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Subject#: Language Assistance Services
Source: Federal/State
Revise/Replace: PGL# 07-04-L
Contact: Equal Employment Opportunity Administrator
Distribution: Managers, Workforce center staff, Workforce Region Directors
Colorado One-Stop System Program Guidance Letter#: 10-18-L
Date: December 13, 2010

I. REFERENCE(S):

Title VI of the Civil Rights Act of 1964, as amended, and Title VI regulations, as set forth in 29 CFR Part 31; Section 188 of the Workforce Investment Act (WIA) and its implementing regulations at 29 CFR Part 37, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998, specifically 29 CFR 37.54 (d)(2)(vii); Federal Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency"; United States Department of Labor Training and Employment Guidance Letter Number 26-02; and, the United States Department of Labor Policy Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition against National Original Discrimination affecting Limited English Proficient Persons (USDOL Policy Guidance), published in the Federal Register Vol. 68, #103, 5/29/2003, (Pages 32290 through 32305).

II. PURPOSE:

This Program Guidance Letter (PGL) revises the Language Assistance Services PGL#07-04-L originally implemented on April 3, 2007; provides clarification of content and time frames for submittal of Language Assistance Plans (LAPs); establishes a new LAP Template format required for all submitted LAPs; identifies instructions for biannual data collection and assessment; and deletes outdated information. This Language Assistance Services PGL provides guidance and identifies key provisions for developing a Language Assistance Plan (LAP) that ensures meaningful access to Federal programs by English language learners (ELLs) and meets the standards of the references cited above. Workforce regions are required to submit to the State a Language Assistance Plan (LAP) or updated plan biannually by June 1 of each year beginning on June 1, 2011.

III. BACKGROUND:

On August 11, 2000, Federal Executive Order 13166 entitled, “Improving Access to Services for Persons with Limited English Proficiency” was issued (see <http://www.lep.gov>). This Executive Order was created to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their use of the English language. In response to the issuance of this Executive Order and to make federally assisted workforce development programs and activities more accessible to individuals who are limited in their ability to use the English language, the Colorado Workforce Speaks Taskforce was established in February 2005.

Colorado Workforce Speaks! is a statewide task force working toward Colorado’s economic viability by enhancing employment and career development opportunities for English language learners through collaboration with businesses, educational institutions, community/faith-based organizations, and Colorado’s Workforce Development System. Local workforce region representatives participate on this taskforce to provide input on the State's directives and projects related to serving English language learners (ELLs).

This Program Guidance Letter was originally issued to ensure that workforce regions are taking reasonable steps to provide “meaningful access” to their workforce programs and services by English Language Learners. “Meaningful access” means that a person 1) is given adequate information, 2) can understand the services and benefits available, 3) can receive the services for which he or she is eligible, and, 4) can communicate the relevant circumstances of his or her situation enough to access services needed. The purpose of the Language Assistance Plan is to establish the need for language assistance services and to outline the process for responding to that need. The outcome of implementing a Language Assistance Plan is that language barriers have been removed enough to allow meaningful access to workforce programs by ELL customers.

IV: POLICY/ACTION:

A. LANGUAGE ASSISTANCE PLAN (LAP)

Beginning June 1, 2011, and by June 1 every other year thereafter, each workforce region shall submit a local Language Assistance Plan or updated plan (**using the model LAP Template, Attachment # One to this PGL**) to the State. The local Language Assistance Plan shall address five topic areas: Assessment, Language Assistance Services, Staff Training, Outreach, and Monitoring/Evaluation, as described in the USDOL Policy Guidance, published in the Federal Register Vol. 68, #103, 5/29/2003 (Pages 32290 through 32305). Workforce regions are encouraged to use the “NASWA Checklist for Developing a Limited English Proficiency Plan” as a reference in developing these plans (**see Attachment #Two to this PGL**). **The initial LAP for Program Year 2011 shall be based on 2010 Census data with biannual LAP updates submitted and based on an updated source of data no older than two (2) years old.**

The following provides guidance for developing a LAP which meets the minimum Federal requirements.

1. **ASSESSMENT:** Identify populations in the workforce region that are in need of language assistance services to access Federal programs.

a. **Data Collection.** On a biannual basis, each workforce region shall assess its area population to identify the languages of potential customers who are English language learners¹. The workforce region's extent of obligation to provide translation, interpretation and outreach services is dependent on this data collected.

Assessment may include data gathering from the following sources:

1. Use of available and current Census data
2. Use of Census based projections
3. State generated labor market information
4. Information provided by community based organizations, faith-based organizations, local school systems, and/or workforce development system partners

Connecting Colorado data identifying the language assistance needs of individuals seeking services shall be used for the purpose of comparing the actual population data to the number of ELL customers served in that workforce region.

b. **Assessment Report.** The LAP shall include an assessment report analyzing the data collected and identifying language groups that warrant language assistance services. The assessment report shall present the following information, at minimum:

1. Statistics of known populations in the workforce region that speak languages other than English
 2. Number of workforce center customers served who speak a specific language, with an identification of the percentage (%) of the total number of customers served by the workforce center in the prior Program Year.
 3. A determination of which populations in the workforce region meet the minimum numbers that would require translation, interpretation and outreach services pursuant to the Safe Harbor Provisions of the USDOL Policy Guidance (Federal Register, 5/29/03, page 32290-32291). This requires documenting the % of customers served or encountered who speak other languages besides English, the frequency of contact with those populations, and analyzing this data in light of the nature and importance of the programs and the resources already available.
 4. Other data about foreign-born or ELL populations in the workforce region that are significant to the workforce region and may impact the delivery of language assistance services to ELL customers.
2. **LANGUAGE ASSISTANCE SERVICES:** Describe the local policies, procedures and resources that are currently in place to provide Language Assistance Services to workforce

¹ Note: These are statistics about languages spoken other than English, not statistics on race and/or ethnicity.

center customers.

Specifically, address each of the following items:

- Identify language assistance resources (written and oral resources) already in place to serve language assistance needs.
- List the Vital documents that have been translated into other languages to serve ELL customers. Vital documents include applications, consent forms, letters containing important information, notices regarding benefits and services (including appeal rights), notices that require a response, notices on the right to file complaints of discrimination, notices about language assistance to ELL persons, and other outreach materials.
- Describe how the workforce region responds to the communication needs of customers at the first point of contact whether it is in writing, by telephone, or in-person.

3. TRAINING: Specifically address each of the following items:

- Describe training provided to workforce region staff to enhance their ability to serve ELL customers. This includes formal and informal training about language assistance resources available, tips for cross cultural communication, policies for how and when to contact an interpreter, staff meetings to review the Language Assistance Plan, workshops related to improving job placement outcomes for ELLs, and other relevant topics. List the dates of training provided in the last Program Year and describe the content of that training. (PY2011 LAPs must include a report of the results of the “Customer Service Training Across Cultures” completed during PY2010)
- What additional Staff Training is planned for the upcoming Program Year?

In describing the staff training that has been provided or that will be provided, consider the following issues:

- How do staff know where to access language assistance resources and language interpretation and translation services?
- Are staff aware that you have a representative serving on the Colorado Workforce Speaks! Taskforce which is working toward improving access for ELLs to workforce development programs?
- Have you incorporated the use of the Colorado Workforce Speaks! On-Line Language Assistance Resource Guide (LARG) into required staff training requirements?
- Have staff been informed about the exchange of interpretation services available among workforce regional staff statewide? (this information is located in the Staff Directory section of the LARG).
- What steps do you plan to take, and by when, to make workforce region staff more aware of resources available?
- Is language assistance training included as part of new employee orientations? Are related training documents posted on in easily accessible location and/or on a well-publicized website?

4. **OUTREACH:** Specifically address each of the following items:
- How are you providing outreach to potential ELL customers, such as, providing notice of interpretation services available to provide meaningful access to workforce development programs.
 - What plans do you have to increase outreach to job seeker populations that require translation and interpretation services pursuant to the Federal guidelines?
 - What collaborative partnerships and/or community resources are used to serve ELL customers effectively?
5. **MONITORING/EVALUATION:** The monitoring and evaluation section of the LAP shall describe the results of the annual monitoring process. Specifically, address each of the following items:
- How are you monitoring your Language Assistance Plan?
 - Describe the criteria upon which you are evaluating the effectiveness of your LAP.
 - Identify the strengths and weaknesses of the region's language assistance services.
 - What steps do you plan to take, and by when, to address those weaknesses and to improve the delivery of language assistance services to ELL customers?

B. LANGUAGE ASSISTANCE RESOURCE GUIDE

The Colorado Workforce Speaks! On-line Language Assistance Resource Guide (LARG), located on www.e-colorado.org in the Colorado Workforce Speaks! Taskforce team room available for public access includes: regional resources for assisting the ELL customer; tips for what to do when an ELL customer arrives and can speak very little English; a Staff Directory of workforce region staff who can provide interpretation services to other workforce regions across the state; community based organizations available for referrals and supports services; translation services and resources (translated forms, brochures, and other official documents); resources for businesses; best practices for workplace English as a Second Language programs; and other services available to enhance the English language learner's success in the workplace as well as success in acquiring employment.

The LARG is available as an initial training tool for all workforce center staff and serves as a resource for working with customers that are English language learners.

As part of the workforce region's Language Assistance Plan it shall be the workforce region's responsibility to:

- use the on-line Language Assistance Resource Guide as a training tool for new staff,
- update the Staff Directory annually and keep contact information current, and
- maintain representation on the Colorado Workforce Speaks! Taskforce

V. **IMPLEMENTATION DATE:** January 3, 2011

The Language Assistance Plan, as required by TEGl 06-02 and the State's Program Year PY11 WIA and Wagner-Peyser Plan Modification Guidelines, should be submitted to the workforce region's State Workforce Liaison for Workforce Development Programs by June 1, 2011 and June 1 biannually thereafter. Simultaneously, a copy should be forwarded to the State Equal Employment Opportunity Officer for the Colorado Department of Labor and Employment, 633 17th Street, 12th Floor, Denver, Colorado 80202-3629.

VI. INQUIRIES:

Please direct any inquiries to the State Equal Employment Opportunity Officer at 303.318.8206 or your State Monitor for Workforce Development Programs at 303.318.8800.

Donald J. Mares, Executive Director
Colorado Department of Labor and Employment