

**Orange County Government
Limited English Proficiency (LEP) Policy**

Orange County is committed to improving the accessibility of services to persons with limited English proficiency (LEP) and to developing and implementing a system that gives LEP persons "meaningful access" to Orange County programs and services.

Purpose

To eliminate or reduce to the maximum extent possible limited English proficiency as a barrier or impediment to accessing core service in Orange County Government.

Background

There has been a dramatic and rapid influx of new immigrants into Orange County who have Limited English Proficiency (LEP). For these new community members language can be a barrier to accessing services or benefits, understanding and exercising their rights, and other information and that may leave them vulnerable. Recognizing this, Orange County has designated eliminating barriers and access to programs and services to the LEP community as an important goal.

Additionally, on August 16, 2000, the President signed Executive Order 13166, mandating that all federal agencies ensure that they and their recipients of federal aid improve access to services to the LEP population. The attached policy was drafted to support the goal and be in compliance with the Executive Order and its policy implementation guidance. The policy as well as the Executive Order provides no new rights or benefits but clarify existing Title VI² responsibilities and set forth the steps necessary to ensure "meaningful access" to services by the LEP community.

In identifying the language assistance initiatives needed that are consistent with the underlying goal of this policy, it is reasonable to focus on those Departments within Orange County government that have the greatest potential for interaction with the LEP population, that involve vital exchange of information affecting provisions of service, and that grant a benefit or imposition of a burden on the LEP population. Orange County government services can be grouped into five categories based generally on the nature, purpose, and consequences of their interaction with the general public and/or LEP populations.

- (A) Departments whose primary mission is to serve the internal management and administrative needs of County government. The interaction of these Departments with the LEP population is infrequent and secondary to services that they perform.
- (B) Departments whose mission is to service the policy needs of County Government. These Departments either are not dependant on their interaction with the public or historical data suggest that they have no significant involvement with the LEP population.

² Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating against or otherwise excluding individuals on the basis of race, color, or national origin in any of their activities Section 601 of Title VI, 42 U.S.C. § 2000d.

- (C) Departments whose primary mission or focus is the provision of services, information, or assistance to third parties: These Departments have the potential for serving significant LEP populations.
- (D) Departments whose mission or focus is to serve the legal, investigative, and policy needs of County Government in a manner that involves (and in some cases is dependent upon) interactions with the public, including predictable and periodic interactions with identifiable LEP.
- (E) Departments whose mission or primary function is to exercise supervision and control over special populations known to contain significant numbers of LEP individuals.

Criteria:

To determine what reasonable steps were necessary to develop a policy that provides LEP persons with "meaningful access" to County programs and services a number of factors should be reviewed:

- (1) The number of or proportion of LEP persons in Orange County - Departments should look at the number or proportion of LEP persons eligible to be served or encountered by the recipient in carrying out its operation. The greater the number or proportion of LEP persons, the more likely language services are needed;
- (2) The frequency with which LEP individuals come in contact with the program - Departments should assess, as accurately as possible, the frequency of contact with eligible LEP persons. The more frequent the contact, the more need for the language service. Departments should consider if with appropriate outreach to LEP persons, the frequency of contacts will increase usage by the LEP group;
- (3) The importance of the service provided by the program - Departments should consider the importance of the activity, service, or program and whether the denial or delay of access to service or information will have serious implication for the LEP individuals; and
- (4) The resources available to the recipient - Department's level of resources can impact the nature of the steps it should take. Smaller departments with fewer resources are not required to provide the same level of resources as the larger departments. Smaller departments should combine their resources to provide meaningful access to LEP populations.

1. Language Assistance Principle

Assisting LEP individual seeking direct County services or benefits, or where there is potential for the direct imposition of a burden onto the individual by the County:

- ◆ LEP persons should be advised that they may choose either to secure the assistance of an interpreter of their own choosing, at their own expense, or a County interpreter provided by the relevant Department.³ Documentation that the service was offered and the LEP person's election should be documented in any written record generated with

³ A LEP person may often look to a bilingual family member or friend or other person they are comfortable with for language assistance, there may also be situation in which a LEP person may want to rely on County-supplied interpretive services. (Some examples where use of an individual's own interpreter may be justified is when an individual has to reveal or describe information of a sensitive, confidential, or potentially embarrassing nature. Similarly, instances where a Department's interest may justify the use of a County-supplied interpreter is where precise, complete or accurate translation or information is needed.)

respect to the LEP person. **(Achievable immediately. Current practice in some critical service areas.)**

- ◆ Departments should take reasonable steps to ensure that the interpreter services provided are only through individuals who are competent to provide interpretive services at a level of fluency, comprehension, and confidentiality appropriate to the specific nature, type and purpose of information at issue. **(Current practice)**
- ◆ Departments should include, take into account, needed language assistance measures, in addition to those specified in this plan, when changes occur in programs or services where a failure to do so may result in a denial of substantially equal and meaningfully effective services to a significant LEP population served by the County. **(Achievable immediately.)**
- ◆ To the maximum extent practical, limited English proficiency shall not act as a barrier or otherwise limit access to vital information, i.e., information publicly available in English as to when, where, or how to access benefits or services from a Department.

2. Uniform Language Assistance Initiatives

- **(Departmental plans for implementation of the following assistance measures and timetables whereby implementation is achievable are to be completed by the end of February 2002).**

Each Department experiencing a need for language assistance measures should take the following action:

- ◆ **Oral Information.** Each location accessible to the public at which vital oral information is made available (e.g., information desks or telephone lines, certain reception desks or areas, building entries, etc.) maintained or administered by a Department identified as warranting language assistance measures will have in place personnel or language assistance resources capable of providing, within a reasonable period of time, information and/or instruction in appropriate languages other than English. Each Department should develop a plan and timetable for implementing the following: Have in place at points of public contact bilingual or multi-lingual staff, appropriate translations of commonly requested information in commonly encountered languages, or procedures for access to telephonic interpretive services⁴ for use by Department personnel.
 - As appropriate, the written procedures for accessing telephonic language assistance resources will be (1) inserted into every Department telephone book (both written and electronic); (2) posted or otherwise readily available (e.g., through the County intranet system) at every point of public contact; and (3) distributed to every employee whose duties routinely include contact with members of the public.

Complete and distribute to each Department, county building or, as appropriate, work group, a listing of staff members assigned to that department, facility, or work group who have volunteered to provide temporary language assistance services in the case of an emergency. Name, office, physical location, business telephone number, work hours, language, and level of fluency should identify staff members.

⁴ "Telephonic interpretive services," sometimes referred to as "language lines" involve the use of interpreters who provide either simultaneous or consecutive translation by phone.

- *Written Materials.* Each Department shall ensure the translation of "vital" written materials into the language of regularly encountered LEP groups eligible to be served or to be affected by the Department's programs. "Vital" includes but is not limited to: written notices of rights, denial, loss, or decreases in benefits and services; notices of disciplinary action; consent and complaint forms; intake forms; application for participation in department' program or activity; and notices advising LEP persons of free language assistance.

The term "vital" depends upon the importance of the program, service, information or encounter involved. Large documents may have both vital and non-vital information. Written translation of only vital information is required. An appropriate "rule of thumb" in determining vital information in a document that requires translation is:

- A Department should provide written translation of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the persons eligible to be served or likely to be affected or encountered. Translation of other documents can be provided orally;
- If there are fewer than 50 persons in a language group that reaches the 5% trigger, then departments do not have to translate vital materials but should provide written notice in the primary language of the LEP language group of their right to receive competent oral translation of the written materials, free of cost.

Please note: This applies only to the written translation of information in vital documents.

- *Electronic Information.* Unless already in place, each Department that maintains a web page accessible to members of the general public should include information on the availability of language assistance through or by the Department. Where documents in languages other than English are placed on or accessible through the web page, information on their availability should be included in the appropriate languages on the web home page or other initial point of access.
- *Signage.* Where signage within a publicly-accessible building maintained or administered by a Department is provided in English, it will also be provided, at a minimum and as soon as reasonably practical, in the two most common non-English languages spoken in the County where, based on available data, more than 25% of the people within that language group speak English less than well.⁵ Signage in fewer languages is warranted where current demographic data establishes that the population potentially served by the Department or facility does not include more than one language minority group that satisfies the 25% standard. Each Department will develop a signage implementation timetable including, where appropriate, reasonable delays necessitated by the lack of current data on LEP populations. (**Signage in critical service areas e.g. DSS, Health, Register of Deeds, are on-going pursuant to June 5, 2001 Board direction.**)

3. *Department-Specific Language Assistance Initiatives.* In addition to the uniform language initiatives applicable to the department engaging in programs and activities warranting language assistance measures, departments will implement additional language assistance measures warranted by their particular programs, activities, and/or

⁵ "Available data" includes but is not limited to language and demographic census information pertaining to Orange County.

target/service population and forward them to the Department of Human Rights and Relations (HRR) to compile and forward to the County Manager.

4. *Staff Training.* All employees expected to implement the language assistance initiatives set out in this Plan should be knowledgeable about (1) the nature and scope of language assistance services and resources available through their department, and (2) the procedures through which they may access those services to assist in the discharge of their respective duties. Each department subject to this Plan will develop a plan and a timetable for the implementation of following actions with respect to staff training:

1. Employees whose routine duties include interactions with the public will be provided with written information on the scope and nature of available or planned language assistance services and the specific procedures through which such services can be accessed at the employee's work location.
2. Each department (or, as appropriate, sub-unit) will develop and incorporate into new employee orientation and/or training programs a module on the nature and scope of language assistance services and the specific procedures through which each employee can access those services.

5. *Outreach.* LEP individuals in need of language assistance services should have reasonable notice of the availability of such services. Each department with significant LEP contacts should undertake appropriate written and oral outreach efforts designed to alert LEP communities and individuals as to the nature, scope, and availability of the language assistance services set out in this Plan. In the area of outreach, each component subject to this Plan will take the following actions:

- Where documents are available in languages other than English, the English version will include a notice of such availability translated into every language in which the document is available.
- Where documents are available for viewing or downloading through a component web page in languages other than English, a tag indicating such availability in each of the languages will be included on each web page.
- To the maximum extent possible, departments will strive to inform stakeholder organizations regarding the nature and scope of available language assistance services through appropriate oral and written means.

6. *Monitoring.* Language assistance plans should be periodically reassessed to ensure that the scope and nature of language assistance services provided under the plan reflect updated information on relevant LEP populations, their language assistance needs, and the Departments experience under the plan. Over the next twelve months, each Department subject to this Plan will take the following actions to monitor the effectiveness of its language assistance initiatives and assess the possible need for enhancements or modifications to those initiatives:

1. By the end of the third quarter of the fiscal year, each Department will advise HRR on the approaches to be used to assess Department activities under this Plan.
2. By the end of the fiscal year, each Department will submit to HRR the results of its assessment of its activities under this Plan, together with any proposed modifications to this Plan. Each subsequent year, the Department will report the results of its

assessment of its activities under this Plan within the framework of such reporting mechanisms, as it deems appropriate.

- By the end of the first quarter of Fiscal Year 2002, after collecting Department assessments, HRR will forward to the County Manager recommendations on proposed modifications, if any, to this Plan for the remainder of Fiscal Year 2002 and beyond.

COUNTY DEPARTMENTS

Critical Services (High)	External Services	Internal/External Services	Informational	Internal Services (Low)
EMS Health Social Services Sheriff	Aging Child Support Economic Development Cooperative Extension Elections Planning Housing and Community Development Human Rights and Relations Library Parks and Recreation Register of Deeds Revenue Collector Solid Waste Transportation	BOCC Clerk Manager Personnel Public Works Purchasing & Central Services	Environment and Resource Conservation Engineer Land Records Natural Resource Conservation Tax Assessor	Budget Finance IS County Attorney