

District of Columbia Office of Human Rights

August 2021



DC Grantee/Contractor Language Access Implementation Guide



Office of Human Rights
DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA OFFICE OF HUMAN RIGHTS

441 4th Street NW, Suite 570N
Washington, DC 20001

Phone: (202) 727.4559 Fax: (202) 727.9589

ohr.dc.gov
[facebook.com/dcohr](https://www.facebook.com/dcohr)
twitter.com/dchumanrights
[instagram.com/dchumanrights](https://www.instagram.com/dchumanrights)

Office of Human Rights

DC Grantee/Contractor Language Access Implementation Guide

The Language Access Program is housed under the District of Columbia's Office of Human Rights (OHR). It exists to eliminate language-based discrimination, enabling DC residents, workers, and visitors to receive equivalent information and services from the DC government including public-facing contractors and grantees. As a District government funded entity your respective organization/program has an obligation to comply with the Language Access Act of 2004. The DC Language Access Act of 2004 requires all District government agencies ensure that the Limited English Proficient and Non-English Proficient (LEP/NEP) population has equal access to the full range of government services while receiving translation and interpretation services.

The District of Columbia is one of the most linguistically diverse cities in our nation and this guide will assist your organization/program prepare for the possibility of engaging someone from the LEP/NEP community. This guide will explain the implementation of each compliance area and the proper way to use and display associated resources.

The following are the six Language Access (LA) compliance implementation elements that will be covered:

- I. Collect data on encounters with LEP/NEP customers and report this data to the covered entity on a quarterly basis
- II. Provide oral interpretation services via qualified telephonic interpreters, in-person interpreters, or bilingual staff who can facilitate language communication
- III. Translate vital documents according to the same standards required of the covered entity
- IV. Train personnel on language access compliance requirements
- V. Certify in writing that LA Act compliance requirements will be satisfied
- VI. Display multilingual signage that communicates the availability of interpretation and translations services in all public facing locations
- VII. Implementation Resources

Data Collection:

As required by the Act and to understand the linguistic needs of an organization or program data must be collected and reported quarterly on the demand for language assistance by LEP/NEP individuals called encounters. Encounters consist of both customers and individual interactions.

Most covered entities have several points of contact with the public. A comprehensive data collection system will gather information from every one of these points of contact, including hotlines, walk-in facilities, mobile units, community events, and online applications for services. Each interaction counts as an encounter because every interaction uses fiscal impact resources.

OHR's LA program requests the following components in data collection reports:

- Languages encountered refers to the language preferred by the LEP/NEP individual
- Number of encounters per language refers to the number of times a language other than English was used to communicate.
- Mode of Interpretation refers to the method used to provide language service to communicate with the LEP/NEP individual, there are three manners in which these encounters occur and should be captured for reporting purposes:
 - A telephonic interpreter refers to a telephonic language service provider (such as Language Line Solutions) and is used to communicate with a LEP/NEP individual in their preferred language. Telephonic interpretation can be used in daily communication.
 - An in-person interpreter is used to communicate with a LEP/NEP individual in their preferred language. An in-person interpreter refers to an individual that has interpreter training certification and impartial.
 - A bilingual staff member refers to an individual in your organization who is fluent in the LEP/NEP individual's primary language and can facilitate communication. As a representative of your organization, the bilingual staff member is not an impartial interpreter.

The District Government Agency's designated Language Access Coordinator (LAC) or Point of Contact (POC) will inform your organization/program of the way data will be collected. It is recommended to exclusively use professional and qualified interpreters and not family, friends, neighbors, volunteers, bystanders of the LEP/NEP individual without obtaining a waiver.

Interpretation Requirements

As funded entities (grantees/contractors) your respective organization/program must offer interpretation services in the primary language spoken by the customer identified as LEP/NEP. Language services can be provided through telephonic interpretation, bilingual staff or through a professional interpreter (as defined in the text above).

Funded entities are required to set up an active account with a telephonic interpretation service provider in order to always have access to an interpreter over the phone. DC government agencies can also opt to let funded entities use their Language Line Solutions (LLS) account for telephonic interpretation services. To set up a new account, funded entities should contact LLS directly (call 1-800-752-6096 and press 4).

The following are tips to follow when attempting to provide language services to the LEP/NEP customers.

Please do not make guesses or assumptions about the customer's language preference. If the communication or encounter with the LEP/NEP client is over the phone then you should let the customer speak and if you don't understand, then proceed to call the telephonic interpretation provider: Language Line Solutions and you will be assisted to figure out the individual's preferred language.

If the communication or encounter with the LEP/NEP client is in person, you should show her or him the Language Identification poster for the customer to choose their preferred language. and then proceed to access telephonic interpretation service through Language Line Solutions.

How do I tell a customer over the phone to hold on while I get an interpreter if I don't speak the customer's language?

The best option is to stick with standard pronunciation, pause between words, and avoid contractions or idioms. For example, don't say "hold on" instead say "wait a minute" or "one moment please". If you are assisting a Spanish speaker and you have a basic Spanish pronunciation level, you may say "un momento por favor" or simply "un momento".

Is it ok to make a LEP/NEP customer wait until a bilingual employee is available?

No. Employees should use the Language Line Service as the first resource while serving LEP/NEP customers.

Can a child provide interpretation services to a parent customer?

No. Employees should never allow children to perform interpretation services for their parent/guardian. DDC funded organizations/programs' employees are required to offer qualified interpretation services thru the Language Line.

Can an adult provide interpretation customer?

Yes, but only if the customer signs the Language Access Waiver first. Employees should always offer qualified telephonic interpretation services regardless of the situation. If an in-person customer refuses to use the Language Line service because s/he prefers an adult family member or friend to perform the interpretation, the customer must sign the waiver in order to obtain services. The age of the accompanying family member or friend should be verified, they must be at least 18 years of age to serve in such capacity.

III. Translation Requirements

As funded entities (grantees/contractors) your respective organization/program must translate vital documents.

Documents must be translated into any language spoken by Limited English Proficient/Non-English Proficient (LEP/NEP) populations that constitute 3% or 500 individuals, whichever is less, of the population served or encountered, or likely to be encountered, by the covered entity or by its grantees and contractors. OHR encourages the use of multilingual taglines on non-vital documents. LEP/NEP populations vary somewhat the top languages in the District include Spanish, Amharic, French, Chinese, Korean, Vietnamese, Arabic, Tagalog, German, Korean, Portuguese, and Russian. Please note that Chinese in written form is either Simplified Chinese or Traditional Chinese. Also note that for oral interpretation the most encountered Chinese dialects are Cantonese and Mandarin.

The following are two of the most common questions received regarding translation.

What is a vital document?

A vital document is defined as a document which inform individuals about their rights and responsibilities or eligibility requirements for benefits, documents that pertain to the health and safety of the public and educational and outreach materials produced by the covered/funded entity.

What should I do if I receive correspondence in a foreign language?

If an employee receive correspondence in a foreign language or find out that a customer needs to receive correspondence in a language other than English, notify your supervisor immediately. Your respective organization/ program should provide guidance on getting the correspondence translated. It is recommended that a response is sent in the target language and not in English.

IV. Training Requirements

All grantee employees in public contact positions must be trained on the requirements of the DC Language Act and the resources they can use to serve LEP/NEP customers. Language Access Compliance trainings are provided by OHR or by the funding agency and may be delivered in the following formats upon approval by OHR: web-based training by developing an online module or through a virtual meeting platform. Note that training can also be requested through the Office of Human Rights.

V. Certification of Contractor/grantee compliance with the DC Language Act of 2004

District government agencies are required to ensure that contractors hired to carry out services, programs, or activities directly to the public comply with the Language Access Act. The District government agency that is providing funding to your respect organization/program must include LA compliance requisites in the contract or Memorandum of Understanding (MOU).

VI. Display multilingual signage

Funded entities (grantees/contractors) must display signage on the availability of interpretation and translations services in all public facing locations: waiting areas, meeting rooms, intake rooms.

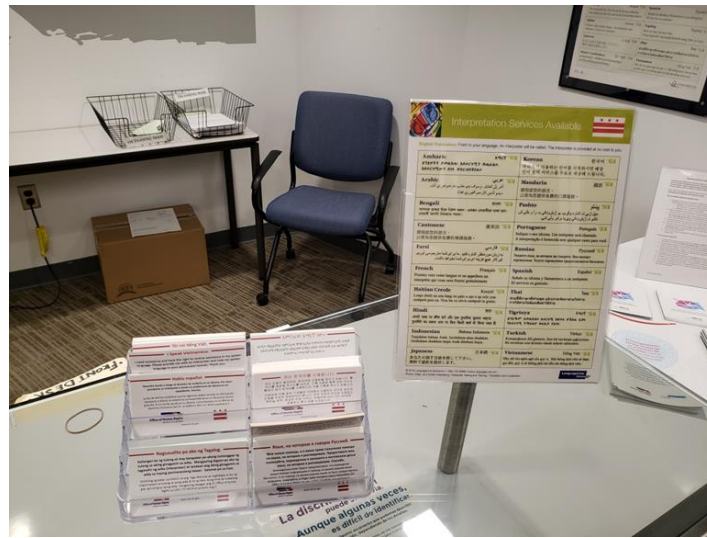
Language Access Implementation Resources

As mentioned, funded entities are required to display signage to inform their LEP/NEP client base about the availability of LA resources. Below is an image of two important resources the Language Identification poster and the “I Speak” cards.

The **Language Identification poster** is tailored for DC’s most common languages, it is available on the OHR website for easy download. Note that Language Line also provides a similar poster. It is an excellent tool to identify a speaker’s language, as a reminder language line can assist you in case you are unsure of the preferred language of the LEP/NEP individual.

The **“I Speak” card** communicates the LEP/NEP individual’s language preference to government employees and funded entities, may also self-identify by presenting District employees with an “I Speak” card. The DC Office of Human Rights distributes wallet-sized copies of these cards, which are available in Amharic, Arabic, Chinese, French, Korean, Portuguese, Russian, Spanish, Tagalog, and Vietnamese.

Below is an image of the proper manner to display the advertisement of the availability of language access resources:



Interpreter Waiver Form

Covered entities are required to always use professional interpreters or bilingual staff and should never rely on minors, friends, family members, or other customers to serve as an interpreter. If a Limited English Proficient or Non-English Proficient (LEP/NEP) customer refuses the interpretation services you offer, the customer must sign this form. The form should be made available in the language of the customer and confirm that the LEP/NEP customer is voluntarily waiving his or her right to free interpretation and/or translation services. All District government funded entities' front facing staff members should be provided with access to the forms.

GIẤY KHƯỞC TỪ CUNG CẤP DỊCH VỤ THÔNG DỊCH MIỄN PHÍ

Tôi, _____, xác nhận rằng _____ đã thông báo cho tôi rằng
 "I/We, _____, confirm that _____ has notified me/us that _____"

theo Đạo Luật Thông Tin Đa Ngôn Ngữ của D.C. năm 2004 (D.C. Language Access Act of 2004), tôi được quyền sử dụng một thông dịch viên miễn phí chuyên nghiệp và đã qua đào tạo. Bằng việc ký tên dưới đây, tôi xác nhận rằng tôi đã khiếu nại dịch vụ này và chọn sử dụng một thông dịch viên khác mà tôi đã tìm được để giúp đỡ tôi. Tôi biết rằng người này chưa được _____ biết đến hoặc kiểm tra và rằng _____ không chịu trách nhiệm về việc cung cấp các dịch vụ này và cũng _____ không gánh chịu bất kỳ trách nhiệm pháp lý nào có thể nảy sinh từ các dịch vụ này. Tôi cũng hiểu rằng việc khiếu nại này chỉ áp dụng cho dự nhất một trường hợp này mà thôi. Nếu tôi cần thông dịch viên của _____ giúp đỡ sau này, tôi sẽ thông báo trực tiếp cho cơ quan này để yêu cầu cung cấp dịch vụ này.

Tên In _____
 Ký Tên _____ Ngày _____

OFFER OF FREE INTERPRETER SERVICES WAIVER FORM

I, _____, acknowledge that _____ has notified me of my right to a professional and trained interpreter as required by the D.C. Language Access Act of 2004 at no cost to me. By signing below I agree that I have refused this service and opted to rely on interpreter assistance by someone I have identified. I am aware that this individual was not identified by or vetted through _____ and that _____ is neither responsible for the provision of these services nor does not incur any liability that may result from these services. I am also aware that this waiver only applies to this one instance. If I require interpreter assistance from _____ in the future, I will notify the agency directly to request this service.

Print Name _____
 Signature _____ Date _____

D.C. Office of Human Rights
 Language Access Program
 § 1205.18 of Chapter 12, Title DCOMR
 Vietnamese

The following are tips to follow when attempting to provide language services to the LEP/NEP customers.

Can an adult provide interpretation customer?

Yes, but only if the customer signs the Language Access Waiver first. Your organization/program's staff should always offer quality telephonic interpretation services regardless of the situation. If an in-person customer refuses to use the Language Line service because s/he prefers an adult family member or friend to perform the interpretation, the customer must sign the waiver to obtain services. The age of the accompanying family member or friend should be verified, they must be at least 18 years of age to serve in such capacity.

Can a child provide interpretation services to a parent customer?

No. Employees should never allow children to perform interpretation services for their parents/guardian. If a parent/guardian insists on using the child as an interpreter, you can politely explain that you are required to provide interpretation services in order all parties involved engage with your respective organization/program in a meaningful manner. As a District funded organization/program employees are required to offer quality interpretation services thru the Language Line.

Taglines

As previously mentioned, OHR encourages the use of multilingual taglines on non-vital documents. Regarding outreach materials, should your organization/program find that it cannot translate such material into all the top languages encountered in the District but only the top two then the tagline system can be utilized to inform the LEP/NEP community of the availability of language service to understand the outreach material. In order to provide

equitable access to other written communication, it is also recommended to use multilingual taglines that indicate how constituents can request assistance in their primary language. The Office of Human Rights has translated the sample taglines into the most common languages found in the District: Amharic, Chinese, French, Korean, Spanish, and Vietnamese. Feel free to use these templates for your written communications.

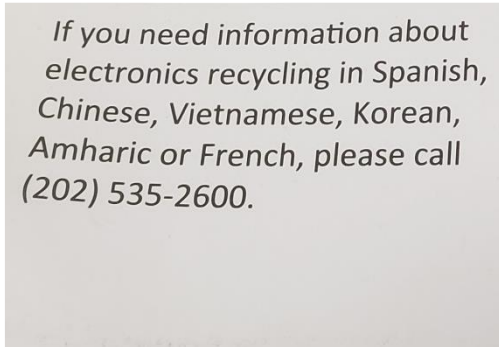
Please note that the taglines have a space to input your organization's phone number, it is recommended to inform the individuals on the receiving end of the phone call of the information that was sent out and also inform them that there may be an influx of calls from those needing LA services to understand the written communication.



If a tagline is used to inform the LEP/NEP community of an event and they are calling to ask for interpretation services at the event, then inform the call taker of the process or the contact person that will secure an interpreter for the LEP/NEP customer to meaningfully participate in the event. If applicable it is also important to give a copy of the advertisement to the individuals receiving the calls to ease communication between organization staff and customers.

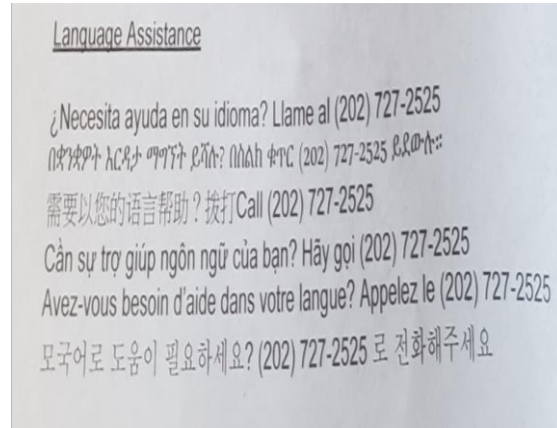
The following is an example of the proper v. improper manner to use taglines:

Incorrect usage of taglines:



The LEP/NEP person cannot understand because it is in English only.

Correct usage of taglines:



The taglines are in the foreign languages. The LEP/NEP individual will understand because it is in their language.

Please note that the resources covered in this guide can be found at the Office of Human Rights [Language Access Information Portal](#). The guide should have been shared with all the attachments that assist in the implementation of the Act at your respective organization/program. The following resources include:

- Vendor details & contact info
- Downloadable signage & forms
- Helpful guides for Language Line
- Best-practice references for data
- Collection and reporting
- Policy templates
- Regulation text

Should you have any questions about the information covered in this guide please reach out to the office of Human Rights Language Access team:

Rosa Carrillo Director, Language Access Program: Rosa.carrillo3@dc.gov
Priscilla Mendizábal, Program Analyst, Language Access Program: priscilla.mendizabal@dc.gov
Alkindi Kadir, Program Administrative Assistant: Alkindi.Kadir@dc.gov



Office of Human Rights
DISTRICT OF COLUMBIA