

Orange County Language Access Policy

I. Policy Statement

It is the policy of Orange County to provide timely meaningful access for Limited English Proficiency (“LEP”) persons to all Orange County government services, programs and activities. All language assistance services are free to all LEP individuals who requests language assistance services.

II. Purpose and Authority:

The purpose of this policy is to establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964 and Executive Order 13166, for Orange County employees to follow when providing services to, or interacting with, individuals who have limited English proficiency (“LEP”). Following this Policy is essential to the success of our mission to provide meaningful access to the LEP community to all Orange County services, programs and activities.

III. Staff Compliance.

Orange County personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. Each County Department Director is responsible to ensure their respective departments have a Language Access Plan, LEP persons have access to the services their department provides, and to ensuring department staff receives training on providing language access services to the LEP community.

IV. Definitions.

- A. Bi-lingual staff – A staff person employed by Orange County who has demonstrated proficiency in English and reading, writing, speaking, or understanding at least one other language as authorized by his or her department.
- B. Interpretation – The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
- C. Language Assistance Services – Oral and written language services needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by the Department.
- D. Limited English Proficient (LEP) Individuals – Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals 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).

- E. Meaningful Access – Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual.
- F. Primary Language – An individual’s primary language is the language in which an individual most effectively communicates.
- G. Program or Activity – The term “program or activity” and the term “program” mean all of the operations of the Department.
- H. Qualified Translator or Interpreter – An in-house or contracted translator or interpreter who has demonstrated his or her competence to interpret or translate through testing by the Department of Human Rights and Relations, Certification by a qualified entity, or is authorized to do so by contract with the Department and if a County employee approved by his or her department.
- I. Sight Translation – Oral rendering of written text into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.
- J. Translation – The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
- K. Vital Document – Paper or electronic written material that contains information that is critical for accessing a component’s program or activities, or is required by law.

V. Language Assistance Measures.

Ensuring the quality and accuracy of language assistance services provided by each Department is critical to providing LEP individuals with meaningful access to department programs and activities.

- A. Identification of LEP Communities. Orange County shall assess the number or proportion of LEP persons from each language group in The County to determine appropriate language assistance services. The analysis shall include persons in Orange County with whom your departments comes into contact while carrying out service functions. The assessment shall include all communities who are eligible for services or are likely directly affected by programs or activities. Departments may determine the linguistic characteristics of an LEP population in their Orange County service area by reviewing available data from federal, state, and local government agencies, community, and faith based organizations. A department should also identifying and tracking the primary language of LEP individuals that seek and receive programs and services. By regularly collecting and updating this data, departments will be able to accurately identify and efficiently address the changing needs of their LEP communities.
- B. Quality of Language Access Services. The Department of Human Rights and Relations is delegated with the authority to ensure that the County will take reasonable steps to ensure that all staff or contracted personnel who serve as translators, interpreters or who communicate “in-language” with LEP persons are competent to do so. Considerations of competency in light of particular tasks may include:

1. Demonstrated proficiency in and ability to communicate information accurately in both English and the other language;
 2. Identifying and employing the appropriate mode of interpreting (e.g., consecutive, simultaneous, or sight translation), translating, or communicating fluently in the target language;
 3. Knowledge in both languages of any specialized terms or concepts particular to the component's program or activity and of any particularized vocabulary used by the LEP person;
 4. Understanding and following confidentiality, impartiality, and ethical rules to the same extent as Department staff;
 5. Understanding and adhering to their role as interpreters, translators, or bi-lingual staff. Department liaisons shall also take reasonable steps to ensure that when translating text, all staff or contracted personnel who serve as translators are briefed by department staff on the context and intended audience.
 6. Absent exigent circumstances, Departments shall avoid using family members (including children), neighbors, friends, acquaintances, and bystanders to provide language assistance services. Departments shall also avoid using individual opposing parties, adverse witnesses, or victims to a dispute as interpreters. Using family, friends, bystanders, or parties to a dispute to interpret could result in a breach of confidentiality, a conflict of interest, or inadequate interpretation.
- C. Types of Language Assistance Services. There are two primary types of language assistance services: oral and written.
1. Interpretation Services. Oral language assistance service may come in the form of "in-language" communication (a qualified bi-lingual staff member communicating directly in an LEP person's language) or interpreting. An interpreter renders a message spoken in one language into one or more other languages. Interpretation can take place in-person, through a telephonic interpreter, or via internet or video interpreting. Departments shall ensure the Department of Human Rights and Relations has designated interpreters as "qualified" prior to engaging them for services.
 2. Translation of Vital Documents. Departments should proactively translate vital written documents into the frequently encountered languages of LEP groups served or likely to be affected by the benefit, program or service in Orange County. When Department staff have reason to believe that an individual is LEP, the department must respond to that LEP individual in a language he or she understands. For example, a letter sent to a specific LEP person should be translated into the appropriate language for that individual to ensure effective communication. Departments should also have a language access plans in place for handling written communication with LEP individuals in less frequently encountered languages.

- a. Departments shall prioritize translation of vital documents. Classification of a document as “vital” depends 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. The determination of what documents are considered “vital” is left to the discretion of individual department, which are in the best position to evaluate their circumstances and services within their language access planning materials.
 - b. Types of vital documents – There are two types of Vital Documents, those meant for the general public or a broad audience, and those that are specific communications regarding a case or matter between an individual and the Department. Each department should exercise its discretion in creating a process for identifying and prioritizing vital documents or texts to translate. Departments should ensure all translations are completed by translators who are designated as “qualified” by the Department of Human Rights and Relations.
 - c. Documents that may be considered “vital” may include, but are not limited to, certain:
 - i. administrative complaints, release, or waiver forms;
 - ii. Claim or application forms;
 - iii. Public outreach or educational materials (including web-based material);
 - iv. Letters or notices pertaining to policies changes or updates;
 - v. Written notices of rights, denial, loss, or decreases in benefits or services, or hearings;
 - vi. Forms or written material related to individual rights;
 - vii. Notices of community meetings or other community outreach;
 - viii. Notices regarding the availability of language assistance services provided by the component at no cost to LEP individuals;
- D. Notice of Language Assistance Services. Departments must inform LEP individuals of their eligibility for benefits, programs, and services in a language they understand. Departments should assess all points of contact, telephone, in-person, mail, and electronic communication its staff has with the public and LEP individuals when determining the best method of providing notice of language assistance services. A Department should not only provide oral and written language access services, but also must explain how LEP individuals can access available language assistance services

VI. Staff Training.

- A. Language Access Training is mandatory for department directors, supervisors, interpreters, translators, or frontline staff who encounter LEP individuals. Staff shall receive training on identifying LEP customers and the procedures for accessing language assistance services provided by the County. New employees will receive training at new employee orientation on available language access resources. Yearly training will be available to existing staff to ensure effective implementation of the policies and procedures.
- B. Supervisors will be responsible for department level training on the department's language access plan. They will provide training for all staff before this new plan is implemented. Included in the training will be a review of the Language Access Policy and Procedures; training on utilizing translation services for written materials, and utilizing currently used language and sign language interpreter services. Subsequent training of new or existing staff will be the responsibility of the manager/supervisor.
- C. Training for language access services will include training on LEP services, cultural sensitivity, and customer service to help staff deliver effective and efficient language access services to our LEP clients. The training will be delivered via a blended approach, using a variety of tools, such as in-person classroom style training, and on-line webinars designed to enhance skills, including the language skills of our employees.

VII. **Bilingual Staff.**

Orange County has a multi-lingual hiring preference for positions that provide direct, critical services to LEP clients, these position are advertised to attract bi-lingual candidates. Positions, the County Manager determines provide direct critical services to the LEP community, may require that bi-lingual persons serve in those positions. Prior to becoming an Orange County employee, a candidate shall be tested to ensure that are competent in each required language. Bi-lingual employees may receive additional remuneration.

VIII. **Performance Measurement.**

Orange County shall conduct an audit of language assistance services on an annual basis. An audit consists of monitoring, evaluating and updating the Language Access Policy, plan and procedures as needed.

IX. **Language Access Plan.**

The Department of Human Rights shall develop a Language Access Plan and procedures under the direction and with the approval of the County Manager. The Language Access

Plan and any procedures shall assist County departments in defining tasks, setting deadlines and priorities, assigning responsibility, and allocating the resources necessary to come into or maintaining compliance with language access requirements. It will also describes how departments will meet the service delivery standards.