việc ký tên dưới đây, tôi xác nhận rằng tôi đã khước từ dịch vụ này và chọn sử dụng một thông dịch viên khác mà tôi đã tìm được để giúp đỡ tôi. Tôi biết rằng người này chưa được _____ biết đến hoặc kiểm tra và rằng "Insert Agency Name here" không chịu trách nhiệm về việc cung cấp các dịch vụ này và cũng "Insert Agency Name here"

không gánh chịu bất kỳ trách nhiệm pháp lý nào có thể nảy sinh từ các dịch vụ này. Tôi cũng hiểu rằng việc khước từ này chỉ áp dụng cho duy nhất một trường hợp này mà thôi. Nếu tôi cần thông dịch viên của _____ giúp đỡ sau này, tôi sẽ thông báo trực tiếp cho cơ quan này để yêu cầu cung cấp dịch vụ này.

Tên là _____
 Ký Tên _____ Ngày _____

OFFER OF FREE INTERPRETER SERVICES WAIVER FORM

I, _____ acknowledge that _____ has notified me of my right to a professional and trained interpreter as required by the D.C. Language Access Act of 2004 at no cost to me. By signing below I agree that I have refused this service and opted to rely on interpreter assistance by someone I have identified. I am aware that this individual was not identified by or verified through _____ and that _____ is neither responsible for the provision of these services nor does not incur any liability that may result from these services. I am also aware that this waiver only applies to this one instance. If I require interpreter assistance from _____ in the future, I will notify the agency directly to request this service.

Print Name _____
 Signature _____ Date _____

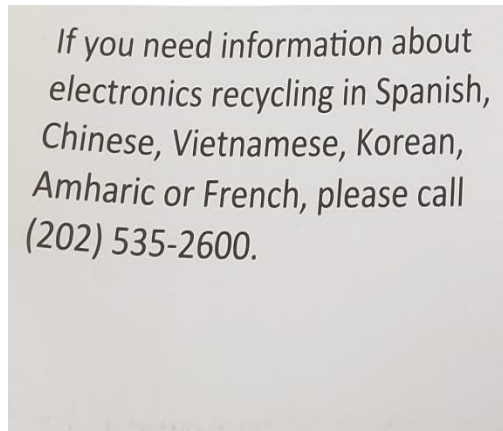
D.C. Office of Human Rights
 Language Access Program
 1200 1st of Change St, 2V DCMAE

Vietnamese

interpretation services at the event, then inform the call taker of the process or the contact person that will secure an interpreter for the LEP/NEP customer to meaningfully participate in the event. If applicable it is also important to give a copy of the advertisement to the individuals receiving the calls to ease communication between organization staff and customers.

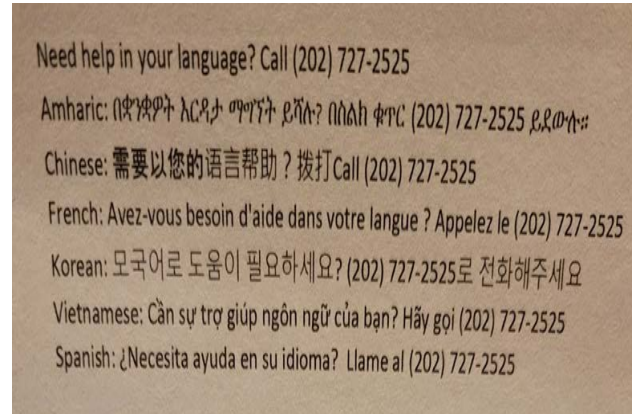
The following is an example of the proper as opposed to improper manner to use taglines:

Incorrect usage of taglines:



The LEP/NEP person cannot understand because it is in English only.

Correct usage of taglines:



The taglines are in the foreign languages. The LEP/NEP individual will understand because it is in their language.

Please note that the resources covered in this guide can be found on OHR's website [Language Access Information Portal](#). The guide should have been shared with all the attachments that assist in the implementation of the Act at your respective organization/program, including the following resources:

- Vendor details & contact info
- Downloadable signage & forms
- Helpful guides for Language Line
- Best-practice references for data
- Collection and reporting
- Policy templates
- Regulation text

Should you have any questions about the information covered in this guide please reach out to the Office of Human Rights Language Access Team:

Rosa Carrillo Director, Language Access Program: Rosa.carrillo3@dc.gov
Priscilla Mendizábal, Program Analyst, Language Access Program: priscilla.mendizabal@dc.gov
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Major Public Contact Agencies

1. Alcoholic Beverage Regulation Administration
2. Child and Family Services Agency
3. Department of Aging and Community Living
4. Department of Behavioral Health
5. Department of Consumer and Regulatory Affairs
6. Department of Corrections
7. Department of Employment Services
8. Department of Energy & Environment
9. Department of General Services
10. Department of Health Care Finance
11. Department of Housing and Community Development
12. Department of Human Resources
13. Department of Human Services
14. Department of Motor Vehicles
15. Department of Parks and Recreation
16. Department of Public Works
17. Department of Small and Local Business Development
18. Department of Youth Rehabilitation Services
19. Department on Disability Services
20. District Department of Transportation
21. District of Columbia Health
22. District of Columbia Housing Authority
23. District of Columbia Office of Zoning
24. District of Columbia Public Library
25. District of Columbia Public Schools
26. Fire and Emergency Medical Services Department
27. Homeland Security and Emergency Management Agency
28. Metropolitan Police Department
29. Office of Administrative Hearings
30. Office of Contracting and Procurement
31. Office of Lottery and Gaming
32. Office of Planning
33. Office of Tax and Revenue
34. Office of the Attorney General – Child Support Services Division
35. Office of the People’s Counsel
36. Office of the State Superintendent of Education
37. Office of the Tenant Advocate
38. Office of Unified Communications

Non-Major Public Contact Agencies

1. Department of Forensic Sciences
2. District of Columbia Board of Elections
3. District of Columbia Commission on the Arts and Humanities
4. District of Columbia Corrections Information Council
5. District of Columbia Department of Insurance, Securities and Banking
6. District of Columbia Health Benefit Exchange Authority
7. District of Columbia Housing Finance Agency
8. District of Columbia Office of Police Complaints
9. District of Columbia Retirement Board
10. District of Columbia State Board of Education
11. District of Columbia Vehicle For Hire
12. District of Columbia Water and Sewer Authority
13. Mayor's Office on Community Affairs
14. Mayor's Office on Community Relations
15. Office of Attorney General
16. Office of Cable Television, Film, Music and Entertainment
17. Office of Chief Medical Examiner
18. Office of Chief Technology Officer
19. Office of Disability Rights
20. Office of Employee Appeals
21. Office of Inspector General
22. Office of the Chief Financial Officer
23. Office of Victim Services and Justice Grant
24. Public Services Commission
25. Real Property Tax Appeals Commission



Office of Human Rights
DISTRICT OF COLUMBIA