

DATE ISSUED: July 1, 2015

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FROM: Linda Franks  
LWIA 24 Equal Opportunity Officer

RE: **EQUAL OPPORTUNITY DIRECTIVE 2015-EO-2, Procedures for  
Serving Persons with Limited English Proficiency**

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"Equal Opportunity Employer/Program and "Auxiliary aids and services are available upon request to individuals with disabilities"

Title VI of the Civil Rights Act of 1964 at 42 U.S.C. § 2000d (Title VI) provides that no person shall “on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Similarly, the Workforce Innovation Opportunity Act (WIOA) of 2014, at 29 U.S.C. § 2938 prohibits discrimination on a variety of bases, including race, color, and national origin. And, for purposes of these procedures, Executive Order No. 13166, titled “Improving Access to Services for Persons with Limited English Proficiency,” directs that federally assisted programs and activities be accessible to persons who, as a result of national origin, are limited English proficient (LEP).

We receive funding from the U.S. Department of Labor under Title I of WIOA and, as a result, our delivery of WIOA Title I-financially assisted programs and activities is governed by the nondiscrimination provisions of Title VI, WIOA, and Executive Order No. 13166. For purposes here, we are obliged to comply with the national-origin based nondiscrimination and equal opportunity mandates of these laws. This means, LEP persons must have meaningful access to information, and a meaningful opportunity to participate in our WIOA-related programs and activities.

I developed this set of procedures to assist you in properly greeting and serving our LEP populations. Under federal law, interpretation and/or translation assistance is provided *at no cost* to the LEP person. And, we must provide interpreter services, as needed, regardless of whether we are serving one LEP person who speaks a particular language, or we are serving 100 LEP persons who speak the language. With regard to documents, we must provide written translations of “vital” documents, and I discuss the procedures for obtaining translated documents later in this directive.

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Each of you is responsible for understanding and utilizing these procedures when serving LEP populations. You are encouraged to explore the resources at [www.lep.gov](http://www.lep.gov), which is a centralized warehouse of information and guidance established by the U.S. Department of Justice to help us serve our LEP populations.

For these reasons, EQUAL OPPORTUNITY DIRECTIVE 2015-EO-2 is being issued and **is effective immediately.**

✓ **Prominently display “Equal Opportunity Is the Law” posters in languages spoken by a significant proportion or number of LEP persons**

The “Equal Opportunity Is the Law” poster must be prominently displayed in English and Spanish languages throughout the spaces where you serve members of the public (see Appendix A). These spaces include, but are not limited to, areas used for reception, intake, orientation, recruitment, training, counseling, and so on.

On each “Equal Opportunity Is the Law” poster, regardless of the language, you must insert my contact information, as well as the contact information of our State EO Officer and the U.S. Department of Labor’s Civil Rights Center. This may be accomplished by typing the following on adhesive labels, and affixing the labels to each notice:

✓ **“Equal Opportunity Is the Law” notice provided to LEP persons who speak less widely-used languages**

If you learn that you are receiving one or more members of the public who speak languages other than English or Spanish, you must provide a written translation of the “Equal Opportunity Is the Law” notice in the native language spoken by the LEP person.

To accomplish this, you shall download and print the “Equal Opportunity Is the Law” notice from the selection of languages listed below, as needed. If the LEP customer’s native language is not on this list, you must notify me

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“Equal Opportunity Employer/Program and “Auxiliary aids and services are available upon request to individuals with disabilities”

immediately so a translated notice may be obtained and provided to the LEP customer.

In the interim, however, you shall use the language line services (as described below) to have the notice read aloud to the LEP customer in his or her native language.

The "Equal Opportunity Is the Law" notice is available to be downloaded and printed for free through the U.S. Department of Labor's website at <http://www.dol.gov/oasam/programs/crc/EOPosters.htm> in the following languages:

- English
- Spanish
- French
- Haitian Creole
- Croatian
- Somali
- Amheric
- Russian
- Vietnamese
- Neur
- Korean
- Chinese

On each "Equal Opportunity Is the Law" poster, regardless of the language, you must insert my contact information, as well as the contact information of

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our State EO Officer and the U.S. Department of Labor's Civil Rights Center. This may be accomplished by typing the following on adhesive labels, and affixing the labels to each notice:

Linda Franks  
LWIA 24 Equal Opportunity Officer  
St. Clair County Intergovernmental  
Grants Department  
19 Public Square, Suite 200  
Belleville, IL 62220  
Telephone: (618) 825.3266  
TTY English: (800) 526-0844 TTY Spanish: (800) 501-0864  
Voice/ITRC: (800) 501-0865  
[lfranks@co.st-clair.il.us](mailto:lfranks@co.st-clair.il.us)

or

State WIA EO Officer  
Illinois Dept. of Commerce and Economic Opportunity  
Office of Equal Opportunity Monitoring and Compliance  
500 E Monroe, 8<sup>th</sup> Floor  
Springfield, Il 62701  
TTY English: 711 or (800) 526-0857 TTY Spanish: 711 or (800)501-0865

or

Director, Civil Rights Center  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Room N-4123  
Washington, DC 20210  
Voice: (202) 693-6502 / TTY: (202) 693-6516  
[CRCEXternalComplaints@dol.gov](mailto:CRCEXternalComplaints@dol.gov)

✓ **The initial contact**

We are obliged to provide meaningful access to information, and a meaningful opportunity to participate in, our programs and activities to LEP

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persons. The very first step to achieving meaningful access is to know the language spoken by the LEP person. Sometimes, the LEP person will arrive at your location with a friend or family member who speaks English. It is important to record the customer's language needs at that time. Keep in mind, the family member or friend only should assist you in identifying the customer's native language; we do not require that our LEP customers bring a friend or family member to provide interpretation services. Rather, under federal law, we must provide those services through qualified interpreters and translators at no cost to our LEP customer.

There may be times, a LEP customer will not be able to speak English, and will not be accompanied by a friend or family member to assist you. It is important to understand that you must be able to assist the LEP person even if a friend or family member is not present. There are two ways this may be accomplished.

- Using "I speak" cards.

If the LEP person does not speak English, and is not with a friend or family member who speaks English and who can identify the customer's native language, you initially may use "I speak" cards (see Appendix B). These cards may be downloaded and printed for free anytime through [www.lep.gov](http://www.lep.gov).

To use "I speak" cards, you place the cards before the LEP person, and allow the LEP person to point his or her native language. At that point, you will record the person's language needs. From there, you will employ language line services to continue serving the LEP person.

Appendix B also contains a document titled, "Interpretation Service Available." This document serves the same purpose as "I speak" cards, and it is provided by Propio Language Services at (866) 828-3280, or [www.propio-ls.com/](http://www.propio-ls.com/).

- Using the language line.

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Once the LEP person's language needs are known, you must utilize the language line service provider under contract with us. For detailed instructions regarding the use of our language line services, see Appendix C. The language line also should be used if you find the LEP person is illiterate in his or her native language and, therefore, cannot identify the language using the "I speak" cards.

✓ **The next step.**

Beyond initial greeting and intake activities, we must ensure that our LEP populations continue to have a meaningful opportunity to participate in our programs and activities. As a result, language interpretation services shall be utilized, as needed, throughout the course of a beneficiary's participation at no cost to the beneficiary.

✓ **Written translations of "vital" documents.**

If you determine that a LEP customer needs a written translation of a document, you must notify me. You shall identify the specific document(s) requested for written translation as well as the language needed. I will assess the nature of the information sought to be translated, and the language requested as well as the frequency of limited English proficient persons in the service area who speak the language at issue.

Under federal law, "vital" documents are translated. Examples of vital documents that may be suitable for written translation services under the appropriate circumstances are: (1) applications to participate in a program or activity, or to receive benefits, aid, or services; (2) written tests that do not assess English language competency, but test competency for a particular license, job, or skill for which English language proficiency is not required; (3) consent and complaint forms; (4) list of partners at a Southwestern Illinois workNet™ Center and services provided; (5) letters containing important information regarding participation in a program or activity; (6) notices pertaining to the reduction, denial or termination of services or benefits and of the right to appeal such actions; (7) notices that require a response from beneficiaries; (8) information on the right to file

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complaints of discrimination; (9) information on the provision of services to individuals with disabilities; (10) state wage and hour and safety and health enforcement and information materials; (11) notices advising LEP persons of the availability of free language assistance; and (12) other outreach materials.

Whether or not a document (or the information it provides and/or solicits) is "vital" will depend on the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not translated accurately, or in a timely manner. For instance, a description of books contained in the resource room of a Southwestern Illinois workNet™ Center generally would not be considered vital, whereas applications for unemployment insurance, or information about safety and health requirements could be considered vital.

I will make these determinations on a case-by-case basis after careful consideration of the foregoing factors. At all times, I will accord individualized treatment to the LEP customer. In the event that written translation of a certain document will not be made, oral interpretation of the written material shall be provided to the LEP customer at no cost.

## ✓ **Questions**

If you have questions, please do not hesitate to contact me:

**Linda Franks**  
**LWIA 24 Equal Opportunity Officer**  
**St. Clair County Intergovernmental**  
**Grants Department**  
**19 Public Square, Suite 200**  
**Belleville, IL 62220**  
**Telephone: (618) 825.3266**  
**TTY (English): (800) 526-0844**  
**TTY (Spanish): (800) 501-0864**  
**Voice/ITRC: (800) 501-0865**  
[lfranks@co.st-clair.il.us](mailto:lfranks@co.st-clair.il.us)

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