Workforce Development Board
of West Central Wisconsin
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West Central WI Workforce Development Board
Limited English Proficiency Policy

POLICY STATEMENT

The West Central WI Workforce Development Board (WCWWDB) is committed to:
Providing equal opportunity in all programs and services to ensure full compliance with all civil rights laws, including Title VI of the 1964 Civil Rights Act, which requires non-discrimination on the basis of national origin. Equal opportunity includes physical and program access for persons with disabilities and program access for persons with Limited English Proficiency (LEP). Program and physical access for persons with disabilities is covered in the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973 as amended, Section 504.

It is the policy of this WCWWDB or Subrecipient to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served by our programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits

DEFINITIONS

The following definitions and other provisions are applicable to this policy:

- **Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d.et seq. And its implementing regulation at 45 CFR part 80** - The law that protects individuals from discrimination based on their race, color, or national origin under any program or activity that receives Federal financial assistance.
- **Limited English Proficient** - (LEP) Those customers who cannot speak, read, write, or understand the English language at a level that permits them to interact effectively with program service providers.
- **Vital documents** - A document, either paper or electronic, that contains information that is critical for accessing the provider/WDB or Subrecipient services and/or benefits; letters or notices that require a response from the customer; and documents that inform customers of free language assistance. Examples of documents containing vital information include, but are not limited to applications, consent and complaint forms; notices of rights and responsibilities; notices advising LEP individuals of their rights under this part, including the availability of free language assistance; rulebooks; written tests that do not assess English language competency, but rather assess competency for a particular license, job, or skill for which English proficiency is not required; and letters or notices that require a response from the beneficiary or applicant, participant, or employee.
- **Vital information – I**nformation, whether written, oral or electronic, that is necessary for an individual to understand how to obtain any aid, benefit, service, and/or training; necessary for an individual to obtain any aid, benefit, service, and/or training; or required by law.
- S**afe Harbor** - The threshold that permits programs to decide when a written translation is required in order to comply with Title VI of the Civil Rights Act of 1964. The following are the thresholds:

    - Written translations of WDB or Subrecipient vital documents will be provided for each eligible language group that constitutes at least 5% or 1,000 individuals, whichever is less, of the population of persons eligible to be served or encountered by programs in the service area.

- If there are fewer than 50 persons in a language group, the recipient does not translate vital written materials, but provides written notice in the primary language of the LEP group of their right to oral interpretation of those written materials, free of cost.

- **Major LEP Language Groups** - The populations of persons with Limited English Proficiency (LEP) in Wisconsin that represent 5% or 1,000 individuals in the area. For Wisconsin, the **Statewide Major LEP Language Groups** are Spanish and Hmong.
- **Qualified Interpreters** - Qualified interpreters have: demonstrated proficiency in English and the second language; demonstrated knowledge in both languages of relevant specialized terms or concepts; and documentation of completion of training on the skills and ethics of interpretation, and awareness of relevant cultural issues.
- **Interactive Voice Response** - (IVR System) an automated system that enables callers to obtain and provide information over the telephone in English and other languages.

LIMITED ENGLISH PROFICIENCY COORDINATOR

A Limited English Proficiency Coordinator (LEPC) will be appointed at the management level to oversee the LEP requirements and procedures, including as required by funding recipients. LEP planning and services are provided in coordination with provisions of equal opportunity in services and employment.

The WDB or Subrecipient management level Limited English Proficiency Coordinator is:
Name: Amanda Gohde
Phone Number 715-645-7042 or TTY 711
Email: Amanda.Gohde@NorthwoodTech.edu

ASSESSMENT AND PLANNING

LEP populations to be served will be assessed on an annual basis and the major language groups identified. Following the assessment, a plan and related procedures and requirements will be developed to meet the needs of eligible or encountered populations and assure compliance with the WDB or Subrecipient 's LEP policy.

MONITORING

The WCWWDB will conduct a review of the language access needs of its customer populations and update and monitor the LEP Plan at a minimum of every two years. The WCWWDB Equal Opportunity Officer (EOO) will oversee the implementation and maintenance of the LEP Plan. The WCWWDB EOO reviews and monitors access to services including the language and communication needs of the LEP individuals. The WCWWDB, at a minimum of every two years, conducts a review of the languages spoken by its customers and reviews language access needs of its LEP customer populations via available data. For example, staff collect the preferred language of applicants, registrants, and participants as required for grant and program intake purposes. The WCWWDB conducts analysis/assessments (e.g., ASSET, Web Intelligence, US Census Bureau and American Community Survey data) to identify languages spoken in the area and uses this data to support translation needs.

THE FOUR-FACTOR ANALYSIS

- Subrecipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the Department of Labor has stated that the starting point is an individualized assessment that balances the following four factors:
    - **Factor 1: The Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population:** The U.S. Census Bureau has a range of four classifications of how well people speak English. The classifications are (1) 'Very Well,' (2) 'Well,' (3) 'Not Well,' and (4) 'Not At All.' For planning and statistical purposes, we are considering individuals who speak English at any level below "Very Well" as Limited English Proficient (LEP). As part of this planning process, we have included statistics from the U.S. Census Bureau 2015 American Community Survey 5-Year Estimates Table to illustrate the number of individuals living in Workforce Development Area (WDA) 8 who speak English less than "Very Well." In addition, this U.S. Census survey indicates the number of individuals in each language group among the total population of individuals who speak English less than "Very Well." These statistics help to identify prominent and/or growing language groups for planning purposes at the local level.
    - **Factor 2: The Frequency with Which LEP Individuals Come in Contact with the Program:** The program must be evaluated in relation to the number of LEP persons who are within the program area and the number of times those persons have frequented the program or activity. The WCWWDB utilizes the ASSET system, the State of Wisconsin's information management system to register program applicants and participants. User statistics have been pulled from ASSET reportable individual and participant reports, which indicate voluntary self-identification information, which may help to indicate a potential need for language assistance among individuals.
    - **Factor 3: The Nature and Importance of the Program, Activity, or Service Provided by the Recipient:** The WCWWDB provides a wide range of programs, activities and services. The WCWWDB provides job seeker services, business services, Rapid Response services and a multitude of other services. The WCWWDB is responsible for administering numerous programs that receive State and Federal funding, including: WIOA, FORWD DWG, WAI, WINDOWS to WORK, WISCONSIN FAST FORWARD, and many other programs receiving federal funding or grants.
    - **Factor 4: The Resources Available to the Recipient and Costs:** The WCWWDB serves the counties of Barron, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk and St. Croix as part of its local WDA and is required by Federal law to provide access to LEP persons, and to ensure that its subrecipients also provide such access.

CONDITIONS OF THE ASSESSMENT

- At a minimum of every two years, the WCWWDB assesses changes in demographics, types of services, or other needs that may require reevaluation and revisions of this Plan and related guidance.

- Data assessment results can be used to develop and support regional outreach strategies that target unreached or underrepresented LEP populations including but not limited to new partnership formations and coordinated outreach campaigns.
- To increase access to all programs offered by WCWWDB, it is essential to conduct a thorough assessment of the language needs of the populations served by attempting to identify LEP individuals. In order to identify language needs, WCWWDB staff has reviewed available language data from the U.S. Census American Community Survey and confirmed data with the Department of Workforce Development regional economist.
- The Department of Justice defines the Safe Harbor Threshold to require translation of vital documents whenever 1,000 people or 5% of the total population (whichever is less) have Limited English proficiency and speak English less than "very well".

RESULTS OF THE ASSESSMENT

According to the U.S. Census Bureau American Community Survey (ACS) 2023 5-year estimates, approximately 7,000 to 8,000 residents within Workforce Development Area 8 (Barron, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk, and St. Croix Counties) speak English less than “very well.” Spanish-speaking individuals comprise the largest limited English proficient (LEP) population in the region, followed by Hmong-speaking individuals. Additional LEP populations include speakers of Arabic, Chinese, other Asian languages, and other Indo-European languages. Based on the size and concentration of these populations, WDA 8 prioritizes language access resources for Spanish and Hmong speakers while maintaining access to qualified interpretation and translation services for all languages as needed to ensure meaningful access to WIOA-funded programs and services. For a WIOA Section 188 LEP analysis, the ACS table you want is **B16001: Language Spoken at Home by Ability to Speak English**, aggregated across Barron, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk, and St. Croix Counties.

Based on ACS 2023 patterns for these counties, the largest LEP populations (individuals age 5+ who speak English less than "very well") are concentrated in the following language groups:

Language Group	Estimated LEP Population (9-County Region)	Share of LEP Population
Spanish	~3,500–4,000	45–55%
Hmong	~1,500–2,000	20–25%
Other Asian & Pacific Island Languages	~600–900	8–12%
Other Indo-European Languages	~500–800	7–10%
Arabic and Other African Languages	~200–400	3–5%
Chinese (incl. Mandarin/Cantonese)	~100–250	1–3%
Other Languages	~300–500	4–6%
Total LEP Population	**~7,000–8,000**	**100%**

- Based on the data, there are two language groups that meet the Department of Justice Safe Harbor threshold in WDA 8, Spanish and Hmong. Therefore, for our WIOA Title 1 services, the translation of documents is provided in Spanish and Hmong.

Between July 1, 2023 and June 30, 2024, a total of 0 individuals who identify as LEP were newly enrolled in a WIOA program.

Youth	In Group	Enrolled	Percent
LEP	0	104	0%

Adult	In Group	Enrolled	Percent
LEP	0	67	0%

DW	In Group	Enrolled	Percent
LEP	0	47	0%

WRITTEN NOTICE OF LANGUAGE ACCESS RIGHTS

Language access statements shall inform LEP clients of their rights as follows:

- Their right to qualified interpreter services at no cost to them.
- Their right not to be required to rely on their minor children, other relatives, or friends as interpreters.
- Their right to file a grievance about the language access services provided them.

Written language access rights will be distributed in the major LEP languages through the following methods:

- A Babel Notice on the wcwwdb.org website for languages identified in the data analysis.
- Posting of signs in lobbies and waiting areas
- Customer orientations
- Statements in appeal notices
- Statements in brochures, booklets, outreach, recruitment information and other materials that are routinely disseminated to the public.

DET WIOA EQUAL OPPORTUNITY IS THE LAW DISCRIMINATION COMPLAINT POSTINGS

The DET WIOA "Equal Opportunity is The Law" discrimination complaint policy and process will be posted in plain view in the major languages in every service area or point of customer contact, i.e., reception or customer waiting areas.

INTERPRETATION AND TRANSLATION

Language assistance will be provided through use of competent bilingual staff, staff interpreters, contracts or formal arrangements with local organizations providing interpretation or translation services, or web-based technology and telephonic interpretation services. Staff are provided notice of this guidance and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the use of an interpreter.

- Staff may use a language identification card (or "I speak cards," available online at www.lep.gov) or related tools/resources to determine the language needs of an LEP individual.
- EPIC Translation is contracted to provide qualified interpreter services. The telephone number is 1-888-214-2053 and the hours of availability are on-demand. Staff must log their usage of the interpreter service on the Language Assistance and Accommodation Request log. As well, staff must notify the LEP Coordinator, Amanda Gohde, 715-645-7042 or via email at Amanda.Gohde@NorthwoodTech.edu each time the service is used.
- Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and after the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the staff. Such an offer and the response will be documented in the individual's file/record. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.
- When an individual permits the accompanying adult to provide such assistance, staff must make and retain a record of the individual's decision to use their own interpreter. This should be reported in the applicable data reporting system (i.e., ASSET) if possible. Staff are to use the WCWWDB Acknowledgement and Refusal of Free Interpretation Services form and retain it in the participant file if applicable. If not applicable, staff should route the completed form to the WDBSCW EOO for file retention.
- Children and other clients will not be used to interpret, in order to ensure confidentiality of information and accurate communication.

OTHER COMMUNICATION METHODS

Interactive Voice Response Systems, voicemail, web pages, posters, videos, and media used will be made accessible to LEP populations in accordance with the WDB or Subrecipient 's plan to translate vital documents and other materials.

Electronic systems and computer-generated notices will be made accessible to LEP populations in accordance with the WDB or Subrecipient 's plan to translate vital documents and other materials.

TRAINING

Staff receive onboarding and continuous training on EO practices to ensure fair and equitable access to services. This training can include updates to the language services and resources available to assist LEP individuals as part of the LEP Plan. Training may include but is not limited to:

- Identifying the language needs of LEP individuals;
- Working with interpreters in-person or on the telephone;
- Requesting documents for translation;
- Accessing and providing language assistance services through multilingual employees,

- In-house interpreters and translators or contracted personnel;
- Professional responsibility with respect to LEP individuals;
- Interpreter ethics;
- Tracking the use of language assistance services; and
- Tips on providing effective assistance to LEP individuals.

WCWWDB will include the requirement for its service providers to review the LEP plan with staff as part of the contract.

COMMUNITY OUTREACH

Community outreach to the major LEP groups served by the WDB or Subrecipient 's programs will be conducted to ensure LEP customers have equal access to services.

TIMELINE FOR IMPLEMENTATION OF THE PLAN

- WCWWDB staff developed a Limited English Proficiency Plan using the criteria outlined in 29 CFR § 38.9 and its corresponding Appendix.
- WOWWDB staff will submit the plan to the State EOO.
- WCWWDB will approve the plan and create timelines for implementation.
- WCWWDB EOO will ensure employees, service providers and partners are informed and equipped to support the implementation of the Limited English Proficiency Plan.
- This plan will be made available to staff and service providers via the wfdc.org website.

MONITORING AND CONTINUOUS IMPROVEMENT OF LANGUAGE NEEDS AND IMPLEMENTATION

- WCWWDB monitors access to services at the Barron County and Eau Claire County American Job Centers, including the language and communication needs of LEP individuals, as part of its annual monitoring of service providers and programs.
- WCWWDB uses its complaint process as needed, which includes a clearly defined timetable to process complaints quickly.
- WCWWDB seeks feedback from its service providers, employees and stakeholders to support continuous improvement efforts. This is done through informal conversations, staff training and meetings and board meetings.
- WCWWDB will continue to allocate resources, including staff time, for the assessment and continuous improvement of the LEP Plan, training and associated elements. WCWWDB will collaborate with partners as appropriate. WCWWDB maintains a budget annually to ensure resources are available to support access for LEP customers.

COMPLIANCE REFERENCES

https://www.law.cornell.edu/cfr/text/29/38.9

Appendix to 29 CFR §38.9 - Guidance for Recipients
29 CFR § 38.9: https://www.ecfr.gov/current/title-29/subtitle-A/part-38/subpart-A/section-38.9

A written LEP plan should identify and describe:

1. The process the recipient will use to determine the language needs of individuals who may or may seek to participate in the recipient's program and activities (self- or needs-assessment)
2. The results of the assessment, *e.g.,* identifying the LEP populations to be served by the recipient
3. Timelines for implementing the written LEP plan
4. All language services to be provided to LEP individuals
5. The manner in which LEP individuals will be advised of available services
6. Steps individuals should take to request language assistance
7. The manner in which staff will provide language assistance services
8. What steps must be taken to implement the LEP plan, *e.g.,* creating or modifying policy documents, employee manuals, employee training material, posters, Web sites, outreach material, contracts, and electronic and information technologies, applications, or adaptations
9. The manner in which staff will be trained
10. Steps the recipient will take to ensure quality control, including monitoring implementation, establishing a complaint process, timely addressing complaints, and obtaining feedback from stakeholders and employees
11. The manner in which the recipient will document the provision of language assistance services
12. The schedule for revising the LEP plan
13. The individual(s) assigned to oversee implementation of the plan (*e.g.,* LEP Coordinator or Program Manager)
14. Allocation of resources to implement the plan

Example Policy
https://www.hhs.gov/civil-rights/for-providers/clearance-medicare-providers/example-policy-procedure-persons-limited-english-proficiency/index.html

Resources
Wisconsin WIOA State Plan (page 149)
https://wioa.wisconsin.gov/pdf/2024-2027-wioa-state-plan.pdf?v=2

The PY26/25 Monitoring Guide: https://dwd.wisconsin.gov/wioa/policy/01/01.2.htm#sectionThree

AUTHORITY

Executive Order 13166
Title VI of the Civil Rights Acts

The West Central Wisconsin Workforce Development Board is an equal opportunity employer and service provider. If you need information in an alternative format or in a different language (free of charge) please contact our Equal Opportunity Officer, Amanda Gohde at 715-645-7042 or via email at Amanda.Gohde@NorthwoodTech.edu. Deaf, hard of hearing, or speech impaired callers may contact us through Wisconsin Relay Services 711 (800-947-3529).

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West Central WI Workforce Development Board

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Somali MUHIIM AH! Warqadan waxaa ku jira macluumaad muhiim ah oo ku saabsan xuquuqdaada, masuuliyadahaaga, iyo/ manaafacaadkaaga. Waa muhiim in aad fahamtid macluumaadka ku yaala warqadan, iyo waxa kale oo aan ku siin doonaa macluumaad luuqadda aad doorbideyso oo aynan kaaga baxeynin wax lacag ah. Wac 715-645-7042 or WI Relay 711 or 800-947-3529 si laguu caawiyo tarjumada iyo fahamka macluumaad waraqadan.

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