OFFICE OF EQUAL OPPORTUNITY

LIMITED ENGLISH PROFICIENCY POLICY GUIDANCE

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I. LEP Policy Statement

A. Regulations

Under Title VI of the Civil Rights Act of 1964, the US Department of Labor requires that recipients of federal financial assistance provide meaningful access to their programs, activities, and services to individuals with limited English proficiency. The Executive Order 13166 of 2000 directs that federal agencies extending financial assistance must require that 1) recipient agencies comply with the requirements of Title VI, Limited English Proficiency provisions, and 2) provide guidance to such recipients that is consistent with the standards of compliance specified by the Department of Justice.

In conformance with Executive Order 13166, the US Department of Labor's Civil Rights Center established guidance for recipients of federal financial assistance pertaining to their responsibilities under Title VI of the Civil Rights Act of 1964, Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP). The Civil Rights Center's Policy Guidance for Federal Financial Assistance Recipients reiterates that recipients of federal assistance are responsible for ensuring meaningful access to their programs, benefits, services, and activities to limited English proficient individuals.

B. Policy

In conformance with federal regulations, the Pennsylvania Department of Labor and Industry directs that recipients and sub-recipients of federal financial assistance under its jurisdiction, must develop and implement a course of action or Program Plan that is consistent with the requirements of Title VI of the Civil Rights Act of 1964, Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP) to ensure meaningful access to their programs, benefits, services and activities to limited English proficient persons.

The Pennsylvania Department of Labor & Industry's Office of Equal Opportunity is entrusted with the responsibility of 1) developing an agency-wide Program Plan to ensure that recipients and sub-recipients of federal assistance are providing meaningful access to their programs, services, benefits, and activities to limited English proficient individuals in a consistent manner; 2) increasing awareness of the Limited English Proficiency Policy in the Department of Labor and Industry, and monitoring department wide LEP activities.

II. Policy Dissemination

1. The Director of the Office of Equal Opportunity is responsible for disseminating the Limited English Proficiency (LEP) Policy Statement.

2. The Deputy Secretaries, Executive Directors, and Bureau Directors are responsible for reasserting and reiterating, as appropriate, the Limited English Proficiency Policy within their organizational areas.

3. The Department's LEP Program Contacts designated by individual Bureaus, Offices, and Programs will ensure that grantees and sub-grantees, contractors and sub-contractors statewide attain awareness of the LEP policies department-wide and externally.

III. Responsibilities

A. Executive Level

The Secretary of Labor and Industry has overall responsibility for the Department of Labor and Industry's Limited English Proficiency Program.

B. Deputy Secretaries

The Deputy Secretaries oversee Workforce Development, Unemployment Compensation Programs, Safety and Labor-Management Relations, Administration, Vocational Rehabilitation, Compensation, and Insurance, which are responsible for the administration, overall management, operation, implementation, and assurance of compliance with Title VI of the Civil Rights Act of 1964, Limited English Proficiency requirements within their organizational areas.

Each Deputy Secretary has the responsibility for ensuring that programs and services under their jurisdiction are accessible to Limited English Proficient persons.

Each Deputy Secretary has the responsibility for ensuring that programs and services under their jurisdiction provided through contractors, grantees, and sub-recipients are accessible to Limited English Proficient persons.

C. Office of Equal Opportunity

The Director of the Office of Equal Opportunity is responsible for overseeing the Department of Labor and Industry's compliance with Title VI of 1964, Limited English Proficiency federal and state statutory provisions and for designating and providing guidance to the Department's OEO/LEP Committee.

The policy charges the Department of Labor and Industry's Office of Equal Opportunity with the responsibility for:

- Providing LEP guidance to Labor and Industry program offices
- Providing training to LEP Program Contacts
- Monitoring and ensuring consistency of each L&I-specific guideline
- The central collection and review of all L&I's LEP Plans

Consistency among Labor and Industry's federally assisted programs is particularly important. Inconsistency or contradictory interpretation of this guidance may cause confusion and needlessly increase costs without rendering meaningful access to LEP Persons.

D. LEP Guidance Principles

As with most government initiatives, this requires balancing several principles. While this guidance discusses that balance in some detail, it is important to note the basic principles behind that balance. First, the Department of Labor and Industry, herein referred to as "L&I", must ensure that federally assisted programs aimed at Pennsylvania residents do not leave some behind simply because they face challenges communicating in English. This is particularly important because, in many cases, LEP individuals represent a substantial portion of those encountered in federally assisted programs. Second, L&I must achieve this goal while finding constructive methods to reduce the costs of LEP requirements on sub- contractors, training providers and non-profit organizations that receive Federal financial assistance.

This guidance does not address communication issues covered under the Americans with Disabilities Act (ADA) or other applicable laws, regulations, or policies.

This guidance addresses proficiency, not preference of language.

The Office of Equal Opportunity's LEP Program Committee is responsible for monitoring the development and implementation of an LEP Program Plan by individual programs and service areas department-wide, to include the following:

- Streamlining L&I 's LEP efforts.
- Serving as the main contact for LEP-related issues in L&I.
- Presiding at committee meetings with designated LEP Program Contacts.
- Providing LEP technical assistance to the L&I's LEP Program Contacts.
- Assisting L&I's LEP Program Contacts with developing an LEP Program Plan that meets the needs of their individual programs.

- Assisting L&I's LEP Program Contacts with developing training that addresses the needs of their individual programs.
- Assisting L&I's LEP Program Contacts in implementing LEP training as needed.
- Reviewing materials, publications, and procedures to ensure their compliance with Title VI.
- Working with the US Department of Labor's Civil Rights Center to resolve compliance issues related to the LEP provisions.
- Assisting L&I's LEP Program Contacts with developing ways to comply with LEP requirements that are cost efficient.
- Providing compliance reviews at State Employment Security Agencies and Local Workforce Investment Areas to facilitate
- Compliance with LEP federal requirements.
- Responding to internal/ external complaints related to the implementation of LEP regulations.
- Facilitating information pertaining to the Commonwealth's contracted services for language access internally and externally.

E. Bureau/Office LEP Program Contact

The Bureau's LEP Program Contact is responsible for coordinating and monitoring all LEP activities within the individual programs under their jurisdiction, such as:

- Developing an LEP Program Plan that meets the needs of their respective programs.
- Implementing their individual LEP Program Plan.
- Developing LEP training that meets the needs of employees within their respective programs.
- Monitoring all LEP related activities within areas under their jurisdiction.
- Working with offices and programs within their jurisdiction to resolve issues related to the provision of LEP services
- Informing the Office of Equal Opportunity's LEP Program Committee of new developments in the area of LEP.
- Providing any LEP information requested by the OEO/LEP Program Committee regarding the individual programs under their jurisdiction.

IV. Guidelines

A. Who is a Limited English Proficient (LEP) Individual?

Many Federal and State laws prohibit discrimination on the basis of race, color, or national origin. A person who is "limited English proficient" typically is a national origin minority individual whose (1) primary language is not English, and (2) cannot

speak, read, write or understand the English language at a level that permits the individual to interact effectively.

How does the Department of Labor and Industry determine the extent of its obligation to provide LEP services?

Labor and Industry programs that receive federal funding are required to take reasonable steps to ensure meaningful access to their services and activities by LEP persons. An Agency program that does not receive federal funds is strongly encouraged to take such steps. The LEP policy either requires or strongly recommends that L&I programs submit, through a designated LEP Program Contact, an annual program plan and status report.

B. Four Factor Analysis

The starting point for the development of an individualized Program Plan requires an assessment that balances four factors:

Factor 1: The number or proportion of LEP persons eligible to receive services or likely to be encountered by the program or grantee.
Factor 2: The frequency with which LEP individuals come in contact with the program.
Factor 3: The nature and importance of the program activity or service provided by the program to: people's lives.
Factor 4. The resources available to the program.

The intent of this guidance is to recommend a balance that ensures meaningful access by LEP persons to critical Pennsylvania-wide programs and services while not imposing undue financial burdens on L&I's programs. These are not the only factors that should be considered. A history of past utilization of translation and interpreting services that have been provided is required as well as a review of changing needs as population changes occur.

After applying the above four-factor analysis and other factors, an L&I program manager may conclude that different language assistance measures are sufficient for the different types of programs, services, or activities in which it engages. For instance, some program services and activities will be more important than others and/ or have greater impact on or contact with LEP persons and may require more in the way of language assistance. The flexibility that an L&I program manager has in addressing the needs of the LEP populations it serves does not diminish, and should not be used to minimize, his/her obligation to address those needs.

An L&I program manager should apply the four-factor and other relevant analyses to the various kinds of contacts the program has with the public to assess their

language needs and decide what reasonable steps he/ she should take to ensure meaningful access to LEP persons.

Languages routinely found in the Commonwealth of PA include the following languages: Spanish, Chinese, Pennsylvania German, Russian, Arabic, German, French, Vietnamese, and other Austro-Asiatic languages, Italian, Hindi, Korean, Gujarati, Haitian, Mandarin Chinese, and Portuguese. Translation and interpretation services are not to be limited to these languages.

C. Measures of Meaningful Access

1. *The number or proportion of LEP persons served or encountered in the eligible service population.*

   A factor in determining what language services should be provided is the number or proportion of LEP persons from a particular language group eligible to be served or encountered by an L&I program in carrying out its operations. Ordinarily, persons "eligible to be served, or likely to be directly affected" by the services or activities in a program are those who are served or encountered in the eligible service population. This population will be program-specific and includes persons who are in the geographic area that has been approved by L&I as a program service area. Where a region serves a large LEP population, the appropriate service area is most likely the county and not the entire population served by the region. Where no service area has previously been approved, the relevant service area may be that which is approved or designated by L&I itself, provided that these designations do not themselves discriminatorily exclude certain populations. When considering the number or proportion of LEP individuals in a service area, L&I programs should consider LEP parent(s) when their English-proficient or LEP minor children and dependents encounter the program, service, or activity.

   L&I programs should first examine its previous experiences with LEP encounters and determine the breadth and scope of language services that were needed. In conducting this analysis, it is important to include language minority populations that are eligible for the program's services or activities but may be underserved because of language barriers. Other data should be consulted to refine or validate L&I programs' prior experience, including the latest Census data for the area served, data from school systems, community organizations, and other State and Local agencies. Community agencies, school systems, religious organizations, legal aid entities, and others can often assist in identifying populations for whom outreach is needed and who would benefit from L&I programs, services, and activities if language services were provided.

2 . *The frequency with which LEP individuals come in contact with L&I programs.*

L&I should assess the frequency with which individual programs have contact with LEP language groups. The more frequent the contact with a particular language group, the more likely that language services are needed.

The steps that are reasonable for a program that serves one person with LEP a year may be very different from those expected from a program that serves several persons with LEP each day. For example, frequent contacts with Spanish-speaking individuals who are LEP may require certain assistance in Spanish. Less frequent contact with different language groups may suggest a different and less resource-intensive solution.

If an LEP individual accesses a program or service on a daily basis, the program has greater duties than if the same individual's access to a program or activity is unpredictable or infrequent. Even a program that serves LEP individuals on an unpredictable or infrequent basis should use this balancing analysis to determine what to do if an LEP individual seeks services under the program in question.

This plan does not need to be complex. It may be as simple as being prepared to use the Department of General Services' Language Assistance contracted services or a commercially available telephonic interpretation service to obtain immediate interpreter services. In applying this standard, a program should take care to consider whether appropriate outreach to LEP individuals could increase the frequency of contact with LEP.

3. *The nature and importance of the program, activity, or service provided by L&I.*

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to LEP individuals, the more likely language assistance is needed. L&I programs need to determine whether denial or delay of access to services or information could have serious implications for the LEP individual. For example, a decision by an Agency to make an activity compulsory, such as the requirement of a driver license or the communication of Miranda Rights, can serve as strong evidence of the program's importance.

4. *The resources available to L&I programs and costs*

The program's level of resources and the costs that would be imposed on it may have an impact on the nature of the steps it should take. In addition,

"reasonable steps" may cease to be reasonable where the costs imposed substantially exceed the benefits.

However, resource and cost issues can be reduced through technological advances, by sharing language assistance materials and services between programs, agencies, advocacy groups, Federal Grant Agencies and by identifying statewide reasonable and/or best practices.

Where appropriate, there are strategies that may help reduce costs and resource issues, such as:

- Hiring bilingual staff who could also act as interpreters and translators;
- Information sharing through industry groups; telephonic and video conferencing; interpretation services;
- Pooling resources and standardizing documents to reduce translation service needs; using the Department of General Service's Language Services Contract for qualified translators and interpreters to ensure that documents need not be "fixed" later and that inaccurate interpretations do not cause delay or other costs;
- The formalized use of qualified community volunteers. All L&I programs should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns.

Large programs and those programs serving a significant number or proportion of LEP individuals should ensure that their resource limitations are well-substantiated before using this factor as a reason to limit language assistance. Such programs may find it useful to be able to articulate their process for determining that language services would be limited based on resources or costs through documentation or in some other reasonable manner.

D. Selecting language assistance services

There are two main ways to provide language services: ***oral interpretation***, either in person or via telephone interpretation service ("interpretation"), and ***written translation*** ("translation"). The quality and accuracy of the language service is critical in order to avoid serious consequences to the LEP individual and to L&I. Oral interpretation can range from on-site interpreters for critical services provided to a high volume of LEP individuals through the Department of General Services' Language Assistance Contract or through commercially available telephone

interpretation services. Written translation can range from translation of an entire document to translation of a short description of the document.

In some cases, language services should be made available on an expedited basis while in others the LEP individual may be referred to a sister program or office for language assistance.

The correct combination should be based on what is both necessary and reasonable in light of the four-factor analysis. For instance, a public federally funded assistance department providing assistance to a largely Hispanic clientele may need immediate oral interpreters available and should give serious consideration to hiring some bilingual staff. In contrast, there may be circumstances where the importance and nature of the program, service, or activity may be low, or the number or proportion and frequency of contact with LEP individuals may be low. In such a case, the use of the language line will be sufficient to provide language services.

1. *Oral language services (interpretation)*

   Oral interpretation is the act of listening to something in one language (source language) and orally translating it into another language (target language). Where interpretation is needed and is reasonable, individual programs should consider some or all the following options for providing competent interpreters in a timely manner:

   - Competence of interpreters

     When providing oral assistance, the competency of the language service provider must be ensured, no matter which of the strategies outlined below is used.

     Competency requires more than self-identification as bilingual. Some bilingual staff and community volunteers, for instance, may be able to communicate effectively in a different language when communicating information directly in that language, but may not be competent to interpret in and out of English. Likewise, they may not be able to perform written translations.

     Competency to interpret, however, does not necessarily mean formal certification as an interpreter, although certification is helpful. When using an interpreter, an L&I program should ensure that he/ she:

     - Demonstrates proficiency in and ability to communicate information accurately in both English and in the other language

and identify and employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization, or sight translations);

- Has knowledge in both languages of any specialized terms or concepts peculiar to the program or activity and of any particularized vocabulary and phraseology used by the LEP person;

- Understands and follows confidentiality and impartiality rules to the same extent the agency employee for whom he/ she is interpreting and/or to the extent their position requires;

- Understands and adheres to their role as interpreters without deviating into a role as counselor, legal advisor, or other roles (particularly in court, administrative hearings, or law enforcement contexts).

Some Bureaus and Offices in Labor and Industry may have additional self-imposed requirements for oral interpreters. Where individual rights depend on precise, complete, and accurate interpretation or translation, the use of certified interpreters is strongly encouraged. Where such proceedings are lengthy (2-hour maximum), the interpreter will likely need breaks and team interpreting may be appropriate to ensure accuracy and to prevent errors caused by mental fatigue of interpreters.

2. *Hiring bilingual staff*

When particular languages are encountered often, hiring bilingual staff offers one of the best, and often most economical, options. If bilingual staff is also used to interpret between English speakers and LEP persons, or to orally interpret written documents from English into another language, they should be competent in the skill of interpreting. Being bilingual does not necessarily mean that a person has the ability to interpret. In addition, there may be times when the role of the bilingual employee may conflict with the role of an interpreter (for instance, a bilingual law clerk would probably not be able to perform effectively the role of a courtroom or administrative hearing interpreter and law clerk at the same time, even if the law clerk were a qualified interpreter).

Effective management strategies, including any appropriate adjustments in assignments and protocols for using bilingual staff, can ensure that bilingual staff is fully and appropriately utilized. When bilingual staff cannot meet all

of the language service obligations, the L&I Program management should turn to other options.

3. *Hiring staff interpreters*

Hiring interpreters may be most helpful where there is a frequent need for interpreting services in one or more languages. Depending on the facts, sometimes it may be necessary and reasonable to provide on-site interpreters to provide accurate and meaningful communication with an LEP individual. Contract interpreters may be a cost-effective option when there is no regular need for a particular language skill. In addition to the Department of General Services' Language Assistance contract and commercial and other private providers, many community-based organizations and mutual assistance associations provide interpretation services for particular languages. Providing training regarding L&I programs, services, and processes to these organizations can be a cost- effective option for providing language services to LEP individuals.

4: Using telephone interpreter lines

Telephone interpreter service lines often offer speedy interpreting assistance in many different languages. They may be particularly appropriate where the mode of communicating with an English proficient person would also be over the telephone. Although telephonic interpretation services are useful in many situations, it is important to ensure that, when using such services, the interpreters used are competent to interpret any technical or legal terms specific to a particular L&I program that may be important parts of the conversation. Nuances in language and non-verbal communication can often assist an interpreter and cannot be recognized over the phone. Video teleconferencing may sometimes help to resolve this issue where necessary. In addition, where documents are being discussed, it is important to give telephonic interpreters adequate opportunity to review the document prior to the discussion and any logistical problems should be addressed.

5. *Using Community Volunteers*

The use of coordinated community volunteers and working with community-based organizations may provide a cost-effective supplemental language assistance strategy under appropriate circumstances. Community volunteers may be particularly useful in providing language access for a program's less critical services and activities. To the extent the program staff relies on community volunteers, it is often best to use volunteers who are trained in the information or services of the program and can communicate directly with LEP persons in their language. Just as with all interpreters, community

volunteers used to interpret between English speakers and LEP persons, or to orally translate documents, should be competent in the skill of interpreting and knowledgeable about applicable confidentiality and impartiality rules. Individual programs should consider formal arrangements with community-based organizations that provide volunteers to address these concerns and to help ensure that services are available more regularly.

6. *Using Family Members, Friends, or other Personal Acquaintances as Interpreters*

   Although L&I programs should not rely on an LEP person's family members, friends, or other informal interpreters to provide meaningful access to important programs and activities, at the discretion of individual programs, and where LEP persons so desire, they should be permitted to use, at their own expense, an interpreter of their own choosing (whether a professional interpreter, family members, friend, or other personal acquaintance) in place of or as a supplement to, the free language services expressly offered by L&I programs.

   LEP persons may feel more comfortable when a trusted family member, friend, or other acquaintance acts as an interpreter. In addition, in exigent circumstances that are not reasonable, foreseeable, temporary use of interpreters not provided by a program may be necessary. However, with proper planning and implementation, L&I programs should be able to avoid most such situations.

   L&I programs, however, should take special care to ensure that family, legal guardians, caretakers, and other informal interpreters are appropriate in light of the circumstances and subject matter of the program, service or activity, including protection of L&I's own administrative or enforcement interest. In many circumstances, family members (especially children), friends, other acquaintances, are not competent to provide quality and accurate interpretations. Issues of confidentiality, privacy, or conflict of interest may also arise. LEP individuals may feel uncomfortable revealing or describing sensitive, confidential, or potentially embarrassing medical, law enforcement, family, or financial information to a family member, friend, or member of the local community. In addition, such informal interpreters may have a personal connection to the LEP person or an undisclosed conflict of interest, such as the desire to protect themselves or another in a criminal or civil matter. For these reasons, when oral language services are necessary, competent interpreter services should be offered to the LEP person free of cost. This is particularly true in an administrative hearing, pre and post proceedings, situations in which health, safety, or access to important

benefits and services are at stake, or when credibility and accuracy are important to protect an individual's rights and access to important services.

If the LEP person voluntarily chooses to provide his or her own interpreter, the program staff should keep a record of that choice and of the offer of assistance as appropriate. Where precise, complete, and accurate interpretations of translations of information and/ or testimony are critical for law enforcement, adjudicatory, or legal reasons, or where the competency of the LEP person's interpreter is not established, program staff should provide its own, independent interpreter, even if the LEP person wants to use his or her own interpreter as well. Extra caution should be exercised when the LEP person chooses to use a minor as the interpreter. While the LEP person's decision should be respected, there may be additional issues of competency, confidentiality, or conflict of interest when the choice involves using children as interpreters. The L&I program staff should take care to ensure that the LEP person's choice is voluntary, that the LEP person is aware of the possible problems if the preferred interpreter is a minor child, and that the LEP person knows that a competent interpreter will be provided by the program at no cost. The quality and accuracy of language services is critical as part of the appropriate combination of LEP services required.

Finally, when interpretation is needed and is reasonable, it should be provided in a timely manner to be meaningful and effective. While there is no single definition for "timely" applicable to all types of interactions at all times by all types of programs, one clear guide is that the language assistance should be provided at a time and place that avoids the effective denial of the service, benefit, or right at issue or the imposition of an undue burden on or delay in important rights, benefits, or services to the LEP person. Caution must be exercised when the delivery of services could likely result in delays for LEP persons that would be significantly greater than those for English proficient persons. Conversely, where access to a program, service, benefit, or right is not effectively precluded by a reasonable delay, language assistance can likely be delayed for a reasonable period.

7. *Written Language Services (Translation)*

Translation is the replacement of a written text from one language (source language) with an equivalent written text in another language (target language).

E. What Documents Should be Translated?

After analysis, an L&I program may determine that an effective LEP plan for its particular service or activity includes the translation of vital written materials into

the language of each frequently encountered LEP group eligible to be served and/ or likely to be affected by the program.

Written materials could include:

- Consent and complaint forms
- Intake forms with the potential for important consequences
- Written notices of rights, denial, loss, or decreases in benefits or services, parole, and other hearings
- Notices of disciplinary action
- Notices advising LEP persons of free language assistance
- Rule books/manuals
- Written tests that do not assess English language competency, but test competency for a particular license, job, or skill for which knowing English is not required
- Public participation hearings
- Community outreach
- Applications to participate in a program or activity or to receive benefits or services

Whether or not a document (or the information it solicits) is "vital" may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner. L&I programs are encouraged to create a plan for consistently determining, over time and across its various activities, what documents are "vital" to the meaningful access of the LEP populations they serve.

Classifying a document as vital or non-vital is sometimes difficult, especially in the case of outreach materials like brochures or other information on rights and services. Awareness of rights is an important part of meaningful access. Lack of awareness that a particular L&I program, right, or service exists may effectively deny LEP individuals meaningful access. Thus, where an L&I program is engaged in community outreach activities in furtherance of its activities, it should regularly assess the needs of the populations frequently encountered or affected by the program or activity to determine whether certain critical outreach materials should be translated. Community organizations may be helpful in determining what outreach materials may be most helpful to translate. In addition, the L&I program should consider whether translations of outreach material may be made more effective when done in a tandem fashion with other outreach methods, including utilizing the ethnic media, schools, religious, and community organizations to spread the message.

Sometimes a document includes both vital and non-vital information. This may be the case when the document is very large. It may also be the case when the title and contact phone number for obtaining more information is critical to be published in multiple languages, but the document itself is sent out to the general public and cannot reasonably be translated into many languages. Thus, vital information may include the provision of information in appropriate languages other than English regarding where LEP persons might obtain an interpretation or translation of this document.

F. What Languages Should Documents Be Translated Into?

The languages spoken by the LEP individuals with whom L&I programs have contact determine the languages into which vital documents should be translated. A distinction should be made, however, between languages that are frequently encountered by an L&I program and less commonly encountered languages. L&I programs serve communities in cities and across rural areas and encounter LEP persons who speak different languages. To translate all written materials into all of those languages is unrealistic. Although recent technological advances have made it easier for an Agency to store and share translated documents, such an undertaking would incur substantial costs and require substantial resources.

G. Safe Harbor

Well-substantiated claims of lack of resources to translate all vital documents into dozens of languages do not necessarily relieve L&I programs of the obligation to translate those documents. As a result, the extent of the obligation to provide written translations of documents should be determined by the L&I program on a case-by-case basis, looking at the totality of the circumstances in light of the four-factor analysis. Because often the cost of translation may need to be re-incurred each time the content of the document is substantively revised, consideration should be given to whether the upfront cost of translating a document (as opposed to oral interpretation) should be amortized over the likely lifespan of the document when applying this four-factor analysis.

Paragraphs (a) and (b) below outline the circumstances that can provide a “safe harbor" for entities regarding the requirements for translation of written materials. AII “safe harbor" means that if the entity provides written translation under these circumstances, such action will be considered strong evidence of compliance with the Agency's written translation obligations.

The following actions will be considered strong evidence of compliance with L&I's written translation obligations

a) The provision of written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally;

b) If there are fewer than 50 persons in a language group that reaches the five percent trigger (as indicated in "a" above), the entity does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

The failure to provide written translations under the circumstances outlined in paragraphs (a) and (b) does not mean there is non-compliance. Rather, they provide a common starting point for the entity to consider whether, and at what point the importance of the service, benefit, or activity involved calls for written translations of commonly used forms into frequently encountered languages other than English.

Thus, these paragraphs provide a guide for any L&I program that want a greater certainty of compliance than can be provided by a fact-intensive four-factor analysis, Example: Even if the safe harbors are not used, if written translation of certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, the translation of the written materials is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

These safe harbor guidelines apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

H. Competence of Translators

As with oral interpreters, translators of written documents should be competent. Many of the same considerations apply. However, the skill of translating is very different from the skill of interpreting, and a person who is a competent interpreter may or may not be competent to translate.

Particularly where legal or other vital documents are being translated, competence can often be achieved by use of certified translators. Certification or accreditation may not always be possible or necessary. Having a second, independent translator review the work of the primary translator can often ensure competence. Alternatively, one translator can translate the document, and a second, independent

translator could translate it back into English to check that the appropriate meaning has been conveyed. This is called "back translation".

Translators should understand the expected reading level of the audience and, where appropriate, have fundamental knowledge about the target language group's vocabulary and phraseology. Sometimes direct translation of materials results in a translation that is written at a much more difficult level than the English language version or has no relevant equivalent meaning.

Community organizations may be able to help consider whether a document is written at a good level for the audience.

Likewise, consistency in the words and phrases used to translate terms of art, legal, or other technical concepts helps avoid confusion by LEP individuals and may reduce costs. Creating or using ready created glossaries of commonly used terms may be useful for LEP persons and translators and cost effective for the service provider. Providing translators with examples of previous accurate translations of similar material by L&I, other State Agencies, or Federal Agencies like USDOJ may be helpful.

V. Elements of an Effective LEP Plan

After completing the analysis and deciding what language assistance services are appropriate, the L&I program should develop an implementation plan to address the identified needs of the LEP populations they serve. L&I programs have considerable flexibility in developing this plan. The development and maintenance of a periodically updated written plan on language assistance for LEP persons (LEP Plan) for use by L&I program staff serving the public will likely be the most appropriate and cost-effective means of documenting compliance and providing a framework for the provision of timely and reasonable language assistance.

Written plans would provide additional benefits to the L&I program managers and administrators in the areas of training, administration, planning, and budgeting. These benefits should lead most programs to document in a written LEP Plan their language assistance services, and how staff and LEP persons can access those services. L&I programs serving very few LEP persons and/ or with very limited resources may choose to develop and submit a "Summary LEP Plan".

In the event that an L&I program submits a "Summary LEP Plan", it should include alternative ways to articulate in some other reasonable manner a plan for providing meaningful access. Programs having significant contact with LEP persons, such as the Unemployment Compensation Insurance or Employment Security services can be very helpful in providing important input into smaller Programs' LEP planning processes.

The following five steps may be helpful in designing an LEP Plan and are typically part of effective implementation plans:

1. Identifying LEP Individuals Who Need Language Assistance

   The first two factors in the four-factor analysis require an assessment of the number or proportion of LEP individuals eligible to be served or encountered and the frequency of encounters. This requires that an L&I program identify LEP persons with whom it has contact.

   One way to determine the language of communication is to use language identification cards (or "I Speak" Cards), which invite LEP persons to identify their language needs to staff. Such cards, for instance, might say, "I speak Spanish" in both Spanish and English. The Census Bureau "I Speak Cards" can be found and downloaded at https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/external/limited-english-proficient/toolkit

   When records are normally kept of past interactions with members of the public, the language of the LEP person can be included as part of the record.

   In addition to helping employees identify the language of LEP persons they encounter, this process will help in future applications of the first two factors of the four-factor analysis. In addition, posting notices in commonly encountered languages notifying LEP persons of language assistance will encourage them to self-identify.

2. Language Assistance Measures

   An effective LEP Plan would likely include information about the ways in which language assistance will be provided. For instance, an L&I program may want to include information on at least the following:

   - Types of language services available
   - How staff can obtain those services
   - How to respond to LEP callers
   - How to respond to written communications from LEP persons
   - How to respond to LEP individuals who have in person contact with L&I program staff
   - How to ensure competency of interpreters and translation services

3. Training Staff

L&I program staff must know their obligations to provide meaningful access to information and services for LEP persons. An effective LEP plan must include training to ensure that:

- All staff has a basic understanding of the Agency's LEP policies and procedures.
- Staff members having contact with the public are trained to work effectively with in person and telephone interpreters.

L&I should include this training as part of the orientation for new employees. It is important to ensure that all employees in public contact positions are properly trained. The more frequent the contact with LEP persons, the greater the need will be for in-depth training. Staff members with little or no contact with LEP persons may only have to be aware of an LEP Plan. However, management staff, even if they do not interact regularly with LEP persons, should be fully aware of and understand the Plan so they can reinforce its importance and ensure its implementation by staff.

4. Providing Notice to LEP Persons

Once an L&I program has decided, based on its analysis, that it will provide language services, it is important for the program to let LEP persons know that those services are available and that they are free of charge. The programs should provide this notice in languages LEP persons would understand. Examples of notification that the programs should consider include:

- Posting signs in intake areas and other entry points. Then language assistance is needed to ensure meaningful access to information and services, it is important to provide notice in appropriate languages. This is particularly true in areas with high volumes of LEP persons seeking access to the program's services. For instance, signs in intake offices could state that free language assistance is available. The signs should be translated into the most common languages encountered. They should explain how to get the language help.

- Stating in outreach documents that "language services are available free of cost" from the program. Announcements could be in brochures, booklets, and in outreach and recruitment information. The "tag line" should be translated into the most common languages spoken in the service area and placed on the front of common documents.

- Enlisting community-based organizations to inform LEP individuals of the L&I program services, including the availability of language assistance services.

- Using a telephone voice mail menu. The menu could be in the most common languages encountered. It should provide information about available language assistance services and how to get them.

- Including notices in local newspapers in languages other than English.

- Providing notices on non-English language radio and television stations about the available language assistance services and how to get them.

- Presentations and/ or notices at school and religious organizations.

5. Monitoring and Updating the LEP Plan

   Where appropriate, L&I programs should have an ongoing process for determining whether new documents, programs, services, and activities need to be made accessible for LEP individuals. The L&I program may want to provide notice of any changes in services to the LEP public and to employees. In addition, programs must consider whether changes in demographics, types of services, or other needs require annual reevaluation of their LEP Plan.

   In annual updates to the plan, L&I programs should assess changes in the following:

   - Current LEP populations in service area or population affected or encountered.
   - Frequency of encounters with LEP language groups.
   - Nature and importance of activities to LEP persons.
   - Availability of resources, including technological advances and sources of additional resources, and the costs imposed.
   - Whether existing assistance is meeting the needs of LEP persons.
   - Whether staff knows and understands the LEP plan and how to implement it.
   - Whether identified sources for assistance are still available and viable.

In addition to these five elements, effective plans set clear goals, management accountability, and opportunities for community input and planning throughout the process.

VI. Voluntary Compliance Effort

The goal is to provide meaningful access to LEP persons. The Department of Labor and Industry's Office of Equal Opportunity (OEO) enforces the LEP policy. The procedures used by the OEO include complaint investigations, compliance reviews, efforts to secure voluntary compliance, training, and technical assistance.

The OEO will engage in voluntary compliance efforts and provide technical assistance to Program areas at all stages of LEP program plan development, and in the case of an investigation. During these efforts, the OEO will propose reasonable timetables for achieving compliance and assist Program areas in exploring cost effective ways of coming into compliance.

The primary concern of the Office of Equal Opportunity is to ensure that L&I's policies and procedures provide meaningful access for LEP persons to the Agency's programs, services and activities.

The OEO recognizes that many Program areas have language assistance programs in place prior to the issuance of this policy. This policy provides a uniform framework for each Program area to integrate, formalize, and assess the continued vitality of these existing and possibly additional reasonable efforts based on the nature of its programs, services or activity, the current needs of the LEP populations it encounters, and its prior experience in providing language services in the community it serves. L&I programs should identify in the LEP Plan, language assistance programs already in place, critical documents already translated, and what languages are currently translated.

Title VI of the Civil Rights Act of 1964 and its implementing regulations require that Federal and State Agencies take responsible steps to ensure meaningful access to programs by LEP persons. This guidance provides a framework that programs in the Department of Labor & Industry may use to determine how best to comply in providing meaning access to benefits, services, information, and other important portions of their programs, services, and activities for individuals who are Limited English Proficient.

The focus of the analysis is on lack of English proficiency, not the ability to speak more than one language. People who are also overwhelmingly proficient in English may speak some of the most commonly spoken languages other than English. However, these may not be the languages spoken most frequently by Limited English Proficient individuals. When using demographic data, it is important to focus on the languages spoken by those who ARE NOT proficient in English.

In general, languages have "regionalisms" or difference or preference in usage. Also, the level at which the language is used is directly affected by the educational attainment of the user. There may be languages that do not have an appropriate direct interpretation. A competent interpreter should be aware of and be able to provide the most appropriate interpretation taking into consideration regionalisms, difference or preference in usage and most importantly the level at which the target language is used and comprehended by the LEP individual. A competent interpreter should make the program staff aware of the issue, and the interpreter and program staff can then work to develop a consistent and appropriate set of descriptions for these terms in a specific language that can be used again, when appropriate.

For those languages in which no formal accreditation currently exists, a particular level of membership in a professional translation association can provide some indicator of interpreter's professionalism. L&I programs will find it more effective and less costly if they try to maintain consistency in the words and phrases used to translate legal terminology or other technical concepts such as unemployment compensation, appeal rights and processes, claimants, registrants, etc. Providing translators and interpreters with examples of previous translations of similar material by L&I programs, other State Agencies, or Federal Agencies may be helpful as well.

ADMINISTRATIVE POLICES & PROCEDURES
STATE OF PENNSYLVANIA
DEPARTMENT OF LABOR AND INDUSTRY

Subject: Department of Labor & Industry Language Assistance Policy

Initial Issue Date: November 1, 2005

Re-Issued: April 15, 2026

Re-Issued by Colette A. Al-Qaadir, Director
Office of Equal Opportunity
Referenced Laws:

April 15, 2026

PURPOSE

This policy clarifies standards for making the Department of Labor and Industry's services accessible to customers with Limited English Proficiency (LEP), which are consistent with federal and state law and well-established LEP principles. This policy is to be implemented statewide by programs under the Department of Labor and Industry's jurisdiction.

SCOPE

This policy covers all Department of Labor and Industry customer service activities and benefit programs, including Local Workforce Investment Areas covered under the Workforce Investment Act of 1998.

POLICY

The policy of the Department of Labor and Industry is to provide effective communication and adequate services to all of the Department's customers, regardless of their English proficiency.

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ADMINISTRATIVE POLICIES AND PROCEDURES

I. ASSESSING LANGUAGE ASSISTANCE DELIVERY NEEDS

1. Completing an Analysis

When determining how to provide effective and adequate language service, the following federal four factors (Federal Register, Vol. 66, No.11, January 17, 2001) must be considered as well as other resources indicating the languages of which translation and interpretation services have been provided:

A. The number or proportion of Limited English Proficiency (LEP) individuals eligible to participate or likely to be directly or significantly affected by the program or activity.
B. The frequency of contact a participant or beneficiary is required to have with the program or activity.
C. The nature and importance of the program or activity to the participant or beneficiary.
D. The resources available to the Department in carrying out the program or activity.

In addition, the Department of Labor and Industry will follow the US Department of Justice's Vital Documents Question and Answer guidelines

2. Identifying the "Essential Languages" and the Office serving a "significant LEP population."

"Essential Languages" are those languages spoken by a "significant LEP population" as identified in this paragraph.

An annual assessment to determine the Department's programs and offices that serve a "significant LEP population" and the corresponding I5 essential language(s) must be conducted by a designated staff member at the Bureau level. The languages are Spanish, Chinese, Pennsylvania German, Russian, Arabic, German, French, Vietnamese and other Austro-Asiatic languages, Italian, Hindi, Korean, Gujarati, Haitian, Mandarin Chinese and Portuguese. A program or an office serves a “significant LEP population" under the following conditions:

A. It is located or serves a county in which 5% or more of the population speak a particular language at home and speak English II not well or below" according to the 2000 Census data.
B. It is located or serves a county in which 1,000 or more persons speak a particular language at home and speak English II not well or below" according to the 2000 Census data.
C. Five percent or more of its customers register for department programs or services, indicating they require assistance in a particular language, in a given program service year.

Thus, the office or program must provide vital documents and increased language services to “significant LEP populations" in the “Essential Language(s)” as established in this policy.

3. LEP Program Contact Person as Key Decision Maker

The designated LEP Program Contact will determine when new programs or activities should be conducted in a LEP customer's language, or when new forms or notices should be published in a LEP customer's language.

4. Notification of New Field Office/One Stop System Programs and Activities

Field office managers and administrators will notify the designated LEP Program Contact of all new local programs or activities, including the use of any proposed redesigned local or One Stop forms, in order that a decision be made about providing the new program, form(s), or information in a "Significant LEP Population Essential Language".

II. NOTIFICATION OF FREE LANGUAGE ASSISTANCE FOR ACCESSING DEPARTMENT SERVICES

1. Notification of Free Language Assistance

The LEP Program Contact must ensure that programs under his/her jurisdiction provide public notices regarding the language assistance policies and procedures for L&I. Individual field offices will ensure that their customers are notified that language assistance is available and is free of charge for L&I Program services.

2. Office Signage in Essential Languages

The LEP Program Contact must ensure that signs are posted in the field office(s), lobbies, or waiting areas, and next to the telephone used to provide language

access. This signage will inform participants, beneficiaries, registrants, and customers in general of the availability of free interpretation for L&I services and invite them to identify themselves as customers in need of language assistance. The LEP Program Contact must evaluate which signs and posters should indicate that "Language Services are available free of charge".

III. PROGRAM PLAN FOR LABOR AND INDUSTRY PROGRAMS SERVING LEP COMMUNITIES

1. General Statement

A. Using the language assistance delivery needs assessment mentioned above as an identifier, service providers must conduct outreach activities in those sites that meet or exceed the "Significant LEP Population and Essential Language" thresholds.

B. To reach the LEP community by county or service area, service providers could use several outreach methods, such as radio advertisements, television advertisements, newspaper advisements, and presentations at community gatherings and at job fairs in designated languages.

C. LEP Program Contacts must receive LEP-related statistics for determining "Essential Languages" and "Significant LEP Populations" applicable to each program area, section, and field office under their jurisdiction. A combination of the most current external Census data and the comprehensive internal program language usage could be used as an effective assessment tool.

D. The LEP Program Committee will assist LEP Program Contacts in providing instructions to Managers in programs and offices meeting the "Essential Language" criteria mentioned above regarding the LEP Outreach Plan.

2. Development of an Outreach Plan

A. Service providers that meet the "Essential Language" threshold must submit a yearly Outreach Plan for identified LEP populations to the designated LEP Program Contact.

B. The LEP Plan must specify the outreach methods used for each "Significant LEP Population" and identify who is responsible for implementing each aspect of the Outreach Plan. The LEP Plan must identify potential partners who may be available to assist in the service of target populations, and the outreach methods used to contact these partners.

C. The development of the LEP Program Plan must take into consideration the demographic data obtained from the US 2000 Census and other public census data, together with Labor and Industry's program service demographic data.

D. The LEP Program Plan must also include processes and methods to notify the LEP customers that language assistance is available at no cost for Labor and Industry's services.

E. The LEP Program Contact must review the LEP Program Plan submitted by programs under his/her jurisdiction for conformance with L&I's policy.

3. Reporting on Program Efforts

A. Each LEP Program Contact, whose area of responsibility includes programs and offices that reach the threshold for new "Essential Language and Significant LEP Populations" and thus require an LEP Program Plan, will deliver an LEP Assessment Report to the LEP Program Committee annually. The LEP Assessment report will describe the status or level of LEP services currently performed, and identify additional services required for full LEP compliance with Title VI.

IV. COMMUNICATION WITH LEP CUSTOMERS

1. Bilingual Services

Individuals who do not speak English or who are limited in their English proficiency (LEP Customer) may be unable to immediately obtain meaningful access to Labor and Industry's services. Thus, it is the policy of the Department of Labor and Industry that once the individual with LEP is identified, the Labor and Industry staff must contact a qualified bilingual person through the DGS Language Service Contract to assist that person as soon as possible.

2. Telephone Interpretation Services

A. Department of Labor and Industry staff must use the interpretation services provided through the DGS Language Contract "Language Line", if no other interpretation service is available in-house, for an "Essential Language", or for other languages needed for interaction with a customer. This language assistance is to take place within the same time frame that services are delivered to non-LEP customers.

Suggestions/Tips for Using Language Line:

Commonwealth agencies may issue BLANKET CONTRACT PURCHASE ORDERS against this Contract. Such orders may cover all anticipated requirements for a set period of time (i.e., a month, quarter, or year)

Explanation: This means that you can have a purchase order to cover one instance of service needed or a purchase order that will cover all services needed in a specified period of time. This period of time may not exceed 1 year.

The Contract for Over-the-Phone Interpreter Services for 3rd party non-English translation is Contract No. 9985-30 for all agencies.

Only one (1) Supplier has been awarded the Over-The- Phone Interpretation Services portion of this contract.

Explanation: The vendor is Propio.

Once you've identified the vendor that you would like to perform the needed services you must create your shopping cart. If you have any questions please contact the Office of Equal Opportunity at 717-787-1182.

B. Department of Labor and Industry staff serving customers must use "Language Identification Cards" to help identify the customer's language. Instructions on how and when to use the language identification card or "I-SPEAK" card will be available through the Department of General Service's Language Service contract and the Office of Equal Opportunity. An example of a language identification card is the yellow, tri-fold Language Line Car d. All staff must have and make this card available to customers, so the customer is aware he/she has a choice of languages. Staff should demonstrate to the customer how to use the card to point to his/her primary language. If a customer cannot identify a language on the card, then the staff person should call the Language Line for assistance. In using the Language Line for assistance, the staff person should remain on the line, and be available to read, in English, documents that require interpretation, including notices, administrative decisions, hearing decisions and questionnaires. The staff person should also remain available to answer questions. The Language identification card must be kept at the greeter/information counters in all field offices and at the Department of Labor and Industry's lobby.

C. Section and Field Office Managers and Administrators must promote and encourage the use of the Language Line to serve monolingual customers when no bilingual staff is available to assist those customers.

3. Written Communication

A. Multi-language insert to seek assistance: All written communication mailed to customers regarding benefits information, adjudication, or hearing decisions, will include a Language Service insert. The insert written in Arabic, Chinese, French, French Creole, German, Hindi, Italian, Korean, Polish, Portuguese, Russian, Spanish, and Vietnamese will be a notification instructing the customer to contact the Office if he/she does not understand the information sent.

B. Notification of Available Free Language Assistance: Notices regarding the availability for LEP customers to receive free interpretation and other language assistance for Department of Labor and Industry's services and programs must occur in the "Essential Languages", in brochures, pamphlets, manuals, and other materials disseminated to the public and to Department staff, as appropriate.

C. Translation and Interpretation Services Contract: (BLANKET CONTRACT PURCHASE ORDERS) Commonwealth agencies may issue Blanket Contract Purchase Orders against this Contract. Such orders may cover all anticipated requirements for a set period of time (i.e. a month, quarter, or year.)

Explanation: This means that you can have a purchase order to cover one instance of service needed or a purchase order that will cover all services needed in a specified period of time. This period of time may not exceed 1 year. Once you've identified the vendor that you would like to perform the needed services, you must create your shopping cart. If you have any questions, please contact this office:

Lori Michaels
L&I Procurement Specialist
DGS, Bureau of Procurement
1800 Herr Street
2nd Floor, Arsenal Building
Harrisburg, PA 17103
Phone: (717) 787-5733

The designated LEP Program Contact will need to oversee the interpretation and translation services that are not performed by Department of Labor and

Industry bilingual staff and that are needed and/or requested by individual programs and offices. Where the awarded contractor(s) agree(s) to provide language services to qualifying entities under Act 57, Workforce Investment Act Partners would be eligible to use the contract pricing upon award on a voluntary basis.

D. Preference of Oral Communication in the Customer's Language: It is the policy of the Department of Labor and Industry to interpret through staff members who were hired as bilingual employees; through employees who volunteer to serve as interpreters; or through the use of the DGS Language Services Contract, for limited English proficient customers as their first means of communication. However, the limited English proficient customer can utilize their preferred interpreter unless the preferred interpreter is a child.

E. Maintaining a List of Translated Documents: The translation of written materials and forms needed to access the Department of Labor and Industry's services must be accomplished by using the above-mentioned federal 4-point guideline (Federal Register, Vol. 66, No.11, January 17, 2001) and other sources. Several Labor and Industry's service providers have already translated many standard documents as required by law or determined to be necessary by the Department's Office of Equal Opportunity. A document (or the information it solicits) is "vital" or "essential depending upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner.

To determine when a document is "essential" or "Vital", programs and offices must carefully consider the services provided and the needs of individual programs, e.g.,

- Consent and complaint forms, Intake forms with the potential for important consequences
- Written notices of rights, denial, loss, or decreases in benefits or services, and other hearings
- Notices of disciplinary action
- Notices advising LEP persons of free language assistance
- Rule books/ manuals
- Written tests that do not assess English language competency, but test competency for a particular license, job, or skill for which knowing English is not required
- Public participation hearings
- Community outreach
- Applications to participate in a program or activity or to receive benefits or services

- Customer satisfaction surveys, request forms, FAQs, Enrollment forms, Employer Recruitment List, Core Information Session descriptions, Training Account requirement forms, civil rights statement, WIOA applicant signature page, approval to access information (waiver of confidentiality), grievance and hearing procedure, application for Individual Training Account, selective service status, pre-application forms, Individual Employment Plan - Master Plan (ISS), Needs Payment Policy, Needs Payment Determination.

V. RECRUITMENT, HIRING AND USE OF BILINGUAL STAFF

1. Identification of Need for Bilingual Positions

The Department of Labor and Industry's Bureau of Human Resources must coordinate with managers and administrators to ensure that the recruitment of bilingual staff takes place in a reasonable time frame.

A. Managers and administrators must ensure that specific positions in central and field offices have been identified as being bilingual in the language(s) considered "essential" for the hiring office. "Identification of "Essential Languages" and Office Serving "Significant LEP Populations". Once the positions are identified, the bilingual requirement will be made a qualification for filling future openings of these positions.

B. The Commonwealth of PA, Office of Administration, Human Resources shall, in coordination with the Office of Equal Opportunity assist managers in the recruitment of designated bilingual positions.

VI. EMPLOYEE TRAINING IN LANGUAGE ASSISTANCE MATTERS

1. Training on Telephone Interpretation Services

The LEP Program Contact must ensure that training is developed and delivered on a regular basis to all staff on the use and content of the Labor and Industry's language assistance policy to include the use of the Language Line, Language Identification Cards (I-Speak), and other language programs as they become available.

A. Field office managers and administrators must ensure that all staff receives training at reasonable intervals on the use and content of the Labor and

Industry's language assistance policy, language line, and other language programs.

B. Field office managers and administrators must ensure that all new employees are trained on the use of the language line before they are allowed to provide these services.

2. Training on Language Assistance Policy

The LEP Program Contact must ensure that all staff in their respective program(s) is properly trained with respect to this policy.

The Bureau of Human Resources must ensure that this information is included as part of the Labor and Industry's new employee orientation program.

The Office of Equal Opportunity will ensure that a "Limited English Proficiency" training module is developed and that training is delivered as part of the OEO Technical Assistance to field offices, programs, central office staff, and all LEP Program Contacts.

VII. MONITORING OF COMPLIANCE WITH LANGUAGE ASSISTANCE POLICY

1. Regular Monitoring and Annual Review of Language Assistance Policy

The LEP Program Contacts must ensure that there is regular monitoring of the LEP Policy and that the individual LEP Program Plan submitted by offices and programs is revised annually.

The LEP Program Contact and the Office of Equal Opportunity staff must ensure that the responsible parties at Pennsylvania CareerLinks (Site Administrators and EO Liaisons) and Local Workforce Investment Areas (EO Officers) receive training pertaining to:

- The completion and maintenance of essential documents such as Individual Service Strategy Forms, Case Management Forms, Employment Plans, etc.
- The accuracy of the translation and/ or interpretation of essential documents to ensure that the LEP customer fully understands the document(s) he/she is required to sign.

2. Annual Assurance of Required Postings and Signs for Accessing Services

Annually, LEP Program Contacts must survey field offices to ensure that the required signs are posted in lobbies and other public general areas in all "essential languages" identified for the respective service areas.

The LEP Program Contacts must ensure that field offices are aware of which LEP-related signs are required to be posted and that sufficient materials are available to field office managers and administrators for this purpose.

Field office managers and administrators must ensure that all required signs are posted in areas visible to the public.

3. Review of Language Line and Voice Mail

Annually, the LEP Program Contacts must review the use of the Language Line service and Voice Mail usage to ensure that all central and field offices are updated and in compliance with the LEP Program Policy.

4. LEP Compliance Report

Annually, all sections and field offices must submit a final LEP Compliance Report to their respective LEP Program Contact. The report must include compliance verification of mandatory "Essential Language" posters, signage, material displays, staff awareness training, a list of all forms translated, services provided by language, and statistics of how many customers required translation or interpretation of any kind by language.

5. Language Assistance Complaint Review and Response

The Department of Labor and Industry will monitor complaints from the public related to the Department's provision of language services. The Department's Office of Equal Opportunity, in coordination with the LEP Program Contacts, will monitor language services complaints as well as the resolution of complaints in compliance with the Methods of Administration (MOA) approved by the US Department of Labor's Civil Rights Center (CRC).

VIII. FEDERAL AND STATE LAWS APPLIED IN THIS POLICY

29 CFR Part 37 Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998. Section 188 of WIOA "prohibits discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIA Title I- financially assisted program or activity".

Title VI, Civil Rights Act of 1964 - No person in the United States shall, on the grounds of race, color, or national Origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Federal Register Vol. 68, No. 103 - Civil Rights Center; Policy Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.

Title VII of the Civil Rights Act of 1964 - (a) It shall be an unlawful employment practice for an employer to (1) fail or refuse to hire or to discharge any individual, or otherwise discriminate against any individual with respect to his/her compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin."

CONTACT INFORMATION

FEDERAL

US Department of Labor Civil Rights Center
Frances Perkins Building, Room N-4123 200 Constitution Avenue NW Washington, DC 20210

US Department of Justice Coordination and Review Section Civil Rights Division
P.O. Box 66560 Washington, DC 20034-6560

STATE

Department of Labor and Industry Office of Equal Opportunity
Labor and Industry Building, Room 1402
651 Boas St., Harrisburg, Pennsylvania 17120
1-800-622-5422, (717) 787-1182
TTY 1-800-654-5984