

RESOLUTION NO. 20-30

RESOLUTION CERTIFYING REVIEW AND ADOPTION OF A LIMITED ENGLISH PROFICIENCY (LEP) POLICY PROVIDING MEANINGFUL ACCESS TO SERVICES FOR ANY INDIVIDUAL

WHEREAS, the Board of Supervisors desires to providing meaningful access to services for any individual, including those people with LEP through adoption of the LEP policy; and

WHEREAS, the Board of Supervisors desires to reasonably ensure that LEP individuals have meaningful access to all services, programs, and activities while not imposing undue burdens on its Employees; and

WHEREAS, the Board of Supervisors desires to prohibit discrimination against or deny any individual access to services, rights, or programs based on national origin or any other protected interest or right.

WHEREAS, the LEP policy has been reviewed to ensure compliance with current Federal and State law; and

WHEREAS, the Board of Supervisors has reviewed and wishes to formally approve the Limited English Proficiency (LEP) policy.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Limited English Proficiency Policy attached hereto as Exhibit 1 is adopted as official County policy.
2. This resolution shall become effective upon adoption by the Board of Supervisors.
3. The Human Resources Director, in conjunction with the County Administrative Officer and County Counsel, is authorized to make style and format changes to the policy.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of April 28, 2020

RESOLUTION NO. 20-30

Dated: April 28, 2020



Estelle Fennell, Chair
Humboldt County Board of Supervisors


Adopted on motion by Supervisor Wilson, seconded by Supervisor Bass, and the following vote:

AYES:	Supervisors	Bohn, Fennell, Madrone, Wilson, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--


STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



Ryan Sharp
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

POLICY NUMBER: HR2020-004	POLICY TITLE: Limited English Proficiency Policy	
RESOLUTION NUMBER:		
ORIGINAL ISSUE DATE: April 28, 2020 REVISION DATE:	POLICY CONTACTS: Human Resources	
RELATED DOCUMENTS:	RELATED POLICIES: EEO Policy	

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SECTION I – PURPOSE

The County of Humboldt is committed to providing meaningful access to services for any individual, including people with Limited English Proficiency (LEP). The County of Humboldt will make reasonable efforts to provide or arrange for free language assistance for LEP individuals.

This policy provides guidance to Employees when communicating with individuals with limited English proficiency (LEP).

SECTION II – APPLICABILITY

This policy applies to all County of Humboldt employees, including permanent, probationary, part-time and extra help employees. For the purposes of this policy, “Employee(s)” includes appointed and elected officials.

SECTION III – DEFINITIONS

Authorized interpreter - A person who has been screened and authorized by the county to act as an interpreter and/or translator for others.

Employee: Officers, deputies, assistants and all other persons employed by the County of Humboldt including permanent, probationary, part-time and extra help employees.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning

Limited English proficiency (LEP) individual - Any individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. These individuals may be competent in certain types of communication (e.g., speaking, understanding) but still exhibit LEP for other purposes (e.g., reading, writing). Similarly, LEP designations are context specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

Translate or Translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

Qualified Bilingual Employee – An Employee of the county that is designated by

their department, who has the ability to communicate fluently, directly, and accurately in both English and another language. Qualified Bilingual Employees must pass a proficiency exam, administered by County of Humboldt Human Resources, qualifying the Employee for Oral and/or written communication.

SECTION IV – POLICY

A. General Language Access Policy Directive

1. It is the policy of the County of Humboldt to reasonably ensure that LEP individuals have meaningful access to all services, programs, and activities while not imposing undue burdens on its Employees.
2. The county will not discriminate against or deny any individual access to services, rights, or programs based on national origin or any other protected interest or right.

B. Four-Factor Analysis

1. Because there are many different languages that Employees could encounter, the county will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that county contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:
 - a. The number or proportion of LEP individuals likely to be encountered by Employees, or who may benefit from programs or services within the jurisdiction of the county or a particular geographic area.
 - b. The frequency with which LEP individuals are likely to come in contact with Employees, programs, or services.
 - c. The nature and importance of the contact, program, information, or service provided.
 - d. The cost of providing LEP assistance and the resources available.
2. County department should periodically review frequently encountered languages using the Four-Factor Analysis method.

3. County departments should notify, identify, and encourage Employees to become Qualified Bilingual Employees when applicable. County of Humboldt Human Resources should be contacted to administer an examination for identified Employees.

C. Types of LEP Assistance Available

1. Employees should never refuse service to an LEP individual requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The county will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.
2. The county will use all reasonably available tools when attempting to determine an LEP individual's primary language.
3. LEP individuals may choose to accept county provided LEP services at no cost or they may choose to provide their own.
4. County-provided LEP services may include but are not limited to the assistance methods described below:
 - a. **Written Forms and Guidelines** - Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP coordinator will arrange to make these translated documents available to Employees and other appropriate individuals, as necessary.
 - b. **Qualified Bilingual Employees** - Bilingual members may be qualified to provide LEP services when they have demonstrated through established county procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Employees who provide LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual Employees must be able to communicate accurate technical information and terminology related to the circumstance.

When a Qualified Bilingual Employee from a specific department is not available, personnel from other county departments who have been identified by the county as having the requisite skills and competence may be requested.

- c. **Authorized Interpreters** - Any person designated by the county to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person that presents a conflict of interest.

Authorized interpreters must pass a screening process that demonstrates their skills and abilities in the following areas:

- i. The competence and ability to communicate information accurately in both English and in the target language.
 - ii. Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
 - iii. The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
 - iv. Knowledge of the ethical issues involved when acting as a language conduit.
- d. **Sources of Authorized Interpreters** - When reasonably available, departments should utilize Qualified Bilingual Employees.

Other sources may include:

- i. The county may contract with authorized interpreters who are available over the telephone. Employees may use these services with the approval of a supervisor and in compliance with established procedures.
- ii. Individuals employed exclusively to perform interpretation services
- iii. Contracted in-person interpreters, such as state or federal court interpreters, among others.
- iv. Interpreters from other agencies who have been qualified as interpreters by the county, and with whom the county has a resource-sharing or other arrangement that they will interpret according to county guidelines.

- e. **Community Volunteers and Other Sources of Language Assistance** - Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted above), and have been approved by the county to communicate with LEP individuals.

When qualified bilingual Employees or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called on when appropriate. However, Employees must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, Employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

SECTION V – PROCEDURE

A. Responding to Requests for Oral Communication

1. Qualified Bilingual Employee Response

- a. County departments will maintain lists of Employees that have passed a proficiency exam, administered by County of Humboldt Human Resources, to provide oral communication to LEP Individuals.

2. AT&T Language Line

- a. If a Qualified Bilingual Employee is not reasonably available to provide oral communication in the LEP individuals language, county departments will utilize the AT&T Language Line per department guidelines.

3. Contracting with Community Based Translator/Interpreter

- a. County departments may contract with a community-based translator/interpreter to meet their specific needs. County departments will follow their established guidelines to utilize these

services.

4. Interpreter/Translator Provided by the LEP Individual

- a. In informal or exigent circumstances, the LEP individual may offer to have someone of their choosing interpret or translate for them. Employees should be careful to consider the nature of the relationship and the circumstances before relying on this individual.
- b. If the circumstance is complex, confidential, or critical, it is highly recommended that Employees do not utilize an interpreter/translator provided by the LEP Individual.

B. Creation and Maintenance of Written Materials

1. Based upon the Four-Factor Analysis outlined above, county departments will make reasonable efforts to create, translate, and maintain critical written materials for LEP individuals related to the services, programs, and activities of their department.
2. When reasonably available, county departments should utilize Qualified Bilingual Employees to create, translate, and maintain written materials.
3. If a Qualified Bilingual Employee is not reasonably available, county department may contract with translator/interpreter services to meet their specific needs. County departments will follow their established guidelines to utilize these services.

C. Documentation

1. Per department guidelines, Employees should make reasonable efforts to document any translation or interpretation services provided when interacting with LEP individuals.

D. LEP Individual Complaint Procedure

1. County departments shall ensure that LEP individuals who wish to file a complaint regarding members of their department are able to do so. The department may provide an authorized interpreter or translated forms, as appropriate. Complaints involving claims of discrimination or harassment should be referred to the Director of Human Resources.
2. Authorized interpreters used for any interview with an LEP individual during a complaint investigation should not be members of the department where the

complaint originated.

3. Any notice required to be sent to an LEP individual as a complaining party should be translated or otherwise communicated in a language accessible manner.
4. Investigations and subsequent disciplinary action as a result of complaints shall be handled in accordance with the Humboldt County Merit System Rule X.
5. Complaints regarding county Law Enforcement Employees shall be investigated in accord with statutory and department policies.
6. Questions concerning the application of this policy should be directed to the Director of Human Resources, or designee.

Board Approved:

Pursuant to Board Order _____ Dated _____