


# City of SeaTac

## Policies and Procedures

<b>Policy Number:</b>	CW-033
<b>Policy Name:</b>	Language Access Plan
<b>Department(s):</b>	Citywide
<b>Effective Date:</b>	November 10, 2021
<b>Supersedes:</b>	
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<b>Approved by:</b>	Carl C. Cole, City Manager
<b>Signature:</b>	

### **1. Background and Authority:**

On August 11, 2000, Executive Order 13166 was issued. “Improving Access to Services for Person with Limited English Proficiency (LEP)”, 65 Fed. Reg. 50,121 (August 16, 2000). Under that order, every federal agency that provides financial assistance to non-federal entities must publish guidance to recipients of such assistance regarding their legal obligation to ensure meaningful access for LEP persons under the national origin nondiscrimination provisions of Title VI of the Civil Rights Act of 1964. In short, Executive Order 13166 tasks federal agencies with improving accessibility for LEP persons in all their programs and activities and must ensure that those entities that receive federal funding do the same. As a recipient of federal funds, the City of SeaTac is required to ensure meaningful access for LEP persons in its programs and activities.

In 2020, City staff conducted a community outreach network in collaboration with State Census coordinator to identify the proportion of the community who speaks a primary language other than English. The staff also conducted an internal study to determine from various departments the frequency LEP persons participate in City programs and the type of services they receive. Programs and/or services were also evaluated to determine the level of language services needed and resources the City must allocate in order to provide meaningful service to LEP individuals utilizing the City’s programs and services.

### **2. Purpose:**

The purpose of this policy is to update and memorialize a Language Access Plan (“Plan”) based on past and current practices outlining reasonable efforts the City will make to eliminate or reduce limited English proficiency as a barrier to accessing City government programs or activities. This Plan is patterned after the United States Department of Justice (U.S. DOJ) Language Access Plan, and guidance from U.S. DOJ can be used to interpret and apply the City’s policy.

**3. Policy Statement:**

3.1 It is the policy of the City of SeaTac (City) that the City staff take reasonable steps to provide LEP persons with meaningful access to all programs or activities conducted by the City. It is the responsibility of the City, and not the LEP person, to take reasonable steps to ensure that communications between the City and the LEP person are not impaired because of the individual's limited English proficiency.

3.2 While the City's policy is designed to be flexible and considers fact-dependent situations, the City's analytical framework is based on the four (4) factor analysis provided by Federal agencies such as the United States Attorney's Office (USAO), the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Health and Human Services (HHS). The following factors may be considered to determine what reasonable steps should be taken by the City:

- (1) the proportion of LEP persons eligible to be served or likely to be encountered by the City's programs or activities,
- (2) the frequency LEP persons come into contact with the programs served,
- (3) the importance of the service provided by the programs or activities, and
- (4) the resources available to the recipients.

**4. Definitions:**

4.1 Direct "In-Language Communication – Monolingual communication in a language other than English between a multilingual staff and an LEP individual (*e.g.*, Spanish to Spanish).

4.2 Effective Communication – Communication sufficient to provide an LEP individual with substantially the same level of access to services received by individuals who are not LEP.

4.3 Interpretation – The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retraining the same meaning.

4.4 Language Assistance Services – Oral and written language services needed to assist LEP individuals with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by the City.

4.5 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).

4.6 Meaningful Access – Language assistance that results in accurate, timely and effective communication at no cost to an LEP individual. 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.

4.7 Multilingual Staff or Employee – A staff person or employee who has demonstrated proficiency in English and reading, writing, speaking, or understand at least one other language.

4.8 Primary Language – An individuals’ primary language is the language in which an individual most effectively communicates.

4.9 Program or Activity – Program or Activity means a program or activity operated by the City.

4.10 Qualified Translator or Interpreter – An authorized 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 City or by approval of his or her Department Director.

4.11 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.

4.12 Translation – The replacement of written text from one language (source language) into an equivalent written text in another language (target language).

4.13 Vital Document – Paper or electronic written material that contains information that is critical for accessing the City’s program or activities or as required by law.

## **5. Scope of the Policy:**

This policy is intended only to improve the internal management of the City’s language access plan, and does not create any right or benefit, substantive or procedural, enforceable at law by a party against the City, officers, agents, or employees. Administration of the Plan discussed herein is within the sole discretion of the City Manager or designee.

This Policy is also intended to provide all staff members, particularly employees who interact and provide customer service to the public, the tools to meaningfully communicate and serve LEP individuals.

This City's language access policy and operational guidelines are hereby updated and memorialized by this policy, and consistent with the four (4) factor analysis as stated in Paragraph 3.2.

## **6. Operational Guidelines in Providing Language Assistance Services:**

### **6.1. Competency of Staff and Contracted Personnel:**

All staff and contracted personnel who serve as translators, interpreters, or who communicate "in-language" with LEP persons must be competent to ensure the quality and accuracy of language assistance services provided. Considerations of competency in light of particular tasks may include:

- The interpreter has demonstrated proficiency in and ability to communicate information accurately in both English and the other language;
- The interpreter is employing the appropriate mode of interpreting, (*e.g.*, consecutive, simultaneous, or sight translation), translating, or communicating fluently in the target language;
- The staff or personnel has knowledge in both languages of any specialized terms or concepts particular to the City's program or activity;
- The interpreter understands and follows confidentiality, impartiality, and ethical rules to the same extent as City's staff;
- The interpreter understands and adheres to their role as interpreters, translators or multilingual staff.

Generally, the City should use its own resources to assist LEP individuals before utilizing family members including children, neighbors, friends, acquaintances to provide language assistance services

### **6.2 Translation of the City's Written Materials:**

- a) **Translating Vital Documents** – the City should prioritize translation of vital documents. Classification of a document as "vital" depends upon the importance of the program, information, or services involved, and the consequence to an LEP person if the information in question is not provided accurately or in a timely manner. The determination as to what documents are consider "vital" is left to the discretion of individual department. Each department should exercise its discretion in creating a process for identifying and prioritizing vital documents or written documents to translate. Departments should also ensure that all translations are completed by qualified translators.
- b) **Translating the City's Web Content** – The City shall take reasonable steps to translate website content and electronic documents that contain vital information about the City's programs and services. The City shall identify

the appropriate languages for translation and shall determine which electronic documents contain vital information. Translations of web content may include web pages that contain important information intended for the general public. The Federal General Services Administration's guidance on multilingual websites can be found at: <https://digital.gov/resources/top-10-best-practices-for-multilingual-websites/>.

### **6.3 Identifying LEP Individuals:**

City staff should make reasonable efforts to obtain language assistance whenever needed to effectively communicate to an LEP individual. City staff can determine whether a person needs language assistance in several ways:

- Self-identification by the non-English speaker, LEP individual or companion;
- Inquiring as to the primary language of the individual if they have self-identified as needing language assistance services;
- Asking a multilingual staff member or qualified interpreter to verify an individual's primary language;
- Using "I Speak" language identification card or poster. Some examples of such cards are available at:  
<http://www.justice.gov/crt/lep/resources/ISpeakCards2004.pdf>.

### **6.4 Tracking and Reporting:**

Each City department should collect designated data regarding the provision of language assistance services and such data will be made available when requested by federal agencies, as needed.

### **6.5 Staff Training:**

City staff members will periodically receive training on the content of the language access policy, identifying language access needs, and providing language assistance services to LEP individuals. The City should take reasonable steps to ensure that relevant staff members receive training on the City's Language Access Plan Policies and Procedures.

## **7. Performance Measurement and Evaluation:**

The City will periodically reassess and where appropriate, update the language access plans to ensure that the scope and nature of language assistance services provided under the Plan reflect updated information on relevant LEP populations, the City's language assistance needs, changes in technology, and the City's experience under the Plan. Further, the City should take reasonable efforts to ensure the needs of LEP persons are met by available language services, and the directory of translated documents, signs, and web-based services are adequate.

The City will also periodically assess the effectiveness of language assistance services by conducting an inventory of languages most frequently encountered; identifying how most contact with LEP community members occurs; reviewing the language accessibility of the City's

programs and activities; reviewing plans and protocols; and reviewing annual costs of translation and interpreter services.