

POLICY AND PROCEDURE MANUAL

1. GENERAL ADMINISTRATION.

1.11 Translation and Interpretation.

A. POLICY:

The PA WIC Program requires local agencies (LA) to have procedures in place to serve Limited English Proficient (LEP) persons.

B. DEFINITIONS:

Protected Classes: *Title VI of the Civil Rights Act of 1964* prohibits recipients of Federal financial assistance from discriminating against or otherwise excluding individuals on the basis of race, color, and national origin. *Title IX of the Education Amendments of 1972* prohibits discrimination based on sex. *Sections 504 and 508 of the Rehabilitation Act of 1973 & the Americans with Disabilities Act of 1990* prohibit discrimination based on disability. The *Age Discrimination Act of 1975* prohibits discrimination based on age.

LEP Persons: Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. Individuals maintain the right to self-identify as a LEP person.

Interpretation: Involves *oral* communication, from one language to another.

Translation: Involves *written* communication, from one language to another.

Bilingual Staff: Persons who are fluent in two languages and are able to conduct the business of the workplace in either of those languages. This is to be distinguished from proficiency in more than one language.

Reasonable Accommodation: Any change in the way things are customarily done that enables an individual to have access to the PA WIC Program and services unless doing so would cause undue hardship.

Minor: Any person under the age of 18 years of age.

C. PROCEDURE:

1. *Title VI of the Civil Rights Act of 1964* and its regulations require all LAs and sub recipients to take reasonable steps to assure "meaningful access" to the information and services they provide. There are a number of factors that constitute reasonable steps to assure meaningful access:
 - a. The number or proportion of LEP persons served or encountered in the eligible population.
 - b. The frequency with which LEP persons come in contact with the program.
 - c. The nature and importance of the program, activity, or service provided by the program.
 - d. The resources available to the recipient and the overall costs.
2. The State Agency (SA) shall provide LA staff with interpretation resources for providing access to programs and services to LEP persons. These shall include telephone interpreter services and translated materials.
3. LAs shall post the Language ID poster which informs the public in various languages that interpreter services are available.
4. LEP Persons
 - a. If a participant is determined to be LEP or deaf/hard of hearing, LA staff shall inform the individual of their right to have interpreter services at no cost.

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- b. If a participant is determined to be LEP or deaf/hard of hearing, LA staff shall take the proper steps to ensure that interpreter services are provided at no cost to the participant and the following forms of service can be used. Interpretation services may include in-person interpreting services and telephone interpreting services.
 - (1) Hiring of bilingual staff interpreters. Bilingual employees must be proficient to effectively communicate with LEP participants or deaf/hard of hearing persons.
 - (2) Contracting with an outside telephonic, in-person or video interpreter service.
 - (3) Make arrangements for use of voluntary community interpreter services.
 - (4) TTY (telephones for the deaf/hard of hearing).

- c. If an LEP or deaf/hard of hearing person declines the interpreter service offered by the LA, they may elect to use an individual of their choice if the LA deems the use of the person appropriate. The SA recommends the LA use a waiver form if the person declines interpreter services. A sample waiver form is provided (Attachment 1). The *"USDA Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition against National Origin Discrimination Affecting Persons with LEP Guidance on Services for Persons with LEP in Assisted Programs"* states, "reliance on children is discouraged unless it is an emergency situation that is not reasonably foreseeable."

- d. Follow these guidelines when working with LEP individuals and interpreters:
 - (1) Let the individual and interpreter know that all information is confidential.
 - (2) The interpreter should sit where he/she does not block your view of the individual.
 - (3) Prepare the interpreter for any sensitive issues.
 - (4) Inform the interpreter that they are never to answer questions for you or the individual. There could be negative impacts even when the interpreter answers very simple questions.
 - (5) LA staff should speak directly to the individual as if the interpreter is not in the room. Talking with the interpreter instead decreases the opportunity of building trust and understanding with the participant.
 - (6) Don't assume that LEP individuals understand you. In some cultures a person may say "yes" as you explain something, not meaning they understand but rather they want you to keep talking because they are trying to understand.
 - (7) Speak naturally, not louder, and speak clearly and slowly. Rushing can decrease the quality of the translation.
 - (8) Use simple terms. Avoid difficult, technical or slang words. Do not use sayings, acronyms or medical terms. Clarify unique terms and provide examples when needed.
 - (9) Avoid humor. Jokes do not translate well.
 - (10) Use simple pictures when possible.
 - (11) Allow plenty of time for the visit. Using an interpreter often makes the appointment longer.
 - (12) Speak one or two sentences at a time.

- e. Translation of Written Materials: The PA WIC Program will provide outreach and program information in other languages determined to be reasonable and necessary. To help determine if a language other than English is necessary the PA WIC Program and the LA will consider the following:
 - (1) Size and concentration of LEP populations that are eligible for services.
 - (2) Frequency of when the language is needed.
 - (3) Nature of the document. How often is it handed out?
 - (4) Number of pages in the document.
 - (5) Financial burden to translate.
 - (6) The availability of alternate means of providing information contained in the document to LEP participants (i.e., interpretation, taped interpretation, telephone interpretation or translation of the document.)

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Attachment(s):

1. Waiver of Right to Free Interpreter Services

References:

1. USDA Guidance to Federal Financial Assistance
2. Title VI of the Civil Rights Act of 1964
3. Title IX of the Education Amendments of 1972
4. The Rehabilitation Act of 1973: Sections 504 and 508
5. The Americans with Disabilities Act of 1990
6. The Age Discrimination Act of 1975
7. U.S. Department of Homeland Security's (DHS) 2012 Language Access Plan