



## Language Service Policy

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#### 1. **Purpose**

The purpose of this policy is to ensure that Buncombe County fulfills its responsibilities around serving persons with a non-English language preference (NELP). Providing equal opportunity in all programs, services and activities will also support compliance with civil rights laws, including Title VI of the 1964 Civil Rights Act, which prohibits discrimination on the basis of national origin, and the Americans with Disabilities Act (ADA) which prohibits discrimination and guarantees that people with disabilities have the same opportunities for access to services, programs and activities as everyone else. For the purpose of this policy, this would include ensuring effective communication with individuals whose disability affects hearing.

#### 2. **Applicability**

This policy applies to all Buncombe County departments and employees unless there is a conflict with GS 153A-103 related to hiring, discharging, and supervising employees. Such an exclusion is noted at the end of this policy. Otherwise, departments may adopt and enforce policies that are more restrictive than County Policy.

#### 3. **Policy**

3.1. All Buncombe County employees must take reasonable steps to ensure that persons with a non-English language preference (NELP), or individuals who may require other services to ensure effective communication, have meaningful access as defined in this policy and an equal opportunity to participate in County programs, services, and activities. To support this policy, the County will be responsible for the development of a Language Access Plan.

##### 3.2. **Delivery of Services**

The County will provide guidance around the availability of resources to facilitate communication. These may include the following:

- 3.2.1. Bilingual staff, serving in a point of service position when direct communication with an individual is warranted, and when deemed appropriate as authorized by the Department Director or the Director's designee and qualified by Buncombe County Human Resources
- 3.2.2. Designated qualified staff interpreters and translators when available

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- 3.2.3. Contracts or formal arrangements with qualified organizations or individuals providing interpretation and/or translation services, including qualified American Sign Language (ASL) interpreters
- 3.2.4. Telephonic interpretation services and/or other authorized technologies when available
- 3.2.5. Large print, audio, other available electronic formats for blind or low-vision individuals provided upon request.

### **3.3. Vital Documents**

Vital documents, as defined in this policy, must be translated into languages regularly encountered and must be readily available for use by persons with NELP.

- 3.3.1. The term “languages regularly encountered” shall mean any language spoken by at least 5% of the population served within a particular department program, service, or activity. Five percent of the population is based on the language access guidance for Title VI compliance and is adopted as a best practice for utilization across all County departments. Departments will utilize the current Buncombe County population encountered language threshold unless a greater need is identified through future and ongoing data assessment.
- 3.3.2. For the population with NELP that does not meet the threshold, if written translation is unavailable or unreasonable, sight or verbal translation must be utilized and must be provided by a qualified language service provider.
- 3.3.3. Departments must utilize translated vital documents when available from the State or other resources in cases where the document is authored and required by another entity. Reasonable effort will be made by the Department to determine if these resources exist prior to utilizing translation services.

### **3.4. Providing Notice**

At the first point of contact, individuals seeking services will be advised of the availability of language services. Services must be offered at no cost to the individual at every encounter, regardless of previous denial or refusal to accept language services by the individual. Poster templates will be created and provided by the County and disseminated to Departments to support providing notice.

- 3.4.1. Departments will ensure “I Speak” resources are available to frontline staff to ensure identification of language at the first point of contact. The County will make “I Speak” templates available to departments to ensure consistency.
- 3.4.2. Guidance regarding the timely request for language services must be made available to the public.
- 3.4.3. Departments are required to advise or post a notice of an individual’s right to file a complaint in accordance with section 3.8 of this policy. The County will provide templates including this communication.

### **3.5. Appointing a Language Services Liaison**

Department Directors will assign at least one person from the department to act as the Language Services Liaison for the Department. Roles and responsibilities of the Liaison will be defined in the Language Access Plan.

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### **3.6. Financial Considerations**

Departments will assume the cost of providing language services within their programs, services, and activities in accordance with this policy, and will budget for interpretation and translation services accordingly.

### **3.7. Data Collection and Review**

- 3.7.1. The County will regularly review the language services needs of the population being served, and update and monitor the implementation of this policy and related procedures as necessary.
- 3.7.2. The County will regularly monitor community data in utilizing established criteria to ensure meaningful access is being offered to persons with NELP.
- 3.7.3. A method for collection of data for individual departments/programs will be implemented in conjunction with the Language Access Plan.

### **3.8. Complaints**

Any individual who believes they have been subjected to discrimination based on their primary or preferred language may file a complaint within 180 days per Title VI and/or in accordance with the Buncombe County non-discrimination ordinance.

### **3.9. Contracts**

When a department contracts with an entity to perform services or conduct activities on behalf of the County where serving the public is part of the scope, the contracting department must ensure that the contractor is aware of their obligation to have a plan in place to ensure language access needs are addressed.

### **3.10. Training**

All new hires and existing employees will receive annual training on this policy and the Language Access Plan.

## **4. Policy Non-Compliance**

Employees willfully violating the terms and conditions of this policy may be subject to appropriate disciplinary action, up to and including dismissal.

## **5. Audit**

All policies for Buncombe County may be subject to audit or review as outlined in the [Internal Auditor's Statement](#).

## **6. Definitions**

- 6.1. Bi-lingual staff – A staff person employed by Buncombe County who has demonstrated proficiency in reading, writing, speaking, and/or understanding at least one other language in addition to English as authorized by their department and approved by HR.
- 6.2. Interpretation – The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
- 6.3. Language Services – Oral and written language services needed to ensure that individuals with NELP may communicate effectively with staff, and to provide those individuals with meaningful access to, and an equal opportunity to fully participate in, the services, activities, or other programs administered by the County.

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- 6.4. Non-English Language Preference (NELP) – Used to refer to individuals who prefer a non-English language with respect to a particular type of service, benefit, or encounter.
- 6.5. Meaningful access – Language services which result in accurate, timely, and effective communication at no cost the individual accessing services, programs, or activities.
- 6.6. Primary Language – An individual’s primary language is the language in which an individual most effectively communicates.
- 6.7. Qualified interpreter or translator – is a trained professional who is a neutral third party with the requisite language skills, experienced in interpretation or translation techniques, and knowledgeable in specialized content areas and technical terminology to effectively facilitate communication between two or more parties who do not share a common language.
- 6.8. Sight Translation – 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.
- 6.9. Translation – The replacement of written text from one language (source language) into an equivalent written text in another language. In the case of American Sign Language (“ASL”), interpretation is the act of viewing language in sign language and verbally translating it into another language or vice versa.
- 6.10. Vital Document – Paper or electronic written material that contains information that is critical for accessing a department’s program, service, activity, or is required by law.
- 6.10.1. Examples of vital documents include:
- Application forms
  - Intake forms
  - Consent forms
  - Any correspondence that requires a reply or action
  - Notices advising individuals of the availability of free language services
  - Complaint filing procedures

## 7. Approval and Revision History

Policy Origination Date:	March 1, 2023
Requires Board Approval:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Board Approval Date:	N/A
Policy Exclusions	None
Revision History:	9/26/24 – corrected bi-lingual staff definition

## 8. Background

- 8.1. The two main legal bases for language access are Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on national origin, and 2000’s Executive Order 13166, which affirms Title VI’s language access requirement and outlines additional requirements. Title VI prohibits discrimination against any individual based on race, color, or national origin in any activity or program that receives federal funding or other forms of federal financial assistance. Anyone receiving federal support, even indirectly, is required to provide language access. Moreover, Title VI applies to a recipient's entire program or activity. This means all parts of a recipient's operations are covered, regardless of whether the recipient is only partially funded through federal funds. Language access requirements are therefore relevant to a wide variety of

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programs, organizations and agencies, and Buncombe County recognizes the applicability of Title VI across the organization.

- 8.2. Under Title II of the ADA, all state and local governments are required to take steps to ensure that their communications with people with disabilities are as effective as communications with others. “Effective communications” under this title means that whatever is written or spoken must be as clear and understandable to people with disabilities as it is for people who do not have disabilities. The purpose of the effective communication rules is to ensure that the person with a vision, hearing, or speech disability can communicate with, receive information from, and convey information to, the covered entity.
- 8.3. Embedded in the Buncombe County Strategic Plan, equity is included as both a value and a foundational goal. Systems, policies, and practices must support equity for all people and must promote an organizational culture that embraces diversity and inclusion. Language and cultural barriers significantly impact participation in public services. When language access needs of individuals are not being met and they cannot properly communicate with service providers, they are far less likely to connect with the County for services, even when the services are genuinely needed. This disrupts services and makes it difficult for the County to remain a trusted, valuable partner in the communities it serves.