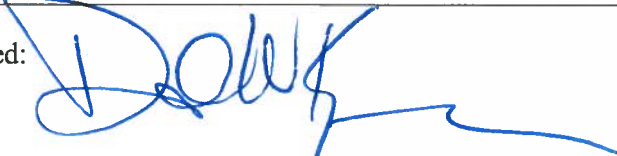


Department of Public Works and Engineering

Subject: LANGUAGE ACCESS POLICY	Departmental Policy No. 1-36	
Effective: <b>Upon Approval</b>		
<p><b>I. Purpose</b></p> <p>To implement the Mayor's Executive Order 1-17 that mandates all City departments establish a policy and implementation plan to ensure access by residents and visitors with limited English language proficiency (LEP) to essential department information.</p> <p><b>II. Scope</b></p> <p>This policy applies to all Department of Public Works and Engineering (PWE) employees and supersedes any other former Departmental policy, procedure or directive.</p> <p><b>III. Background</b></p> <p>In addition to the mandate presented by the Mayor's Executive Order 1-17 adopted July 31, 2013, federal precedents exist for the provision of language access services and which are relevant to the City. The two main legal bases for language access are Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on national origin and 2000's Executive Order 13166, which affirms Title VI's language access requirement and outlines additional requirements. Any entity receiving federal support, even indirectly, is required to provide language access. Moreover, Title VI applies to a recipient's entire program or activity. This means all parts of a recipient's operations are covered, regardless of whether the recipient is only partially funded through federal funds. Language access requirements are therefore relevant to a wide variety of programs, services and activities provided by PWE.</p> <p>Historically, PWE has provided essential public information in both English and Spanish as these are the languages of a vast majority of its customers. The department has consistently made every effort to assist all LEP customers on an as needed basis using its multi-lingual employee base.</p> <p><b>IV. Definitions</b></p> <p><b>Essential Public Information:</b> As per the Executive Order 1-17, "Essential Public Information" is any information developed or used by the department and deemed vital for purposes of public safety, public health and economic development. This term is used interchangeably with the term "vital documents."</p>		
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**Interpretation & Translation:** Taken verbatim from the US Department of Homeland Security’s 2012 Language Access plan<sup>1</sup>:

“Interpretation involves *oral* communication. Translation involves *written* communication. Interpretation involves the immediate communication of meaning from one language into another. An interpreter conveys meaning orally; as a result, interpretation requires skills different from those needed for translation. Interpreting is a complex task that combines several abilities beyond language competence in order to enable delivery of an effective professional interpretation in a given setting. From the standpoint of the user, a successful interpretation is one that faithfully and accurately conveys the meaning of the source language orally, reflecting the style, register, and cultural context of the source message, without omissions, additions, or embellishments on the part of the interpreter. Professional interpreters are subject to specific codes of conduct and should be trained in interpretive skills, ethics, and subject-matter language. DHS Components utilizing the services of interpreters should request information about certification, assessments taken, qualifications, experience, and training. Interpreters may be physically present, or, in appropriate circumstances, may appear via videoconferencing or telephonically. When videoconferencing or telephonic interpretation are used, options include connecting directly to a specific professional interpreter with known qualifications, or using a company that provides telephonic interpretation services and has in place quality control and privacy safeguards.

If bi-lingual staff is asked to interpret or translate, staff should be qualified to do so. Assessment of ability, training on interpreter ethics and standards, and clear policies, as noted below, that delineate appropriate use of bi-lingual staff, or contract interpreters and translators, will help ensure quality and effective use of resources.”<sup>2</sup>

**iSpeak Cards:** These are cards that can be used to help an LEP individual obtain interpretive services by identifying the language they speak.

**Language Access Coordinator:** The employee recommended by the Assistant Director of the Management Support Branch and approved by the Director to effect the creation and execution of the department’s Language Access policy and implementation plan. Under the direction of the Assistant Director, the Coordinator will serve as the department’s liaison, and will work regularly with the Mayor’s language access designee.

**Language Line/Telephone Interpreting:** This is a service that connects human interpreters via telephone to individuals who wish to speak to each other but do not share a common language. The telephone interpreter converts the spoken language from one language to another, enabling listeners and speakers to understand each other. Interpretation over the telephone most often takes place in consecutive mode, which means that the

<sup>1</sup> Definition available on pages 2 and 3 of US Department of Homeland Security February 2011 Language Access Plan, available at: [http://www.lep.gov/guidance/040312\\_crcl-dhs-language-access-plan.pdf](http://www.lep.gov/guidance/040312_crcl-dhs-language-access-plan.pdf)

<sup>2</sup> For the purposes of this language access plan, the term “DHS Components” in the definition can be substituted for “Agencies”

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interpreter waits until the speaker finishes an utterance before rendering the interpretation into the other language.

Telephone interpreting is one modality or delivery mechanism for providing interpreting services. Other forms of delivering interpreting services include in-person interpreting and video interpreting for the deaf and hard of hearing.

For the City of Houston, the service can be accessed through the 3-1-1 service help line at no cost to constituents. Departments that utilize the service line, however, will be assessed a fee for utilizing the service. Fees are charged by the minute, and fees per language may differ.

**Limited English Proficient (LEP):** For the purposes of this policy, its implementation plan, and the activities to be undertaken in its execution, an LEP individual is someone who is not able to speak, read, write or understand the English language at a level that allows him/her to interact effectively with department staff. Individuals maintain the right to self-identify as a LEP person and should not in any circumstances be expected to pay for translation or interpretation services in order to effectively communicate with the department.

**V. Policy**

It is the policy of the department to provide access to essential public information to LEP individuals seeking department services in accordance with Executive Order 1-17. When the City determines the five (5) commonly-used languages, they will be listed in Attachment A to this policy. The department at a minimum will provide essential information in these languages using interpretation and translation. Further, the department will utilize the technical assistance and resources provided by the Mayor's designee and will follow the City's protocol for handling LEP customers which will become part of this policy as Attachment B. Employees will be trained in this protocol using City provided training and department supplementation as necessary.

**VI. Responsibilities**

**A. Deputy Directors**

1. Formally appoint Division Language Access Coordinator and forward copy of appointment to Director.
2. Develop and promulgate implementation procedures as required.
3. Provide support as required to Division Coordinator for identification and availability of essential public information.

**B. Assistant Director, Management Support Branch**

1. Oversee the implementation of the department's language access plan and this policy.
2. Recommend to the director an employee to serve as the department's language access coordinator.

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3. Provide support and advocacy for the department's plan throughout the department including development of training for all new employees, monitoring of plan's implementation, and addressing any department wide issues.

**C. Department Language Access Coordinator**

1. Draft and maintain the department's Language Access Plan and timeline for implementation.
2. Serve as department liaison and work regularly with the Mayor's language access designee.
3. Prepare progress reports and submit timely to the Mayor's language access designee.
4. Review and recommend documents to be translated in all 5 languages or on an as needed basis in accordance with department procedures.
5. Recommend department procedures necessary to implement this policy and the department's language access plan.
6. Work closely with division Language Access Coordinators to ensure timely training to employees and reporting of plan progress.
7. Keep division language access coordinators informed of any changes to the department's plan or timeline and provide support to cultivate consistent implementation throughout the department.

**D. Division Language Access Coordinators**

1. Serve as the division single point of contact for implementation of this language access policy and plan.
2. Keep division management apprised of requirements for implementation and status of progress within division.
3. Based upon division input, recommend to the department language access coordinator essential public information documents for translation. Keep department language access coordinator apprised of any changes to essential public information.
4. Coordinate training in both the overview of this policy and the language access plan and the LEP protocol within division and track compliance.
5. Per department procedures, provide timely reports on implementation of this policy and plan to department language access coordinator.

**E. Managers and Supervisors**

1. Implement this policy and the department's language access plan within division/branch.
2. Ensure employees receive required training and track compliance with policy and plan.
3. Identify employees who would benefit from refresher training and ensure it is provided timely.
4. Review existing essential public information for clarity and ease of translation and recommend documents to the division language access coordinator for translation in accordance with Executive Order 1-17.

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5. Keep division language access coordinator apprised of any changes to essential public information to ensure translation is current.
6. Provide timely reports as required by this policy and department procedures.

**F. Employees**

1. Participate in required training to ensure established protocol is followed when providing services to LEPs.
2. Follow established protocol while using your best judgment when providing services to LEPs.
3. Request additional training when needed.
4. Track interactions with LEPs per department procedures and provide timely reports to supervisor.

**VII. Compliance**

Adherence to the above is mandatory. Any employee who violates this policy may be subject to disciplinary action

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