

City of Burlington Language Access Policy

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[draft updated 6/3/2020]

SECTION 1: POLICY DIRECTIVE

A. General Statement

1. The City of Burlington strives to be a vibrant, diverse, and livable community that fosters innovation, enriches the lives of all residents, and embraces intentional community engagement.
2. The City of Burlington (“the City”) recognizes that English Language Learners (ELL), people with hearing and visual impairments, and/or those with limited English proficiency encounter barriers to accessing City services and programs, understanding and exercising rights, and complying with civic responsibilities.
3. The purpose of this policy is to ensure that the City provides timely and meaningful access to City information, programs and services. The City of Burlington will inform members of the public that these language assistance services are available free of charge, subject to certain budget constraints.

B. Policy

1. It is the policy of the City of Burlington to provide language assistance as may be needed to ensure Meaningful Access to City services and programs, prioritizing translation and interpretation resources for emergency and essential services.
2. For other services, Departments will ensure that persons seeking information and services are able to communicate effectively with City staff and understand their rights, which services are available to them and how best to receive them; however, this goal must be balanced with other budget and programmatic priorities.
3. In support of this policy, the City is developing an implementation guide, to be finalized following first the ratification of this policy document and second the completion of a Citywide language access needs assessment. This document will help the City prioritize and optimize resource allocation choices.

C. Definitions:

Auxiliary aids and services: Includes (1) qualified interpreters on-site or through remote interpreting (VRI) services as defined in 28 C.F.R. § 36.104, note-takers, computer-aided transcription services, written materials, exchange of written notes, telephone handset amplifiers, assistive listening devices, telecommunications devices for people who are deaf (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing

City of Burlington Language Access Policy

DRAFT

[draft updated 6/3/2020]

impairments; (2) qualified readers, taped texts, audio recordings, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments; (3) acquisition or modification of equipment or devices; and (4) other similar services and actions.

Language Assistance Services (LAS): Services made available by the City including but are not limited to; 1) oral language services, including interpretation in non-English languages provided in person or remotely by a qualified interpreter for an individual with limited English proficiency; and 2) written translation, performed by a qualified translator, or written content in paper or electronic form into languages other than the English. These service offerings may be constrained by cost.

Limited English Proficient (LEP): Individuals who do not speak English as their Primary Language and who have a limited ability to read, write, speak, or understand English. *See*, 68 FR 47311-02. This definition includes individuals with sensory impairments (SI), who are Deaf or hard of hearing and communicate using American Sign Language (ASL), have speech impairments, or who are blind or have visual impairments. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be require language assistance for other purposes (e.g., reading or writing).

Meaningful Access: Language assistance that results in accurate, timely, and effective communication at no cost to the individual with limited English proficiency. For individuals needing language assistance, “meaningful access” denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English proficient individuals.

Interpretation: The act of listening to a communication in one language (source language) and orally, or through auxiliary aids, converting it to another language (target language) while retaining the same meaning.

Primary Language: An individual’s primary language is the language in which an individual most effectively communicates.

Professional Interpreter: A person who is qualified and trained to perform interpretation services, and who is under contract or employed by the City of Burlington for the purpose of providing such services. The interpreter provides services based on knowledge and comprehension of spoken messages that are then re-expressed accurately and objectively in another language.

City of Burlington Language Access Policy

DRAFT

[draft updated 6/3/2020]

Professional Translator: A person who is qualified and trained to perform translation services, and who is under contract or employed by the City of Burlington for the purpose of providing such services. The translator provides services based on knowledge and comprehension of written communications that are then re-expressed accurately and objectively in another language.

Translation: The replacement of written text from one language (source language) into an equivalent written text in another language (target language).

Vital documents: Paper or electronic written material that contains information that is critical for accessing a Department’s program, services or activities, or is required by law. Whether or not a document is vital may depend on the importance of the program, information, or service involved, and the consequence to the individual with limited English proficiency if the information is not provided accurately or in a timely manner.

Video Remote Interpretation (VRI): an interpreting service that uses video conferencing technology over dedicated lines or wireless technology offering high-speed connection and delivering high-quality video imaging. Whether the use of an in-person interpreter, as opposed to VRI interpretation will depend on the nature, length and complexity of the communication involved and the context in which the communication is taking place.

SECTION 2: PROCEDURES AND STANDARDS

A. Interpretation and Translation Services

The type of language assistance necessary to provide meaningful access will vary depending on the type of communication staff is having with the individual in need of translation or interpretation services (e.g. phone, in person or written communication) and in some circumstances more than one method may work. For example, for essential services, a professional interpreter, or for vital documents, a professional translator, may be required, while in a more routine interaction, an individual familiar with the language may be able to provide effective and sufficient communication.

Regardless of how the language assistance is provided, the City recognizes the importance of providing such Professional Interpretation and Translation services in a timely manner and in an appropriate place, subject to priorities and budget constraints.

1. Language Identification Tools: In order to be able to provide language assistance, the City needs to identify who needs what type of assistance. All individuals (regardless of race or national origin) will be asked “what language do you speak” or

City of Burlington Language Access Policy

DRAFT

[draft updated 6/3/2020]

“would you like an interpreter” if it appears that there is a language barrier to services. The use of language identification tools such as I Speak Cards will invite people with limited English proficiency to identify their preferred language to communicate in.

2. In-person Interpretation Services: The City will maintain contracts for interpretative services that will be accessible to all Departments to provide in-person or video remote interpretive (VRI) or other interpretive services.
3. Written Translation Services: The City will maintain a contract to provide high quality professional translation of vital documents, but also of brochures, application forms and other needed written materials.

B. Responsibilities:

The overall responsibility for providing Meaningful Access to services to individuals with limited English proficiency rests primarily with each City Department. To ensure a more consistent and comprehensive approach, the CEDO Director, in consultation with the Director of Racial Equity, Inclusion and Belonging (REIB Director), will oversee implementation of this policy and will designate a Language Access Service (LAS) Coordinator to be a resource for City staff to contact with questions and issues related to the implementation and execution of the LAP. The REIB Director should be consulted on questions rising to a policy level.

1. The Language Access Service Coordinator will oversee Citywide contracts related to interpretation and translation services.
2. The Coordinator will oversee the completion of a Citywide needs assessment and development of an implementation plan.
3. The Coordinator will also, in collaboration with the REIB Director, CEDO, HR and the City Attorney's Office, coordinate and disseminate LAP information.
4. Each City Department will identify one (1) or more person(s) to be the main resource for language access issues and the initial point of contact and reference for front-line staff. This LAS representative from each department will serve on a citywide language assistance committee, which will meet as needed.
5. The LAS Coordinator will continue to work with the community, including service providers, to maximize resources and expand language assistance across all City Departments.
6. The City will support efforts to provide electronic information in languages other than English to the extent practicable. When developing public-facing websites and applications, the City will consider the potential impact to Limited English Proficient populations and ensure that language-specific content is available as appropriate, relevant to essential services, and financially feasible.

City of Burlington Language Access Policy

DRAFT

[draft updated 6/3/2020]

- 7. Each Department, in collaboration with the City Attorney’s Office and to the extent appropriate, will determine whether contractors, grantees, and sub-grantees receiving City funds from that Department are providing services that are difficult to access for persons with Limited English Proficiency and if so will take steps to work with the contractor and future contracting documents that will help secure meaningful access to such services.
- 8. Each Department will develop practices for staff awareness or training outlining how the Department provides for language assistance and how to access those resources.
- 9. The City and all Departments will prominently display and maintain uniform signs in all lobbies or entrances to their offices, that tell members of the community (in languages frequently encountered) of their ability to seek and receive language assistance.
- 10. As part of the implementation plan, each Department will develop and implement a procedure that follows the Language Assistance Services (LAS) Guide (described in the following section) and protocol of the City for notifying individuals of their rights to complain about meaningful access to their services.
- 11. The Innovation & Technology Department will develop clear web accessibility standards and guidelines for City websites based on the Federal Access Board’s Section 508 Guidelines as part of the LAS implementation effort.

C. Interpretation and Translation Needs Assessment:

Each department will have varying levels of interaction with residents and stakeholders who have limited English proficiency. The LAS Guide will detail the need for translation services and implementation procedures for providing services that adhere to the standards outlined in this policy. In the creation, implementation and monitoring of this policy, the City will maintain and update every three years the LAS Guide to be used by staff. As part of the LAS Guide, the City will strive to conduct a needs assessment every three years in order to:

- 1. Determine the frequency and nature of requests for language assistance services;
- 2. Solicit feedback directly from a diverse subset of individuals with limited English proficiency about their unmet needs within and outside of the City;
- 3. Assess the current nature of departmental responses in requests for language assistance services; and
- 4. Determine the proper allocation of materials and resources to these departments.

Translation and interpretation for emergency and essential services will be prioritized.

City of Burlington Language Access Policy

DRAFT

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D. Community Outreach and Notification of Language Assistance Services:

1. CEDO will identify the primary sources through which individuals with LEP are referred to City services, and culturally-based organizations that serve individuals with LEP in our community. In collaboration with the Diversity, Equity, & Inclusion Director, CEDO will work to develop collaborative relationships with these organizations to ensure more seamless access to services, accountability to our own language access policies, and greater access to individuals with LEP.
2. The City's goal is to have information on language access available in each City Department reception, front desk areas, and in areas accessible to the public.
3. Subject to cost constraints, staff will also be provided with language identification tools such as 'I-Speak Cards' that are laminated business-sized cards that say in both English and the principal languages for an interpreter.

E. Training Staff:

1. Consistent with public outreach, the City will follow an internal protocol as outlined in the LAS Guide to ensure all City staff are aware of language access services.
2. The City will distribute this LAP Policy and LAS Guide to all necessary staff and will have a current electronic copy available so staff will be aware of language assistance policies and procedures. All staff providing technical assistance, managing programs, providing training, or receiving in-bound calls will receive a formal language access training hosted jointly by CEDO, the REIB Director, and/or HR.
3. Relevant portions of the LAP Policy and LAS Guide and reference and materials will be incorporated into the City's Personnel Policies and made available to all staff via the city's intranet site.
4. In order to establish meaningful access to information and services for individuals with limited English proficiency, within one year of the adoption of this policy, the City will provide training in regard to this policy and the appropriate responses when working with a person who may require language assistance services, to management staff and all staff who have regular interaction with the public. Training will ensure that staff members are effectively able to work in person and/or by telephone to provide other information required to access City programs and services.
5. After their initial training, these staff members, and others deemed appropriate, will receive a refresher training in language access every three years.
6. LEP training will be included in new hire training for all staff hired following the implementation date of this plan.

City of Burlington Language Access Policy

DRAFT

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F. Monitoring Plan:

This policy should be reviewed on an annual and ongoing basis. The City will conduct an evaluation to collect data and make adjustments as part of determining the overall effectiveness of language access services and the LAP, reviewing the progress of stated goals, and identifying new goals or strategies for better serving individuals with limited English proficiency. The City will update the needs assessment every three years.

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