



CENTRAL OKLAHOMA WORKFORCE INNOVATION BOARD

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Limited English Language Proficiency Policy

Pursuant to OWDI #17-2017

Approved and Published: March 2018

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PURPOSE: The Central Oklahoma Workforce Innovation Board (COWIB) publishes this policy and procedure regarding the prohibition against national origin discrimination as it affects persons with Limited English Proficiency (LEP). This policy applies to COWIB and its sub-recipients of the Workforce Innovation and Opportunity Act (WIOA) title I as grant recipients, and is effective immediately.

The Central Oklahoma Workforce Innovation Board (COWIB) is the policy and guidance board for the Workforce Oklahoma system in Central Oklahoma. We are business leaders with a goal to establish a highly skilled, productive workforce in our 9-county area.

COWIB is an Equal Opportunity Employer/ Program. Auxiliary aids and services are available upon request to individuals with disabilities. This was financed in whole or in part by fund from the US Dept. of Labor as administered by the Oklahoma Office of Workforce Development.

<http://www.cowib.org/>



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COWIB Limited English Language Proficiency (LEP) Policy

Purpose

The Central Oklahoma Workforce Innovation Board (COWIB) publishes this policy and procedure regarding the prohibition against national origin discrimination as it affects persons with Limited English Proficiency (LEP). This policy applies to COWIB and its sub-recipients of the Workforce Innovation and Opportunity Act (WIOA) title I as grant recipients, and is effective immediately.

Authority

- 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)
- Oklahoma Workforce Development Issuance #17-2017

Background

The nondiscrimination and equal opportunity provisions found 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, or 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.

National origin discrimination now includes LEP under 29 CFR Section 38.9 and specifically states that in providing any aid, benefit, service, or training under a WIOA title I-financially assisted program 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 Section 38.41 added “LEP and preferred language” to the list of categories of information that each recipient must record about each applicant, registrant, eligible applicant/registant, participant, and exited participant.

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)).

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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.

Message

Reasonable Steps to Ensure Meaningful Access for LEP Individuals

COWIB has and will continue 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, COWIB 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, COWIB is taking 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. COWIB will ensure 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

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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

COWIB shall not require an LEP individual to provide their own interpreter. Furthermore, COWIB 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. COWIB permits an accompanying adult to serve as an interpreter for an LEP individual, however a record of the LEP individual's decision to use their own interpreter must be made and a copy uploaded into the individual's service record in Oklahoma Service Link.

Where precise, complete, and accurate interpretations or translation of information and/or testimony are critical for adjudicatory or legal reasons, COWIB may choose to 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, COWIB will provide the translation of vital information in written materials into these languages. These translations will 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, COWIB will 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, COWIB 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.

COWIB will also 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 COWIB's sub-recipient(s) becomes aware of the non-English preferred language of an LEP beneficiary, participant, or applicant for aid, benefit, service, or training, the sub-recipient must convey vital information in that language. (29 CFR Section 38.9(h))

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Developing a Written LEP Plan

COWIB will develop and implement a LEP plan. COWIB will periodically revise our LEP plan in order to fulfill our obligation of taking reasonable steps to ensure meaningful access to programs and activities by LEP individuals. An LEP plan has many benefits, including providing COWIB's partner 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 the Central Oklahoma Workforce Development Area. As COWIB develops an LEP plan, we will ensure it addresses the following components as they will provide a clear framework to ensure meaningful access to LEP individuals:

- The process used to determine the language needs of individuals who may or may seek to participate in programs and activities (self-assessment or needs - assessment) that receive financial assistance under WIOA title I.
- The results of assessment (e.g., identifying the LEP populations to be served by COWIB).
- Timelines for implementing the LEP plan.
- All language services to be provided to LEP individuals.
- The manner in which LEP individuals will be advised of available services.
- Steps LEP individuals should take to request language assistance.
- The manner in which partner staff will provide language assistance services.
- What steps must be taken to implement the LEP plan (e.g., creating or modifying policy documents, employee manuals, employee training material, posters, web sites, outreach material, contracts, and electronic and information technologies, applications, or adaptations).
- The manner in which COWIB partner staff will be trained.
- Steps COWIB will take to ensure quality control, including monitoring implementation, establishing a complaint process, timely addressing complaints, and obtaining feedback from stakeholders and employees.
- The manner in which the documentation of the provision of language services is recorded.
- The schedule for reviewing and revising the LEP plan.
- COWIB's Program Manager will oversee the One-Stop Operator's implementation of the LEP.
- What resources COWIB will allocate to implement the LEP plan.

COWIB understands the elements of a successful LEP plan are not fixed and must be continually reviewed and revised to reflect the specific needs of LEP individuals in our area. COWIB will consider the following elements as it reviews our LEP plan.

- 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 Statement

All Recipients, and Sub-recipients / Sub-grantees 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.

Addenda / Revisions

The COWIB Chief Executive Officer is authorized to issue additional instructions, guidance, forms, etc., to further implement these procedures.

Questions about these procedures may be directed to the COWIB's Policy Analyst at (405) 622-2026.