

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF LOTTERY & GAMING (OLG)**



LANGUAGE ACCESS POLICY

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I. 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 (OLG) 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 OLG 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.

II. AUTHORITY

The policy is consistent with the OLG'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 OLG 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).

III. APPLICABILITY

This policy shall apply to all OLG members, defined as all employees as well as volunteers, contractors, and affiliates providing direct services to the public on the agency's behalf.

IV. DEFINITIONS

For the purpose of this policy, the following definitions apply:

- 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 and measurable action plans in areas of data collection, translation of vital documents, training of public contact staff, outreach initiatives and hiring of

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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 OLG provides.
- D. **“Interpretation”** is the conversion 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. There are modes of interpretation:
- (1) **Consecutive:** a mode of interpreting in which the speaker makes a speech (or says a few sentences) whilst the interpreter takes notes. The interpreter then reproduces what the speaker has said for the audience.
 - (2) **Simultaneous:** is a mode of interpretation in which the interpreter translates the message from the source language to the target language in real-time. Unlike in consecutive interpreting, this way the natural flow of the speaker is not disturbed and allows for a smooth output for the listeners.

There are also two alternative vehicles to provide interpretation services:

- (1) **Virtual Remote Interpreting (VRI):** a technology-supported solution that provides communication to LEPs/NEPs by connecting to a professional interpreter in an off-site location. This is done via camera and microphone on a tablet, smartphone, or desktop, using an internet or cellular connection. Either mode of interpretation can be utilized. VRI can also be used to communicate with deaf or hard-of-hearing individuals.
 - (2) **Telephonic Interpretation:** a solution that provides communication to LEP/NEP customers by connecting to a professional interpreter in an off-site location via telephone.
- 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 OLG who coordinates and supervises OLG activities undertaken to comply with the provisions of this policy.

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- 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 Language Line 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 OLG’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, whichever is less. Once OLG reaches the threshold for a language, the agency must provide translations of vital documents in that language.
- 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, grantees, contractors, and affiliates providing direct services to the public on behalf of OLG.
- 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. “Staff Language Facilitator”** is an agency employee who is bilingual and proficient in a target language. They should be able to communicate the agency’s mission, services, and general information.
- P. “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.
- Q. “Vital documents”** include the applications, notices, forms, agreements, and outreach materials that OLG publishes or distributes to inform customers about their rights or eligibility requirements for participation in agency programs.

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V. REGULATIONS

A. Data collection

OLG 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 OLG 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.

B. Signage

Members must ensure that all OLG facilities that are open to the public – including mobile locations – 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. To inform the public of language access services, OLG facilities shall feature the following signs and posters:

- (1) Language Line Desktop Language ID Guides

C. Translation

OLG must 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 OLG, make them accessible at the entry points of agency facilities, and post them online.

D. Interpretation

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Members must establish and maintain full and effective communication with customers of all English proficiency levels. To this end, members 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, members shall:

- (1) Avoid assumptions about a customer's primary language and make every effort to ascertain it (for example, some Central Americans use an indigenous dialect as their primary language rather than Spanish);
- (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 OLG services, nor refuse agency services to such customers;
- (4) Deliver OLG 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 OLG 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 OLG administrative hearings, whether or not the customer is accompanied by an advocate or attorney.

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 OLG's language access services. In such cases, OLG must obtain written consent that waives the customer's rights to translation and interpretation services. To do so, agency members 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 agency 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 language facilitators for the LEP/NEP population whose primary language they speak. Staff language facilitators must be able to:

- (1) Communicate fluently and accurately in the non-English language(s) in which they claim proficiency;

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- (2) Communicate exact concepts without distorting meaning in either language; and
- (3) Understand the obligations of confidentiality as appropriate.

OLG shall take reasonable steps to screen self-identified bilingual staff members who request to be placed on the list of language facilitators. Based on this list of available staff language facilitators and both the established and anticipated demand for language access services, OLG 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.

G. Language access training

All OLG members in public contact positions must be proficient in the requirements and legal obligations for serving LEP/NEP customers. To this end, members must 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 members, and as part of continued professional development for existing members. The Biennial Language Access Plan shall outline the details of OLG training on language access.

H. Outreach

OLG 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:

- (1) Disseminating information through in-language or ethnic media outlets, including local television, and radio programs;
- (2) 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.
- (3) Disseminating information through the agency's website.

I. Funded entities and contractors

Contractors, including third party providers, hired by OLG to carry out services, programs, or activities directly to the public are required to a) collect data regarding contact with LEP/NEP customers and report this data to OLG on a quarterly basis, b) provide oral interpretation services, c) translate vital documents, and d) train personnel on all compliance requirements according to the same standards required of OLG and e) by agreement, certify in writing that LA Act compliance requirements will be satisfied by contractors, and f) display signage in multiple languages

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OLG shall use the following procedures to ensure that funded entities and contractors hired by the agency comply with the requirements of the Act, according to the same standards required of the agency:

1. Include language access compliance requirements for funded entities and contractors in all Notices of Funding Availability (NOFA) and Requests for Proposal (RFP) issued by OLG.
2. Require that all funded entities and contractors certify in writing that they will meet language access compliance requirements in contracts, memorandums of understanding, or work agreements signed between funded entity/contractor and OLG.
3. Ensure that contractors receive language access compliance training through OHR, or that they are using training material approved by OHR.
4. Provide guidance on language access compliance to contractors by connecting them to translation and interpretation vendors, and by providing them with a clear process for collecting data and for reporting all encounters with LEP/NEP customers to OLG.

J. 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. Members 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 customers receive. Should a customer wishing to file a language access complaint contact OLG, 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 (<http://ohr.dc.gov/webform/language-access-public-complaint-form>); and/or
- (3) The Office of Human Rights phone number (**202-727-4559**).

K. Resources

Members 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, as well as to the list of OLG bilingual staff language facilitators; materials from the Office of Human Rights, such as "I Speak" Cards and

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Language ID Guides; dual handset telephones; and training as outlined in OLG's Biennial Language Access Plan.

VI. PROCEDURES

A. Identifying LEP/NEP persons

Members must keep in mind the fact that LEP/NEP designations are context-specific; LEP/NEP persons may possess sufficient English language skills to function in certain types of communication (e.g., speaking or listening), but still be LEP/NEP for other purposes (e.g., reading or writing). When members suspect or are told that customers they encounter are LEP/NEP, they shall use the following protocol to determine whether or not 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 also 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 following the procedures described in part IV.B of this policy. 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 member 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 member shall:
 - 1) Proceed to identify the LEP/NEP person's primary language as specified in Part VI.B below; 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 member shall proceed with communicating in English.

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- 3) If the LEP/NEP person confirms that an interpreter is not wanted, and wishes to use a friend or family member as an interpreter, ensure that they sign a waiver as specified in Part V.E above.

B. Identifying the primary language

Members must 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.

Members 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.2 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. Members 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.2 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, members 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 OLG member 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 VI.B above, respectively; and
2. Ascertain the availability of a bilingual member on the list of bilingual staff who speaks the non-English language in question and may serve as a language facilitator.
 - a. If such a bilingual member is immediately available, the OLG member serving as the point of contact shall transfer communication to the bilingual member.

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- b. If such a bilingual member is not immediately available, the OLG 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 OLG's Client ID, and Access Code. Members receive this information from the Language Access Coordinator.

D. Collecting data

OLG shall use the following mechanisms to collect data:

1. Language Line Reports;
2. Reception area or Information desk sign-in database that include multilingual language preferences;
3. Reports from bilingual staff on the number of times they are asked to assist an LEP/NEP individual; and
4. Employees must report any public complaints regarding language access violations to their manager/supervisor or to the agency Language Access Program Coordinator in a timely manner (within 5 business days of the incident).
5. Waiver form

E. Translating vital documents

1. The Language Access Coordinator shall identify and maintain a record of all vital document translations.
2. If a vital document translation is not available on the agency Internet or Intranet websites, members shall request a translation of that document by contacting Gwen Washington, Language Access Coordinator.
3. Should LEP/NEP persons require a vital document that has not been translated into their primary language, members shall follow the procedures outlined in part VI.C.2.b to contact Language Line. Members shall request a sight translation by reading the document to the Language Line interpreter.
4. Multilingual Taglines may be utilized for documents that have not yet been translated.

F. Written communication

1. If a 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 the Language Access Coordinator.

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2. Within two business days of receiving the letter, the Language Access Coordinator, or his/her designee, 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 Language Access Coordinator, or his/her designee, shall forward the English version of the communication to the intended agency recipient for response.
4. The member responsible for writing the response shall do so and then forward the response to Language Access Coordinator.
5. Language Access Coordinator, or his/her designee, 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. Funded entities and contractors

Should OLG adopt the use of volunteers, contractors, and affiliates, OLG shall use the following procedures to ensure that funded entities and contractors hired by the agency comply with the requirements of the Act, according to the same standards required of the agency.

1. Include language access compliance requirements for funded entities and contractors in all Notices of Funding Availability (NOFA) and Requests for Proposal (RFP) issued by the agency.
2. Require that all funded entities and contractors certify in writing that they will meet language access compliance requirements in contracts, memorandums of understanding, or work agreements signed between funded entity/contractor and the agency.
3. Ensure that funded entities and contractors receive language access compliance training through OHR or using training material approved by OHR.
4. Provide guidance on language access compliance to funded entities and contractors by connecting them to translation and interpretation vendors, and by providing them with a clear process for collecting data and for reporting all encounters with LEP/NEP customers to the agency.

H. Screening Bilingual Staff

To determine the aptitude of bilingual staff members who wish to serve as language facilitators, the Language Access Coordinator will implement the following screening process:

1. An oral language proficiency test; and

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2. Confidentiality agreement

VII. ROLES AND RESPONSIBILITIES

A. Agency 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 OLG'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 OLG members regarding the language access services.
4. Identify and screen bilingual staff members to serve as agency language facilitators.
5. Identify and maintain a record of OLG's vital documents.
6. Track, monitor, and investigate public complaints regarding alleged language access violations at OLG and report to the OHR Language Access Director as they are received.
7. Recommend corrective action for conduct contrary to this policy.


C. Language Access Team

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1. Assist the LAC with data collection, annual reporting, customer complaints, training of personnel in public contact positions, and other elements of compliance.
2. Comprise the following positions at OLG:
 - a. Director of Resources Management
 - b. Senior Customer Service Manager
 - c. Customer Service Specialists
 - d. Director of Sales
 - e. Investigations and Enforcement Officer, Regulation & Oversight

II. APPROVAL

This policy is effective immediately upon signature.

DocuSigned by:


5/1/2024

OLG Director Signature

Date

Effective Date:
 Review Date:
 Distribution:

April 30, 2024
 April 30, 2024
 All agency members