



ADMINISTRATIVE POLICIES

SECTION: 200 – General Administration	POLICY#: 207
TITLE: Language Assistance	R & O #: 20-130
	IMPLEMENTED BY PROCEDURE #: N/A
SPONSORING DEPT/DIV: County Administrative Office/Office of Equity, Inclusion and Community Engagement	
ADOPTED: 11-17-2020	REVIEWED:

PURPOSE: The purpose of this policy is to ensure meaningful access to Washington County programs, activities, services and civic engagement and to establish organization-wide consistency and expectations with respect to Washington County’s compliance with federal and state laws protecting the rights of persons who, as a result of national origin or other characteristics, require assistance in removing language barriers that may limit or impede their access to County services. This policy is meant to support Washington County’s overall Title VI Civil Rights Act of 1964 Compliance Plan (R&O 16-22). An additional purpose for this policy is to maintain the County’s compliance with federal requirements as a recipient of federal grants (Executive Order No. 13166, 65 C.F.R. 50121 (2000)).

AUTHORITY: Washington County Charter Sections 31 and 34 and Washington County Code 2.04.010 and 2.04.100 provide the Board of County Commissioners and the County Administrator with authority to determine policy and to ensure the continuous administration of the affairs of County government. This authority extends to the actions necessary to ensure compliance with Section 601 of Title VI of the 1964 Civil Rights Act (42 U.S.C. Sec. 2000d) and similar state statutes (including but not limited to ORS 659A.030, 659A.403 and 659A.421) which ensure the rights of individuals whose national origin or other characteristics may limit their ability to communicate in English. Finally, the Board of County Commissions has delegated certain responsibilities to the County Administrator when adopting the Washington County Title VI Civil Rights Act of 1964 Compliance Plan (R&O 16-22).

APPLICABILITY: This policy applies to all County employees, facilities and its programs, activities and services to the public, regardless of whether or not they receive federal financial support.

DEFINITIONS:

Interpretation – The act of listening to a communication in one language (source language) and orally or through visually perceived sign language converting it to another language (target language) while retaining the same meaning.¹ There are two types of interpretation: consecutive and simultaneous. They are defined as:

Consecutive Interpretation – An interpreter listens to a consecutive speech in the source language and then translates all the contents in the target language.

Simultaneous Interpretation – An interpreter translates into the target language as quickly as possible while the speaker is still speaking in the source language.

People needing language assistance (also referred to as Limited English Proficiency) – A person who does not speak English as their primary language and has a limited ability to read, write, speak or understand English.²

Meaningful access – Language assistance that results in accurate, timely and effective communication at no cost to an individual needing such assistance. This meaningful access must not be significantly restricted, delayed or inferior as compared to programs or activities provided to English-proficient individuals.

Qualified Translator or Interpreter – An in-house or contracted translator or interpreter who has demonstrated their competence to interpret or translate through certification or is authorized to do so by contract with the County or by employer designation.

Safe Harbor language – Provisions of federal regulations whereby 1) a language other than English is preferred by individuals within a given geography and 2) the group of people relying on a particular non-English language exceeds 5 percent of that geography's total population or is greater than 1,000 individuals, whichever is less. As stated in federal regulations, "a 'safe harbor' means that if a [federal grant] recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient's written translation obligations" (67 C.F.R. 41463 (2002)).

Translation – The replacement of written text from one language (source language) into an equivalent written text in another language (target language).³ An additional type of translation is sight translation, which is defined as an oral rendering of written text into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.⁴

¹ <https://www.justice.gov/sites/default/files/open/legacy/2012/05/07/language-access-plan.pdf>

^{4,5} <https://www.justice.gov/sites/default/files/open/legacy/2012/05/07/language-access-plan.pdf>

⁶ Washington County Title VI of the Civil Rights Act of 1964 Compliance Plan, March 1, 2016, page 8

Vital documents – Any document that is critical for ensuring meaningful access to major activities and programs by beneficiaries generally and people needing language assistance specifically. These vital documents may include, but are not limited to:

- Written notice of rights, denial, loss, or decrease in benefits or services,
- Claim or application forms,
- Notices regarding the availability of language assistance services at no cost to the individual,
- Public outreach or educational materials,
- Certain consent orders, decrees, memoranda of understanding or other types of pleadings or litigation materials,
- Administrative complaint, release, or waiver forms,
- Letters of findings,
- Letters or notices pertaining to statutes of limitations, referrals to other agencies, decisions to decline to investigate a case, or case disclosures, and
- Notices of community meetings or other community outreach activities.

GENERAL POLICY:

The County recognizes the rights of anyone served by Washington County to have meaningful access to public services and decision-making processes regardless of their ability to speak or read English proficiently.

It is the policy of the County to ensure that persons needing language assistance are not discriminated against or denied meaningful access to, and participation in, programs and services provided to the public. To ensure this access, the County shall notify such persons in a manner that they would understand that language services are available to them at no cost and shall take reasonable steps to see that language services are provided.

It is the intent of the County when implementing this policy to achieve a balance that ensures meaningful access to public programs and services while not incurring undue burdens on County resources. It is also the intent of the County to exceed federal and state requirements ensuring that language barriers are removed for individuals needing language assistance whenever available resources allow.

POLICY GUIDELINES:

1. Responsibilities:

- 1.1. This policy will be administered by the County Administrative Office, Office of Equity, Inclusion and Community Engagement (OEICE). The OEICE will develop procedures to implement the policy in keeping with its coordination role identified in Articles V and IX of the County’s Title VI Civil Rights Act of 1964 Compliance Plan.

- 1.2. Elected officials, department directors and office and division managers are expected to be knowledgeable of, and shall be responsible for, implementing this policy and related procedures within their respective departments, offices and divisions.
- 1.3. Language assistance services and products provided by the County, through staff or a third party, will be reviewed for quality to ensure accessibility and accuracy.

2. Annual “Four-factor” Assessment:

The County will annually review demographic and other data on people needing language assistance within the Washington County territory to determine whether there is a need to revise this policy or accompanying procedures. This annual review will consider the following four factors as recommended in federal regulations (65 C.F.R. 50124-50125 (2000)):

2.1. Number or Proportion of Persons Needing Language Assistance within Specific Service Area Geographies

The County will annually determine the prevalence of individuals potentially needing language assistance within the Washington County territory by using demographic data from the U.S. Census Bureau, school districts, nonprofit organizations and other sources. The County will attempt to assess the prevalence of people needing language assistance in geographies that are smaller than countywide as data are available. Further guidance is provided in Section 3 below.

2.2. Frequency with which People Needing Language Assistance Come into Contact with Washington County

The County will annually survey departments and offices regarding the frequency of contact with people needing language assistance seeking County services by measuring instances of translation or interpretation requests or whenever language is clearly a barrier to communication. These encounters may occur in setting such as:

- 2.2.1. Person-to-person contact in the field or in County facilities;
- 2.2.2. Over the phone;
- 2.2.3. Via email, social media or through the use of the County website; or
- 2.2.4. Through applications, intake forms, and other requests for service
- 2.2.5. Other means as experienced by departments and offices.

2.3. Nature and Importance of Programs, Activities or Services Provided

County departments and offices will routinely evaluate the need for translation or interpretation services based on the nature and importance of County services, programs and activities.

2.4. Resources Available

The County will take reasonable steps to ensure the availability of language services for individuals needing that assistance based on the factors just described. Using this analysis, departments and offices shall carefully explore the most cost-effective means

of delivering competent and accurate language services before limiting services due to resource concerns.

3. Determination of Safe Harbor Languages:

The County intends to achieve Safe Harbor status as outlined under federal guidelines with respect to written translation of materials and use of competent translators. Implementing this goal must take into consideration whether a community of people needing language assistance exceeds 1,000 or 5 percent of the total population, whichever is less, for a particular geography.

3.1. Countywide

Working in coordination with County departments and offices, countywide Safe Harbor languages shall be identified by the County Administrative Office, Office of Equity, Inclusion and Community Engagement annually using the latest available data from the U.S. Census Bureau's American Community Survey (ACS) as a primary indicator of language usage. Additional supportive data will also be considered from the Census Bureau's Decennial Census, annual surveys of the frequency of contact with people needing language assistance as outlined in Section 2.2 above, as well as other official sources including school districts, community organizations and academia.

3.2. Smaller Geographies

The County Administrative Office, Office of Equity, Inclusion and Community Engagement, shall provide coordination and assistance to departments and offices as they seek to determine Safe Harbor languages for geographies that are smaller in size than the full Washington County territory. In some cases, a department or office will determine the boundaries of these smaller geographies at their discretion based on the requirements of a particular line of service or project. These smaller geographies may include, but are not limited to:

- 3.2.1. Cities, individually or collectively
- 3.2.2. Urban areas, including cities and/or the urban unincorporated area
- 3.2.3. Rural areas
- 3.2.4. Community Participation Organizations
- 3.2.5. Library service areas
- 3.2.6. Sheriff's Office Patrol Areas
- 3.2.7. Project-specific areas

4. Implementation:

- 4.1. Elected officials, department directors and office and division managers are expected to be knowledgeable of, and shall be responsible for, implementing this policy within their respective departments and offices.
- 4.2. The scope and details of actions needed to implement this policy will be described in an accompanying set of procedures as coordinated by the County Administrative Office, Office of Equity, Inclusion and Community Engagement.

4.3. Observance of this policy and associated procedures is mandatory for all County employees and violation may result in disciplinary action up to and including termination.

5. Complaints:

In keeping with Article X of Washington County's Title VI of the Civil Rights Act of 1964 Compliance Plan, any person who believes that he/she/they have been excluded from participation in activities or programs, or has received unequal treatment or discrimination in the receipt of benefits and/or services based on their race, color, or national origin, including limited English proficiency, has the right to file a Title VI discrimination complaint with the Chief Equity and Inclusion Officer/Title VI Coordinator as identified below:

Washington County Administrative Office
Attn: Chief Equity and Inclusion Officer
155 North First Avenue, Suite 300, MS 21
Hillsboro, OR 97124-3072
Phone: 503-846-8685, FAX: 503-846-4545
cao@co.washington.or.us

Title VI complaints are limited solely to complaints of discrimination based on race, color or national origin, including limited English proficiency. Washington County is committed to ongoing improvement of County programs and services and welcomes any comments or suggestions towards that end. Every effort will be made to resolve complaints informally at the department level and to do so quickly and to the satisfaction of the complainant.

6. Periodic Review:

This policy shall be reviewed by the County Administrative Office, Office of Equity, Inclusion and Community Engagement at least every three years, or more often if needed, and updated as necessary.