

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CHIEF FINANCIAL OFFICER
OFFICE OF LOTTERY & GAMING**



Office of Lottery and Gaming – Language Access Policy

PURPOSE

The purpose of this policy is to ensure that the Office of the Chief Financial Officer, Office of Lottery & Gaming’s programs and services meet the requirements of Law 15-167, the “Language Access Act of 2004.” Law 15-167, enacted on April 21, 2004, seeks to promote greater public access and participation in government services, programs and activities. D.C. Official Code § 2-1932 designates the Office of Lottery & Gaming (DC Lottery) as a covered entity with major public contact under this law. As such, the agency must provide equal access to programs and services to all persons living in, working in, or visiting the District of Columbia, regardless of their ability to speak English. Specifically, the DC Lottery must:

1. Establish and implement a Biennial Language Access Plan and report the plan’s progress on a quarterly basis to the DC Office of Human Rights;
2. Identify a Language Access Coordinator;
3. Collect and analyze data on demand for agency services in languages other than English;
4. Provide written translations of vital documents into non-English languages that meet the language threshold;
5. Offer interpretation services;
6. Conduct outreach to limited and non-English proficient communities; and
7. Train staff on language access compliance.

I. Authority

The policy is consistent with the DC Lottery’s mission, as well as applicable federal and District of Columbia laws, rules and regulations. These laws, rules and regulations include but are not limited to DC Lottery rules and regulations; the Civil Rights Act of 1964; the Language Access Act of 2004, D.C. Law 15-167, D.C. Official Code §2-1931 *et seq.*, effective June 19, 2004; and D.C. Municipal Regulations 4-12 (Language Access Act).

II. Applicability

This policy shall apply agency-wide to all full-time, part-time and seasonal employees.



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III. Definitions

For the purpose of this policy, the following definitions are applicable:

- A. **“Bilingual”** refers to the ability to use two languages proficiently.
- B. **“Biennial Language Access Plan (BLAP)”** is a set of tailored goals and action items meant to improve a DC government agency’s language access services. The BLAP contains specific measurable action plans in areas of data collection, translation of vital documents, training of public contact staff, outreach initiatives and hiring of bilingual staff that the agency commits to implement within a set timeline over a two-year period.
- C. **“Customer”** means an individual who may attempt to benefit from or receive services that the DC Lottery provides.
- D. **“Interpretation”** is the conversation of oral wording from one language (the source language) into equivalent oral wording in another language (the target language). Interpretation may occur in-person or over the phone. Although the public and media often use the term interchangeably with “translation,” the word “interpretation” refers to oral speech and “translation” refers to written texts.
- E. **“I Speak’ Cards”** are a resource with which limited or non-English proficient individuals may identify themselves and their primary language. The wallet-sized cards are promulgated by the D.C. Office of Human Rights and state the following in both English and the applicable non-English language: “I speak [non-English language]. I need assistance and have the right to receive assistance in my spoken language. Please provide me with an interpreter and note my spoken language in your permanent records. Thank you.”
- F. **“Language Access Coordinator (LAC)”** refers to the official within the DC Lottery who coordinates and supervises DC Lottery activities undertaken to comply with the provisions of this policy.
- G. **“Language access services”** entail assessing the need for assistance in a language other than English and offering interpretation and/or translation to facilitate communication.
- H. **“Language Line”** refers to LanguageLine Solutions, a company that provides interpretation services over the phone for all DC government agencies.
- I. **“Language ID Guide”** is a tool that Language Line provides for identifying a customer’s primary language. The Language Access Coordinator supplies this tool to members.
- J. **“Language threshold”** denotes the DC Lottery’s exposure to a non-English language spoken by a limited or non-English proficient population that constitutes 3% of the agency’s customers or 500 individuals, whoever is less. Once the DC Lottery reaches the threshold for a language, the agency must provide translations of vital documents in that language.



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- K. **“Limited English proficient (LEP)”** describes an individual who does not use English as a primary language and who has a limited ability to speak, read, write or understand English.
- L. **“Members”** are all agency employees, as well as volunteers and contractors providing direct services to the public on behalf of the DC Lottery.
- M. **“Non-English proficient (NEP)”** describes an individual who does not speak, read, write or understand English.
- N. **“Primary language”** indicates the language that a customer is most comfortable using. It is usually (but not always) the person’s first or native language.
- O. **“Translation”** is the conversion of written wording from one language (the source language) into an equivalent wording in another language (the target language). Although the public and media often use the term interchangeably with “interpretation,” the word “translation” refers to written texts and “interpretation” refers to oral speech. There are two forms of translation:
 - 1) Written translation is the conversion of written text from the source language into written text in the target language.
 - 2) Sight translation is the oral rendering of a written text from the source into the target language; it is not normally a direct word-for-word translation.
- P. **“Vital documents”** include the applications, notices, forms, agreements and outreach materials that the DC Lottery publishes or distributes to inform customers about their rights or eligibility requirements for participation in agency programs.

IV. REGULATIONS

A. Data Collection

The DC Lottery must collect and report data on the non-English languages spoken by LEP/NEP customers and the resources available to provide language assistance to LEP/NEP customers. This data collection serves two purposes:

- 1) To determine whether the DC Lottery has reached the language threshold for a given non-English language, establishing the language(s) into which the agency must translate its vital documents; and
- 2) To record the customer’s primary language in LEP/NEP case files, ensuring that further interactions with previously identified LEP/NEP customers include appropriate language accommodations.

Accordingly, members shall document all agency encounters with LEP/NEP customers. The Language Access Coordinator shall report the resulting data to the D.C. Office of Human Rights both *quarterly* and annually. At the end of each fiscal year, the Language Access Coordinator shall submit an implementation report identifying the non-English languages that meet the agency’s language threshold, as well as the resources available to the LEP/NEP populations who speak these languages.



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B. Signage

Ensure that all DC Lottery facilities (the Lottery only has one facility) open to the public feature visible signage informing customers of their rights to obtain assistance in a language they can understand, free of charge. Signage must include information in all non-English languages that meet the agency's language threshold as well as the resources available to the LEP/NEP populations who speak these languages. To inform the public of language access services, the DC Lottery Prize Center shall feature the following sign:

- (1) Language Line Desktop Language ID Guides

C. Translation

The DC Lottery will provide written translations of vital documents into all non-English languages that meet the agency's language threshold. These documents include but are not limited to applications, notices, complaint forms, outreach materials and other documents regarding customer rights or program eligibility requirements. Translations of vital documents must be as accessible to the public as the English versions are. To this end, members shall distribute the translations within the DC Lottery, make them accessible in the Prize Center and post them online.

D. Interpretation

The DC Lottery will establish and maintain full and effective communication with customers of all English proficiency levels. To this end, the DC Lottery shall offer interpretation services either over the phone or in person, whichever is more effectual, in the primary languages of all customers identified as LEP/NEP. In so doing, the DC Lottery shall:

- 1) Avoid assumptions about a customer's primary language and make every effort to ascertain it;
- 2) Provide interpretation whenever requested by a customer, regardless of the customer's perceived level of English proficiency;
- 3) Neither discourage LEP/NEP customers from seeking DC Lottery services nor refuse agency services to such customers;
- 4) Deliver DC Lottery services in a timely manner, i.e., without delays that are significantly greater than those that English proficient customers experience;
- 5) Exclusively use professional and qualified interpreters to interpret for LEP/NEP persons and not family, friends, neighbors, volunteers, bystanders or children;
- 6) Provide interpretation for LEP/NEP customers attending DC Lottery public meetings if the agency receives notice of their presence at least five (5) business days in advance of the public meeting; and
- 7) Make interpretation services available to LEP/NEP customers who participate directly in DC Lottery administrative hearings, whether the customer is accompanied by an advocate or attorney.



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E. **Waiver of Language Access Rights**

LEP/NEP customers may insist on using a family member or friend as their interpreter or may otherwise refuse the DC Lottery's language access services. In such cases, the DC Lottery must obtain written consent that waives the customer's rights to translation and interpretation services. To do so, the DC Lottery must provide customers with a waiver form in their primary language, which the Office of Human Rights supplies. If a written translation is not available in the customer's primary language or if the customer is unable to read, the DC Lottery may use sight translation to convey the contents of the waiver form to the customer.

F. **Bilingual Staff**

The Language Access Coordinator shall maintain a list of bilingual staff members who agree to act as interpreters for the LEP/NEP population whose primary language they speak. Staff interpreters must be able to:

- 1) Communicate fluently and accurately in the non-English language(s) in which they claim proficiency;
- 2) Interpret exact concepts without distorting meaning in either language; and
- 3) Understand the obligations of confidentiality as appropriate.

The DC Lottery shall take reasonable steps to screen self-identified bilingual staff members who request to be placed on the list of staff interpreters. Based on this list of available staff interpreters and both the established and anticipated demand for language access services, the DC Lottery shall determine its existing capacity for assisting LEP/NEP customers. To the extent that it requires additional capacity for providing interpretation services, the agency must give preference to qualified bilingual individuals when hiring for existing budgeted vacant public contact positions.

The DC Lottery has five (5) certified bilingual staff members. Three have been certified in Amharic and two have been certified in Spanish via the language proficiency tests administered by LLS.

G. **Language Access Training**

The DC Lottery must be proficient in the requirements and legal obligations for serving LEP/NEP customers. To this end, DC Lottery employees will attend either web-based or in-person trainings provided by the D.C. Office of Human Rights. Training shall occur as part of the onboarding process for new employees and as part of continued professional development for existing employees. The Biennial Language Access Plan shall outline the details of the DC Lottery's training on language access.

The Lottery does not have grantees or contractors that act on behalf of the Lottery.

The Language Access Act only applies to a covered entities contractors and grantees. The DC Lottery licenses sales agents to sell lottery tickets. Licensees are



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separate and distinct from contractors and grantees. Thus, because the Act only applies to a covered entity's contractors and grantees, the DC Lottery's licensees are not subject to the Act. Further, the DC Lottery's statutory authority is limited to enforcing provisions of D.C. Official Code §§ 36-601.01 - 36-621.17 and does not extend to requiring licensees to comply with the Act.

H. Outreach

The DC Lottery must develop a plan for conducting outreach to LEP/NEP communities in order to disseminate information about its language access services. Outreach activities may include but are not limited to the following:

- Disseminating information through in-language or ethnic media outlets, including local television and radio programs.
- Distributing flyers, brochures and other printed material in diverse languages and at diverse locations.
- Disseminating information through the agency's website.
- Participating in and/or cosponsoring events that target the District's LEP/NEP communities with the mayor's constituency offices, community organizations recommended by the mayor's constituency offices, and other District government agencies.

I. Language Access Complaints

Any person or organization may file a public complaint alleging a violation of the Language Access Act. The D.C. Office of Human Rights addresses these complaints which may regard both individual and systemic noncompliance. A customer may file the complaint directly but a person or organization with an interest in the customer's welfare may also file a complaint on the customer's behalf. The DC Lottery shall in no way retaliate against complainants and/or their representatives and shall provide these persons or organizations with the same level of service that other customer receive. Should a customer wishing to file a language access complaint contact the DC Lottery, members shall report the incident to the Language Access Coordinator and provide the customer with the following resources:

- 1) The Office of Human Rights Language Access Complaint Form;
- 2) The URL for the online Office of Human Rights Language Access Complaint Form (<https://ohr.dc.gov/page/LAportal/public##denial>); and/or
- 3) The Office of Human Rights phone number (202-727-4559).

J. Resources

The DC Lottery shall have the following resources available to better serve LEP/NEP customers: digital and hard-copy translations of vital documents; access to contracted in-person and telephonic interpreters; materials from the Office of



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Human Rights such as “I Speak” Cards and Language ID Guides; and training as outlined in the DC Lottery’s Biennial Language Access Plan.

VI. PROCEDURES

A. Identifying LEP/NEP Persons

When Lottery employees suspect or are told that customers we encounter are LEP/NEP, we shall use the following protocol to determine whether the customers are actually LEP/NEP:

1. Ask: “Do you speak English very well?”
 - a. If the person answers “Yes,” continue communicating with the person in English. Individuals who speak any non-English language and report speaking English “very well” should be regarded as English proficient and should not be considered LEP/NEP persons.
 - b. If the person answers “No,” appears not to understand what the member is saying, otherwise indicates a lack of comprehension, or states “I speak it a little” or “I speak it okay,” the member shall assume that the person is LEP/NEP and attempt to identify the primary language as outlined in B.1,2,3 below. Individuals who report speaking English as anything less than “very well” (i.e., “well,” “not well,” or “not at all”) must be regarded as LEP/NEP and eligible to receive language access services.
2. If the LEP/NEP person can speak or understand some English, the Lottery shall state: “I can request an interpreter in your language to interpret for you in person or over the phone. Would you like me to get an interpreter?”
 - a. If the LEP/NEP person answers “Yes,” the Lottery shall:
 - 1) Proceed to identify the LEP/NEP person’s primary language; and
 - 2) Obtain an interpreter to facilitate communication with the LEP/NEP person.
 - b. If the LEP/NEP person answers “No,” the member shall:
 - 1) Ensure that the LEP/NEP person understood the question and confirm that the customer does not want an interpreter.
 - 2) If the LEP/NEP person confirms that an interpreter is not wanted, the Lottery shall proceed with communicating in English.



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B. Identifying the Primary Language

The member will attempt to identify an LEP/NEP customer's primary language using the following three approaches:

1. Ask the LEP/NEP person and check for an "I Speak" Card.

The member may ask an LEP/NEP person: "What language do you speak?" or "What language do you speak the best?" If the LEP/NEP person understands and answers the question, and/or displays an "I Speak" Card, the member shall immediately follow the procedures in part VI.C of this policy to obtain an interpreter for the primary language.

2. Use the Language ID Guide.

Language Line provides a guide for identifying a customer's primary language. The member will obtain this guide from the Language Access Coordinator and shall display it to LEP/NEP customers who are unable to identify their primary language in response to a member's questions. If the customer successfully identifies a language using the guide, members should follow procedures in part VI.C of this policy to obtain an interpreter for this language.

3. Call Language Line.

If LEP/NEP customers do not appear able to read or understand the Language ID Guide or are otherwise unable to identify their primary language, Lottery shall call the Language Line service by following the procedure outlined in part VI.C.2.b below. With assistance from Language Line, members shall attempt to ascertain the LEP/NEP customer's language in order to obtain a suitable interpreter.

C. Obtaining an interpreter

Whenever the Lottery contacts or is contacted by an LEP/NEP customer by telephone or in person, the member shall:

1. Ascertain the LEP/NEP customer's English proficiency and primary language as described in parts VI. A and B, respectively; and

2. Ascertain the availability of a bilingual member on the list of staff interpreters who speaks the non-English language (if applicable) in question.

a. If such a bilingual member is immediately available, the Lottery member serving as the point of contact shall transfer communication to the bilingual member.

b. If such a bilingual member is not immediately available, the Lottery member serving as the point of contact shall request an interpreter from Language Line by calling the Language Line number (**1-800-367-9559**) and providing the



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Lottery's Client ID, Organization Name, and Access Code. Members receive this information from the Language Access Coordinator.

D. Collecting Data

The Lottery shall use the following mechanisms to collect data:

1. Language Line Reports
2. Reception area or Information desk sign-in sheets that include multilingual language preferences'
3. Outreach event sign-in sheets.

E. Translating Vital Documents

1. The Language Access Coordinator shall identify and maintain a record of all vital document translations.
2. Should LEP/NEP persons require a vital document that has not been translated into their primary language, Lottery shall follow the procedures outlined in part VI.C.b to contact Language Line. The member shall request a sight translation by reading the document to the Language Line interpreter.

F. Written Communication

1. If the member receives a letter or other written communication in a non-English language, and the member is not bilingual in that language, the written communication shall be forwarded to an approved citywide document translation vendor.
2. Within two business days of receiving the letter, the LAC shall respond to the sender with an acknowledgement letter in the sender's language and arrange to have the original correspondence translated into English.
3. Once the written communication is translated into English, the LAC shall forward the English version of the communication to the intended agency recipient for response.
4. The Lottery member responsible for writing the response shall do so and then forward the response to the LAC.
5. The LAC shall arrange to have the response translated into the target language and mail the response to the sender, with a copy to the member who prepared the response.

G. Screening Bilingual Staff

To determine the aptitude of bilingual staff members who wish to serve as interpreters, the LAC will partner with the designated citywide vendor to facilitate bilingual certification (currently LanguageLine Solutions facilitates this type of certification).



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ROLES AND RESPONSIBILITIES

A. Lottery Director

- 1. Develop (or designate a member or team to develop) a Biennial Language Access Plan.
- 2. Establish (or designate a member or team to establish) procedures for:
 - a. Providing interpretation over the phone and in person;
 - b. Engaging in written communication with LEP/NEP customers;
 - c. Translating vital documents;
 - d. Collecting data on LEP/NEP encounters; and
 - e. Conducting community outreach.
- 3. Appoint a Language Access Coordinator responsible for overseeing the agency’s BLAP and establish a Language Access Team to assist the LAC.

B. Language Access Coordinator

- 1. Ensure the Lottery’s compliance with the Language Access Act of 2004 and corresponding guidelines and regulations.
- 2. Oversee the implementation of the agency’s Biennial Language Access Plan and submit a quarterly progress report to the Language Access Director at the Office of Human Rights.
- 3. Provide guidance, advice, resources, and training to Lottery members regarding the language access services.
- 4. Identify and screen bilingual staff members to serve as agency interpreters.
- 5. Identify and maintain a record of the Lottery’s vital documents.
- 6. Track, monitor, and investigate public complaints regarding alleged language access violations at the Lottery.
- 7. Recommend corrective action for conduct contrary to this policy.

EFFECTIVE DATE AND IMPLEMENTATION: This policy is effective immediately upon signature.

APPROVAL

DocuSigned by:

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Frank Suarez

7/20/2023

Date



DC Lottery Language Access Policy

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Distribution: All agency employees
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