

Policy and Procedures for Communication with Persons with Limited English Proficiency

PURPOSE

The purpose of this plan is to establish the Department of Human Services (DHS) commitment to ensuring that all individuals requesting services provided by DHS, including those with Limited English Proficiency (LEP) have meaningful access to services. It is to ensure that they are not excluded from programs, experience delays or denial of service, or receive care and or services based on inaccurate or incomplete information. The plan outlines the identifying LEP Persons and their language needs, the training process, the monitoring requirements and grievance procedures, as well as containing the department's policy and procedure to guarantee that reasonable accommodations are offered and provided to individuals who have Limited English Proficiency.

BACKGROUND

Title VI of the Civil Rights Act of 1964 provides that no person shall "on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." National Origin Discrimination includes discrimination on the basis of LEP. The definition of LEP states that the individual has a first language other than English and a limited ability to read, speak or understand English. Executive Order No. 13166 "Improving Access to Services for Persons with Limited English Proficiency," is intended to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP).

DHS receives Federal funding as part of its overall budget and is therefore subject to Title VI of the Civil Rights Act of 1964 and Executive Order No. 13166 "Improving Access to Services for Persons with Limited English Proficiency."

POLICY

DHS through the Office of Administration (OA) will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in our services, activities, programs and other benefits. In accordance with the Title VI of the Civil Rights Act of 1964, OA is committed to establishing and maintaining practices that ensure meaningful access to DHS' services and benefits by persons with Limited English Proficiency. It is the policy of OA to ensure that no person is denied access to services and/or benefits as the result of the inability or limited ability to communicate in the English language. All interpreters, translators and other aids needed to comply with this policy shall be provided with **no cost** to the person being served and their families will be informed the availability of such language assistance is **free of charge**.

Language assistance will be provided through use of contractual telephonic interpreters, document translation services or accredited sign language interpreters. All program agencies under OA will be

provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.

Section 1557 has been in effect since its enactment in 2010 and the HHS Office for Civil Rights (OCR) has been enforcing the provision since it was enacted. If you believe you have been discriminated against on one of the bases protected by Section 1557, you may file a complaint with OCR.

The new language includes the following: race, color, national origin, age, disability, creed, religious affiliation, ancestry, sex gender, gender identity or expression, or sexual orientation. This will have to be incorporated into what appears on the website.

OA will conduct a regular review of the language access needs of the LEP person. If necessary, staff will use a language identification card (or “I” speak card, “available on line at www.dhs.gov) under OA tab, Bureau of Equal Opportunity, Limited English Proficiency or posters to determine the language. In addition, when records are kept of past interactions with individuals or family members, the language used to communicate with the LEP person will be included as part of the record.

PROVISIONS OF LANGUAGE ASSISTANCE SERVICES

- Oral interpretation and written translation will be provided **free of charge** on a case by case basis as identified and needed for LEP individuals who are receiving services from DHS.
- Instructions will be provided to the OA in the form of a Quick Reference Card.
- One Moment Please Tool will be provided to assist the employees to inform the client in their native language to hold on while they are calling for Language Service interpreter.
- If necessary, staff will use a language identification card (or “I” speak card, “available on line at www.dhs.gov) under OA tab, Bureau of Equal Opportunity, Limited English Proficiency or posters to determine the language.
- In addition, when records are kept of past interactions with individuals or family members, the language used to communicate with the LEP person will be included as part of the record.

IDENTIFYING LEP PERSONS AND THEIR LANGUAGE

OA will promptly identify the language and communication needs of the LEP person. When necessary, staff will use a language identification card or poster to determine the language needed.

PROVIDING NOTICES TO LEP PERSONS

OA will inform LEP persons of the availability of language assistance, **free of charge**, by providing written notice in languages LEP persons will understand. At a minimum, notices and signs will be posted and in points of entry.

TRAINING

- LEP policy and training is provided to all staff members. Both the policy and training is available for viewing by entering our Staff Development e-Learning modules.
- New staff will be given a copy of the LEP Plan, the Language identification card and phone number of the Language services. They will also be required to take the LEP e-Learning module

- Deaf and Hearing Impaired Training are provided through our e-Learning training module. All new staff is required to take the training.
- Every time a new contract or service changes, the staff is notified and required to re-take the training. Staff is also provided with the updated materials

MONITORING

Wesley Alexander, Bureau of Equal Opportunity, is the LEP Coordinator responsible for the agency LEP plan. The DHS LEP Coordinator will assist each program office LEP liaison with technical assistance for developing and monitoring their LEP policies and procedures, developing and maintaining a LEP Resource File, receipt and resolution of complaints regarding the provisions of Language Assistance Services and notify individuals of their rights and how to file a complaint under Title VI with the Department of Human Services, Bureau of Equal Opportunity, Health and Human Services (HHS) Office of Civil Rights and assessing the language needs of the community and departments.

Development and Maintaining Policies and Procedures:

As changes to laws or guidelines change pertaining to LEP individuals it will be the responsibility of the LEP Coordinator and the LEP liaisons to ensure that the program offices under DHS has the most current and accurate LEP policies and procedures in place to ensure the department is always in compliance with the Federal, State, and Local governments. The LEP Coordinator and/or the LEP liaisons may collaborate with other program offices for technical assistance and accessing additional resources for communicating with a LEP person.

- Ensuring that all staff are trained on LEP requirements
- Ensuring that all posters and materials are available and displayed throughout the office
- LEP coordinator will encourage DHS's program office staff to document calls/correspondences to and from Propio Language Services, Sign Language interpreters for deaf and hard of hearing, and translation services. Global Arena is another provider for language translation services.

Department of Health and Human Services
Office of Civil Rights
Suite 372 Public Ledger Building
150 S Independence Mall West
Philadelphia PA 19106-3499
Telephone: (800) 368-1019
Fax: (215) 861-4431
TDD: (215) 861-4440
(Within 180 days of incident)

Department of Human Services
Bureau of Equal Opportunity
Room 225, Health & Welfare Building
P.O. Box 2675
Harrisburg PA 19105
Telephone: (717) 787-1127
Fax: (717) 772-4366
TDD: (717) 705-7772
(Within 180 days of incident)

PA Human Relations Commission
301 Chestnut Street, Suite 300
Harrisburg, Pennsylvania 17101
Telephone: (717) 787-4410
Fax: (717) 787-0420

TDD: (717) 787-4087
(Within 180 days of incident)