

CITY of AUSTIN Administrative Bulletin

Title Language Access Policy

Administrative Bulletin Number 22-02

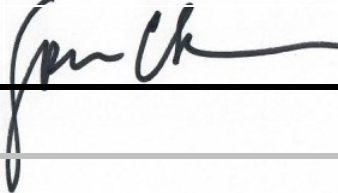
Effective Date September 1, 2022

Revised ___ Annually As Needed

Prepared by Communication and Public Information Office

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Manager's Approval



PURPOSE

The purpose of this administrative bulletin is to provide the foundation, processes, and procedures for facilitating equitable communication between the City of Austin and the public, and to ensure meaningful, bidirectional participation in decision-making processes. This policy seeks to create an environment in which bilingual or multilingual Austinites feel they can speak and listen in the language in which they are most comfortable and experienced and that such a preference is welcome and normal. The City of Austin is committed to providing high-quality services that comply with local, state, and federal laws.

POLICY

I. Statement

This administrative bulletin is intended to ensure meaningful access to the City of Austin's programs, activities, services, and information through translation and interpretation. All City departments must provide equitable access to programs, activities, services, and information to all persons living in, working in, or visiting Austin, regardless of their ability to speak English. Departments include those that may provide indirect access to services, as well as direct access. "Meaningful access" is understood as bidirectional communication through listening, signing, and speaking.

II. Authority

This administrative bulletin is in accordance with the City of Austin's mission as well as applicable federal and state laws, rules, and regulations. These laws, rules, and regulations include, but are not limited to: [Council Resolution 20131017-038](#) (2013), directing the City Manager to develop a plan for a universal translation and interpretation service protocol(s) to serve Limited English Proficient (LEP) individuals; Executive Order 13166 of 2000 and attendant guidelines; Section 1557 of the Affordable Care Act of 2010; and Title VI of the Civil Rights Acts of 1964.

III. Applicability

This administrative bulletin shall apply to all City of Austin departments, contractors, affiliates, and volunteers providing direct services, indirect services, and information to the public on behalf of the City.

IV. Regulations

A. Data collection

All City of Austin departments and offices must collect data on demand for City of Austin services in non-English languages. This data collection serves three purposes:

- 1) to track City of Austin department, office, or program's frequency of contact with limited English proficient (LEP) persons;
- 2) to determine whether the department, office, or program is serving a number of LEP persons that is proportional with the number of eligible clients in the program or department's service area based on Census data; and
- 3) to record the client's preferred language of communication in their case files, ensuring that further interactions with previously identified LEP clients include appropriate language accommodations.

Accordingly, departments, offices, and programs shall document all City of Austin encounters with LEP clients. The departmental Language Access single point of contact (SPOC) shall report the resulting data to CPIO annually or as requested. At the end of each fiscal year, CPIO in consultation with departmental language access SPOCs, shall submit a report identifying the non-English languages that meet the City of Austin's threshold languages and the City resources available to the LEP populations who speak these languages. The list of threshold languages will be available to City departments in the Language Access Center on City Space.

B. Signage

Departments and offices must ensure that all City of Austin facilities that are open to the public – including mobile locations – feature visible, iSpeak Austin signage informing clients of their rights to obtain assistance in a language they can understand, free of charge. Signage must include information in Spanish and all other non-English languages that meet the City of Austin's threshold languages. To inform the public of language access services, City of Austin facilities shall feature the following signs or posters:

- 1) iSpeak Austin language identification desktop display
- 2) iSpeak Austin poster or
- 3) other notice of language assistance

C. Translation

To ensure quality, consistency, and equity, all City of Austin departments and offices shall purchase document translation through the list of pre-approved vendors distributed by the Communications and Public Information Office (CPIO). Exceptions may be made to use qualified bilingual City staff for short, non-vital, and non-critical translation if an employee has taken a translation-specific screening test offered by a contracted agency, and there is a mechanism in place to review the translation before it is made public.

The City of Austin must provide written translations of vital documents and critical information in all languages that meet the City's threshold languages. These documents include, but are not limited to, applications, notices (including social media), complaint forms, outreach materials containing vital or critical information, and other documents regarding client rights or program eligibility requirements. Translations of vital documents and critical information must be as accessible to the public as the English versions, whether in print or digital format.

D. Interpretation

The City of Austin must establish and maintain meaningful and effective communication with clients of all English proficiency levels. Departments, offices, and programs shall offer interpretation services either over the phone, by video, or in person, depending on the context of the service, in the preferred languages of all clients identified as LEP. In so doing, departments, offices, and programs shall:

- 1) Avoid assumptions about a client's preferred language and make every effort to ascertain it (for example, many people from Latin American countries use indigenous languages as their preferred language rather than Spanish).
- 2) Provide interpretation free-of-charge when understanding that a two-way conversation with the client is not working due to a language barrier and/or upon request.
- 3) Neither discourage LEP clients from seeking City of Austin language access services, nor refuse City of Austin language access services to such clients.
- 4) Deliver City of Austin services in a timely manner, i.e., without delays that are significantly greater than those that English proficient clients experience.
- 5) With exception to Section E of this administrative bulletin, exclusively use trained and qualified interpreters to interpret for LEP persons, and not family members, friends, unqualified staff, neighbors, unqualified volunteers, bystanders, or children.
- 6) Provide either simultaneous or consecutive interpretation for LEP clients attending City of Austin public meetings when department, office, or program public engagement or language access staff identify that a particular language is spoken among those to be served by the service, program, or information; or if the City, department, or program receives notice of their presence at least five (5) business days in advance of the public meeting.
- 7) Make free interpretation services available to LEP clients who participate directly in City of Austin administrative hearings, whether or not the client is accompanied by an advocate or attorney.

E. Waiver of language access rights

LEP clients may insist on using a family member or friend as their interpreter or may otherwise refuse the City of Austin's language access services. In such cases, the department must obtain written consent that waives the client's rights to translation and interpretation services. To do so, department staff must provide clients with a waiver form in their preferred language, supplied by the City's language access program. If a written translation is not available in the client's preferred language or if the client is unable to read, department staff must engage a trained interpreter to convey the content of the waiver form to the client. The waiver will then be added to the client's case file by department staff.

This form is unnecessary when COA staff must perform services with little to no delay.

F. Bilingual/Multilingual staff

The City of Austin shall take reasonable steps to screen self-identified bilingual/multilingual employees interested in serving as community interpreters and maintain a list of screened staff interpreters. Based on this list of available staff interpreters and the established and anticipated demand for language access services, the City shall determine its existing capacity to assist LEP clients. For medical and court interpretation, additional requirements apply.

When recruiting for positions where interpretation and translation responsibilities will fall within the scope of the employees duties, the job posting should include details regarding those responsibilities. Additionally, departments and offices should include interpretation and translation responsibilities that fall within the scope of employees' duties in the employee's SSPR.

The department or office should continue to develop the language skills of its employees who could provide language assistance to the department or the organization, especially in preparation for city-wide emergency activations.

G. Language access training

All City of Austin employees in direct or indirect public contact positions must be proficient in the requirements and legal obligations for serving LEP clients. To this end, employees must attend training provided by their department and/or the City's language access program either virtually or in person.

- 1) A Language Access Basic Training shall occur as part of the onboarding process for new staff, and as part of continued professional development for existing staff.
- 2) To ensure effective and meaningful conversation with LEP clients, employees in public contact positions should receive training on 1) how to work with an interpreter (in-person, over-the-phone, and by video), and 2) language access policies and procedures that include protocols for assisting LEP populations.
- 3) Departments are encouraged to allow employees receiving the bilingual stipend to take the community-interpreter training offered by the Communication and Public Information Office (CPIO).
- 4) Trained bilingual staff shall renew their training at least every 3 years to maintain understanding of the interpreters' code of ethics and standards of practice.

H. City funded contractors

Funded contractors hired by the City of Austin to carry out services, programs, or activities directly to City of Austin clients are required to:

- 1) collect data regarding contact with LEP clients and report this data to the City of Austin every quarter,
- 2) provide interpretation services as needed to all LEP clients,
- 3) translate vital documents and critical information, and
- 4) train personnel on all compliance requirements according to the same standards required of the City of Austin.

Departments are encouraged to include the same requirements or expectations in the Statements of Work or bid documents so that contractors understand expectations prior

to bidding. All contracting departments must ensure that requirements of Section H are included in final contracts with vendors.

I. Language access complaints

Any person or organization may file a public complaint alleging a violation of Title VI of the Civil Rights Act of 1964. The City's Office of Civil Rights addresses these complaints, which may regard individual and systemic non-compliance. A client may file the complaint directly. A person or organization interested in the client's welfare may also file a complaint on the client's behalf. City of Austin staff shall not retaliate against complainants and their representatives in any way but shall provide these persons or organizations with the same level of service that other clients receive.

Departmental employees shall notify their Language Access SPOC if a client wishes to file a complaint and provide the client with the following resources:

- 1) the City of Austin Office of Civil Rights Language Access Complaint Form
- 2) the URL for the online City of Austin Office of Civil Rights Language Access Complaint Form (<http://www.austintexas.gov/page/ispeak-austin-commentscomplaints>) and/or
- 3) the City of Austin Office of Civil Rights phone number (512- 978-1534)

J. Emergency notifications

In the event of an emergency where reverse 911 or other call-out systems are implemented, the City of Austin will provide a direct option to receive the message in Spanish. The City shall make all reasonable efforts to give the notice in additional languages or provide call-in instructions to receive the entire message in different languages.

Critical information, vital documents, and messages distributed to the public during emergency response, including those distributed through social media, will be provided in the threshold languages or the geographical service area most spoken languages. The list of the threshold languages is available in the Language Access Center on City Space.

K. Resources

Departments, offices, and programs shall have the following resources available to better serve LEP clients:

- 1) the City of Austin Language Access services procedures
- 2) digital and hard-copy translations of vital documents
- 3) access to contracted in-person, over-the-phone, and video-remote interpreters, as well as the list of City of Austin qualified bilingual staff interpreters for their department
- 4) iSpeak Austin cards, posters, and language identification guides
- 5) language access services related trainings
- 6) any other additional language access resources, e.g., dual-handset telephones, etc.

DEFINITIONS

For the purposes of this administrative bulletin, the following definitions apply:

AMERICAN SIGN LANGUAGE (ASL) - a complete, natural language that has the same linguistic properties as spoken languages, with grammar that differs from English. ASL is expressed by movements of the hands and face. It is used primarily in the United States and Canada, in comparison to other varieties of sign language which are used in other countries.

BILINGUAL/MULTILINGUAL FLUENCY - the ability to speak and understand two or more languages easily and accurately.

CONSECUTIVE INTERPRETATION - the process of listening to the source-language speaker and after a sentence or a part of the speech reproduce the speech in the target language for the audience.

CRITICAL INFORMATION – information that may have life and death implications, such as emergency response messages, or may be essential to effective operation of City services. Critical information can appear in written or oral form.

DEPARTMENTAL LANGUAGE ACCESS SINGLE POINT OF CONTACT (SPOC) - a department or office staff member who serves as the point of contact for the maintenance, monitoring, and implementation of the Language Access Plan in their department.

INTERPRETATION - the oral rendition of a spoken message from one language to another, preserving the content and meaning of the original message. Interpretation is often called "translation", but this is a misnomer. "Translation" refers to written documents, while "interpretation" refers to oral messages. Interpreting is a different skill than being bilingually fluent and able to communicate in more than one language. Interpretation requires specialized knowledge and ethics training in topics such as impartiality and accuracy. There are specific, periodically-renewed, certifications for healthcare and court interpreters.

LIMITED ENGLISH PROFICIENCY (LEP) PERSON - a person who is unable to speak, read, write or understand the English language at a level that permits them to engage or communicate fully with the City. Individuals who communicate through American Sign Language are included in this definition. On Census data, a LEP person is someone who self-assesses as speaking English less than "very well." The use of terms such as "Limited English Proficient" should not be taken to mean that a LEP person is "limited" in their thoughts or actions on account of their heritage.

OVER-THE-PHONE INTERPRETATION (OPI) - a commercial interpretation service accessed through the telephone using highly skilled interpreters.

PREFERRED LANGUAGE - indicates the language that an individual is most comfortable using. It is usually (but not always) the person's first or native language.

SIMULTANEOUS INTERPRETATION - the process of listening to the source-language speaker, comprehending, and instantaneously interpreting a speaker's statements into a target language for the audience.

SIGHT TRANSLATION – the oral rendition of text written in one language into another language, usually done in the moment. Sight translation may be requested of an interpreter during an interpreting assignment.

SOURCE-LANGUAGE - a language in which information is initially shared into and is to be interpreted or translated into another language.

TARGET LANGUAGE – a language into which information is to be interpreted or translated from another language.

THRESHOLD LANGUAGES –threshold languages are languages which are spoken at a high proportional rate within a geographical location and its surrounding areas.

TRANSLATION - the conversion of a written message from one language to another in a written form.

VIDEO REMOTE INTERPRETATION (VRI) - off-site interpreting services that use video technology, equipment, and a high-speed Internet connection with sufficient bandwidth to provide the services of a qualified interpreter, usually located at a call center, to people at a different location.

VITAL DOCUMENT - any information developed or used that is necessary for obtaining access to services or benefits that are federally funded or required by law. Examples include: applications, consent and complaint forms, notices of rights, notices of activities, and notices advising persons of the availability of free language assistance.

ROLES AND RESPONSIBILITIES

A. Communications and Public Information Office

The role of CPIO is to provide guidance and expertise to help departments strategically reach, plan for, and provide interpretation and translation services for limited English proficiency (LEP) communities. Key responsibilities of CPIO include:

- 1) ensuring City of Austin staff are aware of Title VI of the Civil Rights Act;
- 2) maintaining and updating the City's language access administrative bulletin;
- 3) ensuring departmental language access plans are developed and implemented;
- 4) ensuring language access compliance in procurement and contracted services;
- 5) providing resources needed by City departments to comply with Title VI of the Civil Rights Act including technical assistance, training, access to qualified vendors, and support to departments and offices in implementing language access services; and
- 6) identifying, screening, and securing training for bilingual/multilingual staff members to serve as department interpreters.

B. Department Director

Each Department Director or Officer designates their department's Language Access single point of contact (SPOC) and communicates the name of the SPOC to the City's Language Access Program Manager.

Each Department Director or Officer approves the department's language access plan and related funding and is accountable for its implementation.

C. Department Language Access SPOC

The role of the Department's Language Access SPOC is to:

- 1) act as the liaison between CPIO and other departments;
- 2) act as the department's Language Access Committee lead, if the department chooses to create such a committee;
- 3) act as key point person for implementation and accountability of the department's language access plan; and
- 4) follow the City's "Duties and Responsibilities for the Language Access Single Point of Contacts", which includes:
 - a. policy, planning, and implementation
 - b. periodic and annual updates

- c. training and guidance
- d. outreach efforts
- e. provision of services
- f. monitoring and resolving implementation issues
- g. propose annual funding consistent with their department's budget process and notify CPIO Language Access Program the annual funding being proposed

CORRESPONDING PROCEDURES AND POLICIES

[City of Austin Language Access Services Procedures](#)

FORMS

Forms and templates are available in the [Language Access Center](#) on City Space.