



**California Department of Transportation
Office of Business & Economic Opportunity**

Title VI Program

LEP

**LIMITED ENGLISH
PROFICIENCY PLAN**

March 2010



**CALIFORNIA DEPARTMENT OF
TRANSPORTATION**

LIMITED ENGLISH PROFICIENCY PLAN

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I. INTRODUCTION AND BACKGROUND

A. PURPOSE OF LEP PLAN

This California State Department of Transportation (Department) Limited English Proficiency (LEP) Plan is designed to assist Headquarters (HQ), Districts and their respective Program Areas by providing guidance on translation, interpretation, and outreach services for LEP persons seeking access to Department programs. The first priority of the LEP Plan is to improve access for LEP individuals to critical services or activities. The Department will also focus on improving access to its other programs and services, particularly in those areas with regular contact with LEP persons. In addition to this Department-wide LEP Plan, each office must develop a plan to improve access for LEP individuals to its programs and services.

B. POLICY STATEMENT

The Department under Title VI of the Civil Rights Act of 1964 and related statutes¹, ensures that no person shall on the grounds of race, color, national origin, sex, disability, and age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

C. MISSION

To build awareness of the need and methods to ensure that LEP persons have meaningful access to important federally assisted programs and to ensure implementation of language access, requirements under Title VI, the Title VI regulations, and Executive Order 13166² in a consistent and effective manner across agencies.

D. WHO IS LIMITED ENGLISH PROFICIENT?

LEP individuals, who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English, as a result of national origin. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

E. PUBLIC DISSEMINATION OF TITLE VI INFORMATION

United States Department of Justice regulations³, Public Dissemination of Title VI Information, requires recipients of Federal financial assistance to publish or broadcast program information in the news media. Advertisements must state that the program is an equal opportunity program and/or indicate that Federal law prohibits discrimination. Additionally, reasonable steps shall be taken to publish information in languages understood by the population eligible to be served or likely to be directly affected by the program. Following is a sample notice used by the Department:

¹ 42 U.S.C. §2000d et seq.; 34 C.F.R. § 100.1 et seq.

² Exec. Order No. 13166, §2; 65 Fed. Reg. 50121 (August 16, 2000).

³ 28 Code of Regulations, Section 42.405

California Department of Transportation hereby gives public notice that is the policy of the Department to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and related statutes and regulations in all programs and activities. It is our policy that no person in the United States of America shall, on the grounds of race, color, national origin, sex, disability or age be excluded from the participation in, be denied the benefits of or be otherwise subjected to discrimination under any of our programs or activities.

II. AUTHORITY AND GUIDANCE

A. FEDERAL AUTHORITIES

Section 601 of Title VI of the Civil Rights Act of 1964⁴ provides that no person “on the ground 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.” The United States Supreme Court in *Lau v. Nichols* (1974) stated that one type of national origin discrimination is discrimination based on a person’s inability to speak, read, write, or understand English.

Executive Order 13166⁵, “**Improving Access to services for Persons with Limited English Proficiency**” – was adopted 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...”⁶ This executive order is directed at implementing the protections afforded by Title VI of the Civil Rights Act of 1964 and related regulations. Accordingly, it prohibits recipients of Federal financial assistance from discriminating based on national origin by failing to provide meaningful access to services to individuals who are LEP. This protection requires that LEP persons be provided an equal opportunity to benefit from or have access to services that are normally provided in English.

B. STATE AUTHORITY

Dymally-Alatorre Bilingual Services Act⁶ – requires all State Departments involved in furnishing information or rendering services to the public, whereby contact is made with a substantial number (5 percent) of non-or limited English speaking people, shall employ a sufficient number of qualified bilingual persons in public contact positions to ensure information and services are provided in the language of the non-English speaking person. Each state agency shall conduct an assessment and develop and update an implementation plan.⁷ Each agency shall conduct a survey⁸ of each of its local offices every two years to determine all of the following:

- a. The number of public contact positions in each local office.
- b. The number of bilingual employees in public contact positions, and the languages they speak, other than English.

⁴ Section 601 of the Title VI, 42, U.S.C. §2000d

⁵ Exec. Order No. 13166, §2; 65 Fed. Reg. 50121 (August 16, 2000).

⁶ Government Code Sections 7290 – 7299.8

⁷ Government Code Section §7299.4 (a)

⁸ Government Code Section §7299.4 (b)

- c. The number and percentage of non-English-speaking people served by each local office, broken down by native language.
- d. The number of anticipated vacancies in public contact positions.
- e. Whether the use of contracted telephone based interpretation services in addition to bilingual persons in public contact positions is serving the language needs of the people served by the agency.
- f. Any other relevant information requested by the State Personnel Board (SPB). Each agency shall calculate the percentage of non-English-speaking people served by each local office by rounding the percentage arrived at to the nearest whole percentage point.

The Act was last amended in 2003 to include the Implementation Plan that is due October 31 of every year to SPB and it requires state departments to give specific information about its Bilingual services Program and any corrective action taken to correct deficiencies found in its last language survey.

III. COMPLIANCE WITH LEP REQUIREMENTS

A. WHO MUST COMPLY?

Pursuant to Executive Order 13166, the meaningful access requirement of Title VI, the Title VI regulations, and the four-factor analysis set forth in the Department of Justice's (DOJ's) revised LEP Guidance, 67 FR 117 (June 18, 2002), apply to the programs and activities of Federal agencies, including the Department. Federal financial assistance includes grants, cooperative agreements, training, and use of equipment, donations of surplus property, and other assistance. All programs and operations of entities that receive federal funds or assistance (recipients and sub-recipients) include:

- State agencies.
- Local agencies.
- Private and nonprofit entities.
- All programs and operations of the federal government.

All employees are to ensure the public is treated with dignity and respect, identify the language needs for the Department's customers, and utilize available bilingual resources to assist customers, when needed.

IV. DETERMINING THE NEED

A. PERFORM A SELF ASSESSMENT USING THE FOUR-FACTOR ANALYSIS

As a recipient of federal funding, the Department must take reasonable steps to ensure meaningful access to the information and services it provides.

In determining "reasonable steps" there are four factors⁹ to be considered:

⁹ Federal Register / Volume 70, Number 239 / Wednesday, December 14, 2005 / Notices

Demographics - The decision to provide language assistance services should include an assessment of the number or proportion of LEP persons from a particular language group served or encountered in the surrounding community area. The greater the number or proportion of LEP persons served or encountered, the more likely language services are needed. Generally, identifying any community where the LEP population equals 5 percent or more in a given language automatically triggers providing language assistance services as a mandatory and normal part of your program operation.

There are a variety of sources for demographic information. The Census Bureau is one potential source. Detailed information about the racial and ethnic populations you serve or might serve, including the languages involved can also be found in U.S. Department of Education data from school enrollment. Census Bureau, Department of Education and other helpful demographic data for California can be found at www.lep.gov by selecting the Demographic Data link. You may also go to <http://factfinder.census.gov/> to access numerical data and mapping tools down to census block groups. Community-based organizations can also help you identify language needs in the communities that you serve.

Frequency of LEP Contact – HQ, each District and their respective Program Areas shall take into consideration how often various language groups come in contact with the recipient. They should take into consideration how their programs or activities affect LEP persons in each service area and should have the flexibility to tailor its actions to those needs. The greater the frequency equals the greater need for enhanced language services. For example, frequent contacts with Spanish-speaking people who are LEP may require bilingual Spanish-speaking staff. Less frequent contact with other language groups may suggest a different and less intense approach.

For programs where public outreach or public involvement is central to the mission, staff should consider whether appropriate outreach to LEP persons could increase the frequency of contact with those groups, triggering a higher level of language assistance.

Nature and Importance of the Services Provided – Once you have assessed what languages to consider by looking at demography and frequency of contact, look at the nature and importance of your programs, activities and services that you provide to that population. As a general rule, the more important the activity, information, service or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services will be needed. If the denial or delay of access to services or information could have serious implications for the LEP individual, procedures should be in place to provide language assistance to LEP persons as part of standard business practices.

Resources – Identify the resources available to ensure that you will be able to provide language assistance to LEP persons participating in your programs or activities. Your own particular demographics, frequency and importance of contacts will dictate the level of language services you should commit to provide. Some language services can be provided at little or no cost, such as using community volunteers or bilingual staff as interpreters. You should carefully explore the most cost-effective means of delivering competent and accurate language services.

V. LANGUAGE ASSISTANCE

A. PROVIDING NOTICE TO LEP PERSONS

Based on your self-assessment, once it has been determined that you must provide language services, it is important to let LEP persons know that those services are available and that they are free of charge. Cost for providing language assistance may not be passed on to the customer. With the exception of translating written materials, the cost of language assistance is generally fairly minimal for the Department. This information should be provided in a notice in a language that LEP persons will understand. Some notification ideas include:

- Posting signs in areas where the public is likely to read them. State Personnel Board under Bilingual Services has a link *Government Agency Services* that offers Information and Guidance for Governmental Agencies. There you will find Interpreters and Translators, Resources for State Agencies (includes a resource for downloading *Interpreter Services Poster* that you can create and print in the languages needed. There are other resources you can gather from this web-site: <http://www.spb.ca.gov/bilingual/resources.htm>. These signs should be posted at the front-desk reception area to notify LEP individuals of available services and how to obtain these services.
- Stating in outreach documents (brochures, booklets, pamphlets, and flyers) that language services are available.
- Working with community-based organizations to inform LEP persons of the language assistance availability.
- Including notices in local newspapers in languages other than English.
- Providing notices in non-English language radio and television stations about the availability of language assistance services for important events.
- Presentations and/or notices at schools and religious organizations for important events or where community involvement is critical.
- Using a telephone voice mail menu (if available) in the most common languages encountered.

B. LANGUAGE ASSISTANCE MEASURES

Language assistance will be provided for LEP individuals through the translation of some key materials, as well as through oral language interpretation when necessary and possible. LEP persons are not obligated to provide their own interpreter, although many do so. In some program areas it may be important for legal or safety reasons to provide a qualified outside interpreter rather than use a family member or friend of the LEP person.

Each office should consider the appropriate balance of written translations and oral language assistance it will provide. In determining what language assistance your office will provide LEP persons to ensure their meaningful access to the office's services, benefits, and activities, each office should consider:

- How important is the service, benefit, or activity that the office provides? For example, if a LEP person cannot access the service, benefit, or activity, will the individual be deprived of critical services, such as the ability to exercise his or her

- legal rights or receive a financial benefit for which the individual is eligible? If so, your office should focus on improving access for LEP individuals to this service, benefit or activity.
- Even if your office does not provide a critical service, benefit, or activity, what impact will the denial or delay of the service, benefit, or activity have on actual and intended beneficiaries? Your office should consider the long-and short-term impact on beneficiaries when determining what language assistance is appropriate.
 - What are the points of contact where LEP persons interact with your office? What language assistance will you provide LEP persons for each point of contact?
 - How can staff access the language assistance your office provides?
 - If your office uses language-assistance resources that are not provided by the Department, how will your office ensure the competency of interpreters and translation services?

C. TRANSLATION AND INTERPRETATION PRINCIPLES

In addition to the four factors set forth in the DOJ LEP Guidance, the Department adopts the translation and interpretation assistance principles provided below that should guide each program area in developing its plan to improve access for LEP persons.

Translation is the rendering of a written text from one language (source language) into another language (target language).¹⁰ Interpretation is the immediate rendering of oral language from the source language into the target language.¹¹

- Each program area should take reasonable steps to ensure that it provides high-quality translation and interpretation services through individuals who are competent to provide those services at a level of fluency, comprehension, and confidentiality appropriate to the specific nature, type, and purpose of the information at issue.

D. QUALITY STANDARDS FOR TRANSLATED DOCUMENTS

As with oral interpreters, translators of written documents should be competent. Many of the same considerations apply. However, the skill of translating is very different from the skill of interpreting, and a person who is a competent interpreter may or may not be competent to translate, and vice versa. Particularly where vital documents are being translated, competence can often be achieved by use of certified translators. Having a second, independent translator check the work of the primary translator can often ensure competence. Alternatively, one translator can translate the document, and a second, independent translator could translate it back into English to check that the appropriate meaning has been conveyed. This is called “back translation”.

E. VITAL DOCUMENTS

It is important to make an assessment as to the population percentage and the frequency and importance of the contact while considering the potential for translating these documents. The program areas most likely to encounter the need to translate vital

¹⁰ Final DOJ Guidance to Recipients, 67 Fed. Reg. at 41463.

¹¹ Final DOJ Guidance to Recipients, 67 Fed. Reg. at 41461.

documents are public involvement, right-of-way acquisition, public information and local assistance.

Examples of vital documents that require consideration for translation:

- Violation or deficiency notices.
- Emergency transportation information.
- Notices of proposed public hearings regarding proposed transportation plans, projects, or changes.
- Notices of reduction, denial, or termination of services or benefits.
- Signs in reception areas and other points of initial entry.
- Notices advising LEP persons of free language assistance.
- Statements about the services available and the right to free language assistance services in brochures, booklets, outreach and recruitment information and other materials routinely disseminated to the public.
- Written tests that do not assess English-language competency, but test competency for a particular license, job or skill for which knowing English is not required.
- Applications or instructions on how to participate in a program or activity or to receive benefits or services.
- Consent forms.

Whether or not a document (or the information it solicits) is “vital” will depend on the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not accurate or timely. Where appropriate, program managers are encouraged to create a plan for consistently determining, over time and across their various activities, what documents are “vital” to the meaningful access of the LEP populations they serve.

Classifying a document as vital or non-vital is sometimes difficult, especially in the case of outreach materials like brochures or other information on rights and services. Awareness of rights and services is an important part of “meaningful access”, as a lack of awareness may effectively deny LEP individuals meaningful access. Where program managers are engaged in community outreach efforts as part of their programs and activities, they should regularly assess the needs of the populations frequently encountered or affected by the program to determine whether certain critical outreach materials should be translated. Community organizations may be helpful in determining what outreach materials may be most helpful to translate, and some translations may be made more effective when done in tandem with outreach methods including using ethnic media, schools and religious and community organizations to spread a message.

Sometimes a very large document may include both vital and non-vital information. This may also be the case when the title and a phone number for obtaining more information on the contents of the document in frequently encountered languages other than English is critical, but the document is sent out to the general public and cannot reasonably be translated into many languages. In a case like this, vital information may include, for instance, providing information in appropriate languages regarding where an LEP person might obtain an interpretation or translation of the document.

F. TRANSLATING WRITTEN DOCUMENTS:

- Attempt to determine the language that the document is written in. If the language of the document is not readily apparent, compare it to the US Census 2000 Language Identification Flashcard to determine language.
- Once you have identified the language or possible language, contact an interpreter/a translator to translate the entire document.
- Determine what the LEP customer requested and determine who should respond. Inform the appropriate contact person that the document has been received and relay the importance of a timely and quality response required by Title VI and related statutes.
- Ideally, the translated version of a document should be released when the English language version is released. If this is not possible or would substantially delay release of the English version, the translated version should be distributed as soon as possible after the distribution of the English language version.
- Ask appropriate contact to draft a letter in English (if they do not speak/write the necessary language). Ask translator to rewrite the response letter in the necessary language. The use of two translators for the translation of one written document is recommended. One translator conducts the initial translation and the second reviews and edits the translation for accuracy, and appropriate use of language. If a phone number is included in the document, the interpreter can respond via telephone, if appropriate.
- Coordinate the response and follow up.
- Make every effort to give the LEP customer the same level of service as an English-speaking customer.
- Thank interpreter/translator for their assistance.

VI. HOW TO ASSIST OUR LEP CUSTOMERS

With due consideration to the four factors in the DOJ LEP Guidance, each office should decide when to provide interpretation assistance and how to provide that assistance in a timely and effective manner, appropriate to the circumstance. Each office should consider the following questions:

- **Does your office staff meet with or otherwise interact with LEP individuals?** If so, your office should consider a process for handling those meetings. Each office should take steps to ensure that it makes reasonable efforts to provide language assistance as needed for in-person contact with LEP individuals. One way to determine the native language of unexpected visitors is to use the language identification cards (or “I speak cards”), which invite LEP persons to identify their language needs to staff. The Federal government has made these cards available at <http://www.usdoj.gov/crt/cor/13166.htm>. Also, the Department has Language Assistance Volunteers who can be accessed at http://www.dot.ca.gov/hq/bep/title_vi/LEP/documents/BilingualEmployees1109.pdf. The following is a consideration on how to assist a walk-in LEP customer:

WALK-IN LEP CUSTOMERS (STEPS 1-8)

1. Attempt to communicate in English first to determine if the customer can understand English sufficiently to be fully understood.
 2. If customer cannot understand or effectively communicate in English, determine the language they are speaking. If you recognize the language the customer is speaking but do not speak their language, skip to Step 4.
 3. If you cannot recognize the language the customer is speaking, show them the *Language Identification Flashcard* (See Attachment B) so the customer can point to his/her language.
 4. Quickly determine if any of the employees working nearby speak the necessary language and are willing to interpret. If not, reference the Volunteer Interpreters List and quickly call a volunteer who speaks the necessary language, preferably one who works in the same building. If the volunteer cannot immediately come to the location of the LEP person, use the phone for interpreting.
 5. The interpreter is to determine the customer needs, request, comment or complaint. Determine the appropriate contact to respond and have interpreter assist in a timely and quality response to the LEP customer.
 6. Give the LEP person a Title VI brochure in their language, if available.
 7. Make every effort to give the LEP customer the same level of service as an English-speaking customer.
 8. Be sure to thank the volunteer for their assistance.
- **Does your office receive phone calls from LEP individuals?** Each office should take steps to respond in a timely and effective manner to LEP persons who call seeking assistance or information. Each plan should include information regarding the process your office will use for handling those calls. The following is a consideration on how to assist a phone-in LEP customer:

PHONE-IN LEP CUSTOMERS: (STEPS 1-6)

1. Attempt to communicate in English first. If not possible to effectively communicate in English, determine the language being spoken.
2. If you determine the language, access the phonetic “**Please hold while I get an interpreter**” list and ask the LEP customer to hold in their language.
3. Quickly determine if an employee working nearby speaks the necessary language and ask them to interpret. If not, reference the Volunteer Interpreters List and quickly call a volunteer who speaks the necessary language. Ask interpreter to come to the phone or transfer the call.
4. The interpreter determines the customer’s need, request, comment, or complaint and relays it to the appropriate contact person to ensure a response is relayed to the LEP customer.
5. Make every effort to give the LEP customer the same level of service as an English-speaking customer.
6. Be sure to thank the volunteer for their assistance.

VII. LANGUAGE ASSISTANCE RESOURCES

A. To Better Assist LEP Customers, Department Can Provide

Bilingual Staffing - Employment of bilingual staff in divisions, programs, and districts is recommended, when feasible, where the percentage of LEP customers or potential customers is statistically significant, or where the frequency of contact with such persons will provide for efficient and effective communication. A decision to employ bilingual staff should be based on a needs assessment with due consideration given to budget constraints and in accordance with department policy. The Division of Human Resources can provide additional information on bilingual staff recruitment, bilingual pay procedures, departmental positions requiring bilingual skills, and names and locations of staff that speak an alternative language and language spoken.

Department Certified and Volunteer Bilingual Staff – When needed, the Department will use certified bilingual staff for interpreter services. A current list of our volunteers is available on our onramp Intranet website under Employee Resources and then by clicking on http://www.dot.ca.gov/hq/bep/title_vi/LEP/documents/BilingualEmployees1109.pdf.
for Department Non-Certified Volunteer Bilingual Staff – When certified bilingual staff is not available, staff volunteers, with the permission of the managers, may assist other Caltrans employees with interpretation services (See link above).

“I speak” Cards or Language Identification Flashcards to Identify Languages – To identify LEP Individuals who need language assistance, “I speak” cards or language identification cards can be utilized when first encountering an LEP individual. These cards, developed by the U.S. Census Bureau, have the phrase “Mark this Box if you read or speak (name of language)” translated into 38 different languages. It is used by the government and non-government agencies to identify the primary language of LEP individuals during face to face contact. The Census Bureau’s Language Identification Flashcard can be downloaded for free at <http://www.usdoj.gov/crt/cor/Pubs/ISpeakCards2004.pdf>. These flashcards should be available at all public service counters.

Qualified Interpreters¹² – Qualified interpreter means an interpreter who is able to interpret effectively, accurately, and impartially, either for individuals with disabilities or for individuals with limited English skills. The interpreter should be able to interpret both receptively and expressively, using any necessary specialized vocabulary.

Telephone Interpretation - The Department has established an Over-The-Phone Interpretation service with Language Line Services. The Civil Rights staff solicited bids from three vendors for bilingual language interpreter services for the Department. Based on the information received, Language Line Services has met the needs of the Department. A partnership with Language Line Services to provide interpreting service, benefits the Department with:

- Access to over 2,500 + U.S.-based interpreters
- Services available 24 hours a day, 7 days a week, 365 days a year in more than 150 languages

¹² Federal Register/Vol.66, page 6735

- Interpretation available for more than 170 languages
- Guaranteed service commitments
- Flat-rate pricing
- Dedicated toll-free access

The following is an example of what occurs when a call from a LEP customer calls the Department:

- The caller speaks enough rough English to say the language they speak
- The employee puts the caller on hold and calls (toll-free) Language Line Services using the conference-calling feature or 3-way calling feature on your telephone
- The employee provides Language Line Services operator with the language request (if the employee does not know what language, the employee will then ask the operator to assist)
- The employee will inform the operator of any outbound 3rd party call requirements
- The employee will then state the access code
- The operator will connect the employee to the interpreter

TeleInterpreters indicates the average monthly connection time, for all languages, is within 30 seconds. (Connections time begins upon confirmation of a language request and ends upon interpreter conference into call transaction).

Outbound calls to LEP customers happen the same way but in reverse.

With the use of interpretation services, the Department will:

- Increase its responsiveness to non-English-speaking callers
- Increase its ability to communicate equitably with non-English-speaking callers
- Communicate effectively in the caller's preferred language
- Demonstrate the Department's efforts to comply with Federal and State requirements
- Measure and report the interpreter services as required by the Federal Highway Administration

There is no monthly account fee, and the account set up is free. Additionally, there are no charges for the service until it is used; therefore the Department can set up accounts and have them available to the districts and divisions in the event an interpreter is needed. For example, if the Department were to receive 20 calls a month requiring bilingual language interpreter services and each call lasted about 10 minutes, at a rate of \$1.49 per minute, the cost of the service for this particular month would be \$298.00

The cost for use is as follows:

<u>Minutes per Month</u>	<u>Rate for all Languages</u>
0 – Unlimited	\$1.25 in 6 second increments

It is recommended the Department pilot the telephone language interpretation services for a period of 12 months. We currently have selected five departmental language interpreter access liaisons. They will be trained on how to use the services. At that point and time, Civil Rights will assess whether the services have met the Department's need and

whether or not the Department will continue to purchase the interpretive services. This is based on the Department's need to demonstrate its efforts to ensure compliance with Federal and State requirements. By using the California Multiple Award Schedules (CMAS) contract for TeleInterpreters, Civil Rights can initiate the language interpretation service for the Director's Office use immediately.

Training - Training staff on the procedures of providing language assistance and how to determine whether and what type of language services a customer needs is essential to bridging the gap between policies or procedures and actual practices. Training should include how to obtain language assistance services and how to communicate needs to interpreters and translators. Providing language assistance in some program areas may also mean training staff to avoid using acronyms or industry jargon when communicating with LEP individuals.

Although the use of an interpreter who is qualified is essential, it does not necessarily mean formal certification as an interpreter is required. Certification may be helpful, but at a minimum, a qualified paid interpreter needs to:

- Be proficient in and have the ability to communicate accurately in both English and in the other language, as well as employ the appropriate mode of interpreting (e.g. consecutive, simultaneous, summarization, or sight translation).
- Have knowledge in both languages of any specialized terms or concepts peculiar to the program.
- Understand and follow confidentiality and impartiality rules to the same extent as a Department employee for whom they are interpreting or to the extent that their position requires.
- Understand and adhere to their role as interpreter without deviating into a role as counselor, legal advisor, or other inappropriate role.

Language services should be provided at a time and place that avoids the effect of denying access to the service or benefit of the program. However, in some situations it may be reasonable to ask the LEP individual to return at a specified date and time to allow time to arrange for interpreter services.

Because LEP persons can file a complaint on the basis of national origin, staff should be trained on how to properly handle a Title VI complaint (see Attachment a – Title VI Complaint Process).

All supervisors and managers will be trained even if they do not interact regularly with LEP persons, to ensure that they are fully aware of and understand what LEP is so they can reinforce its importance and ensure its implementation by staff.

Language Assistance Volunteers – For assistance with interpretation, the Department established a list of staff that volunteered to interpret if needed. These volunteers may be called on for assistance in oral communication. Their activities do not cover translation, although they may review translations. Each office has a Title VI liaison and they have lists of volunteers in their office that are given to the security guards (along with the Language Identification Flashcard) at the front counters of their main offices where the public may come in.

Community Volunteers – Volunteer interpreters from community minority organizations may be another form of assistance. Institutions of higher education, hospitals, and law enforcement are excellent sources for identifying interpreters and translators in your area. To assist state departments in identifying bilingual resources for meeting their interpreter and translation needs, SPB Bilingual Services Program (BSP) has initiated contact with Community-Based Organizations (CBOs), private entities and vendors throughout the State. You can obtain a list of the CBOs at <http://spb.ca.gov/WorkArea/showcontent.aspx?id=1644>. If a state department wishes to utilize any of these resources, it should contact the entity directly and negotiate the cost of services. The SPB's list of organizations and entities/vendors does not imply an endorsement of the products, services or materials they may provide. These organizations and entities/vendors are completely independent from the SPB. The SPB is not responsible for the products or services provided by these organizations and entities/vendors or any of the materials they may disseminate.

Written Translation Services - Some program areas require interaction with the public as a part of daily operations and include contact with one or more LEP populations. If this interaction includes letters or notices, or forms, applications, study guides or tests, and the nature of these documents would be considered of critical importance to the LEP person, consideration should be given to written translation of the documents or forms. Translating documents for LEP to a fourth (4th) grade literacy level ensures the targeted audience understands the information. Community based organizations or focus groups can assist with testing translations for language and literacy level appropriateness.

External Interpreter/Translation Services – Department staff have used the following Interpreter/Translation services:

Vendor, Term Dates & Address	Contact Name, Phone Number, Email Address & Web Address	Languages
AVANTPAGE, 01/24/08-12/31/12, Davis, CA 95616	Luis Miguel, (530) 750-2040, LUIS@AVANTPAGE.COM , http://avantpage.com/	http://www.avantpage.com/languages-amp-applications.html
BAY AREA TRANSLATIONS INC, 08/21/06-08/31/10, Santa Rosa, CA 95404	Linda Inman, (800) 894-2345, PROJECTS@BAYAREATRANSLATIONS.COM , http://www.bayareatranslations.com/	http://www.bayareatranslations.com/languages.htm
LANGUAGE LINE SERVICES ¹³ LLC, 10/03/09-PRESENT Monterey, CA 93940	Manny Solis (800) 752-6096, option 2 wecare@language.com http://www.language.com/page/welcome/	From Arabic to Zulu, our interpreters support more than 170 languages and dialects

For a full list of the California Multiple Award Schedule (CMAS) translation and interpretation contracts, you can search by product/service description or contractor name

¹³ The Department has established a contract with Language Line to provide Over-the-Phone Tele-Interpreter Services.

<http://www.applications.dgs.ca.gov/pd/search/main.asp>, just type in interpretation or translation, depending on the CMAS product/service you are searching for.

B. Other Useful Resource

www.lep.gov is the website developed by the Interagency Working Group on LEP, created pursuant to Executive Order 13166 and consisting of representatives from over 35 agencies. The website includes links to Executive Order 13166 and the DOJ guidance documents. It also acts as a clearinghouse, providing and linking to information, tools, and technical assistance regarding Limited English Proficiency and language services for federal agencies, recipients of federal funds, users of federal programs and federally assisted programs, and other stakeholders.

VIII. TECHNICAL ASSISTANCE

A. External Equal Opportunity Program (EEOP)/Title VI/LEP Specialist

The Department's EEOP Program/Title VI Liaisons/LEP Specialist is responsible for providing managers and staff technical assistance. This includes advising about LEP requirements and implementation, and assisting in developing program area procedures to ensure compliance.

IX. DEFINITIONS

- ***Bilingual*** – The ability to speak two languages fluently and to communicate directly and accurately in both English and another language.
- ***Demography*** – The study of the characteristics of human population, as size, growth, and vital statistics.
- ***Direct Communication*** – Monolingual communication in a language other than English between a qualified bilingual Department employee or other bilingual person and an LEP individual (e.g. Spanish to Spanish).
- ***Highway Emergency Language Protocols (HELP)*** – The Division of Maintenance developed the HELP pamphlet. With the HELP pamphlet, Caltrans employees who encounter the traveling public with limited English proficiency on the roadside will be of greater assistance. When field staff use the HELP pamphlet on a state-owned right-of-way, their increased ability to communicate in six (6) different languages will help all of us to provide a safer transportation system for both users and workers.
- ***Interpretation*** – The act of listening to a communication in one language and orally converting it into another language, while retaining the same meaning. Interpreting is a sophisticated skill needing practice and training, and should not be confused with simple bilingualism. Even the most proficient bilingual individuals may require to have undergone rigorous and specialized training.
- ***Limited English Proficient Persons*** – Individuals with a primary or home language other than English who must, due to a limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the transportation provider or other DOT recipient.

- ***Linguistically Isolated*** – This term is described in the census as the percentage of person in the households in which no one over the age of 14 speaks English well, and is used as a direct measure of those persons with a severe language barrier, as a distinct from those of foreign origin who speak English well. Those who are linguistically isolated may also be unable to benefit from transportation services and the services of other DOT recipients and therefore, should receive attention from recipients as a high priority.
- ***Primary Language*** – The Language in which an individual is most effectively able to communicate.
- ***Qualified Interpreter***¹⁴ – Qualified interpreter means an interpreter who is able to interpret effectively, accurately, and impartially, either for individuals with disabilities or for individuals with limited English skills. The interpreter should be able to interpret both receptively and expressively, using any necessary specialized vocabulary.
- ***Substantial number of non-or limited English speaking people*** – Members of a group who either do not speak English, or who are unable to effectively communicate in English because it is not their native language, and who comprise of five percent or more of the people service by any local office or facility of a State agency.
- ***Sufficient number of qualified bilingual employees*** – The number of qualified bilingual persons required to provide the same level of services to non-English speaking persons as is available to English speaking persons seeking such services.
- ***Translation*** – The replacement of written text from one language into an equivalent written text in another language. Translation also requires special knowledge and skills. Translating documents to fourth (4th) grade literacy level ensures the targeted audience understands the information. Community-based organizations or focus groups can assist with testing translations for language and literacy level appropriateness.
- ***Vital Documents*** – Documents that convey information that critically affects the ability of the recipient/customer to make decisions about his or her participation in the program. Examples of vital documents include but are not limited to: applications, public notices, consent forms, letters containing important information regarding participation in a program, eligibility rules, notices pertaining to the reduction, denial or termination of services or benefits, right to appeal, notices advising of the availability of language assistance, and outreach and community education materials. It is recommended that divisions, programs and districts develop criteria for deciding which documents are vital thereby subject to translation.

X. MONITORING, CONTINUOUS ASSESSMENT, REPORTING, AND UPDATING THE LEP PLAN

Managers and Supervisors are responsible for ensuring that meaningful services to LEP persons are provided in their respective divisions/programs. This Plan must be incorporated by reference into the appropriate procedure manuals in order to ensure that employees are aware of their obligations for compliance.

The Civil Rights EEOP Office Title VI Coordinator will monitor programs to ensure LEP requirements are fulfilled and report annually on the accomplishments related to LEP

¹⁴ Federal Register/Vol.66, page 6735

activities in the Title VI Program Annual Element Update Report. The report on LEP activities will be included with the FFY Title VI report to the Federal Highway Administration (FHWA).

In monitoring compliance, an assessment will be made whether the program area's procedures allow LEP persons to overcome language barriers and participate in a meaningful way in the program activities and services. The program area's appropriate use of methods and options detailed in this LEP Plan will demonstrate their intent to comply with LEP requirements and Title VI of the Civil Rights Act of 1964.

A vital resource in this evaluation process will be the procedures developed to identify LEP persons who need language assistance. As soon as the interpreter/translation assistance is provided, the services can be documented by completing the LEP Reporting Form (**Attachment A**). Once the form is completed, sent it to the Program Area Administrator (PAA) or District Title VI Liaison in your area. Information from this form will be included in the Title VI Annual Accomplishments and Goals report.

As with all other activities associated with compliance under Title VI, the FHWA is responsible for enforcement, and in some cases, investigation of complaints.

Documentation shall include:

- Nature of the service (walk-in, telephone, or translation of a document).
- Means by which assistance was rendered (program area or district volunteer, local volunteer, etc.).
- Language translated or interpreted.
- Race and National Origin of the LEP person.
- Subject matter or services rendered.
- Date, time (start to finish).

XI. CONCLUSION

Providing meaningful access to LEP persons to the Department's programs, services, and activities is an important effort that will help enable the Department to achieve its mission "to improve mobility across California." As we work together to improve access, LEP persons will gain access to the many valuable Department programs, services, and activities.



TITLE VI PROGRAM LIMITED ENGLISH PROFICIENCY (LEP) REPORTING FORM

NAME: _____ DISTRICT/HQ: ____ DATE: _____

HOW DID THE LEP PERSON CONTACT YOU?

WALK-IN: _____ TELEPHONE: _____ IN WRITING: _____

HOW WAS THE INTERPRETER/TRANSLATION SERVICES PROVIDED?

- DEPARTMENT VOLUNTEER _____
- DEPARTMENT CERTIFIED INTERPRETER/TRANSLATOR _____
- LANGUAGE LINE TELE-INTERPRETER SERVICE _____
- OTHER (PLEASE SPECIFY) _____

LANGUAGE _____

LENGTH OF TIME TO PROVIDE SERVICE _____

PLEASE SEND THE COMPLETED FORM TO:

ALEXIS JONES, LEP SPECIALIST
TITLE VI PROGRAM, MS – 79
1823 14TH STREET, ROOM 208
SACRAMENTO, CA 95811
PHONE: 916-324-1811
FAX: 916-324-1869
EMAIL : alexis_jones@dot.ca.gov