



Washington State Department of
Labor & Industries

Language Access Plan

OCTOBER 2016

Table of Contents

1. Introduction	3
1.1. Purpose of the Plan	3
1.2. Language Access Policy Statement.....	4
2. Responsible Personnel.....	5
3. Understanding How Limited English Proficient Customers Interact with L&I Programs.....	6
3.1. Project Management and Performance Structure	6
3.2. Data Collection	6
4. Providing Oral and Written Language Access Services.....	8
4.1. Oral Language Access Services	8
4.1.1. Designated Bilingual Employees	8
4.1.2. Certified Interpreters	9
4.2. Written Language Access Services	10
4.2.1. Development of Standard Translation Processes	10
4.2.2. Designated Bilingual Employees	10
4.3. Vital Documents.....	11
5. Providing Notice of Language Access Services	13
5.1. Multilingual Web Content.....	13
5.2. Multilingual and Equal Opportunity Posters	13
6. Public Outreach.....	14
6.1. Stakeholder Engagement	14
6.2. Informational Materials and Training.....	15
6.3. Outreach Events.....	15

6.4.	Radio Programs, Newspaper Ads and Webinar.....	16
6.5.	EMPLEO Employment-Related Complaints.....	16
7.	Training of Staff on Policies and Procedures	17
8.	Language Access Advisory Committee	17
9.	Monitoring and Evaluating Implementation of the Policy and Procedures	18
10.	Implementation Plans	19
	Language Access Highlights.....	22
	Definitions.....	23
	Stakeholder Consultations	25
	Complaint Procedure	26

Language Access Plan

Achieving L&I's mission to keep Washington safe and working is dependent on effective communication with injured workers, employers and members of the public, including those with limited English proficiency. Language access is a vital element of the agency's communication strategy. L&I will continue to develop and implement systematic approaches to language access, from analyzing demographic and customer data to proactively determining language service needs, to providing quality oral and written language access and outreach services to LEP customers.

1. INTRODUCTION

The Washington State Department of Labor & Industries (L&I) is dedicated to the safety, health and security of Washington's 3.5 million workers. L&I helps employers meet safety and health standards, and inspects workplaces for occupational hazards. As administrators of the state's workers' compensation system, L&I is similar to a large insurance company, providing medical and limited wage-replacement coverage to workers who suffer job-related injuries and illness. Agency rules and enforcement programs help ensure that workers are paid what they are owed, children's and teens' work hours are limited and consumers are protected from unsound business practices.

L&I serves customers in 19 offices throughout Washington and has about 2,800 skilled employees, including safety inspectors, claims specialists, nurses, researchers, accountants, labor experts and support staff.

1.1. PURPOSE OF THE PLAN

This Language Access Plan (plan) is an administrative planning document based on L&I Policy 2.07, [Language Access Services](#). The plan summarizes L&I's efforts to provide language services to limited English proficient (LEP) customers and includes steps it plans to take to ensure meaningful access to programs and services.

L&I will review and update the plan every two years or more often, if needed. This is to ensure the agency continues to respond to customer needs and to comply with Title VI of the Civil Rights Act of 1964 (Title VI), Section 188 of the Workforce Investment Act (WIA) and Section 188 of the Workforce Innovation and Opportunity Act (WIOA) and their implementing regulations.

The plan outlines measures to ensure the quality and consistency of L&I's language access services, making it easy for LEP customers to do business with L&I. The plan supports L&I staff by establishing a network of resources dedicated to ensuring meaningful access for LEP customers. By investing in a clear and effective language access plan, L&I demonstrates commitment to its mission to keep everyone in Washington safe and working.

The purpose of the plan is to:

- Implement Policy 2.07 and standards set forth in Title VI, Section 188 of the WIA and Section 188 of the WIOA and their implementing regulations.
- Ensure L&I provides meaningful access to LEP customers as part of its mission to keep Washington safe and working and its *Results L&I*¹ Goal 3, “Make it easy to do business with L&I.”
- Describe a feedback process to address language access concerns or complaints from L&I customers.
- Ensure L&I removes barriers for LEP customers to access L&I services.
- Describe systems for providing quality language access services to LEP customers.
- Increase LEP customer awareness about and understanding of L&I programs and services.

1.2. LANGUAGE ACCESS POLICY STATEMENT

On October 7, 2015, L&I issued Policy 2.07, Language Access Services. It is L&I’s policy to provide customers timely and meaningful access to all of its programs and activities by providing a range of oral and written language access service options for LEP customers. The policy has two broad objectives: provide meaningful language access services to LEP customers and inform the public that language access services are available free of charge.

The Spanish-language version of the Language Access Services Policy has been posted on the public website. The policy will be translated into Khmer, Chinese (Traditional and Simplified text), Korean, Vietnamese, Russian and Somali and posted on the multilingual landing pages on the public website by October 2016.

¹*Results L&I* is part of Washington Governor Jay Inslee’s *Results Washington* initiative designed to improve quality of service in Washington.

2. RESPONSIBLE PERSONNEL

L&I seeks to meet the highest standards of professional and ethical conduct in the course of fulfilling its mission. While all employees contribute to the mission, these roles and responsibilities are key to the plan:

- **Language Access Project Sponsors:** Provide resources and remove barriers, approve work products, provide updates to executive leadership and sponsor change management.
- **Language Access Coordinator:** Collaborate with L&I staff and external stakeholders to oversee, plan, review, monitor and evaluate language access services at L&I. Consult with and provide subject matter expertise to divisions and programs with LEP customers. Develop language access resources and guidelines based on customer needs and legal requirements and ensure meaningful access for LEP customers. Address LEP-related issues, attend the Language Access Advisory and Steering Committee meetings and solicit feedback from internal stakeholders, advocates, attorneys and community organizations in serving LEP customers.
- **Executive leadership:** Set expectations and ensure implementation of data-gathering processes and quality assurance. Provide staff resources as appropriate.
- **Language Access Advisory Committee:** Membership includes agency leadership and designated external stakeholders. Advise the director and the Language Access Steering Committee on the direction of language access initiatives, discuss related issues and assist with problem solving and resource needs.
- **Language Access Steering Committee:** Membership includes the deputy director for operations, assistant directors or delegates and the language access coordinator. Adopt and implement agencywide language access initiatives based on the plan, Policy 2.07 and procedures.
- **L&I divisions:** Provide available division-specific data to the language access coordinator and appoint a telephone-based interpreter services administrator, translation coordinator and program-level outreach staff in each division. Identify existing and new vital documents and prioritize their translation. Develop subject matter experts who can participate in language access process improvement initiatives, deploy projects in close collaboration with cross-agency teams (when necessary), conduct value stream mapping and implement quality assurance procedures based on agency standards and procedures.
- **L&I staff:** Understand expectations and obligations to effectively communicate with and provide meaningful access to LEP customers. Take reasonable steps to provide services when working with LEP customers. Identify and communicate any gaps or challenges in providing services to LEP customers to supervisors and language access points of contact to cultivate a culture of learning and continual process improvement.

3. UNDERSTANDING HOW LIMITED ENGLISH PROFICIENT CUSTOMERS INTERACT WITH L&I PROGRAMS

The language access coordinator will work with each program to determine the types of language access services that may be needed based on information about how LEP customers interact with each program.

3.1. PROJECT MANAGEMENT AND PERFORMANCE STRUCTURE

L&I will develop a governance structure for the Language Access Steering Committee to facilitate agencywide executive-level decision-making on the prioritization of projects to improve and streamline services to LEP customers. Projects for improvement have been identified that are broken into the major categories outlined in the Language Access Plan: designated bilingual employee language assessments, staff and contractor training, reporting and monitoring requirements, IT systems, policies and procedures, world language webpages, interpretation and translation services, world language telephone menus, budget and allocation of resources, complaints and investigations, outreach and notice to LEP communities. This committee will be responsible for the transfer of project-based initiatives to program operations across L&I divisions and programs to ensure continuity and consolidation of services to LEP customers.

3.2. DATA COLLECTION

L&I will collect available relevant language assistance data based on the unique services each program provides. Programs will provide this data to the language access coordinator every month. L&I will use the data collected to assess the number, language preference and frequency of LEP customers accessing services. Data will include, but will not be limited to:

- Compliance with the plan and Policy 2.07.
- Language access service requests and provisions.
- Languages encountered.
- Outreach to LEP customers.
- Creation and implementation of new language access resources.
- The nature and disposition of language access service complaints.
- Unique site visits for non-English webpages.

L&I staff will identify LEP customers and their specific oral and written language needs whenever possible. There are several ways in which L&I staff can identify a customer's preferred language:

- If the customer requests language access services, ask about his/her preferred language.
- Request assistance from bilingual staff, a certified translator or a certified interpreter to identify the customer's language.
- Use a multilingual "Point to Your Language" identification card or poster.

When a customer's preferred language is identified, L&I employees record the preferred language of LEP customers according to program recordkeeping requirements, using available database systems with a language preference flag or other processes or procedures that capture language preference information. L&I uses this data to monitor and assess the effectiveness of its language access services. Currently, LEP customers' language preferences are recorded and tracked in multiple systems.

- L&I Industrial Insurance System (LINIIS) is the program used to administer and manage the workers' compensation system.
- Organized Information Online (ORION) and Integrated Document Management (IDM) are L&I's systems for storing imaged documents for Insurance Services, Trades & Licensing and the Crime Victims Compensation Program.
- The WISHA² Information Network (WIN) is used by the Division of Occupational Safety and Health (DOSH) to track safety and health consultations and inspections.
- The Complaint Activity Tracking System (CATS) is the case-handling system used by the Employment Standards Program.
- The Customer Interaction Tool is used by customer service staff working at the service locations to capture language access data concerning LEP customer interactions.

L&I is currently developing a 10-year roadmap as part of the Business Transformation initiative. This roadmap is focused on how to significantly enhance processes, as well as the systems and technology, that L&I programs use to deliver services to customers. The goal is to make it easier for customers to seamlessly interact with L&I programs to meet customer needs. As part of this, L&I will update information technology and data collection systems. As these updates occur, they will impact the way data are collected and provided to the language access coordinator. The Business Transformation workgroup will coordinate with the Language Access Steering Committee on business requirements to ensure adoption of processes to automate collection and documentation of language access services into future IT systems.

L&I is developing monthly data reports to ensure the consistent delivery of language access services to LEP customers. See Section 10.4. for additional information on this project.

L&I will use this information, along with data from the U.S. Census, state and federal agencies and community-based organizations, to monitor and assess the effectiveness of its language access services. L&I is working with the Language Access Advisory Committee, state agencies and [other stakeholders](#) to identify additional resources for language identification.

² Washington Industrial Safety and Health Act

4. PROVIDING ORAL AND WRITTEN LANGUAGE ACCESS SERVICES

L&I delivers a range of language access services in both oral and written formats to meet the language needs of all LEP customers.

L&I employs about 150 designated bilingual staff who assist LEP customers in Spanish, Mandarin, Korean, Russian and Vietnamese. These employees are an important part of the agency's commitment to providing language access services. They provide assistance as customer service specialists, safety and health specialists, investigators, claim managers and outreach professionals.

Incoming designated bilingual employees are systematically assessed for language skills proficiency in accordance with Policy 2.07 and applicable collective bargaining agreements. Oral proficiency is measured by using a telephone assessment administered by Language Testing International (exclusive licensee of the American Council for the Testing of Foreign Languages, ACTFL). Applicants must meet or exceed the advanced low level. Written proficiency is measured using an assessment administered by Washington State University. Applicants must meet the advanced level to act as an authorized translator. L&I will continue to strive to ensure that LEP customers get high quality and accurate language access services.

4.1. ORAL LANGUAGE ACCESS SERVICES

L&I provides oral language access services through designated bilingual employees or certified interpreters.

4.1.1. DESIGNATED BILINGUAL EMPLOYEES

The Office of Information and Assistance employs bilingual staff to manage the agency's hotline, 1-800-LISTENS. Hotline employees are often the first point of contact for customers reaching out to L&I. Because the most requested language among L&I's customers is Spanish, nine designated Spanish bilingual employees staff the hotline. They answer questions about L&I programs and services, and direct calls to the appropriate programs and staff members in other divisions as necessary. To assist LEP customers in languages other than Spanish, hotline staff use the telephone-based interpreter service available to all L&I employees.

DOSH receives and responds to workplace health and safety complaints, reports of discrimination, fatalities and hospitalizations through the 1-800-4BE-SAFE safety and health hotline. DOSH has a designated bilingual employee whose primary responsibility is to help callers in Spanish.

We're working to expand the number of designated bilingual employees who speak languages other than Spanish to better serve the diversity of L&I customers' language preferences. We plan to fill vacant positions, when possible, with designated bilingual employees who speak Mandarin, Russian, Korean and Vietnamese.

4.1.2. CERTIFIED INTERPRETERS

When an interpreter is needed to provide oral language access services, L&I staff must use an in-person interpreter or a telephone-based interpreter. Designated bilingual staff are not authorized to provide interpreter services per Policy 2.07.

Interpreters are used for customer interactions, including but not limited to:

- Incoming calls to L&I staff and all call centers.
- Conversations at L&I field offices.
- Crime Victims Compensation Program communications.
- Injured worker communications.
- Investigation interviews.
- Jobsite safety and health inspections.
- Public safety inspections.
- Public meetings.
- Audits.

In determining which option is appropriate for each situation, staff should consider the availability of interpreter resources, the length of the encounter and the effectiveness of each service. Per Policy 2.07, L&I staff must not use designated bilingual employees or children, other relatives, or friends of the LEP customer as interpreters.

4.1.2.1. TELEPHONE-BASED INTERPRETER SERVICES

The Washington State Department of Enterprise Services (DES) contracts with a vendor that provides telephone-based interpreter services — 24 hours a day, seven days a week. This service, used by L&I, provides staff access to interpreters for more than 240 languages who assist LEP customers in their language of preference over the phone. While L&I does not negotiate or control contract performance standards, it can and will collect performance data and provide feedback to DES about the quality of the services provided. DES uses this feedback to determine contract extensions, awards and other decisions.

L&I staff receive training to appropriately and effectively use telephone-based interpreter service. Dual-handset telephones are available for use in every field office. An administrator for the service has been appointed for each division to help staff and to coordinate with the contract manager to collect feedback on the quality of the service. L&I staff can find information on requesting telephone-based interpreter services on the agency's intranet site.

4.1.2.2. IN-PERSON INTERPRETER SERVICES

DES contracts with multiple vendors to provide in-person interpreter services. These services, used by L&I, provide staff access to interpreters who are able to interact with LEP customers on job sites, during investigations and during inspections. While L&I does not negotiate or control contract performance standards, it can and will collect performance data and provide feedback to about the quality of the services provided. DES uses this feedback to determine contract extensions, awards and other decisions.

4.2. WRITTEN LANGUAGE ACCESS SERVICES

L&I provides written language access services (document translation) through designated bilingual employees or certified translators. Policy 2.07 prohibits the use of Web-based applications and software to process translations.

In accordance with Policy 2.07, staff will provide LEP customers with one or more of the following forms of translated written communication:

- Fully translated communication or correspondence from L&I in the customer's preferred language without significant delay.
- A summary or short description of the English written communication in the customer's preferred language, indicating the subject, its significance and any deadlines, and a note or letter in the customer's preferred language that tells him/her how to get help understanding written communication received from L&I in English.

4.2.1. DEVELOPMENT OF STANDARD TRANSLATION PROCESSES

L&I is committed to delivering timely, high quality translations of vital documents on a consistent basis to LEP customers in accordance with Policy 2.07. L&I will continue to implement standard translation procedures to facilitate the processing of requests consistent with department policies based on division-identified customer needs and available resources. These divisions use designated bilingual employees to translate documents and non-designated bilingual employees to process translations through template letters, vendors and/or use the L&I provider program to deliver vital documents to LEP customers:

- Field Services and Public Safety
- Fraud Prevention and Labor Standards
- Financial Management
- Insurance Services
- Division of Occupational Safety and Health
- Web and Communication Services

Translation requests for workers' compensation documents are processed by Insurance Services, Field Services and Public Safety, and Web and Communication Services staff. For all other requests, each division appoints a Translation Coordinator who receives training on the standard translation request procedure through a Web-based tool. Translation Coordinators help staff prepare translation requests, locate previously translated materials and deliver translations to LEP customers in a timely manner. L&I staff can find instructions to request translation services on the agency's intranet site.

4.2.2. DESIGNATED BILINGUAL EMPLOYEES

Designated bilingual employees are authorized to produce translated documents if they have met the advanced proficiency level of the Washington State University written Spanish assessment. The Office of Human Resources receives and proctors the Washington State University assessment, and delegates these duties to hiring supervisors when necessary.

4.2.2.1. OFFICE OF INFORMATION AND ASSISTANCE

The Office of Information and Assistance's Bilingual Translation Unit translates documents for L&I's Claims Administration in Spanish (the language used by the majority of Claims Administration LEP customers), using a rigorous quality assurance procedure with multiple levels of oversight for each document that gets translated. When the unit receives a high volume of translation requests, these documents are processed through a vendor to ensure timely turnaround. During these periods, bilingual designated employees spot-check the vendor translations to ensure that the vendor has delivered accurate work. The unit also employs three staff members who process translation requests through external vendors and to track performance. For the DES contracts, L&I does not negotiate or control contract performance standards, but it can and will collect performance data to provide feedback to DES.

4.3. VITAL DOCUMENTS

Vital documents are paper and electronic documents and communications deemed vital to customer access to L&I services and activities or required by law. A document may be deemed vital based on the importance of the program, information, encounter or service involved, and the consequence to the LEP customer if the information in question is not provided accurately or in a timely manner.

Vital documents include, but are not limited to:

- Documents that must be provided by law.
- Complaint, consent, release or waiver forms.
- Claim or application forms.
- Conditions of settlement or resolution agreements.
- Letters or notices pertaining to the reduction, denial or termination of services or programs, or that require a response from the LEP customer.
- Time-sensitive notices, including notices of hearing, upcoming deposition appearance or other investigation or litigation-related deadlines.
- Forms, notices or written material related to an individual's rights, requirements or responsibilities regarding agency services, including but not limited to:
 - Filing a discrimination complaint against L&I.
 - Protesting an agency decision.
 - Safety and health rights.
 - Wage and hour rights.
- Notices regarding the availability of free language access services for LEP customers.
- Outreach or informational material when lack of awareness about a particular program may effectively deny LEP customers meaningful access.

The vital documents project will integrate the assessment of vital forms and publications into existing operational functions. This will require developing procedures for tracking items designated as vital and posting content to the public website.

Staff are evaluating workflows to determine how long it will take to translate all of the identified forms and publications and what system will be used to store this data. The current forms and publications tracking application is built on a legacy database. This database will eventually need to be modernized to provide increased functionality, however it is the current tracking tool that will continue to be used until the application is replaced. Project timelines will be determined based on existing staff availability in the Forms Management program to process a higher volume of translated forms.

A separate multi-phased project will be developed to assess vital letters and other correspondence used to communicate with LEP customers across L&I programs and divisions. That project will require divisions to develop templates for vital correspondence and identify and/or create central storage location(s) that can be accessed by program staff.

Each division will continue to work with the Language Access Coordinator to identify documents that are considered vital for meaningful access and to determine the languages needed by LEP customers.

5. PROVIDING NOTICE OF LANGUAGE ACCESS SERVICES

L&I staff inform LEP customers of the availability of language access services free of charge, through one or more of the following methods:

- Face-to-face interactions at outreach events.
- Outreach documents.
- Telephone menu prompts and messages.
- Content on the public website.
- Local newspaper advertising (paid).
- Radio and television station ads (paid).
- Community-based organizations.
- In-person interactions at L&I front counters, worksite inspections, consultations and investigations.

In addition, all current L&I publications include a statement informing of the availability of documents in their preferred language or format.

5.1. MULTILINGUAL WEB CONTENT

L&I recognizes the importance of providing online access to agency programs and services for LEP customers. [Multilingual headers on the public website](#) link LEP customers to landing pages in Chinese (Simplified and Traditional text), Khmer, Korean, Russian, Somali, Spanish and Vietnamese. The agency is currently translating vital forms and publications into these languages to be made available online in the future.

Many forms and publications are available in Spanish on L&I's [dedicated Spanish-language website](#). Five agency divisions have their own webpages with translated content in Spanish, including programs such as Employment Standards, Claims Administration, Crime Victims Compensation and Contractor Registration. The agency has 433 webpages in Spanish and seven webpages in other languages that can be accessed from the multilingual headers. L&I will evaluate the Spanish Web content in order to improve usability and access. See Section 10.5. for more information.

5.2. MULTILINGUAL AND EQUAL OPPORTUNITY POSTERS

The telephone-based interpreter services vendor provides L&I with multilingual "Point to Your Language" posters, which are displayed prominently in each of the agency's 19 service locations across the state and headquarters to ensure that LEP customers can communicate their language access needs easily and effectively. Customer service staff at these locations are trained in the effective and appropriate use of language access services. L&I is developing agency-specific posters and brochures to notify customers of free language access services. See Section 10.6 for more information.

L&I will also ensure that "Equal Opportunity is the Law" posters are displayed prominently in each of the agency's 19 service locations across the state and headquarters by October 2016.

6. PUBLIC OUTREACH

L&I is engaged in numerous, ongoing outreach efforts to targeted LEP individuals and communities that have had or may have interactions with L&I programs or services. L&I prioritizes development and implementation of outreach and informational material in non-English languages based on whether lack of awareness about a particular program may effectively deny LEP customers meaningful access. Public outreach is planned and designed using a fact-specific inquiry that balances a variety of factors, including:

- The number or proportion of LEP customers eligible to be served or likely to be encountered by each program and division.
- The frequency with which LEP customers come in contact with each program and division.
- The nature and importance to people's lives of the program, activity or service provided.
- The resources available to the program, and the costs.

L&I will continue to engage in a variety of outreach initiatives to ensure LEP customers get information about the services available, safe workplaces, wages and working conditions and assistance in case of injury. The following information highlights some of these activities.

6.1. STAKEHOLDER ENGAGEMENT

L&I staff will continue to establish and build relationships with stakeholders connected to LEP communities to inform them about available services, offer training and coordinate outreach efforts. Stakeholders include:

- Advocacy and labor organizations.
- Agricultural organizations.
- Community and faith-based organizations.
- Employer associations.
- Federal government agencies.
- Foreign government representatives.
- Latino organizations.
- Consulate of Mexico and Consulate of El Salvador.
- Non-profit organizations.
- Washington state government entities: Governor's Office, Department of Agriculture, Employment Security Department, Department of Health, the Commission on Asian Pacific American Affairs and the Commission on Hispanic Affairs.

6.2. INFORMATIONAL MATERIALS AND TRAINING

L&I staff develops publications, Web content, marketing material and social media to promote services to LEP customers. These materials are available on the public website, at outreach events, public meetings and by customer request.

Examples of materials and training include:

- The Job Safety & Health Law poster is available in Chinese (Traditional text), Khmer, Korean, Spanish, Russian and Vietnamese.
- Outreach documents informing nail salon clients and workers of their safety, wage and hour rights were created in Chinese (Simplified text), Korean, Polish, Russian and Vietnamese.
- L&I staff help the monolingual Spanish workforce reduce the rate of injuries, illnesses and fatalities by informing them about worker rights and providing safety and health training on how to recognize, identify and correct hazards and avoid unsafe work situations and conditions.
- L&I outreach staff engages with Latino workers, advocacy and employer stakeholders such as Wafla (formerly the Washington State Farm Labor Association), Washington State University and the University of Washington Foster School of Business to offer training and assistance.
- L&I provides Spanish-language publications on worker rights and safety and health in educational and informational sessions to meet the distinctive language and literacy needs of Latino workers.
- L&I's Safety and Health Assessment and Research for Prevention (SHARP) injury and illness prevention materials are available online in Spanish, and some of these materials are translated to other languages for LEP individuals upon customer request.

6.3. OUTREACH EVENTS

Staff participate in and share information about available services at many different outreach events statewide in an effort to reach as many LEP customers as possible. Some examples of the agency's outreach events are:

- The Employment Standards program regularly provides outreach in Spanish to LEP customers about workplace rights under the state's wage and hour laws. This includes new employer orientations, *Introduction to L&I Workshop*, mini-presentations to workers such as *Ventanilla de Salud* (Health Windows) with the Mobile Mexican Consulate in Seattle and throughout the state, and outreach at venues such as community health fairs, home shows, Agriculture Safety Day and the Governor's Safety and Health Conference.
- The Division of Occupational Safety & Health's Hispanic Outreach Program develops educational and informational sessions using L&I publications on worker rights and safety and health that meet the distinctive language and literacy needs of Latino workers. The program also provides hazard identification materials specific to the needs of Latino workers. Staff also participate in radio interviews in Spanish and collaborate with community and faith-based organizations, agricultural organizations, the Consulates

of Mexico and El Salvador, Latino organizations, non-profit organizations and state and federal government agencies.

- The Crime Victims Compensation Program provides financial compensation to victims of violent crimes for crime-related expenses such as medical bills, loss of financial support and funeral expenses. The program's outreach will include attending Latino Legislative Day and Latino Civic Alliance group meetings.
- The Prevailing Wage Program educates employers and employees on Public Works laws and state labor laws, ensures compliance, mediates disputes and negotiates settlements and prepares cases for litigation. Prevailing wage outreach includes coordinating regional new employee orientation with L&I's Spanish communication staff. The compliance specialty supervisor for two of L&I's six regions has conducted training sessions in Spanish in conjunction with the University of Washington.
- L&I provides outreach and education to consumers hiring contractors or purchasing permits for home improvement projects. One of the staff that regularly conducts this outreach is bilingual and participates in consumer events with Spanish-speaking customers interested in these topics. The agency actively seeks out events providing opportunities to speak with these customers.

6.4. RADIO PROGRAMS, NEWSPAPER ADS AND WEBINAR

L&I staff will continue to participate in radio programs, develop newspaper ads and offer a webinar in an attempt to reach as many LEP individuals and their employers as possible. Some of these outreach activities may include:

- L&I bought radio and newspaper advertising as outreach to Chinese, Vietnamese, Korean and Latino communities to educate customers about L&I services available in their language of preference.
- An annual webinar to educate employers on how to assist Spanish-speaking workers with workers' compensation questions.
- Spanish-language outreach to LEP customers on workplace rights under the state's wage and hour laws via radio shows and interviews on radio stations, in collaboration with the Commission on Hispanic Affairs.

L&I will work with the Language Access Advisory Committee to identify additional language communities and opportunities for outreach.

6.5. EMPLEO EMPLOYMENT-RELATED COMPLAINTS

A designated bilingual employee from the Fraud Prevention and Labor Standards Division receives employment-related complaints through the U.S. Department of Labor's EMPLEO Hotline and works with L&I staff to respond to the complaints. Staff conduct outreach to inform workers about the EMPLEO Hotline purpose and availability.

7. TRAINING OF STAFF ON POLICIES AND PROCEDURES

L&I employees will receive training about their obligation to provide language access services to LEP customers using the resources available. Effective training ensures employees are knowledgeable and aware of the department's language access initiatives, the plan, Policy 2.07, standards set forth in Title VI, Section 188 of the WIA and Section 188 of the WIOA and their implementing regulations.

Each division will ensure that staff are trained on Policy 2.07, can locate available language access resources and receive any other required training to perform the LEP-related duties required by their job.

Mandatory training that demonstrates and reinforces effective, appropriate communication with LEP customers using telephone-based interpreter services is provided for all staff upon hiring and biannually through refresher training. The Web & Communication Services Division is working with the Office of Human Resources to implement a cultural competency training module, which will include information regarding state and federal civil rights obligations. See Section 10.2. for more information.

Policy 2.07:

- Has been posted on the L&I intranet for employee access and reference.
- Will be incorporated into new employee orientation.
- Has been introduced and discussed with executive management so they are fully aware of and understand the policy to reinforce its importance and ensure its implementation by staff.
- Will be included in ongoing, periodic staff training about how to work effectively with LEP customers and provide effective and appropriate language access services.

8. LANGUAGE ACCESS ADVISORY COMMITTEE

The Language Access Advisory Committee is comprised of agency leadership and at least eight designated stakeholders representing:

- Labor advocacy organizations.
- Business associations.
- The Governor's Commission on Asian Pacific American Affairs.
- The Governor's Commission on Hispanic Affairs.
- Office of Women and Minority Owned Business.

The committee's purpose is to advise L&I about the direction of the agencywide language access program, discuss issues related to language access, assist with problem-solving and identify resource needs. This committee meets on a quarterly basis.

9. MONITORING AND EVALUATING IMPLEMENTATION OF THE POLICY AND PROCEDURES

L&I's language access coordinator is responsible for quality control and monitoring. This responsibility includes reviewing and updating the Language Access Plan at least every two years or more frequently, as needed. Quality control and monitoring will assess whether:

- Language needs of LEP customers have significantly changed.
- Staff know and understand how to implement Policy 2.07.
- Training is conducted on a regular basis.
- Current and new staff that provide oral and written language access services have appropriate language skills qualifications.
- Translated vital documents ensure meaningful access to customers in every division.
- Existing language access service failures, issues or other concerns are identified and addressed.
- Potential actions are needed to improve effectiveness of services.

Monitoring for effectiveness may include these actions:

- Analyze current and previous data on language access services, including the preferred languages for oral and written communication.
- Survey programs to assess where procedures should be updated or finalized.
- Survey staff on knowledge and understanding of the plan and Policy 2.07 and to determine whether services are meeting the needs of LEP customers in their area.
- Survey LEP customers to see whether existing language access services are effective.
- Review vital documents identified for translation.
- Review complaints and their resolutions.
- Monitor feedback from community-based organizations, legal services, other stakeholders, and L&I staff who interact with external stakeholders and LEP communities about L&I's effectiveness and performance in ensuring meaningful access.

L&I has delegated authority to the agency's Office of Internal Audit & Civil Rights for investigating and resolving civil rights complaints from customers who believe they have been denied meaningful access to L&I services because of their inability to speak or understand English. Internal auditors will ensure civil rights investigations are legally sufficient, impartial, resolve the allegations identified in the complaint, and ensure consistent communication to complainants.

10. IMPLEMENTATION PLANS

10.1. LANGUAGE SKILLS ASSESSMENTS FOR DESIGNATED BILINGUAL POSITIONS

Phase 1: L&I will continue to use the American Council on the Teaching of Foreign Languages (ACTFL) oral proficiency assessment as part of the hiring process for new designated bilingual employees. Before testing all current bilingual staff, L&I will offer workshops for employees as an opportunity to learn about the ACTFL and test requirements. Staff serving in designated bilingual positions must pass at least the advanced-low level of this oral assessment. L&I has already bargained the oral proficiency testing requirement with the Washington Federation of State Employees and has committed to sharing the communication plan as the training and testing phase evolves until the end of the year.

Target date for completion: December 2016

Phase 2: Currently, new designated bilingual employees that translate as part of their job duties are required to pass the Spanish-English advanced-level written assessment from the Washington State University (WSU). Any new written proficiency testing requirements for designated bilingual employees will require collective bargaining with the Washington Federation of State Employees before implementation.

During this interim period, L&I is collecting data to assess the quality and cost involved in using designated bilingual employees to translate documents versus using professional translation vendor services. L&I will evaluate this data to determine next steps for Spanish-language written assessment decision-making, streamlining services and further standardizing translation procedures.

Target date for completion: June 2017

10.2. COMPREHENSIVE LANGUAGE ACCESS TRAINING FOR L&I STAFF

Phase 1: L&I will develop and implement improved telephone-based interpreter services training, which will include information on Title VI, the WIA and the WIOA. This module will be required for all L&I employees.

Target date for completion: March 2016

Phase 2: L&I will develop and implement comprehensive civil rights and cultural competency training. This training will be required for all L&I employees.

Target date for completion: March 2017

10.3. CIVIL RIGHTS COMPLAINT PROCESS

The L&I Office of Internal Audit& Civil Rights will create methods of filing Title VI discrimination complaints, such as complaint forms and a hotline. The complaint hotline will include after-hour menu prompts in eight non-English languages. The complaint process will specify requirements and procedures for investigating and resolving complaints to comply with Section 188 of the WIA and Section 188 of the WIOA and their applicable implementing regulations.

The English version of the complaint form is being finalized and will be translated into Spanish for posting to the public website. Complaint forms in seven additional languages will be available on L&I's multilingual landing pages.

Target date for completion: March 2017

10.4. MONTHLY LANGUAGE ACCESS SERVICE REPORTS

L&I will develop and implement monthly language access service reports to ensure accurate collection of data that reflects expectations in the plan and Policy 2.07, such as LEP customer oral and written needs, language access service provisions and outreach to LEP customers. Staff will continue to develop agencywide standardized data collection and analysis procedures for language access service reporting on a consistent basis.

Target date for completion: June 2017

10.5. SPANISH LANGUAGE WEBSITE

L&I will develop a three-year project plan to improve the usability of the existing Spanish language website and create easy-to-find content with more audio and video content. The goal is to identify and streamline vital Web content based on usability studies, feedback from the Language Access Advisory Committee and other related stakeholders. A more streamlined version will require reducing the number of webpages to ensure content management and timely updates over time.

Phase one will include a complete content review of all of the pages that are associated with the present site to determine critical content. Staff will collect analytics to prioritize content that engages with unique site visitors. Phase two will include charting a workflow process for content control and management, website design layout and publishing.

Target date for completion: January 2019

10.6. LANGUAGE ACCESS POSTERS AND BROCHURES

L&I will design and produce multilingual posters and brochures notifying LEP customers of the availability of free language access services, including information on discrimination as required by Section 188 of the WIA and Section 188 of the WIOA and their applicable implementing regulations. These materials will be distributed and posted in a prominent location in every field office and L&I headquarters.

Target date for completion: October 2016

10.7. LANGUAGE ACCESS GOVERNANCE STRUCTURES

L&I will develop governance structures for the Language Access Steering Committee and Advisory Committee to help agencywide executive-level decision-making on the prioritization of projects to improve and streamline services to LEP customers.

Target date for completion: January 2017

10.8. VITAL FORMS AND PUBLICATIONS

L&I will identify vital forms and publications to translate in the agency's supported languages (see Section 3.1). The translated materials will be made available on the public website.

Target date for completion: Ongoing

Language Access Highlights

L&I has implemented a number of measures to improve communication with, and access for, LEP customers.

- Each division identified vital documents for translation prioritization and processing.
- A standard translation request and processing procedure was developed and implemented to deliver translated documents to LEP customers.
- Multilingual “Point to Your Language” posters are displayed in each of our 19 field offices, with reinforced messaging to staff to ensure posters and other materials are displayed and used appropriately and effectively.
- Instructions in 14 languages were added to the L&I Report of Accident.
- Telephone prompts in eight languages were added to provide LEP customers access to L&I’s 1-800-LISTENSHotline. Telephone prompts in three languages were added in Region 2.
- Multilingual headers on the agency website link LEP customers to a landing page that informs them about free language access services in seven languages.
- Field offices developed a Customer Interaction Tool to capture language preference data for LEP customer interactions.
- L&I contracted with an in-person interpreter services vendor to provide service to field staff during inspections, investigations and outreach events.
- Newspaper ads promoting L&I services in Korean, Vietnamese and Chinese communities were launched in King County.
- An *Introduction to L&I* presentation was provided in Korean at the Korean Restaurant Association Conference.
- In preparation for implementing a new Electronic Benefit payment system for injured workers and victims of crime, L&I translated all related forms and letters into six languages.
- The agency created information in 14 languages notifying customers of their right to an interpreter, how to access an interpreter and who can interpret and be paid for the services.
- In 2014-2015, DOSH staff developed and piloted a new training program for Spanish-speaking entry-level workers called *The WISHA 10 Program for Agriculture*. The primary objective is to create a “Train-the-Trainer” program within the agriculture industry, targeting the industry’s top five safety hazards.
- Four positions were created to support language access projects and develop quality assurance controls for translations.
- L&I’s Office of Internal Audit & Civil Rights and has been given delegated authority to investigate and resolve Title VI discrimination complaints.

Definitions

- 1. Certified interpreter:** A person employed by a vendor that has met the requirements to provide interpretation services of the Department of Enterprise Services and/or the Fee Schedules and Payment Policies (MARFS) published by Health Services Analysis in Insurance Services. A certified interpreter must either be an L&I provider or employed by an interpreter service contracted by L&I.
- 2. Certified translator:** A person employed by a vendor that has met the requirements to provide translation services of the Department of Enterprise Services and/or the Fee Schedules and Payment Policies (MARFS) published by Health Services Analysis in Insurance Services at L&I. These translators can only bill for services rendered to L&I for the languages they are certified to translate.
- 3. Contracted service provider or vendor:** A person, agency or business entity that contracts with L&I to provide the amount and kind of services requested to serve customers in their language of preference. In some cases, these services can be provided through a vendor contracted through statewide contracts with the Department of Enterprise Services or an L&I provider.
- 4. Cultural competency:** A set of behaviors, attributes and policies enabling an agency (or individual) to function effectively and appropriately in diverse cultural interactions and settings. Creating culturally competent materials requires respect for individuals and cultural differences, and the use of appropriate language, messages and images that are relevant to a specific community.
- 5. Customer's preferred language:** The language that a customer identifies as the language in which s/he wishes to communicate verbally and/or in writing with L&I.
- 6. Designated Bilingual Employee:** L&I staff in any position whose current, assigned job responsibilities include proficient use of written and/or oral English and proficiency in speaking and/or writing one or more foreign language; who receive dual language assignment pay; and who have met the qualifications for bilingual/multilingual proficiency as established by the Office of Human Resources (OHR).
- 7. Interpretation:** Listening to a message in one language and orally converting it to another language, preserving the intent and meaning of the original message.
- 8. Language access services:** The full spectrum of oral and written services available to provide meaningful access to L&I programs and services for LEP customers, including but is not limited to in-person interpreter services, telephonic and video interpreter services and translation of written materials and services provided by designated bilingual staff.
- 9. Limited English proficient (LEP):** This term refers to customers who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English and are entitled to language assistance with respect to a particular type of L&I service, benefit or encounter.

10. Translation: The conversion of written communication from one language (source language) to another (target language) in a written form. An accurate translation is one that conveys the intent and essential meaning of the original text.

11. Vital documents: Paper and electronic documents and communications that are deemed vital to customer access to L&I services and activities, or are required by law. Whether a document is considered vital may depend on the importance of the program, information, encounter or service involved, and the consequence to the LEP customer if the information in question is not provided accurately or in a timely manner.

Stakeholder Consultations

This Language Access Plan will be recirculated as needed for review and comments. L&I will review the plan at least every two years or more frequently, as needed. Updated plans will be presented to the Language Access Advisory Committee to provide an opportunity for input and feedback. As per L&I's Memorandum of Agreement with the United States of America, any proposed modifications to this plan will be submitted to the U.S. Department of Justice and Department of Labor for review during the first two years following the publication of L&I's plan.

The plan will be posted on L&I's intranet and public website.

Complaint Procedure

If you believe you have been denied the benefits of this plan, you may file a complaint with L&I. Contact the Office of Internal Audit & Civil Rights at **1-855-682-0778** to file a complaint.