LANGUAGE ACCESS POLICY BRIEFING
2023-DDS-POL001
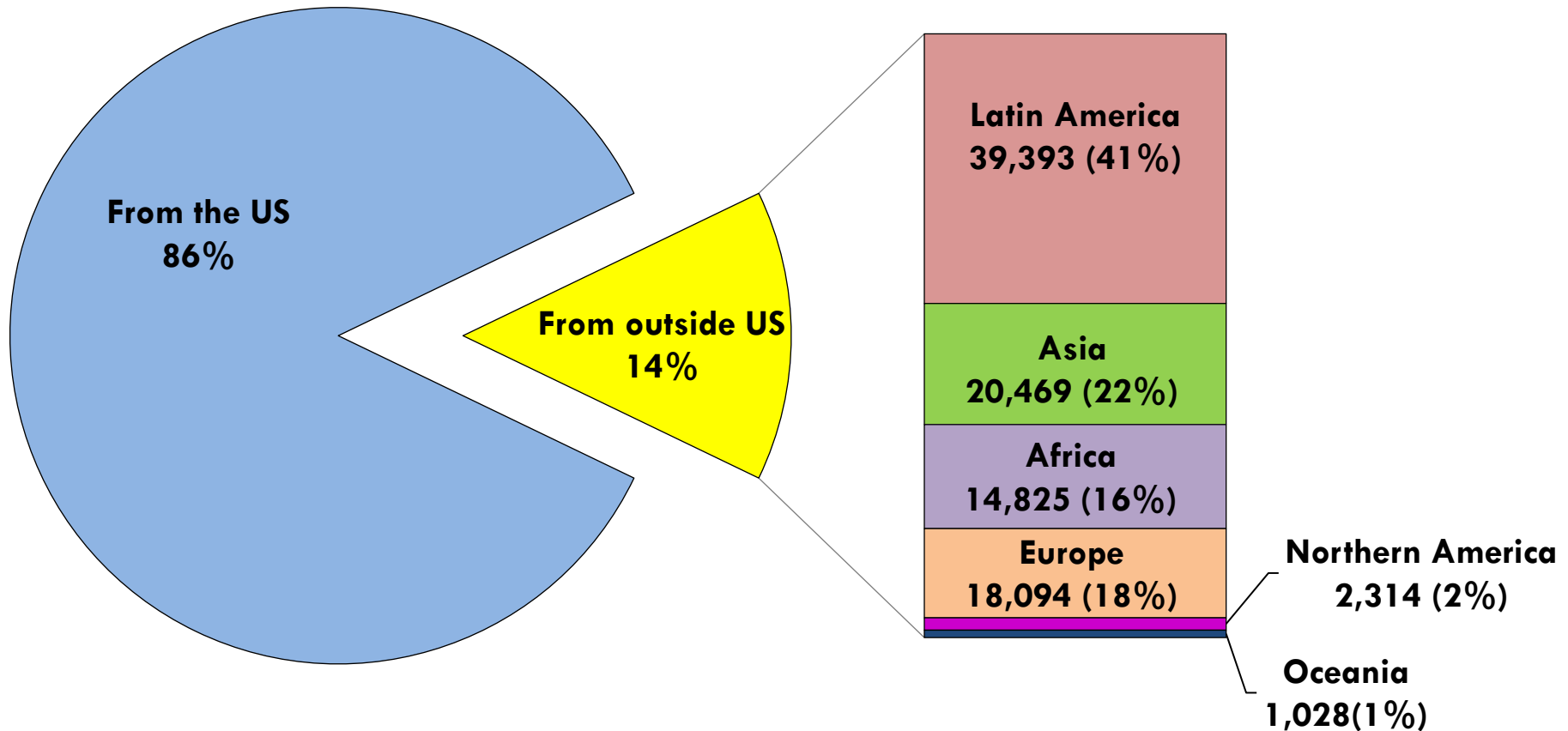# EFFECTIVE 8-1-2023

DDS

LIFE. YOUR WAY.
Department on
Disability Services

The District is one of the most linguistically diverse cities in the nation

Note: Being foreign-born does not necessarily indicate LEP/NEP. Many foreign-born residents are highly proficient in English. Context does help illustrate DC's diversity.

From the US
86%

From outside US
14%

Latin America
39,393 (41%)

Asia
20,469 (22%)

Africa
14,825 (16%)

Europe
18,094 (18%)

Northern America
2,314 (2%)

Oceania
1,028 (1%)

Based on 2015-2019 American Community Survey (ACS) Data

Our Goal

As an agency with major public contact, to provide equal access and participation in DDS services or supports, programs, and activities for the Limited English Proficient "LEP" or Non-English Proficient "NEP" individuals served.

Who helps us achieve it?

This policy applies to all DDS employees, contractors and grantees that provide services and supports for people with disabilities receiving services as part of the DDS service delivery system <u>regardless of the funding source</u> (e.g., local funds, federal funds, or grants).

DDS Internal Responsibilities

- Identify a Language Access Coordinator
- Establish and implement a Biennial Language Access Plan, and report quarterly to the D.C. Office on Human Rights
- Offer interpretation services (phone, virtual, in-person)
- Provide written translations of **vital documents** into languages that meet the agency's language threshold (500 encounters a year) **<u>currently Spanish</u>**
- Collect data on the demand for agency services in **spoken** languages other than English; including numbers from bilingual staff, phone interpretation services, and interpreted appointments
- Conduct outreach to foster engagement with LEP/NEP communities
- Train staff on facilitating effective communication with LEP/NEP persons, and the DDS polices and procedures regarding language access compliance.

For more details on internal agency requirements, please sign up for the Language Access Training offered by emailing dds.training@dc.gov

DDS Contractors & Grantee Responsibilities

- Offer interpretation services (phone, virtual, in-person)

Remember, spoken interpretation is for **any language, any time.**

- Should be present at all public facing locations (i.e. lobby)
- Lists DC's 20 most common languages, more available
- Excellent tool to identify a speaker's language face-to-face. Language Line can also assist if you are unsure.
- For more information about setting up an account, or to hear a recorded demonstration of over-the phone interpretation, contact LLS: Customer service 800-752-6096 | Demonstration line 1-800-996-8808.

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DDS Contractors & Grantee Responsibilities

- Offer interpretation services (phone, virtual, in-person)

Remember, spoken interpretation is for **any language, any time.**
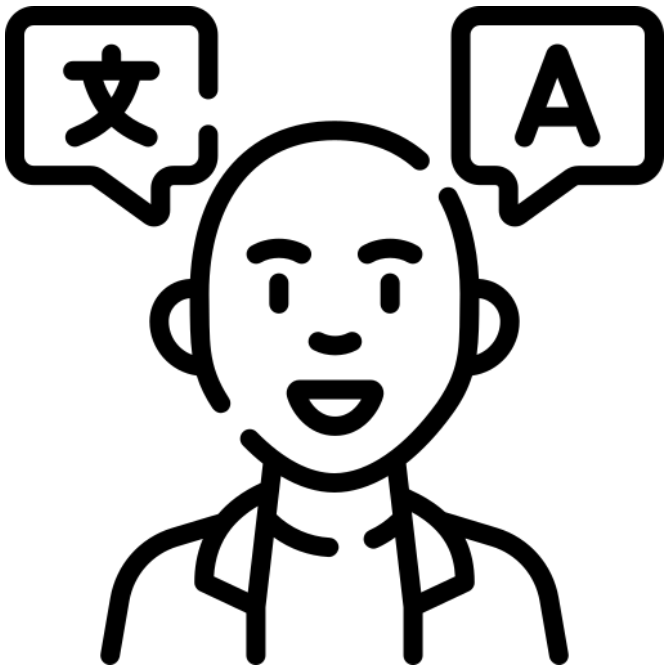
- Identify the bilingual staff at your organization, they may be available to interpret and can provide information regarding language encounters each quarter
- Set up an account with a Language Interpretation company for virtual/in-person services. We recommend one of the 3 the citywide vendors: Transperfect, Multicultural Community Service (MCS, Andean Consulting Solutions International (ACSI)

DDS Contractors & Grantee Responsibilities

- Offer interpretation services (phone, virtual, in-person)
- Provide written translations of vital documents into non-English languages that meet their organization's language threshold (500 encounters a year) **currently Spanish**

LIFE. YOUR WAY.
Department on Disability Services

TU VIDA. A TU MANERA.
Departamento de Servicios para Personas con Discapacidades

OBTENGA EL **APOYO** QUE **NECESITA**
Departamento de Servicios para Personas con Discapacidades

DDS has translated many documents into Spanish, contact us for copies. If you need to send a vital document to a client, MAKE SURE it is in their language! 7

DDS Contractors & Grantee Responsibilities

- Offer interpretation services (phone, virtual, in-person)
- Provide written translations of vital documents into non-English languages that meet their organization's language threshold (500 encounters a year) **currently Spanish**
- Collect data of encounters with LEP/NEP customers and report this data to DDS on a quarterly; including numbers from bilingual staff, phone interpretation services, and interpreted appointments

DDS Contractors & Grantee Responsibilities

"Bilingual Staff Encounters" examples:

- **Example 1:** Your French-speaking staff member had a monthly virtual meeting with a DDS French-speaking client, please count each monthly meeting separately, totaling 3 French encounters for the quarter.

- **Example 2:** While caring for a Spanish-speaking DDS client in a residential setting, each day there is a bilingual staff DSP working with them is counted separately, this quarter it was 6 days a month, totaling 18 Spanish encounters for the quarter.

- **Example 3:** During the weekly job coaching meetings, the Amharic-speaking job coach speaks with the client in Amharic while they edit a resume. Please count each meeting as a single encounter, totaling 12 Amharic encounters for the quarter.

DDS Contractors & Grantee Responsibilities

"Interpreted Appointment" examples:

- **Example 1:** You host a virtual meeting each month with a family of 4 who speak Korean, your company arranges an in-person interpreter to provide language access at the meeting, please count each person present at the meeting separately, totaling 12 Korean encounters for the quarter.

- **Example 2:** While conducting a virtual nutrition consult meeting each quarter for your Vietnamese-speaking DDS client, your company arranges a virtual interpreter to provide language access on Zoom, count each meeting separately, totaling 3 Vietnamese encounters for the quarter.

- **Example 3:** During the bi-weekly physical therapy appointments, your organization had hired a Spanish interpreter to provide language access for the DDS client who is most comfortable speaking in Spanish. Count each appointment separately, totaling 30 Spanish encounters for the quarter.

DDS Contractors & Grantee Responsibilities

"Telephone Interpreted Encounter" examples **(Note: Language Line has a portal to easily find this information on your account):**

- **Example 1:** You answer the phone and family member of the DDS client's is speaking Mandarin, you ask them to hold and call Language Line to request an interpreter to provide language access for the call, this totals 1 Mandarin encounter for the quarter.
- **Example 2:** While hosting an impromptu meeting with a French-speaking DDS client to discuss a staff change for their day program, you first call Language Line and add an interpreter on the call to provide access, this totals 1 French encounter for the quarter.
- **Example 3:** During the weekly phone check-in meeting with the Amharic-speaking DDS client regarding his new job, you call Language Line to connect with an Amharic interpreter to facilitate the call before you call the client; each meeting is counted separately, totaling 12 Amharic encounters for the quarter.

DDS Contractors & Grantee Responsibilities

- Offer interpretation services (phone, virtual, in-person)
- Provide written translations of vital documents into non-English languages that meet their organization's language threshold (500 encounters a year) **currently Spanish**
- Collect data of encounters with LEP/NEP customers and report this data to DDS on a quarterly; including numbers from bilingual staff, phone interpretation services, and interpreted appointments
- Train personnel on all compliance requirements according to the same standards required of DDS, including the **Language Interpretation Waiver Form**

Interpretation Waiver Form

A person may elect to use an adult family member or friend as their interpreter and refuse language access services. Every time this happens, staff members must obtain consent that waives the person's rights to translation and interpretation services.

Waiver forms in the person's preferred language are required and may be obtained through the DC Office of Human Rights or the DDS LAC. If the person's preferred language is not available or the person is unable to read, sight translation (via a phone interpreter) may be used to convey the contents of the waiver form to the person

DDS Contractors & Grantee Responsibilities

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- Certify in writing that Language Access Act compliance requirements will be satisfied by the contractor/grantee.

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Reporting for All

All DDS, contractor and grantee staff in public contact positions must be proficient in the requirements and legal obligations for serving LEP/NEP persons. To this end, DDS, contractor, and grantee staff must attend either web-based or in-person trainings provided by, or approved by, the D.C. Office of Human Rights.

We are preparing a training for staff detailing how to report the required data quarterly, estimated roll-out will be December 2023 or before, with reporting to begin January 2024.

How is the law enforced?

- Any person, organization, or advocate may file a public complaint alleging a violation of the Language Access Act. Office of Human Rights Language Access Complaint Form (https://ohr.dc.gov/page/language-access-public-complaint-form or by call (202) 727-4559.
- The D.C. Office of Human Rights addresses these complaints, which may regard both individual and systemic noncompliance.
- DDS Quality Assurance will also be informed and sanctions may be imposed at 2nd violation and beyond.
- OHR will conduct a pre-investigation resolution process followed by a full investigation as required.

Important Reminders!

- ✓ Avoid assumptions about a person's preferred language and make every effort to determine it and note in their file
- ✓ Provide interpretation whenever reasonably requested by a person, regardless of the person's perceived level of English proficiency
- ✓ Do not discourage LEP/NEP persons from seeking DDS services nor unreasonably delay or refuse agency services to such persons
- ✓ Exclusively use professional and qualified interpreters to interpret for LEP/NEP persons. If a person requests to have a family member, friend, neighbor, volunteer or any other person act as interpreter, the DDS staff, contractor or grantee shall verify that the requested interpreter is not a minor and shall document a waiver signed electronically.

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