

Limited English Proficiency & Language Assistance

Objective:	To establish County policy regarding the services it provides and develop and implement a system by which LEP persons can meaningfully access those services.	Policy/Procedure Number:	01-45
Reference: <i>(All applicable federal, state, and local laws)</i>	Title VI of the Civil Rights Act of 1964; Executive Order 13166; Tompkins County LEP Plan; NYS Executive Order 26	Effective Date:	March 2019
Legislative Policy Statement:	It is the policy of the Tompkins County that departments, agencies and programs take reasonable steps to provide equal access to public services for persons with limited English proficiency (LEP). We are committed to eliminating any remaining barriers to services, programs and activities to eligible limited English proficient persons.	Responsible Department:	County Administration
General Information:	Title VI of the Civil Right Act of 1964 prohibits discrimination on the basis of race, color or national origin. Because language, like culture, is so closely linked to national origin, the failure to ensure that LEP persons can effectively participate in, or benefit from, Federally assisted programs may violate Title VI's prohibition against national origin discrimination. Pursuant to Executive Order 13166, the meaningful access requirement of the Title VI regulations and the four-factor analysis are to additionally apply to programs and activities of Federal agencies. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Federally assisted recipients are required to make reasonable efforts to provide language assistance to ensure meaningful access for LEP persons to the recipient's programs and activities. To do this, the recipient should: (1) conduct the four-factor assessment; (2) develop a language access plan (LAP); and (3) provide appropriate language assistance.	Modified Date (s):	
		Resolution No.:	2019-54
		Next Scheduled Review:	March 2024

I. Definitions:

Limited English Proficiency - Describes Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

Interpretation. The act of listening to spoken words in one language (the source) and orally translating it into another language (the target).

Translation. The replacement of a written text from one language into an equivalent written text in another language.

Note: Some LEP persons cannot read in their own language and back up oral interpretation services may be needed for written documents.

Four-Factor Analysis. This is an assessment tool used by the recipient of Federal funding to determine the extent of its obligation to provide LEP services. These four factors are: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP persons come into contact with the program; (3) the nature and importance of the program, activity, or service provided the program to people's lives; and (4) the resources available to the grantee/recipient and costs.

II. Policy:

A. Tompkins County will take reasonable steps to ensure that persons with limited English proficiency receive the language assistance necessary to allow them meaningful access to County services, free of charge, in a way that preserves confidentiality, and in a timely manner.

- B.** County departments shall adopt procedures outlining how the department will provide language assistance to persons who have difficulty communicating in English. Such language assistance services may include interpretation services, and, when required by law, the translation of vital documents.
- C.** Tompkins County will disseminate, provide training, and will monitor the effectiveness of this policy and applicable procedures.
- D.** The County LEP Plan will be posted for public review on the County Compliance web page and will be updated as needed on an annual basis. The LEP policy will be posted in English, however, interpreters will be made available to interpret the plan for those who do not speak English. Copies of the plan will be provided to any person or agency requesting a copy.
- E.** Notice of availability of free interpreter and translator services signage must be posted at primary points of contact for County departments' reception areas.
- F.** As a recipient of Federal funds, the County will consider the Four-Factor Analysis when assessing language needs and determining what steps it should take to ensure access for LEP persons:
 - a. The number or proportion of LEP persons eligible to be served or likely to be encountered by a County program, activity, or service;
 - b. The frequency with which LEP individuals come in contact with County programs, activities, or services;
 - c. The nature and importance of the County program, activity, or service to people's lives; and
 - d. Level of resources available to the County for LAP-related costs.
- G.** The County will adhere to the "safe harbor" threshold rule. The U.S. Department of Justice has determined that a "safe harbor" threshold is met when an eligible LEP language group constitutes five (5) percent or one-thousand (1,000), whichever is less, of the population of persons in the County that are eligible to be served or likely to be affected or encountered. Once any particular language in the County reaches the designated threshold, the County is required to make a best practice effort to provide free translation services of vital documents and notices to LEP persons.
- H.** The County Administrator will meet with Department Heads on an annual basis to identify barriers to language access, consult with stakeholders, and formulate strategies and responses to overcome the barriers to meaningful language access.

III. Procedure:

A. Interpreter and Translation Services

Staff will initiate an offer for language assistance to persons who have difficulty communicating in English, or when a person asks for language assistance. Whenever possible, staff is encouraged to follow a person's preferences.

The County must offer free interpretation and/or translation services to persons with LEP in a language they understand, in a way that preserves confidentiality, and in a timely manner. The County will use "Language Identification Flashcard Tool" to help persons with LEP identify their language needs for staff.

Note: The Language Identification Flashcard Tool (*Appendix E5 - LEP Tracking Form C*) can be found in the LEP Plan document on the Tompkins County Compliance Program webpage.

County staff should document the offer of interpreter assistance and when language assistance services are used with a client by completing the **Use of Free Interpreter/Translator Services** form.

Note: The Use of Free Interpreter/Translator Services form (*Appendix E3 - LEP Tracking Form A*) can be found in the LEP Plan document on the Tompkins County Compliance Program webpage.

To the extent possible, staff should use these language assistance services in the order set out below.

1. Telephone Interpreter Services

Tompkins County has arranged to use a telephone interpreter service. County Administration is responsible for the cost incurred in utilizing this service.

To access Telephone Interpreter Services refer to Appendix A below.

2. In-Person Interpreter Services

When requested, in-person interpreter services are to be provided at no cost to an LEP person. County Administration is responsible for the cost incurred in utilizing this service.

To schedule an in-person interpreter refer to Appendix A below.

3. Staff Language Assistance Volunteers

The County has in the past utilized the language assistance services of bilingual staff members, "Language Assistance Volunteers," on a voluntary basis. Bilingual staff are under no obligation to provide language assistance services, unless it is specifically included in job duties. Bilingual staff may volunteer to provide language assistance to the extent that they are comfortable to do so and may also use the contracted language assistance services if they do not wish to volunteer language assistance services.

4. Using Family and/or Friends as Interpreters

County staff should not use family members or friends to interpret or translate for LEP persons.

Use of family or friends could result in a breach of confidentiality or reluctance on the part of an individual to reveal personal information critical to their situations. Family and friends may not be competent to act as interpreters because they may not be proficient enough in both languages, may lack training in interpretation, may not be objective, and/or have little familiarity with specialized program terminology.

If an individual still prefers a family member or friend to interpret after the County offers free interpreter services, staff may use the family member or friend only after the staff person has offered free language services and such offer has been refused in writing. County staff should document the offer of interpreter assistance and the fact that the offer was declined by completing the **Waiver of Right to Free Interpreter/Translator**

Services form.

Note: The Waiver of Right to Free Interpreter/Translator form (*Appendix E4 – LEP Tracking Form B*) can be found in the LEP Plan document on the Tompkins County Compliance Program webpage.

Even if an individual elects to use a family member or friend as an interpreter, County staff should suggest that a trained interpreter listen in on the interview to ensure accurate interpretation.

The Use of Minor Children as Interpreters is Prohibited

Tompkins County staff may never use minor children as interpreters, unless in an emergency situation.

5. *Deaf, Hard-of-hearing, Deaf-blind, or Speech-disabled Services*

New York Relay is a free service offered by New York State when communicating via telephone with persons who are deaf, hard-of-hearing, deaf-blind, or speech-disabled. New York Relay is a statewide phone service that connects calls between a hearing caller and a caller with a speech or hearing impairment. The service uses specially trained Relay operators and all calls are confidential.

To make a Relay call:

1. Dial 7-1-1 (or 800-421-1220).
2. Press 1 to make a Relay call. An Operator will answer and identify themselves by their Operator number.
3. Give the Operator the phone number of the person you are calling and they will connect the call.
4. Speak directly to the individual (not the operator) and say "Go ahead" at the end of a complete thought.
5. The Operator will relay the information between you and the other person.

Note: If you are contacted by a caller with a hearing or speech impairment who uses the Relay service to call you, the Operator will identify this by saying "This is New York Relay." ***Don't hang up.*** Hang-ups can be frustrating for speech and hearing impaired callers. Continue the conversation as described above.

B. Duties & Responsibilities Associated with LEP Plan Compliance

County Administrator

- Propose LEP related resolution for Legislature
- Communicate with Department Heads on an annual basis the value of a County-wide LEP plan and the need to formulate strategies for overcoming barriers to meaningful language access
- Procure funds for County-wide language assistance contracted services, including translation services for vital documents

County Compliance Officer/Compliance Program Coordinator

- Update and analyze internal/external LEP population and service-usage data
- Document LEP related resources and costs
- Coordinate LEP related training for designated County staff
- Design and distribute LEP tracking forms to County departments
- Collect and analyze departmental and County-wide LEP data
- Disseminate LEP Plan to County workforce
- Update LEP Plan on an annual basis or as necessary
- Submit annual LEP Plan report to County Administrator

Employees

- Staff must complete the **Use of Free Interpreter/Translator Services form** if a client utilizes language services and provide to Compliance Program Coordinator within thirty (30) days of use of the assistance service.
- If a client waives their right or refuses language services, staff must complete the **Waiver of Right to Free Interpreter/Translator Services form** and provide to Compliance Program Coordinator within thirty (30) days of use of the assistance service.

Note: Forms can be mailed or interofficed to:

**Tompkins County Administration
Attn: Compliance Program Coordinator
125 E. Court St. 3rd Floor Ithaca, NY 14850**

C. Training

- Copies of the LEP plan shall be distributed to all Department Heads, directors, and managers annually by the County Compliance Officer/Compliance Program Coordinator.
- It is the responsibility of all Department Heads, directors, and managers to disseminate the provided LEP plan information to appropriate staff.
- The LEP plan shall be included as part of all new hire training and annual mandatory compliance training.

*****Additional information regarding the Tompkins County Limited English Proficiency (LEP) Plan and the Language Assistance Plan (LAP) can be found on the Tompkins County Web Page.**

Appendix A

Limited English Proficiency & Language Assistance

Language Line is a phone-based language interpretation service. Staff who have three-way calling on their office phone can use Language Line to call LEP individuals. Staff can identify the appropriate language by using a language identification flashcard, found in *Appendix E* of the County's LEP Plan.

To access Language Line:

1. Call 1-866-874-3972
2. Provide the County's client ID number (If you do not have the client ID number, you can request it from your Supervisor or Department Head).
3. Indicate the language you need. You will be connected to an interpreter.
4. Brief the interpreter, give any special instructions, and provide your office phone number for tracking purposes.
5. Call the LEP individual via three-way call.
6. Speak directly to the LEP individual and pause at the end of a complete thought. You may sometimes be asked for clarification or repetition.

Empire Interpreting Service can assist when County staff need to communicate in-person with LEP individuals or persons with sensory impairments who communicate using American Sign Language (ASL).

To schedule an in-person interpreter with Empire:

1. Call 1-844-620-8594
2. Identify that you work for Tompkins County and provide your name and office phone number.
3. Provide the location, date, and time that the interpreter is needed; the name of the client/recipient who will be using the interpreter; the requested language; and a brief description of the nature of the appointment.
4. For billing purposes, indicate if the appointment is expected to last more than two (2) hours.

New York Relay is a free service offered by New York State when communicating via telephone with persons who are deaf, hard-of-hearing, deaf-blind, or speech-disabled. New York Relay is a statewide phone service that connects calls between a hearing caller and a caller with a speech or hearing impairment. The service uses specially trained Relay operators and all calls are confidential.

To make a Relay call:

1. Dial 7-1-1 (or 800-421-1220)
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4. Speak directly to the individual (not the operator) and say "Go ahead" at the end of a complete thought.
5. The Operator will relay the information between you and the other person.