

Language Access Plan

**DIVISION OF WORKFORCE DEVELOPMENT AND
ADULT LEARNING**

DIVISION OF UNEMPLOYMENT INSURANCE



2022

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INTRODUCTION

The Office of the Assistant Secretary for the Division of Workforce Development and Adult Learning (DWDAL) at the Maryland Department of Labor (MD Labor) collaboratively developed this Language Access Plan (LAP) with input from MD Labor's Division of Unemployment Insurance (DUI), Local Areas, and MD Labor's Office of Fair Practices (OFP).

This Plan identifies how DWDAL and the statewide network of American Job Centers (AJCs), as well as Maryland's DUI system, are working to ensure and improve service access for Limited English Proficiency (LEP) individuals.

RELEVANT DEFINITIONS AND ACRONYMS

Below is a list of defined terms:

Babel Notice: A short tag line added to a document that advises non-English speakers whom they should contact to receive the information in their preferred language; this notice should briefly explain that the information is important and should include a telephone number or website.

Limited English Proficiency (LEP): Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." These individuals may be entitled language assistance with respect to a particular type of service, benefit, or encounter.¹

Meaningful access: Language assistance provided to individuals that is accurate, timely and effective communication for LEP individuals.

Statutory languages: Languages identified in a particular area that constitute those spoken by 3% or more of the local population.²

Below is a list of commonly referenced acronyms:

AJC – American Job Center

DBM – Department of Budget and Management

DHS – Department of Human Services

DUI – Division of Unemployment Insurance

DWDAL – Division of Workforce Development and Adult Learning

EO – Equal Opportunity

EOO – Equal Opportunity Officer

ESL – English as a Second Language

LAP – Language Access Plan

¹ LEP.gov

² Md. Code Ann., State Gov't. § 10-1103(b)

LDSS – Local Departments of Social Services

LEP – Limited English Proficiency

MD Labor – Maryland Department of Labor

MORA – Maryland Office for Refugees and Asylees (Maryland Department of Human Services)

MWE – Maryland Workforce Exchange

OFP – Office of Fair Practices

RSA – Resource Sharing Agreement

SOP – Standard Operating Procedures

SWOT – Strengths, Weaknesses, Opportunities, and Threats

WIOA – Workforce Innovation and Opportunity Act

BACKGROUND

MD Labor’s OFP (draft) *LEP Plan* was updated in 2017 in accordance with Executive Order 13166 and the U.S. Department of Justice’s Policy Guidance Document “Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons With Limited English Proficiency.” OFP developed the (draft) *LEP Plan* as general guidance for all six Divisions and Commissions (Division of Unemployment Insurance, Division of Occupational and Professional Licensing, Division of Workforce Development and Adult Learning, Division of Labor and Industry, Office of the Commissioner of Financial Regulation, and the Maryland Racing Commission) within MD Labor with the following goal regarding service to this population:

Maryland Labor shall provide quality language assistance services to individuals with limited English proficiency in a timely manner, to ensure meaningful access to programs, services, and activities. The purpose of this LEP Plan is not to create new services but to eliminate or reduce limited English proficiency as a barrier or impediment to accessing Labor’s core services.³

As the State Agency responsible for the implementation of WIOA, MD Labor drafted this LAP in consultation with partners to comply with WIOA Section 188 which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I financially assisted program or activity.⁴

³ Maryland Department of Labor. (Draft) *LEP Plan*. 2017.

⁴ 29 C.F.R. 38.25(a)(1)(A).

Additionally, the Maryland Legislature has enacted the “Equal Access to Public Services for Individuals with Limited English Proficiency” statute, prompting the development of this LAP:

The General Assembly finds that the inability to speak, understand, or read the English language is a barrier that prevents access to public services provided by State departments, agencies, and programs, and that the public services available through these entities are essential to the welfare of Maryland residents. It is the policy of the State that State departments, agencies, and programs shall provide equal access to public services for individuals with limited English proficiency.⁵

As a note, this document does not cover American Sign Language. For more information on communication access resources, please visit:

https://odhh.maryland.gov/communication_access/

PURPOSE

MD Labor is working diligently to prioritize customers with barriers to employment and recognizes room for improvement in services to the LEP population. The dual purpose of this LAP is 1) to share current DWDAL and DUI resources and practices to serve LEP individuals, and 2) to identify future strategies to enhance service delivery to LEP customers pursuant to the OFP (draft) *LEP Plan*, Maryland statute, and WIOA. This Plan aligns with Governor Larry Hogan’s strategic vision of “changing Maryland for the better” by offering strategies to improve service to adult learners, claimants, employers, and jobseekers. Implementation of this LAP will improve the quality of life for a population facing challenging barriers to employment and education.

This LAP serves as DWDAL’s and DUI’s response to OFP’s (draft) *LEP Plan* and will outline provisions for the following seven required Division-level activities related to LEP service:

- a. Perform a needs and capacity assessment;
- b. Arrange for oral language assistance, as appropriate;
- c. Translate vital documents into languages other than English;
- d. Provide notification to customers of the availability of language assistance services;
- e. Develop written guidelines and procedures for delivering LEP services;
- f. Monitor access to language assistance; and,
- g. Train front-line and managerial staff.

⁵ Md. Code Ann., State Gov’t. § 10-1101.

This plan is not intended to create new services, but rather to refine and strengthen those that already exist in order to seamlessly integrate the LEP population into Maryland's workforce system.

A group of relevant stakeholders and subject matter experts will review and update the LAP biennially. Additionally, it will be distributed for public comment, allowing stakeholders the opportunity to review and provide input.

DIVISION ROLES

Division of Workforce Development and Adult Learning

DWDAL coordinates job seeker, business, and adult learning services as part of the implementation of WIOA. Signed into law on July 22, 2014, WIOA went into effect on July 1, 2015. It envisions connecting businesses with job seekers through meaningful partnerships among workforce, education, human services, and economic development entities to ensure optimum results and leveraging of resources. The law addresses the needs of jobseekers by establishing a workforce system that helps them access employment, education, training, and support services to succeed in the labor market. DWDAL funds business-driven solutions for workforce, oversees the efficient operation of Maryland's AJC locations, and administers WIOA Title I, Title II, and Title III programs. Additionally, the Division provides guidance to Maryland's Local Areas.

DWDAL routinely serves Maryland's linguistically diverse population through WIOA Title I, Title II, and Title III programs. Data available in the Maryland Workforce Exchange (MWE) for Title I and Title III, shows that in Fiscal Year (FY) 2021, 1,582 users reported their native language being a language other than English. Montgomery County and Prince George's County served the most customers whose native language is not English. For FY 2021 there were 8,555 English Language Learners enrolled in Title II Adult Education programs including in English Language Acquisition, Adult Basic Education, Integrated English Literacy and Civics Education, and Integrated Education and Training programs. English as a Second Language (ESL) classes are available at multiple MD Labor-funded adult education sites around the State. Additionally, DWDAL serves the diverse incarcerated population in Maryland through the Correctional Education Program that provides academic, vocational, and/or transitional instruction at certain sites. A number of these sites offer ESL classes.

DWDAL will be responsible for adhering to the provisions outlined in this LAP pursuant to WIOA Section 188, Md. Code Ann., State Gov't. §§ 10-1101 - 10-1103, and OFP's (draft) *LEP Plan* in its services to job seekers, adult education students, and businesses. WIOA Title I, II, and III sites and staff and grantees will be responsible for implementing the strategies to enhance services

to the LEP population.

DWDAL's website can be accessed here: <http://labor.maryland.gov/employment/>

Division of Unemployment Insurance (DUI)

MD Labor's DUI provides benefits to those who are unemployed through no fault of their own and who are ready, willing, and able to work. The money for unemployment insurance benefits comes from contributions paid by employers. Customers can learn about unemployment benefits and employer contributions by visiting the Division's website below. In addition, claimants can call the Claim Center line at 667-207-6520, and employers can call the Employer Call Center line at 410-949-0033.

As with DWDAL, DUI regularly serves Maryland's LEP population and sees a high demand for services in Spanish. The Division has taken many steps to ensure excellent customer service delivery to this population, including offering interpreters at the College Park Claim Center. Additionally, DUI utilizes telephone interpretation services to assist claimants and customers who speak all languages. DUI will be responsible for adhering to the provisions outlined in this LAP pursuant to Md. Code Ann., State Gov't. §§ 10-1101 - 10-1103 and OFP's (draft) *LEP Plan* in service to DUI customers, claimants, and employers.

DUI's website can be accessed at:

<http://labor.maryland.gov/employment/unemployment.shtml>

STAKEHOLDER CONSULTATION

Various offices and individuals within MD Labor provided input on this LAP. The original LAP, issued in January 2018, was informed by meetings and interviews with relevant staff.

Contributing staff to the LAP 2022 update included:

- Assistant Secretary, DWDAL; Jim Rzepkowski
- Deputy Assistant Secretary, DWDAL; Erin Roth
- Assistant Attorney General; Leza Griffith
- Director of Policy, DWDAL; Lauren Gilwee
- Director Office of Workforce Development, DWDAL; Lloyd Day
- Director, Office of Fair Practices; Yvette Dickens
- Former Policy Analyst, DWDAL; Natalie Clements
- Policy Analyst, DWDAL; Dylan McDonough
- Monitoring and Compliance Manager, DWDAL; Tanya Washington
- Former New Americans Initiative Coordinator, DWDAL; Eun Young Hong
- New Americans Initiative Coordinator, DWDAL; Joana Winningham

- Former Special Assistant, New Americans Initiative; Alexis Stone
- Special Assistant to the Office of the Assistant Secretary, DWDAL; Ellie Marts
- Reemployment Opportunity Workshop Facilitator, DWDAL; Vionnette M. Velez
- State Rural Service Coordinator, DWDAL; Norton Pereira
- Labor Exchange Administrator for the Lower shore (Wicomico, Somerset and Worcester counties), DWDAL; Francisco J. Vega
- Former Labor Exchange Administrator for Fredrick County, DWDAL; Charles Hunt
- Labor Exchange Administrator for Baltimore County, DWDAL; Cynthia Etheridge
- Labor Exchange Administrator for Howard and Carroll Counties, DWDAL; Julia Givens
- Former Chief of Adult Instructional Services, DWDAL; Ellen Beattie
- Chief, Adult Instructional Services, DWDAL; Douglas Weimer
- Director of Policy and Communications, DUI; Barbara Bernstein
- DUI Law and Document Librarian, DUI; Imani Nickens
- Equal Employment Opportunity Specialist, OFP; Robert Goodman
- Former Equal Employment Opportunity Specialist, OFP; Andrea Somerville

Additionally, the LAP was shared with relevant stakeholders and posted for a two-week public comment period. Relevant stakeholders included staff from the WIOA Alignment Group, including AJCs, Local Areas, Maryland Department of Housing and Community Development, Maryland's Department of Human Services (DHS), Local Departments of Social Services (LDSS), the Maryland State Department of Education's (MSDE) Division of Rehabilitation Services (DORS), MSDE's Division of Career and College Readiness, as well as WIOA Title II adult education providers and members of the Skilled Immigrant Task Force, a group co-sponsored by DWDAL and the Maryland Office for Refugees and Asylees (MORA).

CURRENT DATA AND PRACTICES

This section of the LAP will serve as a report on current data, resources, points of contact, and practices utilized by DWDAL and DUI to provide equitable access to LEP customers.

Language Diversity in Maryland

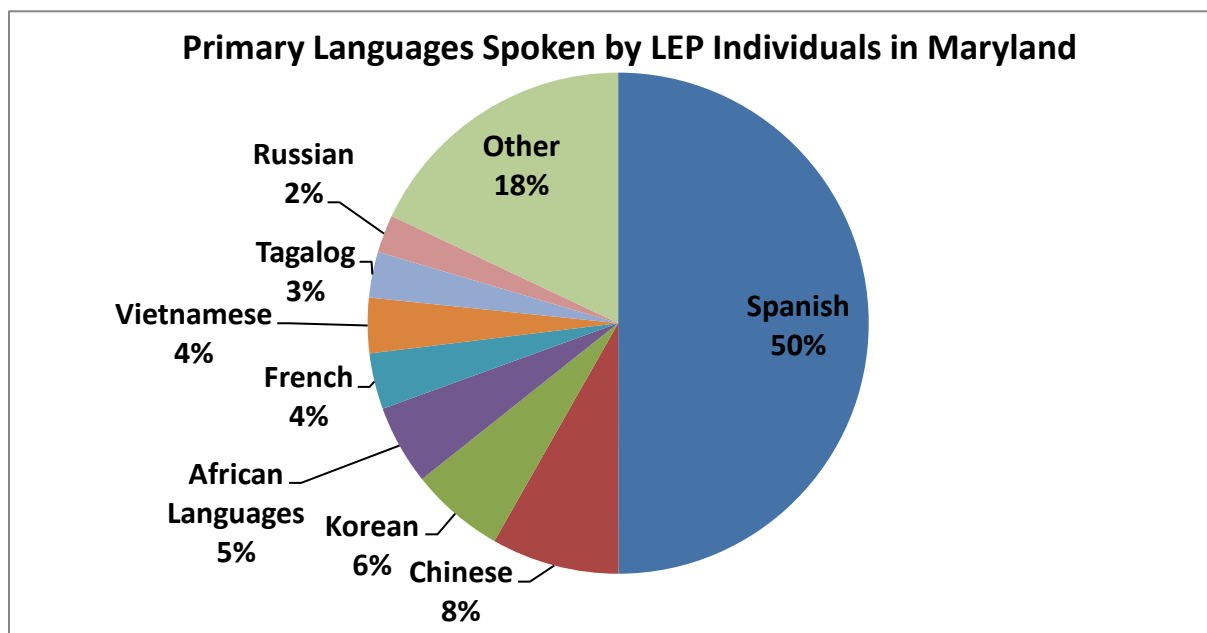
According to the 2020 Decennial Census, Maryland is home to 6,177,244 residents.⁶ Of the statewide population age five or older, 19 percent report that they speak a language other than English at home and 7.3⁷ percent report speaking English less than "very well." Additionally, the Census Bureau reports that, of the 922,547 foreign born persons in Maryland of the age of five

⁶ The Census Bureau; 2020 Decennial Census

⁷ The Census Bureau; American Community Survey 2019 1-Year Estimates

or older, 81.1 percent speak a language other than English and 39.5 percent report speaking English less than “very well.”⁸

The graphic below represents the eight identified non-English languages or language clusters spoken by *2 percent or more* of LEP Marylanders. The “Other” category represents languages spoken by *less than 2 percent* of Maryland’s LEP population. This includes Indic languages, Asian languages, Urdu, Persian, Portuguese, Gujarati, French Creole, Arabic, German, Hindi, Greek, Indo-European languages, Italian, Japanese, Thai, Slavic languages, Pacific Islander languages, Polish, Mon-Khmer, Hebrew, Serbo-Croatian, and Hungarian.⁸ These languages and language groups show a great deal of language diversity throughout Maryland.



Points of Contact with Customer Population

DWDAL and DUI have contact with LEP customers, students, and jobseekers at the statewide locations detailed below.

Customers are served at AJCs located throughout Local Areas. Information about the AJCs is available online at: <http://labor.maryland.gov/county/>.

WIOA Title II Adult Education grantee sites offer ESL classes, along with other adult education programs. Information about these sites is available online at:

⁸ Migration Policy Institute from the U.S. Census Bureau’s pooled 2009-2013 American Community Survey, Table B16001 “Languages Spoken at Home by Ability to Speak English for Populations 5 Years and Over.”

<http://labor.maryland.gov/gedmd/programs.shtml>.

Correctional education is provided to inmates throughout the state. More information about correctional education is online at: <http://labor.maryland.gov/ce/>.

DUI serves customers at claims and appeals centers. Customers can find information about unemployment insurance online at:

<http://labor.maryland.gov/employment/unemployment.shtml>. Customers can also speak to a live agent by calling our Claim Center line at 667-207-6520 during normal business hours.

Information about the Appeals Division can be found online at:

<http://labor.maryland.gov/uiappeals/>.

Office of Fair Practices (OFP)

MD Labor's OFP is responsible for overall compliance regarding equal opportunity (EO) and nondiscrimination matters. OFP provides technical assistance and professional development opportunities. Additionally, this Office oversees the receipt and resolution of EO complaints related to all programs, activities, and services conducted by or through MD Labor.

OFP's website serves as a repository of relevant information, including EO federal guidelines, state policies, and information regarding LEP. OFP's website can be found at:

<https://labor.maryland.gov/oeope/>

Language Resources Available at DWDAL and DUI

1. Office of Fair Practices "Equal Opportunity is the Law" in Spanish:
<https://labor.maryland.gov/oeope/equalssp.shtml>
2. Maryland Department of Budget and Management's (DBM) Statewide Foreign Language Interpretation/Translation Services (FLITS) webpage:
<https://dbm.maryland.gov/contracts/Pages/statewide-contracts/LanguageContractHome.aspx>
 - a. State of Maryland contractor for over-the-phone interpretation services (oral):
<https://languageline.com/state-of-maryland>
 - b. State of Maryland contractor for in-person interpretation services (oral):
<https://secure.scheduleinterpreter.com/ad-astra/cgi-bin/dna.cgi?action=loginForm>⁹

⁹ After creating an account, the link can be used to submit online requests for in-person interpretation services. Instructions to set up a user account are located on page 19 of this Plan, *Certified In-person Interpretation*.

- c. State of Maryland contractor for translations services (written):
<https://adastra.plunet.com/pagesUTF8/login.jsp>¹⁰
3. DWDAL homepage with information available in English and Spanish and embedded Google Translate tool: <https://labor.maryland.gov/employment/#es>
4. The Maryland Workforce Exchange website is available in multiple languages:
- | | | |
|-------------------------|-------------------|---------------|
| a. Catalan | i. Haitian Creole | q. Portuguese |
| b. Chinese (simplified) | j. Hungarian | r. Slovak |
| c. Czech | k. Irish | s. Spanish |
| d. Danish | l. Italian | t. Swedish |
| e. Dutch | m. Korean | u. Vietnamese |
| f. Filipino | n. Kurdish | v. Welsh |
| g. French | o. Norwegian | |
| h. German | p. Polish | |

Customers can select any language option when registering online:

<https://mwejobs.maryland.gov/vosnet/Default.aspx>



5. DWDAL-sponsored ESL class interactive locator, organized by county and Local Areas:
<https://labor.maryland.gov/gedmd/programs.shtml>
6. Literacy, Adult and Community Education System (LACES) forms are available in multiple languages for use by Adult Education Providers:
<https://www.labor.maryland.gov/gedmd/resources.shtml>
- | | | |
|------------|-------------------|---------------|
| a. Amharic | e. Haitian Creole | i. Spanish |
| b. Arabic | f. Korean | j. Tagalog |
| c. Chinese | g. Portuguese | k. Vietnamese |
| d. French | h. Russian | |

¹⁰ After creating an account, the link can be used to submit online requests for translation services. Instructions to set up a user account are located on page 22 of this Plan, *Translation Services*.

7. DUI “Ayuda en Español” for general information and contacts:

<https://labor.maryland.gov/spanish/desempleo.shtml>

8. AICs use “I Speak” cards and/or posters, which allow LEP customers to self-select their preferred language (sample excerpts are represented below):

2004 Census Test	LANGUAGE IDENTIFICATION FLASHCARD	2010 Census
<input type="checkbox"/>	هذه علامة في هذا المربع إذا كنت تتحدث العربية.	1. Arabic
<input type="checkbox"/>	Ինչպե՞ս է մեր լեզունը հայերենը կամ արևելահայերենը:	2. Armenian
<input type="checkbox"/>	কোন ভাষায় কথা বলছেন বা জানেন তা লিখুন।	3. Bengali
<input type="checkbox"/>	සිංහලයින්/සිංහලය: සිංහලය ප්‍රධාන භාෂාව දී ය.	4. Cambodian
<input type="checkbox"/>	Miika i kahoon ya yangin tingtingan/ manatay pat tingtingan/ Lunemo Chamorro.	5. Chamorro
<input type="checkbox"/>	如果您能讲中文或说中文，请选择此框。	6. Simplified Chinese
<input type="checkbox"/>	如果您能讲中文或说中文，请选择此框。	7. Traditional Chinese
<input type="checkbox"/>	Omache ovij kradatić ako želite ili govornje hrvatski jezik.	8. Croatian



<https://lep.gov/ISpeakCards2004.pdf>

9. The MD Labor website has an embedded Google Translate tool in the upper right-hand corner with more than 100 languages: <https://labor.maryland.gov>



10. A Financial Resource Guide created by the Skilled Immigrant Task Force is available in the following languages:

<https://www.labor.maryland.gov/employment/skilledimmigrant.shtml>

- | | | |
|------------|------------|---------------|
| a. Amharic | e. Korean | i. Tagalog |
| b. Chinese | f. Pashto | j. Tigrinya |
| c. Dari | g. Spanish | k. Vietnamese |
| d. French | h. Swahili | |

11. Registered Apprenticeship Brochures are available in the following languages on the New Americans homepage under the Jobs section:

<https://www.labor.maryland.gov/employment/newamerjobs.shtml>

- | | | |
|------------|-----------|------------|
| a. Amharic | e. Korean | i. Swahili |
|------------|-----------|------------|

- | | | |
|------------|------------|---------------|
| b. Chinese | f. Pashto | j. Tagalog |
| c. Dari | g. Russian | k. Tigrinya |
| d. French | h. Spanish | l. Vietnamese |

Maryland's Skilled Immigrant Task Force



Created in June 2016, the Skilled Immigrant Task Force (Task Force) addresses workforce-related issues that prevent foreign-trained immigrants from securing jobs in their professional fields. As part of its mission and goals, the Task Force explores the challenges associated with LEP and works to develop strategies in order to reduce barriers to employment. This robust network of multi-sector stakeholders is co-sponsored by two State agencies: DHS and MD Labor. Other groups represented include AJCs, community colleges, LDSS, and immigrant-serving organizations. Additional information on the Task Force can be found online at:

<https://labor.maryland.gov/employment/skilledimmigrant.shtml>

LANGUAGE ACCESS PROVISION

The State of Maryland and MD Labor are committed to providing excellent customer service to all who live and work in the State. The target populations impacted by this LAP are the LEP individuals served by DWDAL (WIOA Title I, II, and III) and DUI. In order to deliver quality and equitable service to LEP Marylanders, in compliance with the MD Labor OFP, Maryland laws, and WIOA, DWDAL, DUI, and grantees will address the following:

- a. Perform a needs and capacity assessment regarding service to LEP customers;
- b. Provide strategies for providing oral interpretation;
- c. Identify and translate vital documents into languages other than English;
- d. Identify LEP Status and inform customers/students of the availability of language assistance services, including through the use of Babel Notices;
- e. Develop written guidelines and procedures for delivering LEP services;
- f. Monitor access to language assistance;
- g. Train staff regarding techniques and assistive technologies to enhance customer service to the Maryland LEP population;
- h. Collect participant data pertaining to LEP status;
- i. Identify a Language Access Coordinator; and,
- j. Allocate resources to implement this LAP.

This section of the LAP describes how DWDAL and DUI implement and monitor the provisions

listed above. The Divisions will review and update the Plan biennially and it will be subject to continual assessment and revision.

Needs and Capacity Assessment

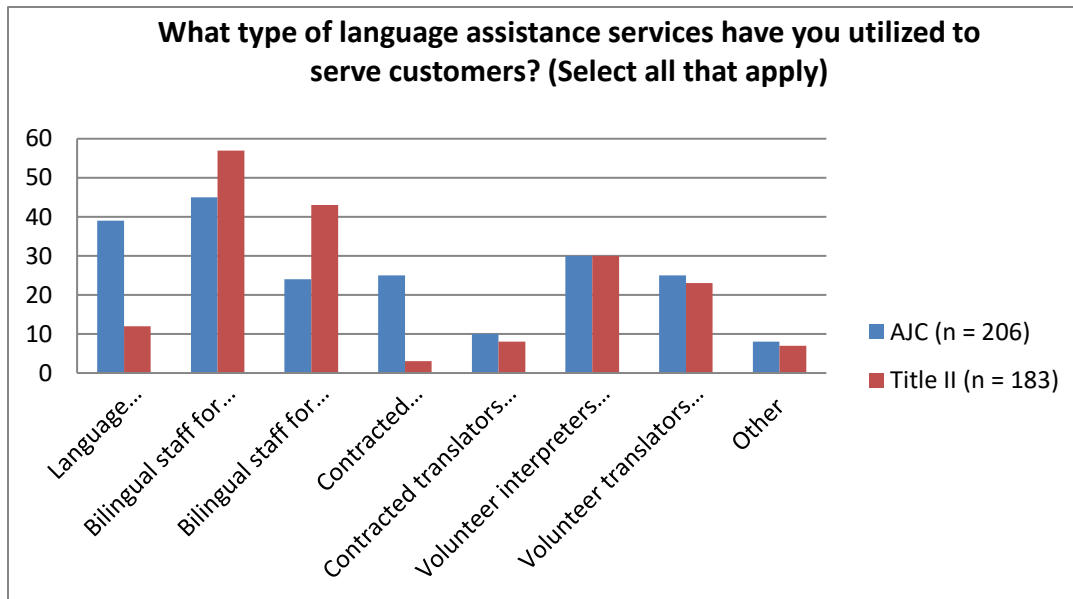
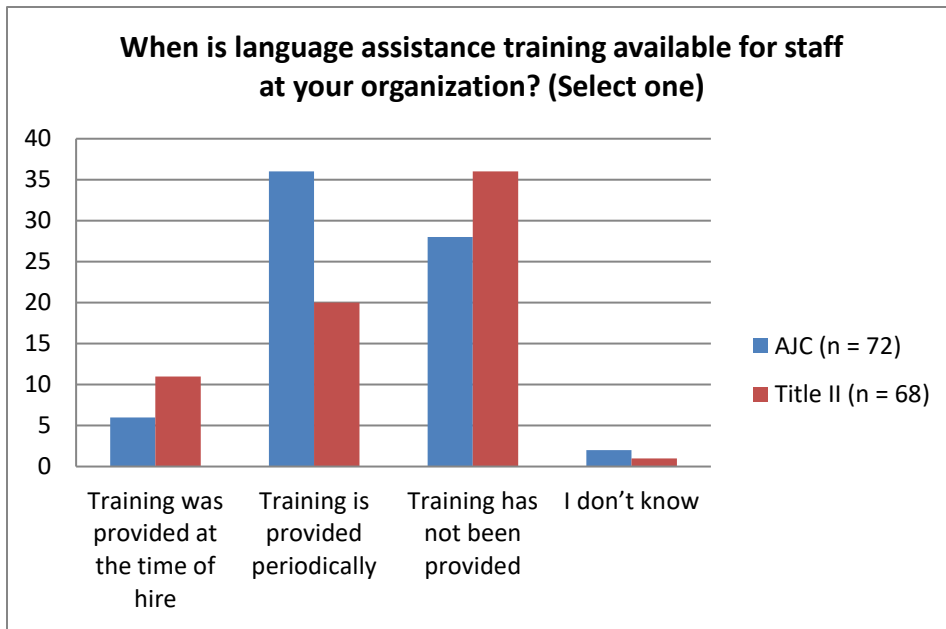
The Skilled Immigrant Task Force’s *Capacity Building and Best Practices* subcommittee conducted a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis of language access and services among WIOA network partners in 2017. This analysis led to the creation and distribution of a workforce system survey that assessed the capacity of DWDAL offices and staff to serve those with limited English proficiency. With guidance from the “Language Access Assessment” created by the U.S. Department of Justice’s Civil Rights Division, DWDAL drafted and disseminated the *Workforce System Survey: Serving Limited English Proficiency (LEP) Individuals and Skilled Immigrants* in August 2017.

This assessment tool was distributed to leadership and frontline staff at the AJCs, LDSS, Title II adult education sites, and DORS. There were 427 responses statewide.

Survey items related to language access and service to LEP customers included:

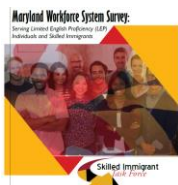
- How does your agency identify LEP individuals?
- How do LEP individuals report hearing about your organization and services?
- If you collect and record primary language data from individuals, where is the information stored?
- Identify non-English languages encountered at your organization or site.
- What type of language assistance services have you utilized to serve customers?
- When is language assistance training available for staff at your organization?
- What outreach does your organization currently conduct to engage LEP individuals and immigrant communities in services?
- What resources have you used to serve LEP individuals?
- Do you feel equipped with the skills and tools necessary to guide an LEP individual through the process of finding a job?
- In what ways do you think your organization could enhance service for LEP individuals?
- What training or technical assistance do you require in order to improve service to LEP individuals in Maryland’s workforce system?

Information from the survey informed the LAP and revealed a great deal about the capacity of the current network to serve the LEP population. The following graphs serve as an example of figures obtained regarding staff capacity at AJCs and WIOA Title II sites only.



Results of this capacity assessment will drive future staff training and the creation of technical assistance opportunities. MD Labor aims to conduct another language capacity assessment in 2023.

The survey is available online:



<https://www.labor.maryland.gov/employment/wdskilledimmigrantsurvey.pdf>

Oral Interpretation Services

LEP.gov uses language from a Supreme Court decision to define “interpretation” as “the ordinary or common meaning of ‘interpreter’ does not include those who translate writings. Instead, we find that an interpreter is normally understood as one who translates orally from one language to another.”¹¹ It is strictly a communication strategy and does not extend to consultation or legal advice.

Oral interpretation services **must** be available to LEP customers in a reasonable amount of time and may be provided over the telephone or in-person. “Reasonableness” is determined based on the urgency of the service inquiry. Providers should consider the nature of access, customer requests, geographic constraints, and the terms of vendor contracts¹² when determining how and when services are delivered.

29 C.F.R. § 38.9(f) provides for requirements that recipients (WIOA Title I-financially assisted programs and activities) must follow when interacting with LEPs:

- (1) *A recipient shall not require an LEP individual to provide their own interpreter;*
- (2) *A recipient also shall not rely on an LEP individual's minor child or adult family or friend(s) to interpret or facilitate communication, except:*
 - (i) *An LEP individual's minor child or adult family or friend(s) may interpret or facilitate communication in emergency situations while awaiting a qualified interpreter; or*
 - (ii) *The accompanying adult (but not minor child) may interpret or facilitate communication when the information conveyed is of minimal importance to the services to be provided or when the LEP individual specifically requests that the accompanying adult provide language assistance, the accompanying adult agrees to provide assistance, and reliance on that adult for such assistance is appropriate under the circumstances. When the recipient permits the accompanying adult to provide such assistance, it must make and retain a record of the LEP individual's decision to use their own interpreter.*
- (3) *Where precise, complete, and accurate interpretations or translation of information and/or testimony are critical for adjudicatory or legal reasons, or where the competency of the interpreter requested by the LEP individual is not established, a recipient may decide to provide its own, independent interpreter, even if an LEP individual wants to use their own interpreter as well.*¹³

Maryland law defines oral language services to include “various methods to provide verbal

¹¹ *Taniguchi v Kan Pac. Saipan, Ltd*, 132 S. Ct. 1997, 2003-04 (May 21, 2012). [Lep.gov](http://lep.gov)

¹² DBM’s Foreign Language Interpretation/Translation Services vendor contract defines covered core languages, telephone interpretation availability, critical services, and required contractor notice timelines. The contract is available here: <https://dbm.maryland.gov/contracts/Pages/contract-library/Services/Language2019.aspx>

¹³ 29 C.F.R. § 38.9 (f)

information and interpretation such as staff interpreters, bilingual staff, telephone interpreter programs, and private interpreter programs.”¹⁴ The statute also stipulates that oral language services must be delivered on-site for those in frequent contact with a service provider:

*Reasonable steps to provide equal access to public services include: 1) the provision of oral language services for individuals with limited English proficiency, which must be through face-to-face, in-house oral language services if contact between the agency and individuals with limited English proficiency is on a weekly or more frequent basis.*¹⁵

29 C.F.R. § 38.9 provides that reasonable steps must be taken to ensure meaningful access for LEP individuals under WIOA programs. This can include in-person or telephone interpretation for non-English languages.¹⁶

Pursuant to the law and guidance detailed above, DWDAL, DUI, and grantees will arrange for oral language assistance by utilizing the following three strategies:

- Multilingual staff or volunteers;
- Telephone interpretation services; and,
- Certified in-person interpreters.

Financial provisions to cover these services will be reflected in applicable DWDAL and DUI budgets, Memoranda of Understanding, and Resource Sharing Agreements (RSAs). Assessing the competency of State of Maryland interpretation and translation contractors will be the responsibility of DBM. DWDAL and DUI will rely on that Agency’s assessment.

Multilingual Staff or Volunteers

Areas of the State with particularly dense populations of LEP individuals may employ staff fluent in the native languages of nearby residents. To accurately determine languages spoken in a particular Local Area, both AJC and WIOA Title II staff will utilize U.S. Census data or information from the American Community Survey.

Since DUI claimant services are primarily delivered over the telephone, this Division has opted to strategically position multilingual staff in the College Park Claim Center and route all calls requiring interpretation to that site. The predominant language needed is Spanish.

DWDAL, DUI, and grantee staff may also opt to utilize volunteer interpreters for large gatherings such as job fairs or mass registration events. Volunteers should have a strong command of oral language but do not need to be certified interpreters. These individuals must

¹⁴ Md. Code Ann., State Gov’t. § 10-1102 (d).

¹⁵ Md. Code Ann., State Gov’t. § 10-1103(b)(1).

¹⁶ 29 C.F.R. § 38.9 (b)(2)(ii)

not assist with completing formal paperwork or registrations that require a signature but can assist with supporting the flow of services. A qualified interpreter is required when a customer or student is receiving vital information and/or signing vital documents. A qualified interpreter can be defined as an individual who has demonstrated proficient language skills through substantial experience in interpretation and/or the completion of an external interpretation training program.

Pursuant to 29 C.F.R. § 38.9 (f)(2)(ii), volunteers provided by an LEP individual, such as an accompanying adult (but not a minor child), may only assist with the completion of formal documents after the customer has been offered and declined alternative assistance. Title I staff must record and retain evidence of the customer's decision to decline the assistance of a certified interpreter.¹⁷

Telephone Interpretation Services



<https://languageline.com/>

Telephone interpretation services allow staff to serve a customer through the assistance of an external, third-party interpreter. Staff can speak to the customer in English over the telephone and the interpreter relays the staff's speech back to a client in their preferred language.

The State of Maryland contracts with Language Line Solutions (Language Line) to provide telephone interpretation services. Local Areas and DUI may access this provider under the State's vendor agreement. Title I sites are permitted to utilize the State's Language Line contract, should they choose, but must obtain their own account and billing codes and explicitly mention usage in their WIOA RSA.¹⁸ Adult education providers under Title II may choose their own vendor or can utilize the State's Language Line contract, but must also obtain their own account and billing codes. State staff must use the State's Language Line contract and can request their client ID# and access code from the appropriate Language Access Coordinator (see page 26).

Language Line is available 24 hours a day, 365 days a year, and has a repertoire of 240 languages. The number to call for interpretation services is 1-866-874-3972. State staff utilizing Language Line should contact the appropriate Language Access Coordinator (identified on page 26) for the proper client ID# and access code to ensure accurate billing. Title I and Title II sites wishing to initiate services under this DBM contract should contact their DWDAL or DUI

¹⁷ 29 C.F.R. § 38.9 (f)(2)(ii)

¹⁸ WIOA Memoranda of Understanding & RSAs <https://labor.maryland.gov/employment/mpi/mpi4-21.pdf>

Language Access Coordinator (identified on page 26) for details.

More information about this provider is available at <https://languageline.com/> and on DBM's Statewide Foreign Language Interpretation/Translation Services site on page 10 of this Plan.¹⁹

Certified In-Person Interpreters



<http://ad-astrainc.com/>

In-person interpretation is a real-time, face-to-face oral interpretation service option that allows customers to receive information in their preferred language incorporated with cultural and syntactic context. Service is delivered on site by a certified interpreter.

The State of Maryland contracts with Ad Astra, Inc. (Ad Astra) to provide this service. Local Areas and DUI may access this provider under the State's vendor agreement. As with telephone interpretation services, Title I sites are permitted to utilize the State's Ad Astra contract, should they choose, but must obtain their own account and billing codes and explicitly mention usage in their WIOA RSA. Title II adult education providers can choose their own vendor or utilize the State's Ad Astra contract, but must also obtain their own account and billing codes. State staff must use the State's Ad Astra contract. Staff using the State's contract must obtain their own account and billing code.

Ad Astra is located in Silver Spring, Maryland and offers on-site interpretation services in over 250 languages. To set up a user account or schedule an in-person interpreter, email interpreting@ad-astrainc.com or call 301-408-4242 (choose option 2). Sites wishing to initiate services under this DBM contract should contact their DWDAL or DUI Language Access Coordinator (identified on page 26) for details.

More information about this provider is available at <http://ad-astrainc.com/> and on DBM's Statewide Foreign Language Interpretation/Translation Services site listed on page 10 of this Plan.

¹⁹ Section 1.28 of the Statewide Contracts for Foreign Language Services permits Maryland county, municipal and other non-state governments, government and not for profit organizations to purchase services at the same prices, terms and conditions agreed to by the contractors under the Statewide contract. See the contract for additional details. <https://dbm.maryland.gov/contracts/Documents/StatewideContracts/ForeignLanguageServices/overviewcontractservices2019.pdf>

Vital Documents Translation

Definitions and Explanations

To ensure equal access to services and information, vital documents must be translated and made available to LEP customers. To differentiate from “interpretation,” note that “translation” refers to written and print items, including online content.

MD Labor’s OFP offers guidance on “vital documents” in the Agency’s (draft) *LEP Plan* as the following:

“Vital documents” are documents that convey information that critically affects the ability of the program recipient to make decisions about his or her participation in the program. Vital documents include applications, public notices, consent forms, letters containing important information regarding participation in a program, eligibility rules, notices pertaining to the reduction, denial, or termination of benefits, right to appeal, notices advising of the availability of language assistance, and outreach and community education materials.

While this list of documents is extensive, it should be noted that it is *not* comprehensive and may not align with items independently developed and utilized by various Local Areas, adult education Title II sites, or DUI Claim Centers. Staff should exercise professional and critical judgment when determining if something is a “vital document” and consult the appropriate Language Access Coordinator (see page 26) for clarification as necessary. Additionally, Local Area staff should consider if any of their correspondence with LEP business owners require translation.

Maryland Code defines “vital documents” as “all applications or informational materials, notices, and complaint forms offered by State departments, agencies, and programs.”²⁰ The law further explains the standard for required written translation as:

*Reasonable steps to provide equal access to public services include...the translation of vital documents ordinarily provided to the public into any language spoken by any limited English proficient population that constitutes 3% of the overall population within the geographic area served by a local office of a State program as measured by the United States Census.*²¹

WIOA regulations also provide the following:

(g) With regard to vital information:

(1) For languages spoken by a significant number or portion of the population

²⁰ Md. Code Ann., State Gov’t. § 10-1102 (f)(1).

²¹ Md. Code Ann., State Gov’t. § 10-1103 (b)(2)(i).

eligible to be served, or likely to be encountered, a recipient must translate vital information in written materials into these languages and make the translations readily available in hard copy, upon request, or electronically such as on a Web site. Written training materials offered or used within employment-related training programs as defined under § 38.4(t) are excluded from these translation requirements. However, recipients must take reasonable steps to ensure meaningful access as stated in § 38.9(b).

(2) For languages not spoken by a significant number or portion of the population eligible to be served, or likely to be encountered, a recipient must take reasonable steps to meet the particularized language needs of LEP individuals who seek to learn about, participate in, and/or access the aid, benefit, service, or training that the recipient provides. Vital information may be conveyed orally if not translated.²²

Local Areas, Title II, Title III and DUI must adhere to State law regarding LEP populations for which vital document translation is necessary (languages of 3 percent or more of the geographic area) and *OFF's (draft) LEP Plan* for suggestions as to what constitutes a "vital document."

Maryland law also requires equal access to website content requiring that all web content should be available in any language that is spoken by any LEP population that constitutes at least 0.5 percent of the *overall* state population, according to the most recent U.S. Census.²³ According to figures from the U.S. Census Bureau's American Community Survey (2019-2020), Spanish, Hindi, Mandarin, Tagalog and Korean are the only languages in Maryland that currently meet this requirement.²⁴ Some State agencies have opted to translate web content or embed tools, such as Google Translate, on their sites to increase accessibility. MD Labor's website has the Google Translate feature available for all webpages.

Identification and Determination Procedures

In order to serve LEP customers equitably, DWDAL and DUI staff shall adhere to the following five-step process for document translation:

1. Identify vital documents for an office, giving consideration to documents that are signed, collected/retained, or shared publicly;
2. Identify the languages spoken by the LEP population of a geographic area. (Local Areas should use their county or counties; Title II adult education sites are encouraged to consider the student population served in ESL courses; and DUI should follow the

²² 29 C.F.R. § 38.9 (g)(1-2)

²³ Md. Code Ann., State Gov't. § 10-1105.

²⁴ U.S. Census Bureau's American Community Survey (2019-2020)

regions that align with their Claim Centers) using U.S. Census data in comparison to the overall population of that region;

3. From the data collected in step 2, determine an area's "statutory languages" and target them for vital document translation ("statutory languages" are those identified in a particular area that constitute languages spoken by 3 percent or more of the population in the geographic area);
4. Order translation of vital documents into the statutory languages (multilingual staff cannot be used to translate vital documents, but may review them for accuracy); and,
5. Disseminate and post material in accordance with the notification requirements of language service provisions (see *Identifying LEP Status and Notification of Language Assistance Services* section on page 23).

It is important to note that Maryland is a linguistically diverse state, with a varied LEP population. Some regions may follow the above outlined procedure and determine that there are no statutory languages in an area.

It is strongly recommended that all sites consider the language needs of their customer or student populations and offer translated vital documents for the populations exceeding three percent of their total participant population.

Regardless of the variety or volume of languages present in a given region, all written material should be initially drafted in language that is clear and easy for a broad audience to read and understand. Local Areas and DUI staff are encouraged to collaborate with WIOA Title II providers should they need assistance drafting documents that are accessible to those with low levels of English literacy.

Translation Services



<http://ad-astrainc.com/>

The State of Maryland contracts with Ad Astra to provide written translation services. Local Areas and DUI may access this provider under the State's vendor agreement. Should sites opt to procure their own translation technologies, they will be responsible for verifying that these services are compliant with this Plan. As with telephone and in-person interpretation services, Title I sites are permitted to utilize the State's Ad Astra translation contract, should they choose, but must obtain their own account and billing codes and explicitly mention usage in their WIOA RSA. Title II adult education providers can choose their own vendor or utilize the State's Ad Astra contract, but must also obtain their own account and billing codes. State staff

must use the State's Ad Astra contract. Staff using the State's contract must obtain their own account and billing code.

Ad Astra is located in Silver Spring, Maryland and offers prompt translation services in over 120 languages. To create a user account or to request document translation, email translation@ad-astrainc.com or call 301-404-4242 (choose option 4). Completion of translation services is dependent on the language and the length of the content to be translated. Sites wishing to initiate services under this DBM contract should contact their DWDAL or DUI Language Access Coordinator (see page 26) for details.

More information about this provider is available at <http://ad-astrainc.com/> and on DBM's Statewide Foreign Language Interpretation/Translation Services site on page 10 of this Plan.

Identifying LEP Status and Notification of Language Assistance Services

DWDAL, DUI, AJC, and grantee staff will identify LEP individuals through at least one of the following measures:

- Formal assessment (TABE CLAS-E, TABE, CASAS, BEST Plus 2.0, BEST Literacy, etc.);
- Self-identification or an assistance request by the non-English speaker or LEP individual during intake; and/or,
- Use of "I Speak" cards/posters to self-select preferred language (see page 12 for examples).

Published information will be accessible to customers, students, and claimants at all times. Once LEP status has been identified, an individual should receive vital documents and interpretation in their preferred language. Local Areas, Title II sites, and DUI must prepare all publicly shared materials in any statutorily prescribed languages identified in their area (see *Identification and Determination Procedures* on page 21).

In cases where vital information is shared, Local Areas, Title II sites, and DUI will add Babel Notices to their materials in order to ensure equitable access.²⁵ A Babel Notice is a short tag line added to a document that advises non-English speakers whom they contact to receive information in their preferred language. These excerpts should briefly explain that the information is important and should include a telephone number or website. Sites should strategically select the telephone number they include in these messages and position a staff member to utilize a telephone interpretation service when individuals call for assistance.

Below is an example of Babel Notice language from a United States Department of Labor Training and Employment Guidance Letter for Unemployment Insurance sites:

²⁵ Note: DUI utilizes Babel Notices in Spanish on many of their publicly shared documents.

IMPORTANT! This document(s) contains important information about your unemployment compensation rights, responsibilities and/or benefits. It is critical that you understand the information in this document.

DEADLINE FOR APPEAL: If you disagree with this determination or decision, you must file an appeal before the deadline noted in this document.

*IMMEDIATELY: If needed, call xxx-xxx-xxx for assistance in the translation and understanding of the information in the document(s) you have received.*²⁶

Babel Notices are a best practice to ensure equal access to information for the LEP population, but there is no standard to determine which or how many languages should be included on public materials. For the purpose of this LAP, Local Areas, Title II adult education sites, Title III and DUI should include, at a minimum, Babel Notices pursuant to Md. State Government Code Ann. § 10-1103 (b)(2)(i) and the three percent local population area stipulation.

Guidelines for Serving LEP Individuals

DWDAL and DUI collaboratively developed and distributed an *LEP Resource Guide* that details the manner in which language assistance services are to be provided by staff. This will be a reproducible tool intended for staff use and lists additional details not captured in this LAP.

This tool contains:

- Links to applicable laws and regulations which apply to LEP service;
- Strategies to assess language needs;
- Instructions for how to use the State’s telephonic interpretation vendor;
- Instructions for how to schedule an in-person interpreter with the State’s in-person interpretation vendor;
- Procedures for how to identify and translate vital documents with the State’s translation vendor;
- Processes to request language assistance services training;
- Proper coding and documentation procedures, including MWE screenshots reflecting how and where to record LEP status, preferred language, and language services;
- Links to any policy issuances relevant to this LAP; and
- Contact information for the applicable Division’s Language Access Coordinator.

²⁶ Unemployment Insurance Guidance Letter No, 30-11;
https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3083

Monitoring Language Access

Within DWDAL, the Office of the Assistant Secretary is working in conjunction with MD Labor’s State-Level EOO and the OFP to ensure compliance with this LAP. DWDAL’s Office of Monitoring and Compliance staff are tasked with ensuring the enforcement of WIOA on behalf of the Governor and the state of Maryland, whereas the OFP is charged with monitoring and compliance with the EEO and nondiscrimination provisions of WIOA, as well as other applicable federal, state, and local mandates and policies. DWDAL’s Office of Monitoring and Compliance will assist in assuring the accessibility and quality of language assistance activities under WIOA Title I, Title II and Title III through periodic reviews of the implementation status of this LAP. Monitoring will occur pursuant to 29 C.F.R. § 38.51 (Governor’s oversight and monitoring responsibilities for State Programs) and 29 C.F.R. § 38.53 (Governor’s oversight responsibilities regarding recipients’ recordkeeping). A complete account of monitoring procedures is available in the Nondiscrimination Plan. The Nondiscrimination Plan establishes a complaint process for Title I and how to address those issues in a timely manner, as well as how stakeholders and employees may provide feedback to DWDAL. The Nondiscrimination Plan is available here: www.labor.maryland.gov/employment/wioa-nondis.shtml.

Monitoring procedures will be reevaluated biennially as part of updating this LAP. OFP will begin reviewing the collection of relevant data detailed in the *Language and LEP Data Collection* section of this Plan (see page 26).

Staff Training

In order to prepare staff to deliver excellent and equitable service to the LEP population, DWDAL and DUI are committed to improved staff training for both frontline and managerial positions. According to the results of the *Workforce System Survey*, 40 percent of responding AJC staff reported that language assistance training had not been made available to them. This percentage includes managerial, administrative, and frontline respondents.

DWDAL and DUI have created and distributed an *LEP Resource Guide*, as mentioned in a previous section, to ensure staff know how to utilize language assistance services. In addition, the two Divisions will prepare a *Language Assistance Services* training opportunity for staff. Training will be updated if there are changes to this Language Access Plan, to state or federal law or policy or to the interpretation and translation vendors. The HUB is Maryland's Learning Management System, optimized for providing training to state and local staff. MD Labor may leverage the HUB to deliver training on language access to State and local partners in the Maryland workforce system.

The mode and location of delivery will vary but may include in-person or virtual instruction. Local Areas and DUI Claim Centers may elect to require all staff to participate or adopt a “train

the trainer” model. This professional development opportunity may include:

- Best practices in working with LEP populations;
- Demonstrations of language services, including the use of telephone interpretation;
- Updated strategies/protocols for LEP status assessment;
- Procedures for updated/enhanced MWE coding or relevant documentation requirements; and
- LAP revisions.

DWDAL and DUI will also utilize WIOA network gatherings to deliver staff training.

Language and LEP Data Collection

In order to comply with data collection provisions under WIOA, the Office of Workforce Information and Performance within DWDAL ensures that the MWE captures all pertinent information regarding language needs. DUI also relies on MWE for claimant information. DUI updated their mainframe to collect the same data for claimants. This includes LEP status and preferred language as detailed in 29 § C.F.R. 38.41(b)(2) below:

Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee. Such information must be stored in a manner that ensures confidentiality, and must be used only for the purposes of recordkeeping and reporting; determining eligibility, where appropriate, for WIOA Title I-financially assisted programs or activities; determining the extent to which the recipient is operating its WIOA Title I-financially assisted program or activity in a nondiscriminatory manner; or other use authorized by law.²⁷

Language Access Coordinators

The Language Access Coordinators will be responsible for arranging annual trainings, maintaining a log of multilingual staff by site, and providing guidance on the use of assistive technologies per DBM’s vendor agreements.

²⁷ 29 § C.F.R. 38.41(b)(2)

DWDAL has identified the following staff member as their Language Access Coordinator:

Joana Winningham
New Americans Initiative Coordinator
joana.winningham@maryland.gov
410-767-2822 (office)

DUI has identified the following staff member as their Language Access Coordinator:

Imani Nickens
DUI Law and Document Librarian
Imani.Nickens@maryland.gov
410-767-2013 (office)

Allocation of Resources to Implement this LAP

DWDAL will assist Local Areas and adult education in their implementation of this Plan through professional development/training opportunities and financial investments. As mentioned earlier, MD Labor will provide training to staff regarding specific service strategies and best practices.

Additionally, DWDAL will work to centralize the translation of vital documents and may offer assistance to offset the cost of this process and the creation and insertion of Babel Notices. Any funding provided to Local Areas will subsequently be memorialized in the State's resource sharing contribution to the WIOA agreement. While support may vary based on proportionate demand, and availability of funding, all sites are expected to comply with all components of this LAP. Local Areas must describe their language access policies and procedures in their Local Plans. Local Plans may be found here: <http://labor.maryland.gov/wdplan/wioalocalplans.shtml>