

# **LANGUAGE ACCESS POLICY – INTERNAL GUIDELINES**

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## **I. PURPOSE AND INTENT**

The Board of Supervisors adopted a resolution (June 27, 2017) seeking to provide meaningful access to County services, programs, benefits, and information to all County residents, regardless of their English language proficiency. The purpose of these guidelines and procedures is to ensure County departments and agencies provide language interpretation services to members of the public with limited English proficiency (LEP). To achieve this, departments must be responsive to the diverse means by which residents communicate with the County and be prepared to offer these services when necessary.

## **II. BACKGROUND**

San Mateo County is linguistically diverse, with nearly half its residents speaking a language other than English at home. Collectively, county residents speak more than 100 different languages from across the world. Other than English, the most prevalent languages spoken are Spanish, Chinese, Tagalog, Russian, and Arabic. To that end, the Board adopted a resolution reaffirming its commitment that all residents have meaningful access to County services, programs, benefits, and information.

Two large County agencies have already developed language access policies that can inform a Countywide policy. In 1999, Behavioral Health and Recovery Services (BHRS) developed a policy to provide services to clients in primary or preferred languages. In 2008, the Human Services Agency (HSA) established a “Language Services Notification” Policy. HSA has also developed helpful internal guidance for employees about accessing interpretation and translation services.

## **III. POLICY**

The Language Access Policy will be supported by three related initiatives: (1) spoken interpretation; (2) written translation; and (3) universal signage and wayfinding. The County, with the support of the Office of Community Affairs, will establish basic guidelines and make resources available to individual departments and agencies. Each department and agency is responsible for utilizing those resources to comply with the County policy of providing meaningful access to resources to LEP residents.

The Office of Community Affairs is responsible for promoting access to County services through the development of appropriate policies and outreach programs that inform and educate LEP residents of such services and to facilitate the inclusion of all residents into the civic, economic, and cultural life of the County.

### **A. Spoken Interpretation**

**Telephone Interpretation Services:** Is an over the phone interpretation service that provides live voice interpretation. When a LEP client arrives in a County department, a staff person will call the language line with their department code for interpretation services. A County staff person will use a telephone to dial the language line, indicate the language needed, and then will pass the telephone back and forth (or will use speakerphone), or may have headphone adapters to have a conversation. There are several benefits to using a language line:

- The service is available anywhere a County employee can use a telephone
- Availability of almost any language

- Ability to request specialized interpretation (e.g., medical terminology)

County departments will have two options for telephone interpretation services: a department may maintain an individual and independent contract for telephone interpretation services; or a department may utilize the County's telephone interpretation services contract. The County will facilitate a one-year pilot countywide contract, with the goal of providing lower cost and a streamlined contracting process. This pilot process will also allow for individual departments to gain a better understanding of their client's needs and evaluate telephone interpretation budget needs in the future.

**Bilingual Staff:** Each department shall create a list or obtain a list from the Human Resources Department of its staff members who are certified by the County as bilingual each year through the Employee Services Agency's certification process. Departments are encouraged to utilize their own certified bilingual staff members, pursuant to all applicable labor agreements, to provide interpretation services when a bilingual staff member is available and doing so will not disrupt County operations. However, departments should not utilize staff members who are not certified by the County. Additionally, employees may not perform interpretation services for which they are not certified.

Bilingual staff are not dedicated interpreters or translators. Thus, County bilingual staff are paid on the normal biweekly basis, not based on their hours of interpretation services. Typically, bilingual staff utilize their skills within their own department—and currently, there is no mechanism to reimburse any cross-department use of bilingual staff.

The County should assess the need for in-person interpretation services across departments. While courts often need in-person interpreters, County departments may find the combination of a telephone interpretation service and existing bilingual staff will meet interpretation needs.

## **B. Document Translation**

Departments will identify documents that need to be translated and provided in multiple languages. The following considerations should inform departments considering what documents require translation:

- The importance of the program, information, encounter, or service
- The consequence to the LEP person if the information is not provided accurately
- The urgency of the program or service

The County has collected countywide demographic data about languages spoken, and departments may rely on that information to prioritize translation into the most prevalent languages (Spanish, Chinese, Tagalog, Russian, and Arabic). However, departments may find their language needs vary from the general population. Therefore, departments must provide translated documents in either

(A) the top three languages or

(B) the department's threshold languages (any language spoken by 3,000 clients or 5% of the client population, whichever is lower).

Departments must ensure all translations are completed by qualified translators.

Similar to interpretation services, the County will facilitate a countywide translation contract that individual departments can utilize—or departments may independently contract their own document translation services.

### **C. Universal Signage and Wayfinding**

Departments with public service areas where members of the public regularly come to conduct business shall post a sign at the service area informing individuals in either (A) the top three languages or (B) the department's threshold languages (any language spoken by 3,000 clients or 5% of the client population, whichever is lower) that, upon request, they may receive language interpretation services free of charge. Public service areas include lobbies, reception areas, and front counters. Additionally, when contacted in person or over the telephone by a member of the public whose English proficiency may be limited, County employees shall inform the individual that, upon request, language interpretation services are available at no cost. Notices and signage may include: (...when a person is comfortable in another language, employees shall inform the individual that...)

- Interactive wayfinding kiosks, computers, or monitors
- Multilingual signs, directions, bulletin boards, etc...
- Multilingual signage or posters in county reception areas.

Universal and functional signage is critical to ensuring visitors to County campuses and buildings can understand and access important services. In addition, it would benefit the County to maintain a consistent visual appearance. A consistent appearance will increase recognition, functionality, and make it easier to maintain fixtures across locations. The objectives of this project are:

- Provide useful navigation tools to help visitors reach their intended destination and provide access to the services they request
- Develop an enhanced and consistent brand and welcoming visitor experience across all County facilities
- Improve access to everyone, including LEP residents
- Develop an affordable wayfinding system
- Establish a cohesive approach to design consultation that includes planning, documentation, management, procurement, and installment.

Feedback will be a critical component of any wayfinding and signage system implemented. Any digital, interactive kiosks or computers should collect analytics and feedback. Departments should be observant and open to feedback from individuals trying to utilize their services.

### **D. Support for County Departments and Staff**

The County will provide Departments with resources to assess the level of language assistance required and will facilitate countywide contracts for interpretation and translation services. Countywide contracts for these services will be available to departments, but they will not be mandatory. Further, for policies and procedures to be effective, departments should take reasonable efforts to ensure new and existing staff members are familiar with:

- the content of the language access policy;
- identifying language access needs; and

- how to provide language assistance services to LEP individuals.

#### **E. Performance Measurement and Evaluation**

The Office of Community Affairs will periodically reassess and, where appropriate, update the language access guidelines to ensure the scope and nature of language assistance services provided reflect updated information on relevant LEP populations, department language assistance needs, changes in technology, and department experience under the plan. Further, each individual department and agency should take reasonable efforts to ensure that its specific language services, directory of translated documents, signs, and web-based services meet current language needs. In addition, each department is responsible certain performance measures.

Performance measures will include the following:

- Utilization of either countywide telephone interpretation services contract or independent contract for departments with public interface.
- Departmental language access policies created and implemented

## Definitions

1. *Direct “In-Language” Communication* – Monolingual communication in a language other than English between a multilingual staff and an LEP individual (e.g., Korean to Korean).
2. *Effective Communication* – Communication sufficient to provide the LEP individual with substantially the same level of access to services received by individuals who are not LEP. For example, staff must take reasonable steps to ensure communication with an LEP individual is as effective as communications with others when providing similar programs and services.
3. *Interpretation* – The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
4. *Language Assistance Services* – Oral and written language services needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by the Department.
5. *Limited English Proficient (LEP) Individuals* – Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).<sup>5</sup>
6. *Meaningful Access* – Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual.<sup>6</sup>
7. *Multilingual staff or employee* – A staff person or employee who has demonstrated proficiency in English and reading, writing, speaking, or understanding at least one other language as authorized by his or her component. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed or inferior as compared to programs or activities provided to English proficient individuals.
8. *Primary Language* – An individual’s primary language is the language in which an individual most effectively communicates.
9. *Program or Activity* – The term “program or activity” and the term “program” mean all of the operations of the Department.<sup>7</sup>
10. *Qualified Translator or Interpreter* – An in-house or contracted translator or interpreter who has demonstrated his or her competence to interpret or translate through court certification or is authorized to do so by contract with the Department or by approval of his or her component.
11. *Sight Translation* – Oral rendering of written text into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.
12. *Translation* – The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
13. *Vital Document* – Paper or electronic written material that contains information that is critical for accessing a component’s program or activities, or is required by law.