



# Wake County Limited English Proficiency Policy

X	Countywide	Department:	Division:
Supersedes: N/A			Effective Date: 11/01/2022
Approving Authority: Wake County Manager			
Originating Department(s): Wake County Attorney's Office			

## I. Purpose:

Wake County recognizes the growing number of residents who do not speak English as their primary language and have limited ability to read, speak, write, or understand English. For these residents, their Limited English Proficiency status presents potential barriers to accessing important government programs and services. To ensure effective communication and equal access to services provided by Wake County for persons with limited English proficiency (LEP), and to comply with Title VI of the Civil Rights Act of 1964 and other applicable federal and state laws.

## II. Policy Statement:

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the grounds of race, color, or national origin by any program or activity receiving federal financial assistance. In order to avoid discrimination on the grounds of national origin, all federally funded programs or activities administered by Wake County must take adequate steps to ensure that policies and procedures for Eligible County Programs do not deny LEP individuals equal access to benefits and services for which such persons may qualify. Administrative methods or procedures which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations are prohibited.

This Policy describes how Wake County government programs and activities will take reasonable steps to provide timely, meaningful access and an equal opportunity to participate in services, activities, programs, and other benefits to individuals whose first language is not English. Additionally, this policy describes how County programs and activities which receive federal financial assistance shall implement procedures to ensure that LEP individuals are provided meaningful access to benefits and services provided.

Any Title VI policies and procedures in effect as of the effective date of this Policy shall remain in effect except as superseded or replaced by newer policies and procedures addressing the same subject matter.

## III. Procedures for Language Access Plan

Language-based support for LEP Wake County residents is based on a four-factor analysis that ensures comprehensive support for meaningful access to and participation in programs and services.

### a) FACTOR 1: Number or proportion of LEP persons served or encountered

Over 1 million people aged 5 years and older speak a language other than English at home in North Carolina (>11% of the population). About 6% of the Wake County

population (1.1 million people) is made up of LEP persons. Departments should use data provided by Wake County and rely on encounter data to determine which groups might need alternative language materials. Additionally, techniques to assess linguistic needs can include multi-language identification cards or posters, telephone and video interpreting services, and other English proficiency assessment tools so long as these techniques can be administered in a manner that is sensitive to and respectful of individual dignity and privacy.

**b) FACTOR 2: The frequency with which LEP persons come into contact with the program or activity**

County Departments deliver services across dozens of programs with sites across Wake County. County Department procedures must, at a minimum, address how the division will identify: (1) the linguistic needs of each LEP applicant/recipient and (2) the points of contact where language assistance is needed. The system of LEP language assistance services is specifically designed to enable successful bridging of language barriers encountered regardless of the frequency of the encounters with any language.

**c) FACTOR 3: The nature and importance of the program, activity or service**

County Departments will identify activities, programs or services where denial or delays in the provision of services or participation in programs and/or activities could have serious consequences for an LEP customer (For example: health, safety, economic, environmental, educational, housing, food, shelter, transportation, etc.). Although the importance and effects of programs may vary, the assurance of access and participation in them shall be consistent across services and language groups served.

**d) FACTOR 4: The resources available and costs to department or division**

Given the limited resources available, it is imperative that a cost/benefit analysis be performed when considering language access efforts. Departments should identify the resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use. Vendors have been identified for Departments to directly contract with for language assistance supports for programs and staff. These include on-demand and scheduled video and phone interpretation services, on-site interpretation services, written translation of vital and other important documents, as well as other supports.

**IV. County Departments must assure the following:**

- a) **Notice to LEP individuals.** County Departments will take appropriate steps to inform all applicants, recipients, community organizations, and other interested persons of the provisions of the County and Title VI Policy. This may include posting information in appropriate locations and the dissemination of pamphlets and/or posters. Signage must be posted in regularly encountered foreign languages in initial points of entry locations when appropriate. Departments shall make available through electronic

posting, physical posting, or printed literature the name, office telephone number, and office address of the Title VI Officer/LEP Coordinator. County Programs can, but are not required to, disseminate this information in outreach documents, community-based organizations, outgoing telephone menus, and notices in newspapers and radio stations in languages other than English.

**b) Provision of Interpreter Services and Written Translations.**

- a. **Identifying Linguistic Needs.** Departments should use data provided by Wake County and rely on encounter data to determine which groups might need alternative language materials. County Department procedures must, at a minimum, address how the division will identify: (1) the linguistic needs of each LEP applicant/recipient, (2) the points of contact where language assistance is needed; and (3) the resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use. Techniques to assess linguistic needs can include multi-language identification cards or posters, telephone interpreting services, and other English proficiency assessment tools so long as these techniques can be administered in a manner that is sensitive to and respectful of individual dignity and privacy.
- b. **Provision of Interpreter Services.** Procedures will provide for securing interpreter services without undue delay, especially during operating hours. When hiring staff, County Departments should consider filling vacant positions with qualified bilingual staff for those programs with a historical demonstrated need for that language. The hiring process should address competency standards for bilingual employees and interpreters. Departments shall take reasonable steps to screen interpreters, ensuring fluency and effective, accurate communication, as well as cultural competency and confidentiality. Based on the department's needs, the department procedure can meet interpreter requirements by utilizing a contract for interpreter services in-house interpreters, or by using bilingual and proficient employees to serve LEP individuals. Nothing in this section shall require a Department to hire a bilingual applicant over a more qualified applicant who is not bilingual.
  - i. **Family, Friends, and Minors as Interpreters.** Applicants/recipients can provide their own interpreter but are not required to do so. In this situation, the Department must inform an LEP person in his primary language of the right to free interpreter services and will further need to monitor interactions if there appears to be a problem with a family, or friend acting as an interpreter. Only in an emergency will a program allow a minor (under the age of 18 years old) to temporarily act as an interpreter.
  - ii. **Use of Interpreters at Hearings.** An interpreter will be provided for all local hearings if a party requests an interpreter or if a Hearing Officer determines that an interpreter is necessary. This includes a separate oath or affirmation to interpret accurately.

- iii. Interpreters shall be subject to any applicable confidentiality requirements mandated by state or federal law.
  - c. **Provision of Written Translations:** Vital documents must be translated. The Department should refer to these guidelines in crafting a procedure addressing the provision of written translations:
    - i. County Departments must provide translated written materials, including vital documents for each LEP language group that constitutes ten percent or 3,000 people (whichever is less) of the population of persons eligible to be served or likely to be directly affected by the program.
    - ii. For LEP language groups that constitute five percent or 1,000 (whichever is less), the County Department ensures that at minimum vital documents are translated in the appropriate non-English languages of such LEP persons.
    - iii. For 100 or less LEP persons in a language group, written notice must be provided in the primary language of the LEP language group of the right to receive competent oral interpretation of written materials.
- V. **Documentation.** Documentation should 1) identify the applicant/recipient's ethnic origin 2) primary language and 3) include acceptance or refusal of forms or materials offered in the primary language and 4) include the method used to provide bilingual service. In the case that an LEP individual declines county provided interpreter services, Departments should include the refusal form or otherwise indicate in the LEP individual's file that interpreter services were offered and declined after the individual was informed of his/her rights. In addition, the family member, friend or minor who served as an interpreter should be named on the refusal form.
- VI. **Staff Development and Training.** Departments must provide employee training for each LEP Procedure. This training should ensure that the actual practices of employees interacting with LEP individuals meet the requirements of any Wake County Title VI policy. This should include cultural awareness and also appropriate training to bilingual staff and interpreters, including ethics of interpreting, confidentiality, methods of interpreting, orientation to the organization, and cultural competency. All training and bilingual assessment of staff shall be documented.
- VII. **Title VI Officer and County Attorney Review.** Prior to implementing any policy or procedure created in accordance with this section, the Department shall seek consultation with the Title VI Officer/LEP Coordinator and the County Attorney as to policy content, form and legal sufficiency.
- VIII. **Definitions:**
  - a) **Bilingual** - The knowledge and ability to understand, read, and write fluently in two languages.

- b) **Discrimination** - Unfavorable treatment, consideration, or distinctions against a person based on the group, class, or category to which that person belongs rather than on individual merit.
- c) **Eligible County Programs** – (Looking for definition)
- d) **Interpretation** - Listening to communication in one language and orally converting it to another language while retaining the same meaning.
- e) **Language Access** – Efforts to make programs and services accessible to people who are not proficient in English.
- f) **Language Assistance Services** - Interpretation or translation services that assist LEP persons in understanding or communicating in another language.
- g) **Limited English Proficient (LEP) Person** - An individual who does not speak English as their primary language and self-identifies as having a limited ability to read, speak, write, or understand English.
- h) **Meaningful Access** - Denotes access to programs, activities and services that are not significantly restricted, delayed, or inferior as compared to programs or activities provided to English proficient persons.
- i) **Qualified Interpreter** – An individual who provides interpretation services at a level of fluency, comprehension, impartiality, and confidentiality appropriate to the specific nature, type, and purpose of the information at issue.
- j) **Reasonable Steps** - Affirmative and appropriate measures and resources used to resolve language-based barriers to information and participation in programs and services.
- k) **Translation** - The process of transferring ideas expressed in writing from one language to another language.
- l) **Translator** - A person who transfers ideas expressed in writing from one language to another.
- m) **Vital Document** - Paper or electronic written material that contains information that is critical for accessing a program or activity, or is required by law, such as consent forms, applications, and notices of rights.
- n) **Title VI Officer/LEP Coordinator**: The official designated by Wake County who is responsible for the compliance of policies and procedures required by Title VI.

**IX. Applicability:** This policy shall apply to any division of a Wake County Department operating Eligible County Programs as defined herein. Failure to adhere to this policy may result in disciplinary action up to and including dismissal.

**X. Policy Responsibility and Management: (who serves as coordinator for the county)**

- A. **Responsibility for the Policy:** The Wake County Title VI Coordinator/LEP Coordinator is responsible for the development and implementation of this policy.
- B. **Policy Management:** The Wake County Title VI Coordinator/LEP Coordinator shall review this policy every three years from adoption or last revision date, or as needed. The Wake County Title VI Coordinator/LEP Coordinator shall make any necessary revisions in accordance with standard practice changes, statutes or

changes in the law. Any policy revision made shall be submitted to the appointed policy committee at the time of revision for approval and adoption.

- C. **Plan for communicating and training:** The Wake County Title VI Coordinator/LEP Coordinator shall communicate any changes or updates of this policy to Departmental Title VI Liaisons who are responsible for communicating any changes and updates to their respective departments.

- D. **Contact Information:** Wake County Title VI Coordinator / LEP Coordinator  
Phone number: 919-212-7015  
E-Mail: TitleVIComplianceOfficer@wakegov.com

**XI. History:**

Effective Date	Version	Section(s) Revised	Author
TBA	10/04/22	Original Version	Co Atty's Office