

## SFWIB LIMITED ENGLISH PROFICIENCY POLICY

### I. **OF INTEREST TO**

The Limited English Proficiency Policy should be of interest to members of the South Florida Workforce Investment Board (SFWIB), SFWIB staff, Contractors (Service Providers), Training Vendors, Businesses, customers/job seekers and Employees in Region 23 (Miami-Dade and Monroe counties).

### II. **SUBJECT**

Limited English Proficiency (LEP)

### III. **PURPOSE**

The purpose of Limited English Proficiency (LEP) Policy is to provide all SFWIB stakeholders with parameters in providing guidelines relative to serving Limited English Proficiency (LEP) job seekers in order to ensure they receive an equal opportunity to obtain information, access services and participate in all programs.

### IV. **STATUTORY AUTHORITIES**

Workforce Innovation and Opportunity Act (WIOA), Public Law (Pub. L.) 113-125 enacted July 22, 2014, supersedes Public Law 105-220, Workforce Investment Act of 1998 (WIA)  
Florida Statutes, Title XXXI, Chapter 445, Workforce Innovation Act of 2000  
Title 20 Code of Federal Regulations (Title CFR 20)

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 200d. and Title VI Prohibition against National Origin Discrimination as it affects Persons with Limited English Proficiency

### V. **BACKGROUND**

There are many individuals for whom English is not their primary language. Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the federally funded programs and activities.

Recipients of Federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important government funded services; therefore, language assistance for LEP job seekers is required of entities receiving federal funds.

To ensure compliance, CSSF funded service providers shall adhere to the procedures described herein.

### VI. **DEFINITIONS**

**Job Seeker:** Any person who is eligible for and actually participates in a service provider's program(s) and receives services thereunder.

**Interpretation:** The transfer of a spoken message in one language into a spoken message with the same meaning in another language.

LEP: An acronym for “Limited English Proficiency” or “Limited English Proficient.” When applied to an individual, it means that person, through national origin, does not speak English or speaks English insufficiently to allow meaningful access to services and programs with English speaking providers, thereby depriving the person of an equal opportunity to participate.

LEP Job Seeker: A LEP person who is eligible for, and actually participates in, a provider’s program(s) and receives services thereunder.

LEP Language Group: All LEP job seekers who speak the same language.

LEP Person: A person whose primary language, because of national origin, is non- English speaking, and who does not speak English sufficiently to allow meaningful access to a particular service or program thereby depriving the person of an equal opportunity to participate in that particular service or program.

Service Provider: Any person, entity, corporation, agency or subdivision thereof that, pursuant to agreement or contract, administers programs and/or delivers services funded by the South Florida Workforce.

Translation: The transfer of a written message in one language into a written message (written translation) or into a spoken message (oral translation) with the same meaning in another language.

Vital documents: Documents written with the primary purpose of: 1) describing LEP job seekers’ rights, responsibilities, or benefits; 2) requesting information or a response from LEP job seekers; 3) notifying LEP job seekers of a service provider’s action which may adversely affect them; 4) requiring LEP job seekers’ informed consent or acknowledgement; 5) notifying LEP job seekers of the opportunity for free language assistance.

Vital information: Information describing LEP job seekers’ rights, responsibilities, or benefits; notifying LEP job seekers of a service provider’s action which may adversely affect them or notifying LEP job seekers of the opportunity for free language assistance

## **VII. ELIGIBILITY**

1) At a minimum, LEP job seekers shall be notified, in a language LEP persons will understand, that:

- Upon request, they will be offered language assistance at no cost to the job seekers and
- Vital documents required to receive funded services will be translated at no cost.

2) The staff determining eligibility, the career advisor, or appropriate staff who is the first point of contact with the LEP job seeker, shall complete the “Determination of need for Language Assistance” form, for all job seekers and file at the top of Section I in the case file.

### **VIII. LIMITED ENGLISH PROFICIENCY APPLICATION /AGREEMENT**

Effective methods must be utilized to communicate to LEP job seekers their opportunity to receive language assistance. The service provider must:

- Post and maintain signs in LEP job seekers' language(s) in waiting rooms, reception area and other initial contact points, informing LEP job seekers of their opportunity to free language assistance and inviting LEP job seekers to identify themselves as persons needing such services;
- Use language "identification cards" which allow LEP job seekers to identify their language needs to the provider's staff. The cards will be written in the LEP job seeker's language(s), and placed in initial contact locations. These cards will invite the job seekers to identify, by handing the card to the staff, their preferred language(s).
- Include in brochures, booklets, websites, outreach and recruitment information and other materials routinely disseminated to, or available to, the LEP community, statements in LEP job seekers' languages about their opportunities for free language assistance. Note: any marketing literature must be approved by the CSSF Headquarters.
- Using a telephone voice mail menu. The menu should be in the most common languages encountered. It also must provide information about available language assistance service and how to get them.

To ensure effective delivery of services to LEP job seekers, the service provider should educate staff in public contact positions through training programs which include, but are not limited to:

- Appropriate training in serving LEP job seekers including, but not limited to, educating new employees in LEP policies and procedures, during new employee orientation, but no later than within one-month of their starting date. The CSSF LEP train-the-trainer module must be used.
- Additional training for employees in job seeker contact positions, especially initial contact positions, educating them to work effectively with LEP job seekers, in-person interpreters, telephone interpreters, translators and
- Annual reviews of LEP language assistance practices and procedures, updating staff on more effective ways to serve LEP job seekers and the laws, rules and regulations pertaining to LEP job seekers.
- Maintaining a "training registry" that records the names, dates and type of employee training.

Management staff, even if they do not interact regularly with LEP persons, must be fully aware of and understand the LEP process so they can reinforce its importance and ensure its implementation by staff.

### **IX. GRIEVANCES AND APPEALS**

Grievance procedures shall be made available to LEP job seekers in their language. CSSF will make available Grievance procedures in Spanish and Haitian Creole, the two languages regularly encountered in Miami-Dade and Monroe counties. The need for translation of grievance procedures and other vital documents into other languages will be monitored through the annual assessment.

Each service provider is required to complete the “Limited English Proficiency Survey” form that is used to compile the information required to estimate the number and languages of LEP job seekers. This form must be prepared at the initial point of job seeker contact at each One Stop Career Center, in most cases by the greeter, on an annual basis.

**X. EXCEPTIONS**

Exceptions to this policy, or any part thereof, must be approved in writing by the SFWIB Executive Director.