


Executive Directive



Title: Limited English Proficiency (LEP) Policy	Executive Directive Number: OEO.020.0032 Revised
Related MD Statute/Regulations: Correctional Services Article, §§2-103 Annotated Code of Maryland; Civil Rights Act of 1964 (42 U.S.C. 2000d) Title VI; Presidential Executive Order 13166; and State Government Article, §§10-1101 — 10-1105, Annotated Code of Maryland	Supersedes: OEO.020.0032 dated July 25, 2014
Related Standards: ACA 4-4281-1; PREA Standard 115.16b.	Responsible Authority:  Executive Director — Office of Equal Opportunity
Related MCCA Standards: N/A	Effective Date: June 22, 2016 Number of Pages: 5



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 Secretary



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 Assistant Secretary
 Programs and Services

.01 Purpose.

This directive establishes policy and procedures to ensure effective communication with individuals with Limited English Proficiency (LEP), including individuals under the authority of the Department of Public Safety and Correctional Services (Department), in order to provide meaningful access to Department programs and services.

.02 Scope.

This directive applies to units of the Department, but in particular to units with direct contact with the public or with LEP individuals under the jurisdiction of the Department.

.03 Policy.

- A. The Department shall take reasonable steps to ensure that LEP individuals receive meaningful access to programs and services, as appropriate.
- B. The Department shall provide language assistance services, in accordance with applicable State and federal law, based on an assessment of the following factors:
 - (1) Number or proportion of LEP individuals served or encountered by the Department when providing programs or services;
 - (2) Frequency of contact with LEP individuals;
 - (3) Nature and importance of the program, activity, or service provided; and
 - (4) Resources available.

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- C. The Department's Office of Equal Opportunity shall provide central coordination and technical assistance while monitoring responsibilities to ensure Department compliance with this directive.

.04 Definitions.

A. In this directive, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Bilingual Staff" includes employees certified through the Office of Equal Opportunity to provide interpretive services at Department facilities.
- (2) "In-person translation services" means a translator is requested to be present at the time a service is provided in order to assist a LEP individual effectively communicate.
- (3) "Language assistance services" means verbal interpretation and written translation of vital documents into a language other than English.
- (4) "Limited English Proficiency (LEP)" means an individual is not capable of speaking, reading, writing, or understanding the English language well enough to allow effective interaction.
- (5) "Meaningful Access" means the standard required of federally-funded entities or recipients of federal funding in order to comply with Title VI of the Civil Rights Act of 1964 program requirements related to language access that ensures service providers or recipients make available to LEP individuals free language assistance for the purpose of accurate and effective communication.
- (6) "OEO" means the Department's Office of Equal Opportunity.
- (7) "Telephone translation services" includes an interpretation provided using a telephone hotline or other telephone interaction with a LEP individual.
- (4) "Vital documents" means all applications or informational materials, notices, and complaint forms offered by the Department, including the following examples:
 - (a) Consent and complaint forms;
 - (b) Intake forms with the potential for important consequences;
 - (c) Written notices of rights, denial, loss, or decreases in benefits or services, parole, and hearings;
 - (d) Rights and procedures related to the Prison Rape Elimination Act protections;
 - (e) Notices of disciplinary action;
 - (f) Notices advising LEP individuals of free language assistance;
 - (g) Correctional facility rule books;

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- (h) Written tests that do not assess English language competency, but test competency for a particular license, job, or skill for which knowing English is not required; or
- (i) Applications to participate in a Department program or activity or to receive Department benefits or services.

.05 Responsibility/Procedures.

- A. A unit head or managing official shall ensure that employees at each location under the authority of the unit head or managing official:
 - (1) Are informed of the LEP policy, the need to provide meaningful access to information and services for LEP individuals, and how LEP impacts the location.
 - (2) Take appropriate steps to inform LEP individuals that language assistance services may be requested at no cost to the LEP individual.
 - (3) Depending on the circumstances, notification under §.05A(2) of this directive may be:
 - (a) Provided verbally by staff;
 - (b) Posted at appropriate entry points;
 - (c) Printed on forms or brochures; or
 - (d) Available online on the Department public website
 - (4) Have access to resources for providing language assistance services, including:
 - (a) Contact information for on-site or telephone-based interpreters;
 - (b) A certified bilingual employee registry; and
 - (c) A process, such as language identification cards, for determining the language of a LEP individual.
- B. In addition to the provisions under §.05A of this directive, when a unit has responsibilities that place employees in direct contact with the public or with LEP individuals under the jurisdiction of the Department, the unit head or managing official shall:
 - (1) Require appropriate training for employees likely to have regular contact with LEP individuals, including how to respond to in-person and telephone contact with LEP individuals.
 - (2) Designate an LEP coordinator for the unit to:
 - (a) Ensure availability of language assistance resources;
 - (b) Document and maintain records of the:
 - (i) Number of LEP individuals served;

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- (ii) Types of languages encountered; and
- (iii) Actions taken to provide language assistance services; and
- (c) When requested, report the information required under §.05B(2)(b) of this directive to the Executive Director of OEO, or a designee.

C. Verbal Language Services.

- (1) When verbal language services are required, depending on the circumstances and when feasible, a unit may elect to:
 - (a) Contact an interpreter, live or telephone-based, who maintains a standing contract with the State;
 - (b) Use trained community volunteers;
 - (c) Use certified bilingual employees listed in the employee registry on an as-needed basis and pay the employees in accordance with COMAR 17.04.02.10; or
 - (d) Hire employees with bilingual skills.
- (2) If contact with a LEP individual occurs weekly or more frequently, a unit shall provide face-to-face, in-house verbal language services.
- (3) If a LEP individual declines the verbal language services offered by the Department and requests to use a family member, friend, or community member as an interpreter, the Department shall:
 - (a) When possible, determine that the use of the requested interpreter does not:
 - (i) Adversely affect the provision of verbal language services; or
 - (ii) Create a conflict of interest or breach of confidentiality; and
 - (b) Document the use of the requested interpreter.
- (4) In an emergency situation, a unit may use an interpreter not provided for under §.05C(1) – (3) of this directive.

D. Written Language Services.

Consistent with the assessment in §.03B, a unit shall ensure that the translation of vital documents into languages spoken by more than three percent of the overall population within the geographic area served by a Department unit.

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E. Compliance.

(1) The OEO shall:

- (a) Monitor overall compliance with requirements established under the directive; and
- (b) Investigate complaints related to LEP services.

(2) Failure to comply with requirements of this directive shall be grounds for disciplinary action, up to and including termination of employment.

.06 Attachment(s).

LEP Plan (Listed as a “Support Docs” on SafetyNet with this directive).

.07 History.

- A. This directive rescinds OEO.020.0032 dated July 25, 2014 by updating titles and signatures to reflect the current organization.
- B. This directive supersedes provisions of any other prior existing Department communication with which it may be in conflict.

.08 Operations Distribution.

A, and S — Staff Assigned to Conduct an Investigation of a Sex Related Offense