LANGUAGE ACCESS TRAINING

GRANTEE AND CONTRACTOR
COMPLIANCE REQUIREMENTS

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Objectives

Be familiar with:

1. **Demographics** – The District’s Limited English Proficient and Non-English Proficient (LEP/NEP) community demographics (including U.S. born and foreign born)

2. **Laws & Requirements** – Laws governing language access & the OHR LA Program (compliance/enforcement)

3. **Resources & Tools** – How to find and use Language Access resources and tools

4. **OVSJG Zoomgrants Reporting Requirements** – How to report in Zoomgrants
Stereotypes

Stereotype: a rigid, oversimplified, often exaggerated belief that is applied both to an entire category of people and to each individual in it.

In community engagement, assumptions about a group can prove inaccurate or damaging. Remember to approach each interaction with **fresh eyes**.
Are you culturally sensitive?

https://www.youtube.com/watch?v=DWynJkN5HbQ
The District’s Foreign-Born Population

**Based on 2011-2015 ACS Data (5-year estimates)**

- District 1: 18,410 (20%)
- District 2: 16,528 (18%)
- District 3: 16,028 (18%)
- District 4: 19,146 (21%)
- District 5: 9,157 (10%)
- District 6: 7,449 (8%)
- District 7: 2,664 (3%)
- District 8: 2,206 (2%)
District’s Foreign-Born Population - Africa

Source: American Community Survey (ACS) Data 2011-2015 ACS (5-Year Estimates)
District’s Foreign-Born Population - Asia

Source: American Community Survey (ACS) Data 2011-2015 ACS (5-Year Estimates)
District’s Foreign-Born Population – Latin America/Caribbean

Source: American Community Survey (ACS) Data 2011-2015 ACS (5-Year Estimates)
This video gives a background on why the Language Access Act was created in DC. One of the many reasons why it is important.

https://www.pbs.org/video/mount-pleasant-riots-q9kocq/
Enacted on April 21, 2004, the purpose of the Act is to provide greater access and participation in public services, programs, and activities for the District’s LEP/NEP constituents at a level equal to that of English proficient individuals.

Who is Covered?

Covered Entities (§ 2-1931 (2)) required to comply with the Language Access Act include:

Any District government agency, department, or program that furnishes information or renders services, programs, or activities directly to the public or contracts with other entities, either directly or indirectly, to conduct programs, services, or activities.

**THIS INCLUDES GRANTEES AND CONTRACTORS OF AGENCIES PROVIDING DIRECT SERVICES TO THE PUBLIC**

*The regulations provide interpretational guidelines for the law (Chapter 12).*
**OHR Language Access Program**

- Established by the Language Access Act of 2004 to be housed at the Office of Human Rights (OHR)
- Staffed by a Director and Program Analyst
- Charged with coordination and oversight of district-wide implementation of the Language Access Act
- Consults with the Mayor’s Ethnic Constituency Offices and the Language Access Coalition
- OHR’s LA Program has 4 major responsibilities:
  i. Technical Assistance
  ii. Compliance Monitoring
  iii. Enforcement
  iv. Outreach and Education
Each year, testing is done face-to-face and by phone to assess the effectiveness of agency language access services. Results are published in the **Annual Compliance Report** issued by OHR.

**Common findings from FY19 testing:**

- Turning away testers with no assistance
- Speaking English after tester disclosed they don’t speak English
- Providing English-only forms to customers
- Hanging up on calls or forwarding calls to English-only employees and voicemail
- Asking someone to return on a day when a bilingual staff member is present
Compliance Requirements

Any grantee or contractor that provides services under a covered entity’s mandate is required to:

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

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 LA Act compliance requirements will be satisfied

VI. Display multilingual signage on availability of interpretation and translations services in all public facing locations

Section 1205.16 of the Language Access Act regulations
I. Data Collection Requirements

Grantees must collect data on the demand for language assistance by LEP/NEP populations “served or encountered, or likely to be served or encountered and report this data to the funding agency on a quarterly basis.

OHR requests the following components in data collection reports:

• Languages encountered;
• Number of encounters per language; and
• How interpretation was provided (telephone interpreter, in-person interpreter, or bilingual staff)

Encounters consist of both customers and individual interactions. Each interaction counts as an encounter because every interaction uses agency resources.
Grantees and Contractors must offer interpretation services either over the phone or in person, in the primary language spoken by a customer identified as LEP/NEP and:

- Exclusively use professional and qualified interpreters and not family, friends, neighbors, volunteers, bystanders without obtaining a waiver.
- Set up an active account with a telephonic interpretation service provider in order to have access to an interpreter over the phone at all times.
  - The District uses Language Line Solutions (LLS) for telephonic interpretation services and covered entities set up an account under which a fee is charged for each call.
  - To set up a new account, funded entities should contact LLS directly (call 1-800-752-6096 and press 4).
III. Translation Requirements

Documents must be translated into any language spoken by 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.

LEP/NEP populations vary somewhat by agency - the top languages in the District include: Spanish, Amharic, French, Chinese, Korean, Vietnamese, Arabic, Tagalog, German, Korean, Portuguese, and Russian.

**Vital documents include, but are not limited to:**

- Documents which inform individuals about their rights and responsibilities or eligibility requirements for benefits
- Documents that pertain to the health and safety of the public
- Educational and outreach materials produced by the covered entity

OHR encourages the use of multilingual taglines on non-vital documents.
IV. Training Requirements

All grantee employees in public contact positions must be trained on the requirements of the DC Language Act and the resources they can 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
- In-person training
- New hire orientation
Ensure that contractors hired by the covered entity to carry out services, programs, or activities directly to the public are in compliance with the Act.
VI. Display multilingual signage on availability of interpretation and translations services in all public facing locations
LANGUAGE ACCESS
IMPLEMENTATION RESOURCES
• Tailored for DC’s most common languages, it is available on the OHR website for easy download.

• Should be present at all public facing locations.

• Language Line also provides a similar poster.

• Excellent tool to identify a speaker’s language. Language Line can also assist if you are unsure.
“I Speak” Cards

Available in 10 languages:
Amharic, Chinese, French, Korean, Spanish, Vietnamese, Arabic, Portuguese, Tagalog, Russian

I Speak Vietnamese.
I need assistance and have the right to receive assistance in my spoken language. Please provide me with an interpreter and note my spoken language in your permanent records. Thank you.

District law requires that agencies provide you with information and assistance in your language for free. If you do not receive help in your language, please call the DC Office of Human Rights at (202) 727-4559 and press 0.

Office of Human Rights
DISTRICT OF COLUMBIA

www.ohr.dc.gov

Từ tôi nói tiếng Việt.
Tôi cần sự trợ giúp và tôi có quyền được nhận sự trợ giúp trong ngôn ngữ mà tôi nói. Xin hãy cung cấp cho tôi một thông dịch viên, và ghi vào hồ sơ của quý vị rằng tôi sẽ nói tiếng Việt trong mọi lần giao tiếp trong tương lai.

Luật lệ của Quận quy định rằng mọi cơ quan phải cung cấp miễn phí cho quý vị những thông tin và trợ giúp bằng ngôn ngữ của quý vị. Nếu quý vị không nhận được sự trợ giúp bằng ngôn ngữ của quý vị, xin gọi số 202-727-4559 và nhấn số 0 để nói với Văn Phòng Nhân Quyền của DC.

Office of Human Rights
DISTRICT OF COLUMBIA

www.ohr.dc.gov
Language Line Solutions Call Demonstration

https://www.youtube.com/watch?v=LQoCReM4
Covered entities are required to use professional interpreters or bilingual staff at all times 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 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.

*You can read the form over Language Line if the language you need is not available.*
Taglines (available in 6 languages)

Version 1: “If you need help in your language, please call ______ for free interpreter assistance.”

Version 2: “This document contains important information. If you need help or have any questions about this notice, please call __________. Tell the customer service representative the language you speak so you can be provided with an interpreter at no cost to you. Thank you.”

Translated documents should be available for languages that hit the 3% threshold.
Proper use of taglines

- Incorrect usage of taglines:

  If you need information about electronics recycling in Spanish, Chinese, Vietnamese, Korean, Amharic or French, please call (202) 535-2600.

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

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

Correct usage:
LA Information: Portal

OHR has produced a series of tools at http://ohr.dc.gov. Resources include:

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

If you need to access a resource or document, you can ask OHR!
DC Office of Human Rights

The DC Office of Human Rights (OHR) provides oversight, central coordination, and technical assistance to agencies in their implementation of the Act’s provisions.

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Language Access Program Partners

- **Mayor’s Office on Latino Affairs**
  - (202) 671-2825 | ola.dc.gov

- **Mayor’s Office on Asian and Pacific Islander Affairs**
  - (202) 727-3120 | apia.dc.gov

- **Mayor’s Office on African Affairs**
  - (202) 727-5634 | oaa.dc.gov

- **DC Language Access Coalition**
  - (202) 470-6835 | dclacccoordinator@gmail.com
HOW YOU WILL REPORT ALL LANGUAGE ACCESS DATA IN ZOOMGRANTS
Login into Zoomgrants and click on Language Access tab:
Read instructions listed for definitions of types of encounters

You might need to click on show
Fill in number of encounters corresponding to each language in the appropriate type of encounter used for the quarter. If no interpretation was requested for a language then click on the check box for each language under “NO INTERPRETATION REQUESTED”. This part is critical to data collection.

### Quarter 1 Language Access

<table>
<thead>
<tr>
<th>Language</th>
<th>Bilingual Staff</th>
<th>Telephone Interpretation</th>
<th>In person Interpretation</th>
<th>Unable to provide services</th>
<th>Waiver Used</th>
<th>No interpretation requested</th>
<th>TOTAL</th>
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For all languages that are not listed in the table, complete corresponding question in quarterly programmatic report stating the language, amount of encounters, and type of interpretation encountered.

Scroll down to the appropriate question that asks you the following:

Type in the languages not listed, type of encounter/number of times encounter.
THANK YOU!