

City of Phoenix



# Language Access Plan



October 1, 2024

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# GENERAL LANGUAGE ACCESS POLICY

## 1. Policy Statement

- a. Timely and accurate communication with the public is essential to the City of Phoenix's (COP or the City) mission to improve the quality of life in Phoenix through the efficient delivery of outstanding public services. The City is committed to advancing equity for all, including historically underserved individuals with limited English proficiency (LEP), through meaningful language access to COP benefits, information, and services in accordance with Executive Orders 13166,<sup>1</sup> 13985,<sup>2</sup> 14031,<sup>3</sup> and 14091.<sup>4</sup>
- b. COP Offices, Departments, and staff are required to plan for, and take reasonable steps to provide, timely,<sup>5</sup> accurate, and meaningful access to all programs or activities conducted both by the City and by entities receiving federal financial assistance<sup>6</sup> from the City for individuals with LEP or individuals who are D/HOH.
- c. This policy reflects that it is the City's responsibility, and not that of an individual seeking services, to take reasonable steps to ensure meaningful access to all City programs and activities and to foster equity for individuals who interact, or may interact, with the City over the phone, in writing, in person, or via electronic methods.<sup>7</sup>
- d. Ensuring the quality and accuracy of language assistance services provided by the City is critical to providing individuals with LEP or individuals who are D/HOH meaningful access to COP's programs and activities. City staff should avoid the reliance on individuals who are not competent to provide such language assistance services. For more information on Quality Assurance and Control, see Guideline 3 below.
- e. Where applicable, considering the department's mission and operations, City staff shall take reasonable steps to effectively inform the public, in a language they understand, of the availability of language accessible programs and activities, and to provide qualified language assistance at no cost to individuals with LEP or individuals who are D/HOH.
- f. The City and its departments must comply with Section 504<sup>8</sup> of the Rehabilitation Act of 1973, which requires the City to take appropriate steps to ensure that its communications with individuals who are deaf or hard of hearing (D/HOH), blind, or have speech disabilities are as effective as its communications with others. This Language Access Plan includes discussion of language access for individuals who are D/HOH because many individuals who are D/HOH use American Sign Language (ASL),<sup>9</sup> a language separate and distinct from the English language, and other individuals use other types of sign language. Departments must ensure effective communication for individuals who are D/HOH who use ASL, other sign language interpreting, or other

auxiliary aids and services consistent with the requirements of Sections 501<sup>10</sup> and 504 of the Rehabilitation Act of 1973.

## 2. Purpose

The purpose of this Plan is to ensure that COP departments and staff take reasonable steps to ensure meaningful access to COP benefits, services, information, and other important aspects of the City's programs and activities for individuals with LEP or individuals who are D/HOH.

## 3. Authority

For agencies that provide federal financial assistance, Executive Order No. 13166 requires those agencies to work to ensure that recipients of federal financial assistance provide meaningful access to their applicants and beneficiaries with LEP. The latter provision is in accordance with the requirements of Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating based on national origin. Additionally, Section 504 of the Rehabilitation Act of 1973 requires those agencies to provide meaningful access to individuals who have limited English proficiency or are D/HOH. This Plan not only ensures the implementation of these language access legal requirements with respect to the City's programs and activities, but also provides additional general language access guidance and best practices for departments to strengthen COP internal policies on the provision of language access.

This Plan establishes guidelines and standards in accordance with:

### Statutes:

- a. Section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) (Title VI).<sup>11</sup>
- b. Sections 501, 504, and 508<sup>12</sup> of the Rehabilitation Act of 1973.

### Executive Orders:

- a. Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, 65 Fed. Reg. 159, 50121 (Aug. 16, 2000).<sup>13</sup>
- b. Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, 86 Fed. Reg. 14, 7009 (Jan. 20, 2021).<sup>14</sup>
- c. Executive Order 14031, *Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders*, 86 Fed. Reg. 105, 29675 (June 3, 2021).<sup>15</sup>
- d. Executive Order 14091, *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, 88 Fed. Reg. 35, 10825 (Feb. 16, 2023).<sup>16</sup>

#### Other Relevant DOJ Guidance:

These guidelines are designed to ensure greater consistency between federal agency implementation of EO 13166 and the application of Title VI of the Civil Rights Act of 1964 to recipients of federal funds, such as those described in:

- a. DOJ's initial LEP Guidance, Enforcement of Title VI of the Civil Rights Act of 1964 — National Origin Discrimination Against Persons with Limited English Proficiency, 65 Fed. Reg. 50, 123 (Aug. 16, 2000).<sup>17</sup>
- b. DOJ's later LEP Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (June 18, 2002).<sup>18</sup>

#### **4. Scope of Plan**

This plan sets forth guidance for COP departments and staff about what should be included in each department-specific LAP to ensure that COP-wide language access policies, standards, and procedures are implemented consistently across all federally conducted and federally assisted programs and activities administered or funded by COP.<sup>19</sup> This document will serve as the primary language access plan for departments that have elected not to prepare a department-specific LAP.

The guidance included in this plan is intended to improve the internal management of the City's language access program, and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the City, its agencies, its officers or employees, or any person. Because this document is intended for the internal management of the City's language access program, it is not intended to be cited in any judicial or administrative proceeding. Administration of the programs discussed herein is within the sole discretion of the City and its departments.

#### **5. Definitions**

Key terms used in this plan are defined in Appendix A.

#### **6. Roles and Responsibilities**

This plan is carried out by the City's Language Access Coordinator, Language Access Working Group (COP LAWG), departments, and department staff. Their corresponding roles and responsibilities are described in Appendix B.

#### **7. Mechanism to Receive Feedback or Complaints**

Any comments, feedback, questions, or complaints regarding this Language Access Plan may be directed to [ada@phoenix.gov](mailto:ada@phoenix.gov).

## **8. Language Access Plan Review and Update**

Departments should draft or update their department-specific language access plans consistent with this COP LAP and submit to the COP Language Access Coordinator at [ada@phoenix.gov](mailto:ada@phoenix.gov) within 180 days after the issuance of this LAP and any significant updates to this LAP thereafter. Each department should maintain its department-specific language access plan on its webpage.

This LAP, as well as department-specific LAPs, must be updated at least once every five years in consultation with the COP Language Access Coordinator, COP LAWG, and stakeholders as appropriate.



## **GUIDELINES FOR LANGUAGE ACCESS PLANNING AND OPERATIONALIZATION**

Every day, contact between the City and the public may involve persons with LEP and/or individuals who are D/HOH. For example, City staff interview witnesses, victims, and defendants in civil, criminal, and administrative cases and investigations; communicate with residents who seek to access grievance procedures, counseling, health services, housing and other accommodations, and educational programming; maintain hotlines and establish complaint procedures for members of the public; host web pages containing important information; and conduct outreach and produce documents related to a host of other important mission-related actions.

Mindful of each department's mission, operations, and level of interaction with the public, departments shall consider the needs of individuals with LEP and/or individuals who are D/HOH early in the process of designing programs, services, and activities. Departments with significant public interaction are required to prepare a department-specific language access plan.

The following thirteen topics are essential elements of language access program planning. Each topic should be addressed in department-specific language access plans considering each department's nature and operations. Any department that has opted not to prepare a department-specific language access plan shall adopt the policies and principles discussed below.

1. Identification of Communities with LEP and/or who are D/HOH and their Interaction with COP
2. Identification of Individuals with LEP and/or who are D/HOH and their Primary Language or Method of Communication
3. Quality Assurance and Control
4. Outreach and Engagement with Communities with LEP and/or who are D/HOH
5. Procurement
6. Allocation of Resources
7. Notification of the Availability of Language Assistance Services
8. Provision of Language Assistance Services
9. Multilingual and Accessible Digital Content
10. Staff Training
11. Hiring Practices and Access to Multilingual Staff
12. Departmental and Interagency Cooperation
13. Performance Measurement and Evaluation

## 1. Identification of Communities with LEP and/or who are D/HOH and their Interaction with COP

To plan for and effectively provide meaningful language access to individuals with LEP and/or who are D/HOH, departments should identify the top languages<sup>20</sup> used by the communities they serve or may serve and determine the most common means through which communities with LEP and/or who are D/HOH interact with the department.

According to the American Community Survey (ACS), an estimated 3.6% of the U.S. population are D/HOH. Accurate data regarding communities that are D/HOH is limited due to definitional inconsistencies across federal and state agencies, limited reliable sources that collect this data, and persistent under-reporting.<sup>21</sup>

Furthermore, according to the ACS, the top five languages spoken in the United States by individuals with LEP are Spanish, Chinese (including the spoken languages of Mandarin and Cantonese and the written languages of Simplified and Traditional Chinese), Vietnamese, Korean, and Tagalog (including Filipino).<sup>22</sup> Department staff should identify the top languages spoken by individuals with LEP based on their program objectives, constituency, and/or geographic region, using any or all of the following tools and resources:

- Language Maps and Data on Communities with LEP
  - LEP.gov/Maps<sup>23</sup> is a DOJ-maintained website with national, state, and judicial district maps of the U.S. population with LEP by number and concentration. However, Census language categories used in those maps are limited and do not include disaggregated data or information on individuals with LEP who may speak languages of lesser diffusion, select American Indian, Alaska Native, Native Hawaiian, Pacific Islander, and other Indigenous languages, and/or language variants.
  - Data from other federal, state, and local government agencies, schools, communities, and faith-based organizations can also be helpful to supplement Census data or obtain more granular details on the languages used by a specific community or region, including intersectional or disaggregated data.
- Consultation with community members with LEP and/or who are D/HOH, and organizations that serve those individuals as described in section 4 below.
- DOJ Language Access Self-Assessment Tool,<sup>24</sup> which can assist departments in identifying the different points of interaction with individuals with LEP, historic usage of programs and services by individuals with LEP, and effective service delivery strategies.

## **2. Identification of Individuals with LEP and/or who are D/HOH and their Primary Language or Method of Communication**

Department staff should, at the point of first contact with an individual with LEP and/or who is D/HOH, make reasonable efforts to conduct or arrange for an initial assessment of the need for language assistance services.

Department staff can determine whether a person needs language assistance in several ways:

- Voluntary self-identification by the individual or their companion.
- Affirmative inquiry regarding the primary language of the individual if they have self-identified as needing language assistance services.
- Engagement by a qualified multilingual staff or qualified interpreter to verify an individual's primary language.
- Use of an "I Speak" language identification card or poster.<sup>25</sup>

In determining an individual's primary language or preferred method of communication, it is important to allow the individual to convey the language in which they "most effectively communicate," particularly in consideration of any potential sensitivity or trauma relating to a situation or subject matter discussed, the context in which the interaction is taking place, and the method of communicating (i.e., oral/signed versus written), among other factors. Department staff should not make assumptions about an individual's primary language based on race, color, national origin, or because they appear to be or are D/HOH.

Additional considerations when identifying language include:

- Asking the individual about their region, municipality, village, or specific community of origin, to ensure the correct identification of language;<sup>26</sup> and
- Recognizing that individuals who are D/HOH may not communicate using ASL and may have limited proficiency in written and spoken English. They may require support in a sign language from another region or country, the procurement of assistive aid, and/or the procurement of a Deaf or Certified Deaf interpreter (CDI).

## **3. Quality Assurance and Control**

Departments should take reasonable steps to ensure that qualified multilingual staff or contracted personnel who serve as translators, interpreters, or who communicate "in-language" with individuals with LEP and/or who are D/HOH are competent to do so and have the resources necessary to meet the Department's requirements. Use of individuals who are not competent could result in a breach of confidentiality; a conflict of interest; or inaccurate, impartial, or incorrect interpretation, and is therefore discouraged.

For guidance regarding quality assurance related to effective communications with individuals who are D/HOH, see *ADA Requirements: Effective Communication*, <https://www.ada.gov/resources/effective-communication/#crt-page--sidenav>.

Absent exigent circumstances, City staff should avoid using the following individuals to provide language assistance services:

- Family members (including children)
- Neighbors
- Friends
- Acquaintances or bystanders
- Opposing parties
- Adverse witnesses or victims

Considerations of competency for qualified multilingual staff or contracted personnel may include:

- Demonstrating proficiency in and ability to communicate information accurately in both English and the other language.
- Using the appropriate mode of interpreting (e.g., consecutive, simultaneous, or sight translation).
- Accurately interpreting or translating materials and rendering meaning using appropriate terminology particular to a department's program or activity into the language used by the individual with LEP or who are D/HOH.
- Understanding and following City and other applicable confidentiality, impartiality, and ethical rules in compliance with City expectations.
- Understanding and maintaining the role and observing professional standards for interpreters, translators, or multilingual staff.
- Understanding the appropriate use of current technologies for providing language assistance, including the proper review and use of machine translation.

For interpreting, departments should be aware of potential interpreter fatigue and the possibility that such fatigue can result in errors. Departments should consider strategies to address interpreter fatigue for longer proceedings, where possible, including frequent breaks for the interpreter or the use of multiple interpreters.

City staff should also be mindful of asking community-based organizations or other volunteers to provide free language assistance services. Such individuals may not have the necessary skills, qualifications, and knowledge of canons of professional responsibility to provide accurate, impartial, and confidential interpreting. This may also unduly burden an organization's staff and resources, may constitute a gift under government ethics rules, and/or constitute violation of the Anti-Deficiency Act.<sup>27</sup> Departments should consult their

assigned Law Department representative on a case-by-case basis when a volunteer provides language assistance services.

#### **4. Outreach and Engagement with Communities with LEP and/or who are D/HOH**

Effective outreach and engagement with communities with LEP and D/HOH communities, and entities that represent their interests, are critical parts of language access planning efforts—both to increase access to COP programs and activities for these communities, and to receive regular feedback on the implementation of City and department language access plans or language assistance services.<sup>28</sup>

Where appropriate considering each department’s unique mission and operations, departments may consider:

- Establishing and maintaining relationships with a variety of entities representing the interests of individuals with LEP and/or those who are D/HOH, and a variety of those communities who have traditionally been marginalized based on language.
- Conducting appropriate outreach efforts designed to inform communities and individuals with LEP and/or those who are D/HOH about COP programs and activities.
- Communicating clearly through written, video, and/or audio means about the nature, scope, and availability of language assistance services and how to request them.<sup>29</sup>
- Increasing efforts to encourage participation of these communities in, for example, City consultations, focus groups, and/or listening sessions, with the goal of learning about their concerns, needs, and perspectives.
- Taking reasonable steps to ensure that community outreach events involving individuals with LEP are designed to provide meaningful access, where individuals with LEP can participate, receive information, and provide input in their primary language(s), and ensuring effective communication for D/HOH individuals at such events.
- Creating and maintaining lists of non-English press or other community agencies to disseminate information about COP programs and activities.
- Disseminating information about COP programs and activities in non-English languages.
- Reaching out and partnering with stakeholders to amplify COP communications to specific communities that may include individuals with LEP and/or those who are D/HOH.
- Establishing a formal mechanism to receive feedback about the quality of the department’s language assistance services.

## **5. Procurement**

Departments seeking to procure language assistance services should work closely with their Contract Specialist, their budget and/or procurement office, and, as needed, the COP Language Access Coordinator, when crafting requirements for vendors. Departments may also consult with the procurement office to identify existing City contract vehicles that they can utilize.

Departments are encouraged to pursue resource-sharing and cost-saving initiatives across the City for language assistance services.<sup>30</sup> Departments may consult with the COP Language Access Coordinator to help identify resource-sharing possibilities and learn about currently available COP language assistance services.

If a department elects to procure language assistance services, the department should ensure that any Requests for Proposal (RFP) or contract(s) specify department needs and vendor responsibilities to include quality control and assurance procedures, assign liability, and contain dispute resolution provisions.

## **6. Allocation of Resources**

Departments should consider the appropriate resources needed for language access planning, outreach, and assistance services based on the range of interactions their department has or may have with individuals with LEP and/or individuals who are D/HOH.<sup>31</sup> As permitted by resource availability, departments should aim to allocate resources in proportion to the level of current and projected interaction that the department has, or may have, with individuals with LEP and/or individuals who are D/HOH, including any projected expansion of language assistance services.

## **7. Notification of the Availability of Language Assistance Services**

When language assistance services are not readily available or individuals do not know language assistance services are free and available, individuals with LEP and/or those who are D/HOH are less likely to participate in or benefit from the City's programs and services. As a result, many individuals with LEP and/or those who are D/HOH may not seek out City benefits, programs, information, and services; may not offer vital assistance in investigations or information that would help determine entitlement or eligibility for benefits; and may not file complaints.

Where applicable considering the City's mission and operations, each department shall take reasonable steps to provide public notice of how to obtain free language assistance services. This information should be offered in different mediums (for example, signage, printed and electronic material, correspondence or mailing of vital documents, social media, radio, etc.) in consultation with Communications personnel as well as impacted communities. It should be offered in at least the top language(s) spoken by individuals with LEP based on the program objective, department constituency, and/or geographic area.

In public-facing materials, departments are encouraged to include multilingual taglines to allow individuals, including those who do not speak the top identified languages, to be informed about the availability of language assistance services and know how to request any vital information provided.<sup>32</sup>

In the cases where the language used by individuals with LEP is oral with no written form or where the individual with LEP being served demonstrates low literacy, departments may consider using video or audio recordings of the notification of availability of language assistance services. Video recordings may also benefit individuals who are D/HOH.<sup>33</sup> This notification may also be provided using existing tools and platforms, such as translated website documents, QR codes, and interpreter-mediated stakeholder outreach.<sup>34</sup>

Departments are encouraged to include in their public notices a specific point of contact for obtaining language assistance services. This point of contact could be an office, representative, email address, or telephone number.

Departments are encouraged to post department-specific language access plans and policies on the department's webpage in languages understood by individuals with LEP and/or who are D/HOH. Similarly, multilingual, and accessible copies of the City's Language Access Plan shall be publicly available on the City's website.

## **8. Provision of Language Assistance Services**

The need for language assistance services will vary by department. Each department will therefore provide tailored guidance to their staff on how to secure language access services that are responsive to the department's needs.<sup>35</sup> Where appropriate, departments should consider using a combination of language assistance services to provide meaningful access. There are three different ways in which component staff may provide language assistance: direct in-language services, interpretation, and translation.

### **a. Direct In-language Services**

Absent exigent circumstances, departments are strongly discouraged from allowing employees who have not been formally assessed for their multilingual skills to provide direct services in-language.<sup>36</sup> Unqualified staff could provide incorrect information, introduce conflicts of interest or other ethical concerns, or experience other potentially negative consequences for the City and/or the individual with LEP or who are D/HOH.

### **b. Interpretation**

When appropriate considering the department's mission and operations, departments should be prepared to provide qualified interpreters, free of charge, either in-person, over-the-phone, or through video remote technology to communicate with individuals with LEP or who are D/HOH.<sup>37</sup>

While individuals with LEP and/or those who are D/HOH have the right to refuse language assistance services, department staff are encouraged in these situations to

reiterate the City's policy to ensure meaningful access and provide services at no cost. Such refusal should be documented.

When arranging or requesting interpretation services, department staff should make every effort to ascertain if the interpreter provided matches the language and/or language variant that the individual(s) with LEP or who are D/HOH use(s) and that they can understand each other fully.

Departments must also give primary consideration to the method of communication preferred by an individual who is D/HOH. Consistent with that approach there may be a need to utilize a Deaf interpreter, Certified Deaf Interpreter (CDI), Communication Access Real-Time Translation (CART), or another auxiliary aid or service requested by the individual.<sup>38</sup>

COP has contracts with vendors to provide interpretation in multiple languages. Departments may consult with the COP Language Access Coordinator regarding these services.

### **c. Translation**

The City prioritizes the translation of vital documents. Classification of a document as "vital" depends upon the importance of the program, information, encounter, or service involved, and the consequence to the individual with LEP or who is D/HOH if the information in question is not provided accurately or in a timely manner.<sup>39</sup> Departments have discretion to determine what documents are considered "vital."

Recognizing that translating Vital Documents can be costly and time intensive, departments are encouraged to seek stakeholder input in determining which documents should be prioritized for translation and which languages/media should be prioritized.

There are two distinct types of vital documents: (1) those that are meant for the general public or a broad audience, and (2) those that are specific communications regarding a case or matter between an individual and the City.

Vital documents intended for the general public, or a broad audience may include, but are not limited to:<sup>40</sup>

- Public outreach or educational materials.
- Claim or application forms including their instructions.
- Forms or written material related to individual rights.
- Notices of outreach or community meetings or trainings.
- Press releases announcing activities or matters that affect communities with LEP.
- Notices regarding the availability of language assistance services provided by the department at no cost to individuals with LEP or who are D/HOH, where



applicable considering the department's mission and operations.

- Certain consent orders, decrees, Memoranda of Agreement, or other types of pleadings or litigation materials.

Departments are encouraged to translate vital documents for the general public into the top languages, as needed, and to consider translating into other languages as appropriate based on the program objective, constituency, and/or geographic region.<sup>41</sup>

Vital documents specific to a case or matter between an individual and the City may include, but are not limited to:

- Notices of case-related community outreach.
- Administrative complaints, release, or waiver forms.
- Letters of findings.
- Letters or notices pertaining to statutes of limitations, referrals to other federal agencies, a decision to decline to investigate a case or matter, or closure of an investigation, case, or matter.
- Written notices of rights, denial, loss, or decreases in benefits or services, parole, and other hearings.

Under most circumstances, materials primarily directed to courts, attorneys, court advocates, architects, police, or other professionals will not be considered "vital" for these purposes (this includes court filings associated with litigation or criminal charges). City departments with core litigation functions may also be subject to applicable legal standards that may vary based on pertinent federal, state, and local rules. Departments will necessarily be guided by those legal standards in making decisions as to translation, and this plan is not intended to supersede or alter those requirements.

Each department should develop its own criteria for identifying vital documents and prioritizing languages for their translation. For vital documents aimed at a citywide audience, it is recommended that departments begin by translating vital information in the top languages spoken by individuals with LEP or who are D/HOH.<sup>42</sup>

Departments are encouraged to reassess these criteria each time they review and update their language access plans.

Departments should also ensure that all translations are completed by qualified translators.<sup>43</sup> Departments should avoid using machine translation alone without human review and quality control. In particular, machine translation is discouraged when information communicated is vital to a person's rights or benefits; when accuracy is essential; or when the source materials use non-literal language (like slang or metaphors), have unclear grammar or structure, contain abbreviations or acronyms, or are complicated, technical, or wordy.<sup>44</sup>

Individuals with LEP and/or who are D/HOH who want to access City services may not be literate in their country of origin's prevalent written language, or their languages might not have a written form such that translated material will not be an effective way of communicating with them. For individuals with LEP, departments may want to consider sight translation, interpretation, or audio/video communication. For individuals who are D/HOH, departments should inquire about the preferred method to deliver information that is typically available in written form.<sup>45</sup>

## **9. Multilingual and Accessible Digital Content**

Departments shall take reasonable steps to ensure meaningful access for individuals with LEP or who are D/HOH to digital content produced by the department, for instance multilingual and accessible content on public websites and electronic documents containing information about:

- A department's jurisdiction and mission.
- Contact information, including how to communicate with the City or department to report criminal activity or violations of the law, access information for victims of crime, or report and identify missing persons.
- How to file a complaint (including forms and instructions to fill out those forms).<sup>46</sup>
- Press releases and important announcements impacting communities with LEP or who are D/HOH.
- Education material for individuals or communities about their rights under the law.

Departments are encouraged to work with their internal web content staff and the Communications Office to periodically assess and monitor translated digital content to improve meaningful access for persons with LEP or who are D/HOH.<sup>47</sup>

The City and its departments must also comply with Section 508 of the Rehabilitation Act of 1973 (Section 508), which requires government agencies to ensure that their electronic and information technology, including websites, electronic documents, and software applications, are accessible to individuals with disabilities. Departments shall work with the Communications Office to ensure that translated digital content meets Section 508 requirements.

## **10. Staff Training**

City staff need to know how to provide language assistance services. For policies and procedures to be effective, departments should ensure that new and existing staff members periodically receive language access and effective communication training relevant to their job duties. Departments should remember language access training needs when assessing professional development requirements for all staff.

Where applicable considering the department’s mission and operations, staff should be trained on:

- Identification of individuals with LEP and specific language needs.
- Identification of individuals who are D/HOH and their preferred methods of communication.
- Language access legal requirements for individuals with LEP.
- Effective communication legal requirements for individuals who are D/HOH.
- City and departments language access policies and plans, including how and when to access language assistance services.
- Accessing and providing language assistance services through qualified multilingual staff, in-house interpreters and translators, or contracted personnel.
- Use of plain language.<sup>48</sup>
- Best practices for working with interpreters in person, over the telephone, or via video remote platforms.
- Best practices for working with translators.
- Interpreter ethics.
- Cultural competency.
- Best practices for tracking the use of language assistance services.
- Best practices for providing meaningful language assistance to individuals with LEP.
- Best practices for effective communication with individuals who are D/HOH.

Departments are encouraged to offer technical training to qualified multilingual staff (e.g., interpreter ethics, interactive online language access courses, etc.) to maintain and improve their language assistance skills.

The COP Language Access Coordinator, in collaboration with the COP LAWG, will update COP’s basic language access training<sup>49</sup> that departments should use to train staff who have the potential to interact or communicate with such individuals, as appropriate.

Departments should assess the most effective methods for offering staff training, and the amount and frequency of training required based on the department’s staff level of interaction with individuals with LEP and/or those who are D/HOH.<sup>50</sup>

## **11. Hiring Practices and Access to Multilingual Staff**

The City values the multilingual skills of its employees. Qualified multilingual employees include staff whose job descriptions include the provision of direct in-language communication and language assistance, and personnel who volunteer to use their

assessed language skills on behalf of the City.

When making decisions about hiring or utilizing multilingual staff, each department should:

- Assess the extent to which non-English language proficiency in particular languages is necessary or desired for particular positions or to fulfill the department's mission.<sup>51</sup>
- Consider modifying job descriptions, postings, and pay rates for roles that interact with individuals with LEP to include language proficiency as a position requirement informed by assessment of department language needs.
- Ensure hiring practices do not discriminate against individuals who are D/HOH, including by ensuring compliance with Section 501 of the Rehabilitation Act of 1973, and recognizing that these individuals may offer valuable insights regarding effective communication with individuals who are D/HOH.
- Identify, assess, and develop the language skills of qualified multilingual employees, as appropriate.
- Offer technical training to qualified multilingual staff (e.g., interpreter ethics, translation training, interpreting training, etc.) to maintain and improve their language assistance skills, as appropriate.

City staff should be mindful of the professional responsibility and ethical implications of relying on multilingual internal staff to provide language assistance services in select cases. Should departments decide to use employees whose job duties do not already include the provision of spoken language assistance services to provide such services, they should consult with the COP Language Access Coordinator and the COP Language Education and Diversity Sensitivity (LEADS) program administrator to discuss language testing, learn about the language assessment processes, and establish department-specific qualification requirements.<sup>52</sup>

Each department should track the composition of existing and newly qualified LEADS certified multilingual staff by non-English languages spoken and level of oral and written proficiency. Maintaining an inventory of qualified multilingual staff could be useful for future resource-sharing initiatives within and between departments. Managers are also encouraged to consider the amount of time an employee has spent providing language assistance services when assessing workload and productivity.

## **12. Departmental and Interagency Cooperation**

Departments are encouraged to collaborate with each other and other governmental agencies to share resources, implement best practices, improve efficiency, and standardize terminology.

The City supports sharing promising practices and exploring City-wide and interagency initiatives that could potentially streamline and improve our ability to provide meaningful

access to individuals with LEP and/or who are D/HOH. To that end, the COP LAWG will identify, develop, and distribute useful resources and materials.

### **13. Performance Measurement and Evaluation**

Departments should periodically reassess and, where appropriate, update their language access plans to ensure that the scope and nature of language assistance services provided under the plan reflect updated information on relevant LEP and D/HOH populations, department language assistance needs, changes in technology, and department experience under the plan.

Departments should consider gathering data to assess the effectiveness of department language assistance services. This may include:

- Conducting an inventory of languages most frequently encountered.
- Identifying the primary channels of contact with LEP and D/HOH community members (whether telephonic, in person, correspondence, web-based, etc.).
- Identifying the extent to which language assistance services were requested, needed and/or accessed by individuals with LEP or who are D/HOH.
- Reviewing plans and protocols.
- Reviewing the annual cost of language assistive services including translation and interpreter services, and
- Consulting with outside stakeholders.<sup>53</sup>

To the extent that departments gather data through the methods identified above or in other ways, department staff should consider identifying and tracking the primary language of individuals with LEP and preferred methods of communication of individuals who are D/HOH that seek and receive department programs and services to map out communities and learn about communities' language needs.

Departments should consult with the COP Language Access Coordinator and the COP Language Education and Diversity Sensitivity (LEADS) program administrator for technical assistance and support in developing these metrics.<sup>54</sup>

## APPENDIX A: DEFINITIONS

The City uses the following terms as defined below for the purposes of this plan:

- a. **Certified Deaf Interpreter (CDI).** An individual who is deaf or hard of hearing (D/HOH) and has been certified by the Registry of Interpreters for the Deaf as an interpreter.<sup>55</sup>
- b. **Communication Access Real-Time Translation (CART).** The instant translation of the spoken word into English text using a stenotype machine, notebook computer and real-time software. The text produced by the CART service can be displayed on an individual's computer monitor, projected onto a screen, combined with a video presentation to appear as captions, or otherwise made available using other transmission and display systems.
- c. **Deaf/deaf (D/d).** Uppercase Deaf denotes a particular group of people who are deaf and share a language and a culture; lowercase deaf refers to the audiological condition of not hearing. An individual who is deaf or hard of hearing (D/HOH) may also have limited proficiency in spoken or written English and may not be proficient in ASL or any other recognized sign language.
- d. **Deaf Interpreter.** A specialist who provides cultural and linguistic expertise. A Deaf Interpreter provides interpreting, translation, and transliteration service in sign languages (or written language) and other visual and tactual communication forms used by individuals who are Deaf, Deaf-Blind, Deaf-Disabled, Hard of Hearing, or Late-Deafened.<sup>56</sup>
- e. **Direct "In-Language" Communication.** Monolingual communication in a language other than English between a multilingual staff and a person with LEP (e.g., Korean to Korean).
- f. **Effective Communication.** For communication disabilities, it refers to aids and services to ensure that communication with people with disabilities, such as people who are D/HOH, is as effective as communication as for people without disabilities.<sup>57</sup>
- g. **Equity.** The consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.<sup>58</sup>
- h. **Hard of hearing (HOH).** Someone experiencing hearing loss ranging from mild to profound. An individual who is deaf or hard of hearing (D/HOH) may also have limited proficiency in spoken or written English and may not be proficient in ASL or any other recognized sign language.
- i. **Interpretation.** The act of listening, understanding, analyzing, and processing a spoken communication in one language (source language) and then faithfully orally rendering

it into another spoken language (target language) while retaining the same meaning. For individuals who are D/HOH, this can include understanding, analyzing, and processing a spoken or signed communication in the source language and faithfully conveying that information into a spoken or signed target language while retaining the same meaning.

- j. **Limited English Proficiency (LEP).** Describes individuals who:
  - a. do not speak English as their primary language; and
  - b. have a limited ability to read, write, speak, or understand English.<sup>59</sup>

Individuals with LEP may be competent in English for certain types of communication (e.g., speaking or understanding), but have limited proficiency in English in other areas (e.g., reading or writing). LEP designations are also context-specific; an individual may possess sufficient English language skills to function in one setting (e.g., conversing in English with coworkers), but these skills may be insufficient in other settings (e.g., addressing court proceedings). An individual who is D/HOH may also have limited proficiency in spoken or written English and may not be proficient in ASL or any other recognized sign language.

- k. **Language Assistance Services.** Oral and written language services used to provide individuals with LEP and/or those who are D/HOH meaningful access to, and an equal opportunity to participate fully in, the services, activities, and other programs administered by the City.
- l. **Meaningful Access.** Language assistance that results in accurate, timely, and effective communication at no cost to the individual with LEP needing assistance. Meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English-proficient individuals.
- m. **Methods of Communication.** People who are Deaf or Hard of hearing use a variety of ways to communicate. Some rely on sign language interpreters or assistive listening devices; some rely primarily on written messages. Many can speak even though they cannot hear.
- n. **Primary Language.** The language in which an individual most effectively communicates when interacting with the City, including sign language or tactile sign language. An individual's primary language may be a language variant.
- o. **Program or Activity.** The term "program or activity" and the term "program" mean all the operations of the City.<sup>60</sup>
- p. **Qualified Multilingual Staff.** An employee who has proficiency in English and the ability to read, write, or speak in at least one other language at the proficiency level required by the department and as demonstrated through a validated language test.
- q. **Qualified Translator.** An in-house or contracted translator who has been professionally trained and/or demonstrated competence to translate through national certification

or comparable testing and is authorized to do so by contract with the City or by approval of a department. Qualified translators must also demonstrate knowledge of professional standards, and adherence to the corresponding professional code of ethics, as well as familiarity with required COP terminology.

- r. **Qualified Interpreter.** An in-house or contracted interpreter who has been professionally trained and/or demonstrated competence to interpret through court certification, the State Department, or comparable testing and is authorized to do so by contract with the City or by approval of a department. Qualified interpreters must also demonstrate knowledge of professional standards, and adherence to the corresponding professional code of ethics, as well as familiarity with required COP terminology.
- s. **Quality Assurance.** The process to ensure accuracy, consistency, quality, and reliability of language assistance services.
- t. **Sign Language.** Method of communication for people who are D/HOH in which hand movements, gestures, and facial expressions convey grammatical structure and meaning. There is no universal sign language. Different sign languages are used in different countries or regions. For example, British Sign Language (BSL) is a different language from ASL, and individuals who know ASL may not understand BSL.
- u. **Sight Translation.** Oral or signed rendering of written text into spoken or signed language by an interpreter without change in meaning based on a visual review of the original text or document.
- v. **Tagline.** For purposes of this plan, this term means a short notice in multiple non-English languages informing the general public that a document (e.g., notices of language assistance services, notices of rights, forms, correspondence, etc.) or electronic media (e.g., website, announcement via email, etc.) contains vital information and explaining how to request the document or electronic media provided in other languages.<sup>61</sup>
- w. **Translation.** The process of converting written text from a source language into an equivalent written text in a target language as fully and accurately as possible while maintaining the style, tone, and intent of the text, while considering differences of culture and dialect.<sup>62</sup>
- x. **Vital Document.** Paper or electronic written material that contains information that is critical for accessing a department's programs or activities or is required by law.



## **APPENDIX B: ROLES AND RESPONSIBILITIES**

### **a. COP Language Access Coordinator**

Established in 2023 in the City Manager’s Office, the City of Phoenix’s Language Access Coordinator (COP Language Access Coordinator) sits in the City’s Equal Opportunity Department, and is responsible for:

- i. Developing an agency-wide initiative on language access.
- ii. Developing, leading, and promoting uniformity of policies and best practices relating to language access within the City.<sup>63</sup>
- iii. Ensuring consistent City-wide compliance with EO 13166, EO 13985, and any other relevant agency-wide mandates on language access.
- iv. Chairing the COP Language Access Working Group, an intra-agency working group on language access with representatives from departments that interact with the public.
- v. Leading the implementation and regular review of the COP LAP and supporting the implementation and review of departments’ language access plans.
- vi. Streamlining access to, and overseeing the expansion and centralization of, language assistance services within the City to improve department access to interpreting and translation services, including through the creation and maintenance of a City one-stop-shop containing relevant internal resources.<sup>64</sup>
- vii. Developing and promoting internal guidance, resources, and materials to expand language access across the City.
- viii. Providing guidance and technical assistance for COP departments, as appropriate, on their ongoing language access needs.
- ix. Researching and incorporating innovative approaches to engaging, collaborating with, and serving individuals with LEP from a people-centered approach.
- x. Collaborating with the DOJ Civil Rights Division and other federal agencies regarding issues related to language access.
- xi. Facilitating City-wide engagement with external stakeholders to strengthen access to COP and other government services by individuals with LEP.

### **b. COP Language Access Working Group**

Established in 2023, the City of Phoenix Language Access Working Group (COP LAWG) is chaired by the COP Language Access Coordinator and is comprised of representatives from COP departments that interact with the public. The COP LAWG meets quarterly to:

- i. Ensure that departments fully comply with EO 13166 and implement COP's language access obligations.
- ii. Increase awareness of language access legal requirements and best practices.
- iii. Support departments and staff in the implementation of department-specific language access plans, policies, and practices.
- iv. Identify and share language access best practices and resources addressing translation, interpreting, training, use of technology, and other critical language access issues to assist staff in communicating with individuals with LEP or who are D/HOH.
- v. Establish quality control measures for language assistance services.

**c. City Departments**

Consistent with the requirements and obligations above, and where appropriate considering each department's unique mission and operations, City departments with public-facing activities shall take reasonable steps to ensure meaningful access by:

- i. Ensuring compliance with EO 13166 and other City language access obligations.<sup>65</sup>
- ii. Ensuring compliance with Sections 501, 504, and 508 of the Rehabilitation Act of 1973 as they relate to effective communication with and for individuals who are D/HOH.<sup>66</sup>
- iii. Identifying and addressing any gaps in language assistance services for individuals with LEP or individuals who are D/HOH.
- iv. Planning for and providing meaningful access to programs, services, and activities for individuals with LEP or who are D/HOH.
- v. Maintaining, reviewing, and updating department-specific LAPs, as needed, in accordance with this City-wide plan.
- vi. Training staff according to the department's or City's LAP.
- vii. Notifying individuals with LEP and/or individuals who are D/HOH, in a language they understand, about the availability of language assistance services through websites, social media, and other outreach initiatives.
- viii. Consulting with communities with LEP and/or D/HOH communities about the development and implementation of the department's applicable programs and activities, funding opportunities, and regulations.
- ix. Designating at least one department representative to serve on the COP LAWG.
- x. With assistance from the COP Language Access Coordinator, ensuring department policies and programs comply with language access best practices.

#### **d. COP Department Staff**

Department staff that interact with individuals with LEP and individuals who are D/HOH, shall:

- i. Familiarize themselves with Executive Orders 13166, 13985, this plan, and their department's language access plan.
- ii. Familiarize themselves with the standards for effective and accessible communication with individuals with LEP or who are D/HOH.<sup>67</sup>
- iii. Take reasonable steps to provide meaningful access to City programs or services to individuals with LEP or who are D/HOH.
- iv. Be prepared to effectively use language assistance services when they encounter or have reason to believe that they may encounter individuals with LEP or who are D/HOH while fulfilling their department's mission, or upon request by a person with LEP or who is D/HOH who wishes to access City programs or activities.

The City seeks to uphold the highest standards of professional competence and ethical conduct while fulfilling its mission. Consequently, City employees should also consider their responsibilities under the applicable rules of professional conduct when interacting with individuals with LEP and/or individuals who are D/HOH, including unrepresented parties, victims, and witnesses.

#### **Departments Providing Federal Financial Assistance**

In addition, departments that provide federal assistance to state and local governments and other entities, whether through funding, in-kind assistance, training, detail of personnel, or other assistance, should make reasonable efforts to ensure that recipients of such assistance are complying with Title VI non-discrimination obligations as they relate to individuals with LEP and obligations under Sections 501, 504, and 508 of the Rehabilitation Act as they relate to effective communication with individuals who are D/HOH.

Departments that provide federal financial assistance may also consider translating preapplication and outreach materials, as well as conducting multilingual trainings and events, to announce grants or programs that may be of interest or may affect communities with LEP or who are D/HOH. For example, if a grant or program is expected to benefit a community of Vietnamese speakers with LEP, a department may consider translating such materials into Vietnamese and facilitating outreach events or having interpretation available to those community members.

Departments that provide federal financial assistance have a variety of mechanisms for securing compliance, including providing federal civil rights assurances of nondiscrimination, conducting periodic audits, conducting complaint-based investigations, and selecting recipients for compliance reviews. For more information regarding the

obligation for departments to ensure compliance with Title VI, please contact the [Federal Coordination and Compliance Section of the Civil Rights Division](#).

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<sup>1</sup> *Improving Access to Services for Persons with Limited English Proficiency*, Exec. Order No. 13,166, 65 Fed. Reg. 50121 (Aug. 16, 2000), <https://www.govinfo.gov/content/pkg/FR-2000-08-16/pdf/00-20938.pdf>.

<sup>2</sup> *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, Exec. Order No. 13,985, 86 Fed. Reg. 7009 (Jan. 20, 2021), <https://www.govinfo.gov/content/pkg/DCPD-202100054/pdf/DCPD-202100054.pdf>.

<sup>3</sup> *Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders*, Exec. Order No. 14,031, 86 Fed. Reg. 29675 (Jun. 3, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-06-03/pdf/2021-11792.pdf>.

<sup>4</sup> *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, Exec. Order No. 14,091, 88 Fed. Reg. 10825 (Feb. 22, 2023), <https://www.govinfo.gov/content/pkg/FR-2023-02-22/pdf/2023-03779.pdf>.

<sup>5</sup> LEP Guidance to DOJ grant recipients provides that “[w]hile there is no single definition for ‘timely’ applicable to all types of interactions at all times by all types of recipients, one clear guide is that the language assistance should be provided at a time and place that avoids the effective denial of the service, benefit, or right at issue or the imposition of an undue burden on or delay in important rights, benefits, or services to the LEP person.” 67 Fed. Reg. 41461 (Jun. 18, 2002).

<sup>6</sup> U.S. Department of Justice, Civil Rights Division, *Title VI Legal Manual*, “What is Federal Financial Assistance?,” Section V at 4-6 (2021), <https://www.justice.gov/media/1121301/dl?inline>.

<sup>7</sup> The City recognizes that ensuring equity for individuals with LEP is not limited to the provision of language assistance services and aims to create comprehensive mechanisms that facilitate equity in planning, outreach, stakeholder engagement, allocation of funds, delivery of services, staff training, procurement, as well as performance and evaluation as established by this language access plan. Other agencies use this term as well: U.S. Department of Health and Human Services, *Tips on Equitable Communication Practices in a Policy Context*, Katya Seligman, et al. (2022), <https://aspe.hhs.gov/sites/default/files/documents/25db6496702d8ee5dace292f7d3925f0/Tips-Equitable-Comm-Practices.pdf>.

<sup>8</sup> Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination based on disability in federally assisted and federally conducted programs and activities. 29 U.S.C. § 794. For purposes of employment discrimination, Section 504 applies the same standards as those applied under Title I of the Americans with Disabilities Act. 29 U.S.C. § 794(d). For other purposes, Section 504 is interpreted to apply the same substantive requirements as Title II of the Americans with Disabilities Act.

<sup>9</sup> National Association of the Deaf, *Community and Culture – Frequently Asked Questions - What is the difference between a person who is “deaf,” “Deaf,” or “hard of hearing”?*, <https://www.nad.org/resources/american-sign-language/community-and-culture-frequently-asked-questions>.

<sup>10</sup> Section 501 of the Rehabilitation Act of 1973 (Section 501) prohibits employment discrimination against individuals with disabilities in the federal sector and requires federal agencies to have an affirmative action program plan in place for the hiring, placement, and advancement of individuals with disabilities. 29 U.S.C. § 791 (2011), <https://www.eeoc.gov/statutes/rehabilitation-act-1973>.

<sup>11</sup> Recipients of federal financial assistance are prohibited from discriminating based on race, color, or national origin in their programs or activities. Denial of meaningful access to an individual with LEP is considered discrimination based on national origin. In *Lau v. Nichols*, 414 U.S. 563, 569 (1974), the Supreme Court held that a federal funding recipient’s denial of an education to a group of non-English speakers violated Title VI and its implementing regulations. In its ruling, the Court explained, “[i]t seems obvious that the Chinese-speaking minority receive fewer benefits than the English-speaking majority from respondents’ school system which denies them a meaningful opportunity to participate in the educational program—all

earmarks of the discrimination banned by the regulations”. *Id.* at 568.

<sup>12</sup> Section 508 of the Rehabilitation Act of 1973 (Section 508) requires federal agencies and departments to give employees and members of the public who are disabled access to information comparable to the access available to others, subject to certain limitations. 29 U.S.C. § 794d. *See also* U.S. Access Board, *Rehabilitation Act of 1973, Section 508 Federal Electronic and Information Technology*, <https://www.access-board.gov/law/ra.html#section-508-federal-electronic-and-information-technology>.

<sup>13</sup> Improving Access to Services for Persons with Limited English Proficiency (Aug. 16, 2000), *supra*, note 2. The Department of Justice has determined that Executive Order 13166 applies only to persons who are located within the United States and its territories and does not apply extraterritorially.

<sup>14</sup> Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (Jan. 20, 2021), *supra* note 3.

<sup>15</sup> Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders (Jun. 3, 2021), *supra* note 4.

<sup>16</sup> Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (Feb. 22, 2023), *supra* note 5.

<sup>17</sup> U.S. Department of Justice, *Enforcement of Title VI of the Civil Rights Act of 1964 — National Origin Discrimination Against Persons with Limited English Proficiency*, 65 Fed. Reg. 50,123 (Aug. 16, 2000), <https://www.justice.gov/crt/fcs/TitleVI>.

<sup>18</sup> U.S. Department of Justice, *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 65 Fed. Reg. 50,123 (Aug. 16, 2000), <https://www.justice.gov/crt/doj-final-lep-guidance-signed-6-12-02>.

<sup>19</sup> For more information on what constitutes federally conducted and federally assisted programs and activities, see U.S. Department of Justice, Civil Rights Division, *Commonly Asked Questions & Answers Regarding Executive Order 13166* (2019), <https://www.justice.gov/crt/eo-13166>. Many Department tasks and functions are conducted by contracted staff and, consequently, contracted staff may interact with individuals with LEP and/or who are D/HOH. Departments should notify contracted staff of the obligation to ensure nondiscrimination, including compliance with Executive Order 13166. Departments should consider contractors and interns having contact with individuals with LEP or who are D/HOH when determining who needs to be briefed on their roles and responsibilities under the Department’s language access policies, plan, and procedures.

<sup>20</sup> “Top languages” is a term of art, referenced in the U.S. Census, that describes the languages which are most commonly-used among individuals with LEP. Departments may interact with and serve different communities, and the purposes and intended audiences for specific programs or activities may vary. Accordingly, in determining the “top languages” for a component or for a department’s specific program or activity, both the languages and the number of languages may vary.

<sup>21</sup> Colorado Commission for the Deaf, Hard of Hearing, and Deafblind, *Outreach and Consultative Services Information Sheet Series Deaf, Hard of Hearing, and DeafBlind Demographics Guide* (Sep. 2022), <https://ccdhhdb.com/wp-content/uploads/2022/09/DHHDB-Demographics.pdf>.

<sup>22</sup> This broad listing of top five languages spoken by individuals with LEP is a guide for departments and does not replace department responsibility to ensure that individuals with LEP, regardless of languages spoken, are afforded meaningful access, particularly with respect to individual specific communications, including correspondence. U.S. Census Bureau, *American Community Survey, B16002 | Detailed Household Language by Household Limited English Speaking Status*, (2021), <https://data.census.gov/table?q=B16&d=ACS+1-Year+Estimates+Detailed+Tables&tid=ACSDT1Y2021.B16002>.

<sup>23</sup> U.S. Department of Justice, Civil Rights Division, Federal Coordination and Compliance Section, *Data and Language Maps*, <https://www.lep.gov/maps>.

<sup>24</sup> U.S. Department of Justice, Civil Rights Division, Federal Coordination and Compliance Section, *Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs*, at 8 (2011), [https://www.lep.gov/sites/lep/files/resources/2011\\_Language\\_Access\\_Assessment\\_and\\_Planning\\_Tool.pdf](https://www.lep.gov/sites/lep/files/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf).

<sup>25</sup> U.S. Department of Justice, Civil Rights Division, Federal Coordination and Compliance Section, *Translation: Language Identification and I Speak Cards*, <https://www.lep.gov/translation#toc-language-identification-and-i-speak-cards>.

<sup>26</sup> For example, individuals with LEP from Latin American countries may speak an Indigenous or non-Spanish language as their primary language. Asking the specific region, municipality, village, or community they belong to can provide information about the language or language variant they use. When in doubt, department staff should consult with the COP Language Access Coordinator who may consult organizations and civic groups representing the communities to obtain support with language identification as well as to request referrals for language assistance services that support these communities. Departments may reference the following “I Speak” Indigenous Language Identification Resources: U.S. Department of Homeland Security, Office for Civil Rights and Civil Liberties, *I Speak...Indigenous Language Identification Poster* (2016), [https://www.dhs.gov/sites/default/files/publications/Habla%20Poster\\_12-9-16.pdf](https://www.dhs.gov/sites/default/files/publications/Habla%20Poster_12-9-16.pdf). See also U.S. Department of Homeland Security, Office for Civil Rights and Civil Liberties, *Indigenous Language Identification Sticker/Insert* (2016), <https://www.dhs.gov/sites/default/files/publications/Indigent%20Languages%20Sticker.pdf>.

<sup>27</sup> The Anti-Deficiency Act, 31 U.S.C. § 1342, states: “An officer or employee of the United States Government or of the District of Columbia government may not accept voluntary services for either government or employ personal services exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property.”

<sup>28</sup> U.S. Department of Justice, Civil Rights Division, Federal Coordination and Compliance Section, *Ten Tips For Conducting Effective Community Outreach* (2015), <https://www.justice.gov/archives/crt/fcs/newsletter/Winter-2015/10Tips>.

<sup>29</sup> This may include visible signage in departments’ public spaces announcing the availability of language assistance services, and translated promotional material (e.g., flyers, registration forms) with information about the availability of interpreting services during the event by request. See Guideline 7, [Notification of the Availability of Language Assistance Services](#).

<sup>30</sup> Departments should share training resources, where applicable. Within COP, departments may engage in reimbursable agreements for services and utilize interagency agreements to obtain services from other government agencies.

<sup>31</sup> Departments may want to consult with the COP Language Access Coordinator for tips and tools on projecting and planning for language assistance services. The terms of such agreements must conform to this COP LAP or the department-specific LAP.

<sup>32</sup> U.S. Department of Justice, Civil Rights Division, Federal Coordination and Compliance Section, *Translation: Federal Agency Translated Taglines*, [lep.gov/translation](http://lep.gov/translation). Using QR codes is encouraged and considered an optimal practice to facilitate access to these notifications and other digital content. See U.S. General Services Administration, *Introduction to QR codes*, <https://digital.gov/resources/introduction-to-qr-codes/>.

<sup>33</sup> Many individuals who are D/HOH have limited proficiency in written and spoken English. Sign language is a completely different language and translating documents into sign language video is recommended.

<sup>34</sup> Departments should not assume that that individuals who are D/HOH can write and read in English and should inquire as to the best method to deliver written communication.

<sup>35</sup> Departments are encouraged to create an internal webpage or intranet site where department staff can access current information about department-specific policies, procedures, and language assistance services.

<sup>36</sup> Department staff who have not been formally assessed are permitted to use multilingual skills for general greetings in a foreign language and basic communication for the sole purposes of language identification and determining whether this is an exigent circumstance.

<sup>37</sup> Department staff or contractors should utilize the mode of interpreting that is most appropriate for the situation: consecutive, simultaneous, or sight-translation. For more information on the different modes of interpreting and when they are used, see District of Columbia, Office of Human Rights, *Reference Guide: Types of Interpretation* (2016), [https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/Ref%20guide\\_Types%20of%20inte%20rp%20retation.pdf](https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/Ref%20guide_Types%20of%20inte%20rp%20retation.pdf). For information to help department staff work effectively with telephone interpreters, see U.S. Department of Justice, Civil Rights Division, Federal Coordination and Compliance Section, *TIPS for Working with Telephone Interpreters* (2014), [https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS Telephone Interpreters 0.pdf](https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS_Telephone_Interpreters_0.pdf).

<sup>38</sup> U.S. Department of Health and Human Services, *Effective Communication for Persons Who Are Deaf or Hard of Hearing*, <https://www.hhs.gov/guidance/document/effective-communication-persons-who-are-deaf-or-hard-hearing>.

<sup>39</sup> It is recommended that departments work to offer information using plain language. Plain and concise language makes translating or interpreting information into another language easier and more cost-effective. Complex or technical language is often difficult to understand, which may result in errors and different messaging in each language.

<sup>40</sup> Vital documents can appear on webpages, social media, apps, or texts.

<sup>41</sup> See Guideline 1, [Identification of Communities with LEP and/or who are D/HOH and their Interaction with DOJ](#).

<sup>42</sup> *Id.*

<sup>43</sup> See Guideline 3, [Quality Assurance and Control](#).

<sup>44</sup> U.S. General Services Administration, *Introduction to translation technology: How and why to use translation technology to create multilingual content* (May 2023), <https://digital.gov/resources/introduction-to-translation-technology/>.

<sup>45</sup> For example, an individual who is D/HOH and who was born and raised in the United States and uses ASL to communicate might not be able to understand written English. The same applies to individuals who may use a recognized sign language from a specific country (e.g., Japanese Sign Language or Mexican Sign Language), and who may not be literate in the written form of the dominant language in their country of origin (e.g., Japanese or Spanish).

<sup>46</sup> For example, the Civil Rights Division has a multilingual complaint portal available at <https://civilrights.justice.gov/report/>.

<sup>47</sup> The Consumer Financial Protection Bureau may also be a resource for multilingual user testing to ensure individuals with LEP have meaningful access to COP web content. Consumer Financial Protection Bureau, *Strengthening information accessibility for consumers with limited English proficiency* (2023), <https://www.consumerfinance.gov/about-us/blog/strengthening-information-accessibility-for-consumers-limited-english-proficiency/>. For further resources on Multilingual Digital Content, see U.S. Department of Justice, Civil Rights Division, Federal Coordination and Compliance Section, *Improving Access to Public Websites and Digital Services for Limited English Proficient (LEP) Persons* (2021), [https://www.lep.gov/sites/lep/files/media/document/2021-12/2021\\_12\\_07\\_Website\\_Language\\_Access\\_Guide\\_508.pdf](https://www.lep.gov/sites/lep/files/media/document/2021-12/2021_12_07_Website_Language_Access_Guide_508.pdf); U.S. General Services Administration, *Language Connections: Tips to Create, Maintain, and Present Non-English Digital Content* (2022), <https://digital.gov/event/2022/02/24/language-connections-tips-to-create-maintain-and-present-non-english-digital-content/>; U.S. General Services Administration, *10 Tips to Create, Maintain, and Present*



*Non- English Digital Content* (2022), <https://digital.gov/2022/05/23/10-tips-to-create-maintain-and-present-non-english-digital-content-a-ga-with-michael-mule/>; U.S. General Services Administration, *Top 10 Best Practices for Multilingual Websites* (2022), <https://digital.gov/resources/top-10-best-practices-for-multilingual-websites/>.

<sup>48</sup> The Plain Writing Act of 2010 (5 U.S.C. § 105) requires government agencies to provide any information to the public in clear, easy to understand language. The federal government provides resources on plain language at <https://www.plainlanguage.gov>.

<sup>49</sup> A video training series, *Providing Meaningful Access for Limited English Proficient Individuals*, and other training videos are available at <https://www.lep.gov/videos>.

<sup>50</sup> For example, department staff who interact with individuals with LEP daily and are responsible for arranging language assistance services, as well as managers of such staff, should receive regular training. Other tools and materials may be developed by departments to provide information on fundamental language access requirements, standards, and best practices to staff who may encounter individuals with LEP, but do not do so as a regular part of their duties.

<sup>51</sup> U.S. Department of Justice, Civil Rights Division, Federal Coordination and Compliance Section, *Before You Hire – Ask Yourself: “What are my Project’s Language Needs?”*, [https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS\\_Before\\_You\\_Hire.pdf](https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS_Before_You_Hire.pdf). See also U.S. Department of Justice, Civil Rights Division, Federal Coordination and Compliance Section, *TIPS on Building an Effective Staff Language Service Program*, [https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS\\_Effective\\_Language\\_Program.pdf](https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS_Effective_Language_Program.pdf).

<sup>52</sup> A validated language test provides valid and reliable measurement of language proficiency. For example, a language test that assesses speaking should measure someone’s ability to speak a language. The results of the test are used to determine if a person can speak a language. Based on results, the examinee can be expected to be able to perform certain speaking tasks in the language relevant to the test results. See D’Este, Claudia, *Educazione Linguistica, New views of validity in language testing*, ISSN 2280-6792 (2012), [https://www.researchgate.net/publication/308782753\\_New\\_views\\_of\\_validity\\_in\\_language\\_testing](https://www.researchgate.net/publication/308782753_New_views_of_validity_in_language_testing). See also

U.S. Department of Justice, Civil Rights Division, Federal Coordination and Compliance Section, *What Does It Mean to be a Certified Linguist?*, [https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS\\_Trust\\_Me\\_Im\\_Certified.pdf](https://www.lep.gov/sites/lep/files/media/document/2020-03/TIPS_Trust_Me_Im_Certified.pdf).

<sup>53</sup> This data could include: the number of times non-English webpages were accessed; the number of participants with LEP and/or who are D/HOH at public events or stakeholder sessions; whether those events were multilingual; the number of interactions for which language assistance services was provided; the number of interactions for which language assistance services were needed but not available; positive or negative feedback received through formal or informal compliant mechanisms or other forms of communication, among other metrics.

<sup>54</sup> This can be accomplished by tracking a) most requested languages (including sign languages); b) points of interaction where language assistance was needed and/or requested, including clicks in certain department webpages; c) types of services provided for each language; d) types of services that were not available and explanation of any denial of language assistance services, including the language denied. Departments may want to document the explanation of denial of language assistance services: (1) to show the department made every effort to provide meaningful access when language assistance services were required, and (2) for future planning purposes. For example, if the department has telephonic interpreting services but a request is made in a language that is not available via the contracted vendor, the department would make every effort to respond to the need, and if it was not possible the department would document the inability to meet such request with the currently available resources and to document that moving forward the department would need a vendor who provides such service. Agencies may create mandatory data fields for

LEP, languages spoken and the preferred language for written communication to ensure that all staff collect and input this information. By regularly collecting and updating this data, departments will be able to accurately identify and efficiently address the changing needs of their communities with LEP. See [DOJ Language Access Self-Assessment Tool](#).

<sup>55</sup> Registry of Interpreters for the Deaf, Inc., *Use of a Certified Deaf Interpreter* (1997), <https://www.courts.ca.gov/partners/documents/2011SRL4aDeaf.pdf>.

<sup>56</sup> Southern California Registry of Interpreters for the Deaf, *Deaf Interpreter FAQs*, <https://www.scrid.org/deaf-interpreter-FAQs>.

<sup>57</sup> U.S. Department of Justice, Civil Rights Division, *ADA Requirements: Effective Communication*, <https://www.ada.gov/resources/effective-communication/>.

<sup>58</sup> Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (Jan. 20, 2021), *supra* note 3.

<sup>59</sup> Various legal authorities use the term “individuals with limited English proficiency.” Language access literature recommends terms such as “individuals with a non-English language preference” or “individuals who speak a language other than English.” See Ortega, P., Shin, T.M. & Martínez, G.A. *Rethinking the Term “Limited English Proficiency” to Improve Language-Appropriate Healthcare for All*, *J Immigrant Minority Health* 24, 799–805 (2022), <https://doi.org/10.1007/s10903-021-01257-w>.

<sup>60</sup> For the purposes of this plan, the definition of “program or activity” is identical to that used under the regulations implementing Section 504 of the Rehabilitation Act of 1973: “[A] federally conducted program or activity is, in simple terms, anything a Federal agency does. Aside from employment, there are two major categories of federally conducted programs or activities covered by the regulation: those involving public contact as part of ongoing agency operations and those directly administered by the department for program beneficiaries and participants. Activities in the first part include communication with the public (telephone contacts, office walk-ins, or interviews) and the public’s use of the City’s facilities (cafeteria, library). Activities in the second category include programs that provide Federal services or benefits (immigration activities, operation of the Federal prison system).”

<sup>61</sup> Translation: Federal Agency Translated Taglines, *supra* note 40.

<sup>62</sup> American Translators Association, *Translator vs. Interpreter: What’s the difference?*, <https://www.atanet.org/client-assistance/translator-vs-interpreter/>.

<sup>63</sup> The Civil Rights Division’s Federal Compliance Section (CRT-FCS) is responsible for government-wide coordination with respect to EO 13166, and EO 12250 provides CRT-FCS with the authority to ensure consistent and effective implementation of Title VI, including the protection against national origin discrimination.

<sup>64</sup> This includes: an internal repository of commonly translated documents; a Department-wide translation glossary of common legal terms in the top languages spoken by LEP individuals; standard language assistance notices, flyers, and posters for the City’s departments to use; template web pages or web standards to help departments post translated content for LEP communities; guidance on identifying documents for translation and targeting languages for translation; and translations of the City’s most commonly accessed webpages into Spanish and additional common languages as appropriate.

<sup>65</sup> See [Authority](#) section.

<sup>66</sup> *Id.*

<sup>67</sup> ADA Requirements: Effective Communication, *supra* note 64.