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Local Policy 2024-14, Change 1 Local Workforce Development Area 2 (LWDA2) Language Accessibility and Language Access Plans

Purpose: This guidance communicates the Language Access Plan (LAP) and provides information regarding the prohibition against national origin discrimination as it affects persons with Limited English Proficiency (LEP), particularly under the requirements of the Workforce Innovation and Opportunity Act (WIOA) Section 188 and its implementing regulations at 29 CFR 38. This LAP applies to each program operated by the Northern Indiana Workforce Board (NIWB). Although WIOA language access requirements apply to Title I grant recipients, NIWB's language access strategy is intended to apply broadly across operation of any agency program.

NIWB requires that each program and any sub-recipient or subcontractor comply with all relevant federal requirements involving LEP applicants/recipients of program information, benefits, and services.

Recission: Local Policy 2024-14 Language Accessibility and Language Access Plans

References:

- DWD Policy 2023-07 *Language Accessibility and Language Access Plans* (All references within this policy are included by default)

Change Summary:

- Policy now includes references

Content:

Definitions:

Babel Notice: A short notice included in a document or electronic medium (e.g., website, app, email) in multiple languages informing the reader that the communication contains vital information and explaining how to access language services to have the contents of the communication provided in other languages.

Employment-Related Training: Training that allows or enables an individual to obtain skills, abilities and/or knowledge designed to lead to employment.

LEP Individual: An individual whose primary language for communication is not English and who has a limited ability to read, speak, write, and/or understand English. A LEP individual 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).

LAP: A written language access plan which assists in ensuring the LEP individuals have meaningful access to WIOA Title I-financially assisted programs and activities.

Meaningful Access: Language assistance that results in accurate, timely, and effective communication at no cost to the 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.

Primary Language: An individual's primary language is the language in which they most effectively communicate, as identified by the individual.

Qualified Interpreter for an Individual who is LEP: An individual who demonstrates expertise and ability to communicate information effectively, accurately, and impartially, in both English and the other language, and identifies and employs the appropriate mode of interpreting, e.g., consecutive, simultaneous, or sight translation.

Vital Information: Information, whether written, oral, or electronic, that is necessary for an individual to understand how to obtain any aid, benefit, service, and/or training required by law. Examples of documents containing vital information include, but are not limited to applications, consent and complaint forms; notices of rights and responsibilities; notices advising LEP individuals of their rights under this part, including the availability of free language assistance; rulebooks; written tests that do not assess English language competency but rather assess competency for a particular license, job, or skill for which English proficiency is not required; and letters or notices that require a response from the beneficiary or applicant, participant, or employee.

Reasonable Steps to Ensure Meaningful Access for LEP Individuals

Programs and partners are required to take reasonable steps to ensure that LEP individuals have meaningful access to their programs and activities, such as:

- Conducting an assessment of an LEP individual to determine their language assistance needs.
- Providing oral interpretation and written translation of both hard-copy and electronic materials, in the appropriate non-English languages, to LEP individuals.
- Conducting outreach to LEP communities to improve service delivery in needed languages.

Reasonable steps for providing meaningful access to training programs may include, but are not limited to the following:

- Written training materials in appropriate non-English languages by written translation, or by oral interpretation, or summarization.
- Oral training content in appropriate non-English languages through in-person, remote or video interpretation, or telephone translation.

Programs and partners should ensure that every program delivery method, whether it be in person, electronic, or by phone, conveys in the appropriate language how an LEP individual may effectively learn about, participate in, and/or access any aid, benefit, service, or training available to them. It should also be noted that as new methods for the delivery of information or assistance are developed, programs are required to take reasonable steps to ensure that LEP individuals remain able to learn about, participate in, and/or access any aid, benefit, service, or training available to them.

Language Assistance Services

Language assistance generally comes in two forms: oral interpretation or written translation. Programs and partners must ensure that, above all, these services are free of charge and provided in a timely manner. A LEP individual must be given adequate notice about the existence of interpretation and translation services and that they are available free of charge. Language assistance will be considered timely when it is provided at a place and time that ensures equal access and avoids the delay or denial of any aid, benefit, service, or training.

Interpreter Services

Programs and Partners shall not require a LEP individual to provide their own interpreter. Furthermore, programs and partners shall not rely on an LEP individual's minor child or adult family or friend to interpret or facilitate communication, except for the following circumstances:

- In emergency situations while awaiting a qualified interpreter.
- When the information conveyed is of minimal importance to the services to be provided.
- When a LEP individual specifically requests that an accompanying adult provide language assistance, they agree to provide assistance to the individual. If a local area permits an accompanying adult to serve as an interpreter for an LEP individual, it must make and retain a record of the LEP individual's decision to use their own interpreter.

Finally, where precise, complete, and accurate interpretations or translation of information and/or testimony are critical for adjudicatory or legal reasons, programs and partners can still provide their own, independent interpreter, even if a LEP individual wants to use their own interpreter as well. This also applies in cases where the competency of the interpreter requested by the LEP individual is not established.

Concerning Vital Information

For languages spoken by a significant portion of the population eligible to be served or likely to be encountered, programs and partners must translate vital information in written materials into these languages. These translations must in turn be readily available upon request in hard copy or electronically. Written training materials offered or used within employment-related training

programs are excluded from these translation requirements. However, in all cases, programs and partners must take reasonable steps to ensure meaningful access for LEP individuals.

For languages not spoken by a significant portion of the population eligible to be served or likely to be encountered, programs and partners 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 is available to them. Vital information may be conveyed orally if not translated. Below are services that should be provided to LEP individuals:

- **Qualified Bilingual Staff:** Staff who are fluent in both English and the target language when available
- **Professional Interpretation Services:** Programs and partners must also be sure to include a Babel Notice, when using the state recognized translation service.
- **Translated Materials:** Key documents and informational materials will be translated into the primary languages of the LEP populations served. Efforts will be made to identify and translate additional materials as needed to ensure comprehensive access to information.
- **Partner/Agency Referral:** Staff will assist LEP individuals in setting up appointments with other programs and partners as needed. This includes but is not limited to, coordinating with partner organizations to ensure that language assistance services are available during appointments. Follow-up communication will be conducted in the LEP individual's preferred language to confirm that the individual's needs have been met.

This includes letters or decisions in hard-copy or electronic formats, such as email.

Further, to the extent otherwise required by 29 CFR Part 38, once a recipient becomes aware of the non-English preferred language of an LEP beneficiary, participant, or applicant for aid, benefit, service, or training, the recipient must convey vital information in that language.

For questions, contact:

Northern Indiana Workforce Board
220 Colfax Ave., South Bend, IN. 46601
admin@niwb.org