

# Limited English Proficiency Plan

## Workforce Development Area 17

**2022 - 2024**

(Revised 05.31.2023)

Civil Rights Coordinator  
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### Workforce Development Area (WDA) 17

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#### Report Includes: (Check all that apply)

DJFS

PCSA

CSEA

☒ WIOA One-Stop

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# Limited English Proficiency Plan

## **I. Purpose**

The purpose of this Limited English Proficiency Plan is to provide assurances and demonstrate that customers of Workforce Development Area 17 are being provided meaningful access to program information, benefits, and services although the customers may be limited in their English Language Proficiency. This plan will be updated bi-yearly to refresh the assurances contained in the plan, address any changes in methods, and update any changes in the Limited English Proficiency population utilizing the County Agency data.

It is understood that the Ohio Department of Job and Family Services' Bureau of Civil Rights (BCR) is charged with the duty to ensure that each County Agency is in compliance with all relevant federal requirements involving applicants/recipients of program information, benefits, and services who have limited English Language Proficiency (LEP)

## **II. Authorities and Definitions**

### **Federal Authorities**

- **Title VI of the Civil Rights Act of 1964**, 42 U.S.C. §2000 et seq.; 45 CFR §80, Nondiscrimination based on race, color, or national origin for any programs receiving federal financial assistance. Failure to provide meaningful access to program information, benefits, and/or services due to an applicant/recipient's LEP is considered discrimination based on national origin.
- **U.S. Department of Justice Title VI Legal Manual**, January 11, 2001 edition
- **29 CFR Part 38 Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act**, July 22, 2014.
- **U.S. Department of Labor Policy Guidance on the Prohibition of National Origin Discrimination as it Pertains to Persons with Limited English Proficiency (05/29/03)**, Federal Register, Volume 68, Number 103, Page 32289-32305
- **Food Stamp Program LEP regulations**, 7 CFR §272.4
- **Ohio Department of Job and Family Services Language Access Policy**, Dated January 20, 2005
- **Ohio Administrative Code section 5101:9-2-01**
- **Ohio Administrative Code section 5101:9-2-05 WIOA Nondiscrimination Complaints**
- **IPP.9004 Limited English Proficiency Protocol**

### **Definitions of Terms:**

- **County Agency** – County Departments of Job and Family Services, County Child Support Enforcement Agencies, Public Children Services Agencies, WIA/WIOA funded One-Stop Agencies standing alone or any combined agencies with a single administrative structure.

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- **Effective Communication** – In a human services, social services, or job training/assistance setting; effective communication occurs when County Agency staff have taken necessary steps to make sure that a person who is LEP is given adequate information in his/her language to understand the services, benefits, or the requirements for services or benefits offered by the County Agency. These necessary steps must allow an individual the opportunity to qualify for the benefits or services provided by that County Agency without unnecessary delay due to the person's LEP. Effective communication also means that a person who is LEP is able to communicate the relevant circumstances of his/her situation to the County Agency.
- **Interpretation** – Interpretation means the oral or spoken transfer of a message from one language into another language.
- **Limited English proficiency** – A person with limited English proficiency or "LEP" is not able to speak, read, write or understand the English language well enough to allow him/her to interact effectively with a County Agency.
- **Meaningful access** – "Meaningful access" to benefits, programs, and services is the standard of access required of the county agencies since they receive federal funding through the state of Ohio. Meaningful access requires compliance by county agencies with state and federal LEP requirements as set out in relevant state and federal laws. To ensure meaningful access for people with LEP, county agencies must make available to applicants/recipients of benefits/services free language assistance that results in accurate and effective communication that does not result in undue delay or denial of benefits to which the LEP applicant/recipient is eligible.
- **BCR** – Bureau of Civil Rights. The entity contained within the Ohio Department of Job and Family Services charged with the responsibility of overseeing compliance by county agencies with relevant civil rights laws including those related to LEP.
- **Translation** – Translation means the written transfer of a message from one language into another language.
- **Vital Documents** – Forms or documents *designed and utilized by the County Agency* that are critical for accessing federally funded services or benefits or are required by law. Vital documents can include but are not limited to; applications for county-designed programs, consent forms designed by the County Agency, letters designed by the County Agency requesting eligibility documentation.
- **Outreach Documents** – County Agency designed documents utilized by the County Agency to provide information to the general public but targeting individuals who are eligible or may be eligible for county benefits/services or programs.

### **III. Workforce Development Area 17 Policy**

It is the policy of Workforce Development Area 17 to provide meaningful access to all individuals applying for, participating in programs, or receiving services/benefits administered by, supervised by, authorized by, and/or participated in by Workforce

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Development Area 17, its contractors and/or vendors. Meaningful access involves Workforce Development Area 17 promoting effective communication to LEP individuals seeking or receiving services, benefits, or participation in programs funded in whole or in part by federal funds. This plan specifically provides necessary assurances and identifies tools being used to effectuate this policy.

### IV. LEP Population

Workforce Development Area 17 has determined that the language other than English that is most likely to be encountered by employees of the Workforce Development Area 17 is Spanish. The methodology used to make this determination is the U.S. Census Bureau, American Community Survey. In addition, documented County Agency encounters with LEP applicants/recipients in Area 17 are consistent with the data from the U.S. Census Bureau reports.

County Agency should provide **translated vital documents and interpretation services** to any LEP group that comprises approximately 100 or less low-income single language minority households.

For program informational activities (**outreach**) in the appropriate language the County Agency has to have less than 2,000 low income, if approximately 100 or more of those are single language minority; or in a County Agency with 2,000 or more low-income households, if approximately 5% or more of these households are single language minorities.

For the purposes of the LEP Plan, a low-income household refers to a household at or below 125% of the poverty level.

Any LEP language group that comprises at least 5% or 1,000 individuals whichever is less, of persons eligible for or likely to be affected by the agency's services or benefits must be included as one of the county languages.

Workforce Development Area 17 will periodically monitor the LEP population of those served or those who could be served by Workforce Development Area 17. If it is determined that other LEP language groups are seeking benefits/services or are potentially eligible to receive benefits/services within the Mahoning and Columbiana Counties, Workforce Development Area 17 will adjust its methods and services to serve the new population accordingly. Any new LEP populations will be reflected in the next LEP plan.

### V. Methods of Providing Services to LEP Population

(Check any that are applicable)

- ☐ Bi-lingual Employee(s) (if checked provide the employee(s) names and language(s) with a brief description of method of determining competence as interpreter(s).
- ☐ Staff Interpreter(s) (if checked provide name(s) and language(s) with brief description of method of determining competence as interpreter(s).).

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- ☐ Interpreter Contract (if checked, provide name(s) of contractor(s), list service(s) provided, language(s) covered, and brief description of how vendor(s) was/were chosen. Also attach a copy of agreement or contract to this plan)
- ☐ Volunteer Interpreters (if checked provide names, organization if applicable as well as brief description of method of determining competence as interpreter).
- ☒ Telephone Interpreting Services (if checked provide name of vendor with brief description of how vendor was chosen. Attach copy of contract to this plan) A Personal Interpreter account with LanguageLine Service is in place. The service allows the Mahoning and Columbiana Training Association (MCTA) to pay as it goes and all charges are applied to the MCTA credit card. ([See Attachment B](#))
- ☒ Agreement with Educational Institution (if checked provide name of institution, name(s) of interpreters, brief description of method of determining competence of interpreter.

For situations that require an onsite interpreter in a language other than Spanish, the agency's Civil Rights Coordinator will contact the Foreign Language Department at Youngstown State University for referrals to qualified interpreters and coordinate arrangements between the customer and the selected interpreter. While no written agreement is in place, this service has been used in the past.

- ☐ Translation contracts (if checked provide name(s) of contractor(s), list service(s) provided, language(s) covered, and brief description of how vendor was chosen. Also attach copy of agreement or contract to this plan).
- ☐ Other (if checked explain arrangement and attach any relevant documents explaining the arrangement to this plan).

## **VI. Interpreter Services**

Workforce Development Area 17, at no cost to the LEP individuals or families, provides interpreter services to all LEP individuals or families applying for, participating in programs, or receiving services/benefits through the Workforce Development Area 17 by the means designated in section V. of this plan. The interpreter services are provided in an efficient and timely manner so as not to delay a determination of eligibility for an individual or family, receipt of eligible services/benefits, or participation in a county-run program beyond that of an English-speaking individual or family.

The Workforce Development Area 17 makes this policy known to the LEP through the following methods:

Signage has been installed at each reception desk advising customers in the 12 most common spoken languages that free interpretation services are available at no cost. ([See Attachment C](#)).

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Workforce Development Area 17 addresses phone calls and voice mail by LEP individuals in the following manner:

One of the following staff members will initiate a three-way call using the *LanguageLine* contracted by Mahoning and Columbiana Training Association (MCTA), OhioMeansJobs Center operator, and WIOA Career Services provider.

- Traci King, WIOA Adult Services Coordinator in MCTA's Lisbon office (Columbiana County)
- Mia Panno, Human Resource Manager/Civil Rights Coordinator in MCTA's Youngstown office (Mahoning County)
- Jack Hile, OhioMeansJobs Columbiana County Manager
- Carol Ramsay-Loomis, OhioMeansJobs Mahoning County Manager

Workforce Development Area 17 addresses walk-ins to the Workforce Development Area 17 buildings who are LEP individuals in the following manner:

Customers are greeted by staff members who are attentive to language barriers. Signage has been installed at each reception desk advising customers in the 12 most common spoken languages that free interpretation services are available at no cost. The staff will determine which language is needed. A three-party call to the *LanguageLine* as described above will be initiated.

For situations that require an onsite interpreter, the agency's Civil Rights Coordinator will contact the Foreign Language Department at Youngstown State University for referrals to qualified interpreters and coordinate arrangements between the customer and the selected interpreter in a timely manner.

Workforce Development Area 17 does not require, suggest, or encourage LEP individuals or families to use friends, family members, or minor children as interpreters. If an LEP individual or family insists that a friend or family member serve as an interpreter, Workforce Development Area 17 will inform the customer that the family may stay but will not be able to serve as the interpreter. Only on rare occasions when there is no other strategy, such as interpretations over the phone, the Workforce Development Area 17 will then, on a case by case basis, consider factors such as: competence of the family or friend used as the interpreter; the appropriateness of the use in light of the circumstances and ability to provide quality and accurate information, especially if the interview could result in a negative effect on the individual or family's eligibility for benefits/services; potential or actual conflicts of interest; and confidentiality of the information being interpreted to determine whether Workforce Development Area 17 should provide its own independent interpreter for itself. In no case does Workforce Development Area 17 allow a minor child to act as an interpreter for an LEP individual or family.

## **VII. Translation of Documents**

Workforce Development Area 17 translates all county-designed vital documents into each LEP language group that comprises at least 5% or 1,000, whichever is less, of persons eligible for or likely to be affected by the agency's services. Currently, the LEP language group meeting this criterion is Spanish.



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Workforce Development Area 17 translates all outreach documents for each LEP group that equals 10% or 3,000, whichever is less, of persons eligible for or likely to be directly affected by the Workforce Development Area 17 services. Currently, the LEP language group meeting this criterion is Spanish. No other languages met the 10% or 3,000 rule.

For any LEP individuals applying or receiving services from Workforce Development Area 17 where vital documents are not available in the LEP individual's language, Workforce Development Area 17 provides a notice in the LEP individual's language that the LEP individual may bring any document into the Workforce Development Area 17 office and an interpreter (face-to-face or telephonic interpretation) will be provided free of charge to interpret the document for the LEP individual.

### **VIII. Dissemination of Information to County Agency Personnel**

Workforce Development Area 17 makes its personnel aware of its LEP policies, methods of providing services to LEP individuals, and other information contained within this plan through the following: (explain in some detail, e.g., training by Civil Rights Coordinator, online training, new employee orientation, personnel handbook, hand-outs, etc.).

The Civil Rights Coordinator conducts LEP training annually at a Quarterly Staff Meeting and provides one-on-one training for newly-hired staff members so that all staff is knowledgeable about their obligation to provide meaningful access to information and services for LEP customers.

The Civil Rights Coordinator will ensure:

1. All staff members receive a copy of the LEP plan and are made aware of where the current plan can be accessed electronically.
2. Staff knows about LEP policies and procedures.
3. Staff are provided the names and contact information for all administrators authorized to procure interpreter services.

### **IX. (Optional)**

Any other information, explanation, or assurances connected to LEP issues provided at the option of the County Agency.

Information here:

### **X. Attachments**

**Attachment A** – Workforce Development Board Inc. Administrative Policy 2  
Privacy and Confidentiality

**Attachment B** – *LanguageLine* Interpreter Services Confirmation

**Attachment C** – Interpreter Sign (12 most common spoken languages)



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Administrative Policy 2: Privacy and Confidentiality  
Review/Revision Index  
Original Acceptance Date: October 20, 2015

- Reviewed on November 16, 2017
- Reviewed on August 6, 2019
- Reviewed on August 3, 2021

## Limited English Proficiency Plan

### ADMINISTRATIVE POLICY 2

#### SUBJECT:

Privacy and Confidentiality

#### PURPOSE:

To establish a policy on privacy and confidentiality

#### BACKGROUND:

In accordance with the WIOA and other Federal and State Laws and Regulations governing privacy and confidentiality of customer records and information, the Board is providing the following policy guides.

#### POLICY:

A. Service provider staff will respect customers' right to privacy. Staff will not solicit private information from customers unless it is essential to providing services or conducting evaluation. Once private information is shared, standards of confidentiality apply.

B. Staff may disclose confidential information when appropriate and with valid consent from a person legally authorized to act on behalf of a customer.

C. Staff will protect the confidentiality of all information obtained in the course of professional service, except for compelling professional reasons. The general expectation that staff will keep information confidential does not apply when disclosure is necessary to prevent serious, foreseeable, and imminent harm to a customer or other identifiable person. In all instances, staff will disclose the least amount of confidential information necessary to achieve the desired purpose; only information that is directly relevant to the purpose for which the disclosure is made will be revealed.

If a service provider employee knows, or has reasonable cause to suspect, based on facts which would cause a reasonable person in a similar position to suspect that a customer is in danger of harming themselves or others, he or she shall follow the procedure listed below:

1. Fully document the issues that may suggest a formal report to an outside agency or law enforcement official shall be made.
2. Prior to taking further action, discuss the situation with the human resource manager and director to determine appropriate next steps.
3. If immediate action is critical to prevent potential harm to customer or others, a formal report then shall be made.
4. Staff will inform customers, to the extent possible, about the disclosure of confidential information and the potential consequences, when feasible before the disclosure is made. This applies whether staff discloses confidential information on the basis of a legal requirement or consent.

D. Staff will discuss with customers and other interested parties the nature of confidentiality and limitations of customers right to confidentiality. Staff will review with clients' circumstances where confidential information may be requested and where disclosure of confidential information may be legally required. This discussion will occur as soon as possible in the relationship and as needed throughout the course of the relationship.

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- E. When staff provides services to a group, staff will not solicit confidential information from members of the group.
- F. Staff will not disclose confidential information to third-party unless the customer authorized such disclosure in writing.
- G. Staff will not discuss confidential information in any setting unless privacy can be ensured. Staff will not discuss confidential information in public or semipublic areas such as hallways, waiting rooms, elevators, and restaurants.
- H. Staff will protect the confidentiality of customers during legal proceedings to extent permitted by law. When a court of law or other legally authorized body orders staff to disclose confidential or privileged information without a customer's consent and such disclosure could cause harm to the customer, staff will request that the court withdraw the order or limit the order as narrowly as possible or maintain the records under seal, unavailable for public inspection.
- I. Staff will protect the confidentiality of customers when responding to requests from members of the media.
- J. Staff will maintain the confidentiality of any Personally Identifiable Information (PII) in order to minimize risks associated with the collection, storage and dissemination of the information.
- K. Staff will protect the confidentiality of customers' written and electronic records, PII, and other sensitive information. Staff will take reasonable steps to ensure that customers' records are stored in a secure location and that clients' records are not available to others who are not authorized to have access.
- In general, there are two types of PII: Protected and Non-Sensitive
    - o Protected PII is information, that if disclosed, could result in harm to the individual whose name or identity is linked to that information. Examples include: social security numbers, credit card and bank account numbers, home telephone numbers, ages, birthdates, marital status, spouses names, educational history, biometric identifiers (fingerprints, voiceprints, iris scans, etc.), medical history, financial information and computer passwords.
    - o Non-sensitive PII is information that if disclosed by itself, could not reasonably be expected to result in personal harm. Essentially, it is stand-alone information that is not linked or closely associated with any protected or unprotected PII. Examples of non-sensitive PII include information such as first and last names, email addresses, business addresses, business telephone number, general education credentials, gender or race.
- \*\* Depending on the circumstances, a combination of non-sensitive PII could potentially be categorized as protected PII.

Staff will use caution and discretion when transmitting PII to other parties through the use of computers, electronic mail, facsimile machines, telephones and telephone answering machines, and other electronic or computer technology. Disclosure of PII will be avoided whenever possible.

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- L. Staff will transfer or dispose of records in a manner that protects confidentiality and is consistent with statutes governing service provider records.
- M. Staff will take reasonable precautions to protect confidentiality in the event of the staff's termination of employment, incapacitation, or death.
- N. Staff will not disclose identifying information when discussing customers for teaching or training purposes unless the customer has consented to disclosure of confidential information or there is a compelling need for such disclosure.
- O. Staff will protect the confidentiality of deceased customers consistent with the preceding standards.
- P. Staff will notify the Director immediately of any known breach of confidentiality.

### ACTION REQUIRED:

All staff will refer to this policy when dealing with customer's privacy and confidentiality.

### CLARIFICATION:

Any clarification on the above policy should be directed to the Board Director.

### EFFECTIVE DATE:

July 1, 2016