

**DISTRICT OF COLUMBIA
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT**

BULLETIN NO. 97

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LANGUAGE ACCESS POLICY

I. PURPOSE

The purpose of this policy is to ensure that the DCFEMS programs and services meet the requirements of Law 15-167, the "Language Access Act of 2004." Law 15-167, enacted on April 21, 2004, seeks to promote greater public access and participation in government services, programs, and activities. D.C. Official Code § 2-1931 designates DCFEMS as a covered entity with major public contact under this law. As such, the agency must provide equal access to programs and services to all persons living in, working in, or visiting the District of Columbia, regardless of their ability to speak English. Therefore, the Language Access Act requires DCFEMS to provide free, timely and effective oral and written language services at a level equal to English proficient individuals to all limited-English or non-English proficient (LEP/NEP) persons who seek to access or participate in the services, programs, or activities offered by the Department. The provision of timely and effective communication services to LEP/NEP persons is required for DCFEMS members. DCFEMS members must provide these services to all LEP/NEP persons they encounter. Specifically, DCFEMS must:

1. Establish and implement a Biennial Language Access Plan, (BLAP) and report the plan's progress on a quarterly basis to the D.C. Office of Human Rights;
2. Identify a Language Access Coordinator;
3. Collect and analyze data for agency services in languages other than English;
4. Provide written translations of vital documents into non-English languages that meet the language threshold from a qualified vendor;
5. Offer interpretation services;
6. Conduct outreach to limited and non-English proficient communities; and
7. Train staff on language access compliance.

II. AUTHORITY

This policy is consistent with DCFEMS' mission, as well as applicable federal and District of Columbia laws, rules, and regulations. These laws, rules, and regulations include but are not limited to the Civil Rights Act of 1964; the Language Access Act of 2004, D.C. Law 15-167,

D.C. Official Code §2-1931 *et seq.*, effective June 19, 2004; and D.C. Municipal Regulations 4-12 (Language Access Act).

III. APPLICABILITY

This policy shall apply to all DCFEMS members, defined as all employees as well as volunteers, contractors, and affiliates providing direct services to the public on the agency's behalf.

IV. DEFINITIONS

For the purpose of this policy, the following definitions apply:

- A. **“Bilingual”** refers to the ability to use two languages proficiently.
- B. **“Biennial Language Access Plan (BLAP)”** is a set of tailored goals and action items meant to improve a D.C. government agency's language access services. The BLAP contains specific and measurable action plans in areas of data collection, translation of vital documents, training of public contact staff, outreach initiatives, and hiring of bilingual staff that the agency commits to implement within a set timeline over a two-year period.
- C. **“Exigent circumstances”** are special situations that require deviation from this policy's procedures, such as threats to life, safety or property.
- D. **“Customer”** means an individual who may attempt to benefit from or receive services that DCFEMS provides.
- E. **“Interpretation”** is the conversion of oral wording from one language (the source language) into equivalent oral wording in another language (the target language). Interpretation may occur in-person or over the phone. Although the public and media often use the term interchangeably with “translation,” the word “interpretation” refers to oral speech and “translation” refers to written texts.
- F. **“I Speak Cards”** will be a resource with which limited or non-English proficient individuals may identify themselves and their primary language. The wallet-sized cards are promulgated by the D.C. Office of Human Rights and state the following in both English and the applicable non-English language: “I speak [non-English language]. I need assistance and have the right to receive assistance in my spoken language. Please provide me with an interpreter and note my spoken language in your permanent records. Thank you.”
- G. **“Language Access Coordinator (LAC)”** refers to the official within DCFEMS who coordinates and supervises DCFEMS activities undertaken to comply with the provisions of this policy.
- H. **“Language access services”** entail assessing the need for assistance in a language other than English and offering interpretation and/or translation to facilitate communication.

- I. **“Language Line”** refers to Language Line Solutions, a company that provides LEP/NEP customer interpretation services over the phone for all DCFEMS’ staff.
- J. **“Language ID Guide”** is a tool that Language Line provides for identifying a customer’s primary language. The Language Access Coordinator supplies this tool to members.
- K. **“Language threshold”** denotes DCFEMS exposure to a non-English language spoken by a limited or non-English proficient population that constitutes 3% of the agency’s customers or 500 individuals, whichever is less. Once DCFEMS reaches the threshold for a language, the agency must provide translations of vital documents in that language.
- L. **“Limited English proficient (LEP)”** describes an individual who does not use English as a primary language and who has a limited ability to speak, read, write, or understand English.
- M. **“Members”** are all agency employees, as well as volunteers, grantees, contractors, and affiliates providing direct services to the public on behalf of DCFEMS.
- N. **“Non-English proficient (NEP)”** describes an individual who does not speak, read, write, or understand English.
- O. **“Primary language”** indicates the language that a customer is most comfortable using. It is usually (but not always) the person’s first or native language.
- P. **“Translation”** is the conversion of written wording from one language (the source language) into an equivalent wording in another language (the target language). Although the public and media often use the term interchangeably with “interpretation,” the word “translation” refers to written texts and “interpretation” refers to oral speech. There are two forms of translation:
 - (1) Written translation is the conversion of written text from the source language into written text in the target language.
 - (2) Sight translation is the oral rendering of a written text from the source into the target language; it is not normally a direct word-for-word translation.
- Q. **“Vital documents”** include the applications, notices, forms, agreements, and outreach materials that DCFEMS publishes or distributes to inform customers about fire safety programs and services that it offers.

V. ROLES AND RESPONSIBILITIES

A. The Agency Director will:

1. Develop and approve a Biennial Language Access Plan.
2. Establish (or designate a member or team to establish) procedures for:

- a. Providing interpretation over the phone and in person;
 - b. Engaging in written communication with LEP/NEP customers;
 - c. Translating vital documents;
 - d. Collecting data on LEP/NEP encounters; and
 - e. Conducting community outreach.
3. Appoint a Language Access Coordinator responsible for overseeing the agency's BLAP and establish a Language Access Team to assist the LAC.

B. Language Access Coordinator will:

1. Ensure DCFEMS compliance with the Language Access Act of 2004 and corresponding guidelines and regulations.
2. Draft and oversee the implementation of the agency's Biennial Language Access Plan and submit a quarterly progress report to the Language Access Director at the Office of Human Rights.
3. Provide guidance, advice, resources, and training to agency members regarding the language access services.
4. Identify and screen bilingual staff members to serve as agency interpreters.
5. Identify and maintain a record of the agency's vital documents.
6. Track, monitor, and investigate public complaints regarding alleged language access violations at the agency.
7. Recommend corrective action for conduct contrary to this policy.

VI. REGULATIONS

A. Language Access Services:

Members encountering an individual, who is LEP/NEP, during emergency or non-emergency interactions, shall take all necessary and appropriate steps to establish and maintain timely and effective communication with the LEP/NEP person including but not limited to:

Asking all customers if they need assistance in a language other than English and automatically calling the language line when they encounter a LEP/NEP customer; and providing language services either by phone, via video conference, or through a qualified interpreter at all times if one is requested by an LEP/NEP customer—regardless of the

customer's perceived level of English proficiency. However, in situations involving exigent circumstances, such as an active fire ground, language access services shall be provided, if necessary, only after the fire ground is contained and there is no longer a threat to life, safety or property.

In every circumstance where LEP/NEP persons and DCFEMS members need to communicate, members shall:

- (1) Provide services in timely manner (i.e., in a manner that does not result in delays for the LEP/NEP persons that would be significantly greater than those for English proficient persons).
- (2) Provide language access services in a manner that ensures full and accurate communication between the member and the LEP/NEP individual by using either a professional telephonic interpreter (over the phone or video), a certified bilingual staff, or an in-person interpreter.
- (3) Avoid assumptions about an individual's primary language and shall make every effort to ascertain an individual's primary language to ensure effective communication.
- (4) Not use family members, neighbors, friends, volunteers, bystanders, or children to interpret for LEP/NEP persons, unless circumstances are deemed exigent and/or interpretation services are not available via the language line telephonic interpreter services.

B. Data Collection:

DCFEMS must collect and report data on the non-English languages spoken by LEP/NEP customers and the resources available to provide language assistance to LEP/NEP customers. This data collection serves two purposes:

- (1) To determine whether DCFEMS has reached the language threshold for a given non-English language, establishing the language(s) into which the agency must translate its vital documents; and
- (2) To record the customer's primary language in LEP/NEP electronic or file database, ensuring that further interactions with previously identified LEP/NEP customers include appropriate language accommodations.

Accordingly, members shall document all agency encounters with LEP/NEP customers. For example, when attending community events, agency staff will keep track of any encounters with LEP/NEP customers, and provide to the Language Access Coordinator, a spread sheet each quarter, showing such encounters and the interpretation service provided.

When in the field, in Operations, use of the language line will automatically result in documentation of the usage. The Language Access Coordinator shall report the resulting data to the D.C. Office of Human Rights both *quarterly* and annually. At the end of each fiscal year, the Language Access Coordinator shall submit an implementation report identifying the non-English languages that meet the agency's language threshold, as well as the resources available to the LEP/NEP populations who speak these languages.

C. Signage:

Company Commanders and Division Supervisors must ensure that all stations and facilities feature visible posters informing customers of their rights to obtain assistance in a language they can understand, free of charge. Signage must include information in all non-English languages that meet the agency's language threshold. To inform the public of language access services, all DCFEMS' stations and facilities shall feature the following signs and posters:

- (1) Language Line Desktop ID Guides shall be in each apparatus vehicle.
- (2) Posters on "Interpretation Services Available" will be located within each station at the watch desk and within each Division.

D. Translation:

DCFEMS must provide written translations of vital documents into Amharic, French, Spanish, Chinese, Korean and Vietnamese. These documents include but are not limited to Inspection Reports and all Public Safety Services and outreach materials.

Translations of vital documents must be as accessible to the public just as the English versions are. To this end, division managers shall ensure that translated vital documents are distributed within the agency, make them accessible at the entry points of agency facilities, post them online and have them visible at outreach events.

E. Interpretation:

Members responding to emergency calls shall offer interpretation services over the phone or via video conference in the primary languages of all customers identified as LEP/NEP. In non-exigent situations, members shall offer interpretation services over the phone, via video conference, or in person, in the primary languages of all customers identified as LEP/NEP. Members shall:

- (1) Avoid assumptions about a customer's primary language and make every effort to ascertain the customer's primary language. Provide interpretation whenever requested by a customer, regardless of the perceived level of English proficiency;

- (2) Neither discourage LEP/NEP customers from seeking DCFEMS agency services, nor refuse agency services to such customers;
- (3) Deliver DCFEMS agency services in a timely manner, i.e., without delays that are significantly greater than those that English proficient customers experience;
- (4) Exclusively use professional and qualified interpreters to interpret for LEP/NEP persons, and **not** family, friends, neighbors, volunteers, bystanders, or children; and
- (5) Provide interpretation for LEP/NEP customers attending DCFEMS outreach events if the agency receives notice of their presence at least five (5) business days in advance of the public meeting.

F. Waiver of language access rights:

LEP/NEP customers may insist on using a family member or friend as their interpreter, or may otherwise refuse DCFEMS language access services. In such cases, DCFEMS must obtain written consent that waives the customer's rights to translation and interpretation services. To do so, agency members must provide customers with a waiver form, in their primary language, that is located on all tablets. If a patient is not able to physically sign the form, then the member shall document in their report that the patient was unable to sign, but verbally agreed to waive all interpretation services. If a written translation is not available in the customer's primary language or if the customer is unable to read the waiver form, DCFEMS may use sight translation to convey the contents of the waiver form to the customer.

G. Bilingual staff:

The Language Access Coordinator shall maintain a list of bilingual staff members who agree to act as interpreters for the LEP/NEP population whose primary language they speak. Staff interpreters must be able to:

- (1) Communicate fluently and accurately in the non-English language(s) in which they claim proficiency;
- (2) Interpret exact concepts without distorting meaning in either language; understand the obligations of confidentiality as appropriate; and
- (3) Have been certified as bilingual and fully proficient in English and a second language.

DCFEMS shall take reasonable steps to screen self-identified bilingual staff members who request to be placed on the list of staff interpreters. The Department will obtain this information by sending out to all DCFEMS' employees a voluntary questionnaire to seek those employees that would like to be placed on the list. Based on this list of available staff interpreters and both the established and anticipated demand for language access services, the

agency shall determine its existing capacity for assisting LEP/NEP customers. To the extent that it requires additional capacity for providing interpretation services, the agency must give preference to qualified bilingual individuals when hiring for existing budgeted vacant public contact positions.

H. Language access training:

All DCFEMS members in public contact positions must be proficient in the requirements and legal obligations for serving LEP/NEP customers. To this end, all members must complete the online Target Safety Language access training. Training shall occur as part of the onboarding process for all new hires, and as part of continued professional development for existing members and administrative staff. The Biennial Language Access Plan shall outline the details of DCFEMS training on language access. The Language Access Coordinator is responsible for monitoring and ensuring that the Department continues to conduct all necessary trainings related to the LAA.

I. Outreach:

DCFEMS must develop a plan for conducting outreach to LEP/NEP communities in order to disseminate information about its services. Outreach activities may include, but are not limited to, the following:

- (1) Organizing events and educational workshops;
- (2) Deploying personnel to community centers, community based organizations, or schools;
- (3) Distributing flyers, brochures, and other printed material in diverse languages and at diverse locations;
- (4) Disseminating information through the agency's websites;
- (5) Issuing press releases in diverse languages and directing those press releases to media outlets serving LEP/NEP communities. DCFEMS shall continue to issue press releases to the following organizations: Washington Hispanic Newspaper, El Prego Nero, Las Americas, El Tempo Latino, Telemundo (TV), Univision (TV) and Washington Chinese Daily News;
- (6) Sponsoring educational, informational, events in LEP/NEP communities;
- (7) Participating in LEP/NEP community events and/or meetings;
- (8) Inviting LEP/NEP community members to visit agency service site(s) and facilities;

- (9) Participating in and/or cosponsoring events that target the District's LEP/NEP communities with other District government agencies.

J. Funded entities and contractors:

Contractors, including third party providers, hired by DCFEMS to carry out services, programs, or activities directly to the public are required to collect data regarding contact with LEP/NEP customers and report this data to DCFEMS on a quarterly basis, provide oral interpretation services, translate vital documents, and train personnel on all compliance requirements according to the same standards required of DCFEMS, and by agreement, certify in writing that LA Act compliance requirements will be satisfied by contractors.

K. Language access complaints:

Any person or organization may file a public complaint alleging a violation of the Language Access Act. The D.C. Office of Human Rights addresses these complaints, which may regard both individual and systemic noncompliance. A customer may file the complaint directly, but a person or organization with an interest in the customer's welfare may also file a complaint on the customer's behalf.

Members shall in no way retaliate against complainants and/or their representatives, and shall provide these persons or organizations with the same level of service that other customers receive. If a customer wishing to file a language access complaint contacts the Department, members shall report the incident to the Language Access Coordinator, who shall provide the customer with the following resources:

- (1) The Office of Human Rights Language Access Complaint Form;
- (2) The URL for the online Office of Human Rights Language Access Complaint Form (<http://ohr.dc.gov/webform/language-access-public-complaint-form>); and/or
- (3) The Office of Human Rights phone number (202-727-4559).

L. Resources:

Members shall have the following resources available to better serve LEP/NEP customers: electronic translations of documents, i.e., our public safety services, via the Department's website; access to contracted in-person and telephonic interpreters, as well as to the list of agency bilingual staff interpreters; materials from the Office of Human Rights, such as "I Speak" Cards and Language ID Guides; and training in Target Solutions.

VII. PROCEDURES

A. Identifying LEP/NEP persons:

Members must keep in mind the fact that LEP/NEP designations are context-specific; LEP/NEP persons may possess sufficient English language skills to function in certain types of communication (e.g., speaking or listening), but still be LEP/NEP for other purposes (e.g., reading or writing). When members suspect or are told that customers they encounter are LEP/NEP, they shall use the following protocol to determine whether or not the customers are actually LEP/NEP:

1. Ask: "Do you speak English very well?"
 - a. If the person answers "Yes," continue communicating with the person in English. Individuals who speak any non-English language and also report speaking English "very well" should be regarded as English proficient and should not be considered LEP/NEP persons.
 - b. If the person answers "No," appears not to understand what the member is saying, otherwise indicates a lack of comprehension, or states "I speak it a little" or "I speak it okay," the member shall assume that the person is LEP/NEP and attempt to identify the primary language following the procedures described in part IV.B of this policy. Individuals who report speaking English as anything less than "very well" (i.e., "well," "not well," or "not at all") must be regarded as LEP/NEP and eligible to receive language access services.
2. If the LEP/NEP person can speak or understand some English, the member shall state: "I can request an interpreter in your language to interpret for you in person or over the phone. Would you like me to get an interpreter?"

If the LEP/NEP person answers "Yes," the member shall:

- a. Proceed to identify the LEP/NEP person's primary language as specified in Part VI.B below; and obtain an interpreter to facilitate communication with the LEP/NEP person.
- b. If the LEP/NEP person answers "No," the member shall ensure that the LEP/NEP person understood the question and confirm that the customer does not want an interpreter. If the LEP/NEP person confirms that an interpreter is not wanted, the member shall proceed with communicating in English.

B. Identifying the primary language:

Members must attempt to identify an LEP/NEP customer's primary language using the following three approaches:

1. Ask the LEP/NEP person and check for an "I Speak" Card:

Members may ask an LEP/NEP person: "What language do you speak?" or "What language do you speak the best?" If the LEP/NEP person understands and answers the question, and/or displays an "I Speak" Card, the member shall immediately follow the procedures in part VI.C.2 of this policy to obtain an interpreter for the primary language.

2. Use the Language ID Guide:

Language Line provides a guide for identifying a customer's primary language. Members obtain this guide from the Language Access Coordinator, and shall display it to LEP/NEP customers so that they can identify the language they speak prior to the member contacting the language line services who are unable to identify their primary language in response to a member's questions. If the customer successfully identifies a language using the guide, members should follow procedures in part VI.C.2 of this policy to obtain an interpreter for this language.

Note: If LEP/NEP customers do not appear able to read or understand the Language ID Guide or are otherwise unable to identify their primary language, members shall call the Language Line service by following the procedure outlined in part VI.C.3.b below. With assistance from Language Line, members shall attempt to ascertain the LEP/NEP customer's language in order to obtain a suitable interpreter.

3. Call the Language Line Telephonic Interpreter Service:

Members shall call the Language Line Service by dialing **1-800-752-6096**; and providing the Client ID, **911021**.

C. Obtaining an interpreter:

Whenever a DCFEMS member contacts or is contacted by an LEP/NEP customer by telephone or in person, the member shall:

1. Ascertain the LEP/NEP customer's English proficiency and primary language as described in parts VI.A and VI.B above, respectively; and
2. In non-emergency situations and to the extent possible, ascertain the availability of a bilingual member by using the list of staff interpreters who speaks the non-English language in question.

- a. In non-emergency situations, if such a bilingual member is immediately available, and to the extent possible, the Department shall transfer communication to the bilingual member.
- b. If such a bilingual member is not immediately available in non-emergency situations, DCFEMS shall request an interpreter from Language Line by calling the Language Line number (1-800-752-6096) and providing DCFEMS Client ID, Organization Name, and Access Code. This information has been provided to all members in the Language Line Access Guide. During all emergency situations, DCFEMS shall request an interpreter from the Language Line by calling the above number and follow the procedures as set forth in VI, Section A.

D. Collecting data:

The Language Access Coordinator shall use the following mechanisms to collect data:

1. Language Line Reports;
2. Reception area or Information desk sign-in sheets that include multilingual language preferences;
3. Reports from bilingual staff on the number of times they are asked to assist an LEP/NEP individual; and
4. Tracking data sheet that will tally customers who use interpretation services at outreach events.

E. Translating vital documents:

1. The Language Access Coordinator shall identify and maintain a record of all vital document translations.
2. If a vital document translation is not available on the agency Internet or Intranet websites, members shall request a translation of that document by contacting DCFEMS Language Line Coordinator. NOTE: If a vital document such as an inspection report on the day of an inspection is to be issued to an LEP/NEP customer and a translated version is not immediately available, the Department shall provide a language access interpreter, or use the language line, to provide an immediate interpretation of such report, until the report can be translated in writing and deliver to the customer. In such an instance, the relevant Department division is responsible for directly sending a copy of such report to the vendor for translation and then hand delivering such document to the LEP/NEP customer. Should LEP/NEP persons require a vital document that has not been translated into their primary language, members shall follow the procedures outlined in part VI.C.2.b to contact Language Line. Members shall request a sight translation by reading the document to the Language Line interpreter.

F. Written communication:

1. If a member receives a letter or other written communication in a non-English language, and the member is not bilingual in that language, the written communication shall be forwarded to the Language Line Coordinator.
2. Within two business days of receiving the letter, DCFEMS shall respond to the sender with an acknowledgement letter in the sender's language, and arrange to have the original correspondence translated into English.
3. Once the written communication is translated into English, the Language Line Coordinator shall forward the English version of the communication to the intended agency recipient for response.
4. The member responsible for writing the response shall do so and then forward the response to the Language Line Coordinator.
5. DCFEMS shall arrange to have the response translated into the target language and mail the response to the sender, with a copy to the member who prepared the response.

G. Funded entities and contractors:

DCFEMS shall use the following procedures to ensure that funded entities and contractors hired by the agency comply with the requirements of the Act, according to the same standards required of the agency.

1. Include language access compliance requirements for funded entities and contractors in all Notices of Funding Availability (NOFA) and Requests for Proposal (RFP) issued by DCFEMS.
2. Require that all funded entities and contractors certify in writing that they will meet language access compliance requirements in contracts, memorandums of understanding, or work agreements signed between funded entity/contractor and DCFEMS.
3. Ensure that contractors receive language access compliance training through OHR, or that training material has been approved by OHR.
4. Provide guidance on language access compliance to contractors by connecting them to translation and interpretation vendors, and by providing them with a clear process for collecting data and for reporting all encounters with LEP/NEP customers to DCFEMS.

H. Screening bilingual staff:

To determine the aptitude of bilingual staff members who wish to serve as interpreters, the Language Access Coordinator will implement the following screening process:

1. A written language proficiency test;
2. An oral language proficiency test; and
3. Confidentiality training.