WORKFORCE INNOVATION AND OPPORTUNITY ACT

Limited English Language Proficiency Policy

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EQUAL OPPORTUNITY AND NONDISCRIMINATION STATEMENT: All Recipients and sub-recipients/subgrantees must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

South Central Oklahoma Workforce Board's Workforce Innovation and Opportunity Act Title I program funding statement can be found at https://scowib.info/funding

Caddo County, Grady County, McClain County, and City of Chickasha Labor Market Area
Comanche County, Cotton County, Tillman County, and City of Lawton Fort Sill Labor Market Area
Jefferson County, Stephens County, and City of Duncan Labor Market Area

LIMITED ENGLISH LANGUAGE PROFICIENCY POLICY

PURPOSE: South Central Oklahoma Workforce Board (SCOWB) provides this issuance as guidance to communicate the process and procedures regarding the prohibition against national origin discrimination as it affects persons with Limited English Proficiency (LEP) and to provide the South Central Area with a roadmap for establishing and documenting compliance with non-discrimination obligations and ensuring that LEP individuals receive the necessary assistance to participate in the programs and activities of the Local Area. This plan will be implemented immediately upon approval by the SCOWB and this policy applies to Workforce Innovation and Opportunity Act (WIOA) Title I grant recipients and is effective immediately.

REFERENCES:

- The Workforce Innovation and Opportunity Act (WIOA) (29 USC § 3248)
- Title 29 Code of Federal Regulations (CFR) Part 38
- Department of Labor (DOL) Training and Employment Notice (TEN) 28-16, Subject: Best Practices, Partnership Models, and Resources Available for Serving English Language Learners, Immigrants, Refugees, and New Americans (January 9, 2017)

BACKGROUND: The nondiscrimination and equal opportunity provisions in Section 188 of WIOA and 29 CFR Part 38 prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including LEP), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in the WIOA Title I- financially assisted program or activity.

National origin discrimination now includes LEP under 29 CFR 38.9 and specifically states that in providing aid, benefit, service, or training under WIOA Title I- financially assisted programs or activity, a recipient must not, directly or through contractual, licensing, or other arrangements, discriminate on the basis of national origin, including LEP. Additionally, 29 CFR 38.71 added "LEP and preferred language" to the list of categories of information that each recipient must record about each applicant, registrant, eligible applicant/ registrant, participant, and terminee.

DEFINITIONS:

Babel Notice: a short notice included in a document or electronic medium (e.g. web site, application, ''app'' email) in multiple languages informing the reader that the communication contains vital information and explaining how to access language services to have the contents of the communication provided in other languages (29 CFR Section 38.4(i)).

Employment-related training: training that allows or enables an individual to obtain skills, abilities and/or knowledge that are designed to lead to employment (29 CFR Section 38.4(t)).

Limited English Proficiency (LEP) individual: an individual whose primary language for communication is not English and who has a limited ability to read, speak, write, and/or understand English. An LEP

individual may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing) (29 CFR Section 38.4(hh)).

Limited English Proficiency (LEP) Plan: A written language access plan which assists in ensuring that LEP individuals have meaningful access to WIOA title I-financially assisted programs and activities (29 CFR Section 38.9 Appendix).

Meaningful Access: Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English-proficient individuals.

Primary language: An individual's primary language is the language in which an individual most effectively communicates, as identified by the individual.

POLICY:

Reasonable Steps to Ensure Meaningful Access for LEP Individuals

SCOWB is required to take reasonable steps to ensure that LEP individuals have meaningful access to their programs and activities. Reasonable steps (29 CFR Section 38.9(b)(1)) may include, but are not limited to, the following:

- Conducting an assessment of an LEP individual to determine their language assistance needs.
- Providing oral interpretation or written translation of both hard-copy and electronic materials, in the appropriate non-English languages, to LEP individuals.
- Conducting outreach to LEP communities to improve service delivery in needed languages.

Furthermore, SCOWB will ensure that that every program delivery method, whether it be in person, electronic, or by phone, conveys in the appropriate language how an LEP individual may effectively learn about, participate in, and/or access any aid, benefit, service, or training available to them. It should also be noted that as new methods for the delivery of information or assistance are developed, SCOWB will take reasonable steps to ensure that LEP individuals remain able to learn about, participate in, and/or access any aid, benefit, service, or training available to them (29 CFR Section 38.9(c)).

Language Assistance Services

Language assistance generally comes in two forms: oral interpretation or written translation. SCOWB will ensure that above all, these services are free of charge and provided in a timely manner. An LEP individual must be given adequate notice about the existence of interpretation and translation services and that they are available free of charge. For LEP individuals who enter an Oklahoma Works (One-Stop) Center, language assistance services must be timely, and with adequate notice, where feasible. Language assistance will be considered timely when it is provided at a place and time that ensures equal access and avoids the delay or denial of any aid, benefit, service, or training (29 CFR Section 38.9(d) and (e)).

Interpreter Services

SCOWB will not require an LEP individual to provide their own interpreter. Furthermore, SCOWB will not rely on an LEP individual's minor child or adult family or friend to interpret or facilitate communication, except for the following circumstances:

- In emergency situations while awaiting a qualified interpreter;
- When the information conveyed is of minimal importance to the services to be provided; or
- When an LEP individual specifically requests that an accompanying adult provide language assistance and they agree to provide assistance to the individual. If SCOWB permits an accompanying adult to serve as an interpreter for an LEP individual, it must make and retain a record of the LEP individual's decision to use their own interpreter.

Finally, where precise, complete, and accurate interpretations or translation of information and/or testimony are critical for adjudicatory or legal reasons, SCOWB can still provide their own, independent interpreter, even if an LEP individual wants to use their own interpreter as well. This also applies in cases where the competency of the interpreter requested by the LEP individual is not established. (29 CFR Section 38.9(f))

Concerning Vital Information

For languages spoken by a significant portion of the population eligible to be served or likely to be encountered, SCOWB must translate vital information in written materials into these languages. These translations must in turn be readily available upon request in hard copy or electronically. Written training materials offered or used within employment-related training programs (see definitions section) are excluded from these translation requirements. However, in all cases, SCOWB must take reasonable steps to ensure meaningful access for LEP individuals.

For languages not spoken by a significant portion of the population eligible to be served or likely to be encountered, SCOWB must take reasonable steps to meet the particularized language needs of LEP individuals who seek to learn about, participate in, and/or access the aid, benefit, service or training that is available to them. Vital information may be conveyed orally if not translated.

SCOWB must also be sure to include a Babel Notice, indicating that language assistance is available in all communications of vital information. This includes letters or decisions in hardcopy or electronic formats. (29 CFR Section 38.9(g))

Finally, to the extent otherwise required by 29 CFR Part 38, once a recipient becomes aware of the non-English preferred language of an LEP beneficiary, participant, or applicant for aid, benefit, service, or training, the recipient must convey vital information in that language. (29 CFR Section 38.9(h))

Developing a Written LEP Plan

In order to ensure that reasonable steps are taken to allow meaningful access for LEP individuals, SCOWB will develop a written LEP plan. By implementing a LEP plan, SCOWB is more likely to fulfill their obligation of taking reasonable steps to ensure meaningful access to programs and activities by

LEP individuals. Furthermore, developing and implementing an LEP plan has many benefits, including providing Local Area staff with a roadmap for establishing and documenting compliance with nondiscrimination obligations and ensuring that LEP individuals receive the necessary assistance to participate in the programs and activities of a Local Area.

SCOWB Framework for meaningful access to LEP individuals includes:

- Policy documents, employee manuals, employee training material, posters, web sites, outreach material, contracts, and electronic and information technologies, applications, or adaptations will be made available upon request.
- Language assistance services in the SCOWB area include:
    - Interpreter available upon request
    - Spanish speaking interpreters are accessible for every office
    - Online translating software
    - Rapid response is available in Spanish upon request
    - Marquees provide slides in Spanish
    - EmployOklahoma can be translated into approximately 106 different languages by simply selecting the language you wish at the bottom of the home page.
- The SCOWB One-Stop Operator (OSO) will provide training for workforce system staff and will have oversight for the implementation of the LEP plan. The Operator will provide workforce system staff with guidance regarding the implementation of the LEP Plan and serve as a resource during the implementation phase.
- The SCOWB ensures quality control, including monitoring, a complaint process, addressing complaints, and obtaining feedback from stakeholders and employees. These requirements of the LEP Plan are covered in the SCOWB Grievance policy and monitoring is included in the SCOWB Monitoring Schedule.
- The SCOWB requires the Title I providers to document provision of language services through self-attestation, detailed program notes and the Individual Employment Plan (IEP)/Individual Service Strategy (ISS).
- The LEP plan will be revisited annually to reflect any of the following:
    - New recommendations and government guidance.
    - Changes in the Local Area's operations as well as the experiences and lessons learned.
    - Changing demographics.
    - Stakeholder and beneficiary feedback

It should be noted that the elements of a successful LEP plan are not fixed and must be tailored to South Central Area's specific programs and activities. Over time, LEP plans will need to be revised to reflect the following:

- New recommendations and government guidance.
- Changes in the Local Area's operations as well as the experiences and lessons learned.
- Changing demographics.
- Stakeholder and beneficiary feedback.

(29 CFR Section 38.9 Appendix)

EQUAL OPPORTUNITY AND NONDISCRIMINATION:
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ACTION REQUIRED: SCOWB will disseminate the Limited English Language Proficiency Policy to all SCOWB contractors, staff, and board members. All contractors, staff, and board members will be responsible for following this policy.

ATTACHMENTS:
Attachment A- SCOWB Limited English Language Proficiency Plan

APPROVED: 9/14/2023

South Central Oklahoma Workforce Board
205 W Chickasha Avenue, Suite #3
Chickasha, OK 73018
http://scowib.info/

South Central Oklahoma Workforce Board

Limited English Language Proficiency Plan

Reasonable Steps to Ensure Meaningful Access for LEP Individuals
The SCOWB requires that Title I grant recipients take reasonable steps to ensure that LEP individuals have meaningful access to programs and activities. Reasonable steps (29 CFR Section 38.9(b)(1)) must include, but are not limited to, the following:

- Assess an LEP individual to determine their language assistance needs.
- Providing oral interpretation or written translation of both hard-copy and electronic materials, in the appropriate non-English languages, to LEP individuals.
- Conduct outreach to LEP communities to improve service delivery in needed languages.

SCOWB requires that every program delivery method, whether it be in person, electronic, or by phone, conveys in the appropriate language how an LEP individual may effectively learn about, participate in, and/or access any aid, benefit, service, or training available to them. As new methods for the delivery of information or assistance are developed, SCOWB will take reasonable steps to ensure that LEP individuals remain able to learn about, participate in, and/or access any aid, benefit, service, or training available to them (29 CFR Section 38.9(c)). SCOWB Will use sources available on LEP.gov along with sources provided by other partner agencies such as Oklahoma Employment Security Commission's access to "Language Line" and I Speak" cards which are available for download for free at www.lep.gov as well as at https://www.dol.gov/oasam/programs/crc/ISpeakCards.pdf to ensure all customers have the access to programs and activities.

Language Assistance Services
Language assistance generally comes in two forms: oral interpretation or written translation. SCOWB and Title 1 grant recipients will ensure that above all, these services are free of charge and provided in a timely manner. An LEP individual must be given adequate notice about the existence of interpretation and translation services and that they are available free of charge. For LEP individuals who enter an Oklahoma Works (One-Stop) Center, language assistance services must be timely, and with adequate notice, where feasible. Language assistance will be considered timely when it is provided at a place and time that ensures equal access and avoids the delay or denial of any aid, benefit, service, or training (29 CFR Section 38.9(d) and (e)).

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- In emergency situations while awaiting a qualified interpreter;
- When the information conveyed is of minimal importance to the services to be provided; or;
- When an LEP individual specifically requests that an accompanying adult provide language assistance and they agree to provide assistance to the individual. SCOWB permits an accompanying adult to serve as an interpreter for an LEP individual. However, there must be a detailed case note documented in the case file of the LEP individual's decision to use their own interpreter.

When precise, complete, and accurate interpretations or translations of information and/or testimony are critical for adjudicatory or legal reasons, SCOWB can still provide their own, independent interpreter, even if an LEP individual wants to use their own interpreter as well. This also applies in cases where the competency of the interpreter requested by the LEP individual is not established. (29 CFR Section 38.9(f)).

Concerning Vital Information

For languages spoken by a significant portion of the population eligible to be served or likely to be encountered, SCOWB will translate vital information in written materials into these languages. SCOWB requires that these translations be readily available upon request in hard copy or electronically. Written training materials offered or used within employment-related training programs are excluded from these translation requirements (see definitions section). However, in all cases, SCOWB will take reasonable steps to ensure meaningful access for LEP individuals. One applicable option for translation requests is found at: careeronestop.org.

For languages not spoken by a significant portion of the population eligible to be served or likely to be encountered, SCOWB will take reasonable steps to meet the particularized language needs of LEP individuals who seek to learn about, participate in, and/or access the aid, benefit, service or training that is available to them. Vital information may be conveyed orally if not translated.

SCOWB will include a Babel Notice, indicating that language assistance is available in all communications of vital information. This includes letters or decisions in hardcopy or electronic formats. (29 CFR Section 38.9(g))

As required by 29 CFR Part 38, once a recipient becomes aware of the non-English preferred language of an LEP beneficiary, participant, or applicant for aid, benefit, service, or training, the recipient must convey vital information in that language. (29 CFR Section 38.9(h))

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- The babel notice will be added to all policies and all forms that are to be signed by the customer.

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