

Language Access & Language Assistance

Objective:	To establish a County policy regarding the services it provides to develop and implement a system by which persons using a primary language other than English meaningfully access services in an inclusive and equitable manner.	Policy/Procedure Number:	01-45
		Effective Date:	March 2019
		Responsible Department:	County Administration
Reference: (All applicable federal, state, and local laws)	Title VI of the Civil Rights Act of 1964; Executive Order 13166; Tompkins County LEP Plan; NYS Executive Order 26	Modified Date (s):	July 19, 2022; December 17, 2024
Legislative Policy Statement:	It is the policy of Tompkins County that departments, agencies, and programs take reasonable steps to provide equitable access to public services for persons using a primary language other than English. We are committed to eliminating any remaining barriers to services, programs, and activities to and impacted persons.	Resolution No.:	2019-54; 2022-132; 2024-296
		Next Scheduled Review:	December 2029
General Information:	Title VI of the Civil Right Act of 1964 prohibits discrimination on the basis of race, color or national origin. Because language, like culture, is so closely linked to national origin, race and color, the failure to ensure that persons using a primary language other than English can effectively participate in, or benefit from, Federally assisted programs may violate Title VI's prohibition against national origin discrimination.		

Pursuant to Executive Order 13166, the meaningful access requirement of the Title VI regulations and the four-factor analysis are to additionally apply to programs and activities of Federal agencies. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

Federally assisted recipients are required to make reasonable efforts to provide language assistance to ensure meaningful access for individuals using a primary language other than English to the recipient's programs and activities. To do this, the recipient should: (1) conduct the four-factor assessment; (2) develop a language access plan (LAP); and (3) provide appropriate language assistance.

I. Definitions:

Language Use - Describes the use of languages other than English and/or when English is not an individual's primary language for reading, writing, or speaking.

Interpretation - The act of listening to spoken words in one language (the source) and orally translating it into another language (the target).

Translation - The replacement of a written text from one language into an equivalent written text in another language.

Professional Translation - Translation (as defined above) completed by a human translator, either a volunteer or paid contractor. Professional translation will incorporate technical knowledge in addition to language specific jargon that reflects the cultural nuances of a language. Professional translation is widely regarded as the most accurate form of translation.

Machine Translation - Translation completed by an automated computer-based process. Machine translation is not guaranteed to be 100% accurate in all cases.

Critical Public Information - Information that is time-sensitive and may have an immediate impact on the public's health and/or safety or access to critical services including the ability to engage in democratic processes such as voting or employment opportunities performed by Tompkins County in an inclusive and equitable manner.

Note: Some persons using a primary language other than English may not be able read in their own language and back up oral interpretation services may be needed for written documents.

Four-Factor Analysis - An assessment tool used by the recipient of Federal funding to determine the extent of its obligation to provide persons speaking using a primary language other than English services, also known as the persons with limited English proficiency. These four factors are: (1) The number or proportion of persons using a primary language other than English who are eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which persons using a primary language other than English come into contact with the program; (3) the nature and importance of the program, activity, or service provided the program to people's lives; and (4) the resources available to the grantee/recipient and costs.

II. Policy:

- A.** Tompkins County will take reasonable steps to ensure that persons with limited English proficiency receive the language assistance and translation services necessary to allow them meaningful access to County services, free of charge, in a way that preserves confidentiality, and in a timely manner.
- B.** County departments shall adopt procedures outlining how the department will provide language assistance and translations services to persons who have difficulty communicating in English. Such language assistance services may include interpretation services, and, when required by law, the translation of vital documents.
- C.** Tompkins County will disseminate, provide training, and will monitor the effectiveness of this policy and applicable procedures.
- D.** The County LAP Plan will be posted for public review on the County Compliance web page and will be updated as needed on an annual basis. The LAP policy will be posted in English, however, interpreters will be made available to interpret the plan for those who do not speak English. Copies of the plan will be provided to any person or agency requesting a copy.
- E.** Notice of availability of free interpreter and translator services signage must be posted at primary points of contact for County departments' reception areas.
- F.** As a recipient of Federal funds, the County will consider the Four-Factor Analysis when assessing language needs and determining what steps it should take to ensure access for persons using a primary language other than English, also referred to as LEP persons:
 - a. The number or proportion of persons using a primary language other than English who are eligible to be served or likely to be encountered by a County program, activity, or service;
 - b. The frequency with which individuals using a primary language other than English come in contact with County programs, activities, or services;
 - c. The nature and importance of the County program, activity, or service to people's lives; and
 - d. Level of resources available to the County for LAP-related costs.

Note: All County contractors and subrecipients are required to consider the four-factor analysis in communications for services for the community.

- G.** The County will adhere to the “safe harbor” threshold rule. The U.S. Department of Justice has determined that a “safe harbor” threshold is met when a language group constitutes five (5) percent or one-thousand (1,000), whichever is less, of the population of persons in the County that are eligible to be served or likely to be affected or encountered. Once any particular language in the County reaches the designated threshold, the County is required to make a best practice effort to provide free translation services of vital documents and notices to persons using a primary language other than English persons.
- H.** The Compliance Officer will meet with Department Heads on a bi-annual basis to identify barriers to language access, consult with stakeholders, and formulate strategies and responses to overcome the barriers to meaningful language access.
- I.** The Tompkins County website and publicly available documents and forms on the website must be translated into required languages as specified in this policy.
- J.** Tompkins County will publish a feedback form for employee and public use to submit feedback regarding translation services, accuracy, timeliness, accessibility, etc.

III. Procedure:

A. Interpreter and Translation Services

Staff will initiate an offer for language assistance to persons who have difficulty communicating in English, or when a person asks for language assistance. Whenever possible, staff is encouraged to follow a person’s preferences.

The County must offer free interpretation and/or translation services to persons with using a primary language other than English in a language they understand, in a way that preserves confidentiality, and in a timely manner. The County will use the “Language Identification Flashcard Tool” to help persons with using a primary language other than English identify their language needs for staff.

Note: The Language Identification Flashcard Tool (*Appendix E5 - LAP Tracking Form C*) can be found in the LAP Plan document on the Tompkins County Compliance Program webpage.

County staff should document the offer of interpreter assistance and when language assistance services are used with a client by completing the ***Use of Free Interpreter/Translator Services*** form.

Note: The Use of Free Interpreter/Translator Services form (*Appendix E3 - LAP Tracking Form A*) can be found in the LAP Plan document on the Tompkins County Compliance Program webpage.

To the extent possible, staff should use these language assistance services in the order set out below.

1. *Tompkins County Website*

All content on the Tompkins County website should be translated into the required languages. All critical public information as defined by Department Heads or County Administration should be prioritized to be translated by professional translators. All remaining information will be automatically machine-translated into the required languages.

Each department personnel responsible for website content or document uploads to the website should use the contracted software available to define “rules” as to what types of content should be translated by professionals.

For example, the Whole Health Department might create a rule that all “COVID-19” related information be professionally translated. The rules should define what website information or documents meet the threshold for critical public information.

2. *Telephone Interpreter Services*

Tompkins County has arranged to use a telephone interpreter service. County Administration is responsible for the cost incurred in utilizing this service.

To access Telephone Interpreter Services, refer to Appendix A below.

3. *In-Person Interpreter Services*

When requested, in-person interpreter services are to be provided at no cost to persons using a primary language other than English. County Administration is responsible for the cost incurred in utilizing this service.

To schedule an in-person interpreter refer to Appendix A below.

4. *Staff Language Assistance Volunteers*

The County has in the past utilized the language assistance services of bilingual staff members, “Language Assistance Volunteers,” on a voluntary basis. Bilingual staff are under no obligation to provide language assistance services unless it is specifically included in job duties. Bilingual staff may volunteer to provide language assistance to the extent that they are comfortable doing so and may also use the contracted language assistance services if they do not wish to volunteer language assistance services.

5. *Using Family and/or Friends as Interpreters*

County staff should not use family members or friends to interpret or translate for individuals using a primary language other than English.

Use of family or friends could result in a breach of confidentiality or reluctance on the part of an individual to reveal personal information critical to their situations. Family and friends may not be competent to act as interpreters because they may not be proficient enough in either

languages, may lack training in interpretation, may not be objective, and/or have little familiarity with specialized program terminology.

If an individual still prefers a family member or friend to interpret after the County offers free interpreter services, staff may use the family member or friend only after the staff person has offered free language services and such offer has been refused in writing. County staff should document the offer of interpreter assistance and the fact that the offer was declined by completing the ***Waiver of Right to Free Interpreter/Translator Services form***.

Note: The Waiver of Right to Free Interpreter/Translator form (*Appendix E4 – LAP Tracking Form B*) can be found in the LEP Plan document on the Tompkins County Compliance Program webpage.

Even if an individual elects to use a family member or friend as an interpreter, County staff should suggest that a trained interpreter listen in on the interview to ensure accurate interpretation.

The Use of Minor Children as Interpreters is Prohibited. Tompkins County staff may never use minor children as interpreters, unless in an emergency situation.

6. Deaf, Hard-of-hearing, Deaf-blind, or Speech-disabled Services

New York Relay is a free service offered by New York State when communicating via telephone with persons who are deaf, hard-of-hearing, deaf-blind, or speech-disabled. New York Relay is a statewide phone service that connects calls between a hearing caller and a caller with a speech or hearing impairment. The service uses specially trained Relay operators, and all calls are confidential.

To make a Relay call:

1. Dial 7-1-1 (or 800-421-1220).
2. Press 1 to make a Relay call. An Operator will answer and identify themselves by their Operator number.
3. Give the Operator the phone number of the person you are calling, and they will connect the call.
4. Speak directly to the individual (not the operator) and say "Go ahead" at the end of a complete thought.
5. The Operator will relay the information between you and the other person.

Note: If you are contacted by a caller with a hearing or speech impairment who uses the Relay service to call you, the Operator will identify this by saying "This is New York Relay." ***Don't hang up.*** Hang-ups can be frustrating for speech and hearing-impaired callers. Continue the conversation as described above.

7. Document or Text Translation

At times departments may have a need to translate documents or text to properly assist individuals receiving County services. These translation services are to be provided at no cost to persons using a primary language other than English. County Administration is responsible for the cost incurred in utilizing this document and text translation software service.

To request access to utilize this software, Departments may contact County Administration.

Note: *This software shall not be used for the translation of critical public information.*

B. Duties & Responsibilities Associated with LAP Plan Compliance

County Administrator

- Propose LAP related resolution for Legislature;
- Communicate with Department Heads on an annual basis the value of a County-wide LAP plan and the need to formulate strategies for overcoming barriers to meaningful language access; and
- Procure funds for County-wide language assistance contracted services, including translation services for vital documents including the Tompkins County website.

County Compliance Officer/Risk & Compliance Administrator

- Update and analyze internal/external LAP population and service-usage data;
- Document LAP related resources and costs;
- Coordinate LAP related training for designated County staff;
- Design and distribute LAP tracking forms to County departments;
- Collect and analyze departmental and County-wide LAP data;
- Disseminate LAP Plan to County workforce;
- Update LAP Plan on an annual basis or as necessary; and
- Submit annual LAP Plan report to County Administrator.

Employees

- Staff must complete the **Use of Free Interpreter/Translator Services form** if a client utilizes language services and provide to Risk & Compliance Administrator within thirty (30) days of use of the assistance service.
- If a client waives their right or refuses language services, staff must complete the **Waiver of Right to Free Interpreter/Translator Services form** and provide to Risk & Compliance Administrator within thirty (30) days of use of the assistance service.

Note: Forms can be mailed or interofficed to:

**Tompkins County Administration
Attn: Risk & Compliance Administrator
125 E. Court St. 3rd Floor Ithaca, NY 14850**

C. Training

- Copies of the LAP plan shall be distributed to all Department Heads, directors, and managers annually by the County Compliance Officer/Risk & Compliance Administrator.
- It is the responsibility of all Department Heads, directors, and managers to disseminate the provided LAP plan information to appropriate staff.
- The LAP plan shall be included as part of all new hire training and annual mandatory compliance training.

*****Additional information regarding the Tompkins County Language Access Policy and the Language Assistance Plan can be found on the Tompkins County Web Page.**

Appendix A

Language Access Assistance

Residents participating in language translation have the option to choose between language access services that will result in the most equitable and inclusive outcome for service delivery.

Language Line is a phone-based language interpretation service. Staff who have three-way calling on their office phone can use Language Line to call individuals using a primary language other than English. Staff can identify the appropriate language by using a language identification flashcard, found in *Appendix E* of the County's LAP Plan.

To access Language Line:

1. Call 1-866-874-3972
2. Provide the County's client ID number (If you do not have the client ID number, you can request it from your Supervisor or Department Head).
3. Indicate the language you need. You will be connected to an interpreter.
4. Brief the interpreter, give any special instructions, and provide your office phone number for tracking purposes.
5. Call the individual using a primary language other than English via three-way call.
6. Speak directly to the individual and pause at the end of a complete thought. You may sometimes be asked for clarification or repetition.

Empire Interpreting Service can assist when County staff need to communicate in-person or persons with sensory impairments who communicate using American Sign Language (ASL) or when document and text translation is needed for critical public information.

To schedule an in-person interpreter with Empire:

1. Call 1-844-620-8594
2. Identify that you work for Tompkins County and provide your name and office phone number.
3. Provide the location, date, and time that the interpreter is needed; the name of the client/recipient who will be using the interpreter; the requested language; and a brief description of the nature of the appointment.
4. For billing purposes, indicate if the appointment is expected to last more than two (2) hours.

New York Relay is a free service offered by New York State when communicating via telephone with persons who are deaf, hard-of-hearing, deaf-blind, or speech-disabled. New York Relay is a statewide phone service that connects calls between a hearing caller and a caller with a speech or hearing impairment. The service uses specially trained Relay operators and all calls are confidential.

To make a Relay call:

1. Dial 7-1-1 (or 800-421-1220)
2. Press 1 to make a Relay call. An Operator will answer and identify themselves by their Operator number.
3. Give the Operator the phone number of the person you are calling and they will connect the call.
4. Speak directly to the individual (not the operator) and say "Go ahead" at the end of a complete thought.
5. The Operator will relay the information between you and the other person.