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## STATE INSTRUCTION NUMBER 24-04

**To:** DEW Area Directors  
DEW Regional Managers

**Subject:** Language Access Services for Limited English Proficient (LEP) Individuals

**Issuance Date:** November 27, 2024

**Effective Date:** November 27, 2024

**Purpose:** To establish the rules and procedures for providing language access services to Employment Services (ES) customers with limited English proficiency (LEP) in SC Works centers.

### **References:**

- Workforce Innovation and Opportunity Act, Public Law 113-128, § 188
- Civil Rights Act of 1964, Title VI, 42 U.S.C. § 2000d *et seq.*
- Exec. Order No. 13166, 3 CFR § 13166 (2001)
- 29 CFR §§ 38.4(hh), 38.9

**Background:** Language access services ensure that all individuals, regardless of their language proficiency, have equal access to important government services and information. Without language access services, individuals who are not proficient in the dominant language of a state may face significant barriers to accessing workforce services. The Civil Rights Act of 1964 prohibits discrimination based on national origin, encompassing language barriers. Pursuant to the Civil Rights Act, the Workforce Innovation and Opportunity Act (WIOA), and Executive Order 13166, state agencies receiving federal funds must take reasonable steps to ensure meaningful access to their programs and services by LEP individuals.

**Policy:** SC Works center staff must provide equal access to LEP individuals about information, services, and programs available through the SC Works system. DEW staff as partners in the Local Workforce Development Areas (LWDAs) share in this responsibility. An LEP individual does not speak English as their primary language and has a limited ability to read, speak, write, and/or understand English. LEP individuals include those who are deaf, hard-of-hearing, or speech impaired. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but less so for other purposes (e.g., reading or writing). Notices must be posted at points of entry to inform LEP individuals that language access services are available.

### Identifying LEP Individuals

Upon identifying an LEP individual, staff will provide the LEP individual with language assistance services. The following table lists possible identifiers to assist staff in identifying when an individual needs language assistance services and the appropriate staff actions.

LEP Individual self-identifies:	Staff Action Steps:
<ul style="list-style-type: none"> <li>Individual asks if staff speaks another language.</li> </ul>	<ol style="list-style-type: none"> <li>Use “I Speak” cards to identify what language a customer speaks.   <b>Best practice:</b> Each career center should have laminated copies of “I Speak” cards at all entry points where customers are initially engaged.</li> <li>Immediately offer free language assistance.</li> <li>Coordinate with a qualified interpreter:               <ol style="list-style-type: none"> <li>Multilingual staff interpreter</li> <li>Community Organization (pre-screened by LWDA)</li> <li>Third-Party Interpreter                   <ol style="list-style-type: none"> <li>By phone</li> <li>By video</li> <li>In-Person (appointment only)</li> </ol> </li> <li>On-Demand Remote Translation</li> </ol> </li> </ol>
<ul style="list-style-type: none"> <li>Individual asks for an interpreter.</li> </ul>	
<ul style="list-style-type: none"> <li>Individual points to an “I Speak” card or other posters.</li> </ul>	
<ul style="list-style-type: none"> <li>An accompanying person requests an interpreter.</li> </ul>	
Staff identifies need:	
<ul style="list-style-type: none"> <li>Individual brought a family member to assist with interpretation.</li> </ul>	
<ul style="list-style-type: none"> <li>Individual does not seem to understand what staff is saying.</li> </ul>	
<ul style="list-style-type: none"> <li>Individual’s response does not match the question being asked.</li> </ul>	
<ul style="list-style-type: none"> <li>Individual is unable to read or write in English.</li> </ul>	
<p><b>NOTE:</b> Each customer interaction is unique. Focus on good customer service by being patient and respectful of the LEP individual.</p>	

### Types of Interpretation Services

To ensure meaningful access to DEW programs and services for LEP individuals, staff should access the following qualified interpretation services in this order:

#### Multilingual Staff Interpreters

If available, staff must request support from a multilingual SC Works center staff who is a qualified interpreter to assist with LEP individuals. Some partner staff may have restrictions on whom they can serve based on their authorizing statutes and regulations. Staff should keep a list

of multilingual staff on hand with the language(s) they can interpret. Regional Managers should request assistance from the SC Works center operator, if needed, to develop this list.

#### Community Organizations

Some LWDA's receive assistance with translation and interpretation services through community organizations. Staff may use community organizations if unable to meaningfully access interpreter services through multilingual staff. Prior to ES staff using community organizations for interpretation services, the LWDA must have the following:

1. Agreement with the community organization for interpretation services
2. Verification that the interpreters provided are qualified interpreters under the Americans with Disabilities Act (ADA)

**NOTE:** The LWDA should be able to produce verification, upon request, of an interpreter's qualification credentials.

Regional Managers should keep a current list of allowed interpreters for distribution to ES staff within each center.

#### Third-Party Interpreter/Translator

South Carolina contracts language access services from third-party service providers to serve LEP individuals accessing workforce programs and services. The following resources provide guidance for accessing these services:

- Third-Party Language Access Service Providers and Instructions
- Purchasing Process for Third-Party Interpretation Services
- DEW Language Access Services Usage Form

**NOTE:** If a single interpretation/translation engagement will exceed \$2,500 in costs, staff must acquire three quotes before placing the order.

*Family Members/Friends as Interpreters.* Customers are never required to use friends or family members as interpreters or translators. However, if the LEP individual initiates the request, a family member/friend may be used as an interpreter or translator.

**NOTE:** Staff must never allow a minor child (under the age of 18) to interpret or facilitate communication except in emergency situations while awaiting a qualified interpreter.

Staff must complete the following tasks before continuing with a family member/friend as interpreter:

- Advise the LEP individual of their right to a free interpreter.
- Obtain a signed Waiver of Language Access Services from the LEP individual before accepting an accompanying adult as an interpreter. The signed waiver is valid for the current SC Works center visit only. The signed waiver indicates that the LEP individual acknowledges the following:
  - Free language access services are available through DEW.
  - The LEP individual chooses not to use the free language access services and chooses their adult family member/friend as an interpreter.
  - DEW cannot guarantee the quality of the language access services provided by the chosen interpreter.
  - Confidential information may be disclosed to their family member/friend.
  - **The LEP individual may void the waiver at any time during the consulting process by requesting free language access services.**

**NOTE:** Staff should check for the availability of a pre-translated version of the Waiver of Language Access Services available in the language of the LEP individual on the ES DEWConnect page.

- To ensure informed consent by the LEP individual to waive their right to a free interpreter provided by DEW, staff should employ a DEW-provided interpreter to ensure informed consent to waive interpretation services before a friend or family member can serve as the interpreter.

**NOTE:** Adult family members and friends may act as interpreters in low-stakes communication, such as scheduling appointments or providing directions, without a signed waiver.

If staff have concerns about the competency of the interpretation, confidentiality, privacy, and/or a conflict of interest, staff may override a request to use an accompanying adult as an interpreter by asking the LEP individual to wait while staff engages free-to-the-customer language access services available in the center. See the section below for further guidance on recognizing a qualified interpreter.

#### Language Translation Tools (temporary solution)

When communicating with LEP Individuals, staff may use language translation tools, either accessible online or through mobile apps, to translate text or interpret phrases between different languages. However, these services use machine learning algorithms to translate text; the accuracy of the translation depends on the quality of the algorithms used. **Per DOL, no language**

**translation tool, by itself, currently meets the standard of “qualified” interpreter.** These tools should only be used rarely, as needed, and until qualified interpretation services are available.

Best practices include the following:

- Use simple and familiar words. Avoid jargon, idioms, acronyms, and legal language. Stick to clear and straightforward language to ensure effective communication.
- Organize your text logically by starting with the most important information. Keep your sentences short and to the point; avoid long and confusing sentences that can obscure your main point.
- Use the active voice to make your text more direct and concise. (For example, use “Staff provide services,” instead of “The services are provided by staff.”)
- Ensure the customer understands that staff will use a language translation tool and that using this translation tool is for temporary use to ensure immediate support.

**NOTE: Do not share sensitive or confidential information about the customer with the language translation tool.** Some online translation services or applications may store and analyze data.

**Best Practices for Working with LEP Individuals and Interpreters**

Working with LEP Individuals	Working with Interpreters
<ul style="list-style-type: none"> <li>• Conduct all interactions with respect and patience.</li> <li>• Accurately assess the language need.</li> <li>• Speak slowly and clearly.</li> <li>• Avoid assumptions and ask for clarification, as needed.</li> <li>• <b>During emergencies only</b>, allow a minor child to act as an interpreter, while waiting for a qualified interpreter.</li> </ul>	<ul style="list-style-type: none"> <li>• Control the interaction. The interpreter is there to facilitate the communication.</li> <li>• Speak directly to the LEP individual, not the interpreter.</li> <li>• Speak at a clear, normal pace.</li> <li>• Ask one question at a time.</li> <li>• Allow the Interpreter to take notes.</li> <li>• Allow the interpreter to interpret reasonable lengths of information, such as a short paragraph or three to four sentences at a time, to avoid losing important details.</li> </ul>
Working with Both LEP Individuals and Interpreters	
<ul style="list-style-type: none"> <li>• Never leave the LEP individual and interpreter alone.</li> <li>• Allow time for intermittent breaks.</li> <li>• Use plain language; avoid acronyms and jargon.</li> </ul>	

**NOTE:** Because many words and phrases in English do not have an equivalent in other languages, competent language services prioritize "meaning for meaning" rather than "word for word" to achieve the best outcome.

### Recognizing a Qualified Interpreter

A qualified interpreter can interpret effectively, accurately, and impartially for LEP individuals, including for LEP individuals with sensory impairments. The interpreter must be able to interpret both receptively and expressively, using any necessary specialized vocabulary, either in-person, or through an over-the-phone interpreting (OPI) service, a video-remote interpreting (VRI) service, or other technological methods. An interpreter is not required to be certified; however, certification can ensure a level of quality control.

An unqualified interpreter lacks the necessary skills to interpret effectively, accurately, and impartially for LEP individuals, including for LEP individuals with disabilities. Consider the following scenarios:

Scenario 1: Technical	Scenario 2: Legal
<p>Imagine someone who is fluent in English but only has a basic understanding of Spanish. If they attempt to interpret complex or technical information from Spanish to English, they may struggle to accurately convey the meaning. This leads to misunderstandings or miscommunication.</p> <p>In such cases, even though they may be fluent in one language, their lack of proficiency in the other language makes them unqualified to serve as an interpreter.</p>	<p>Imagine a scenario where a multilingual individual is fluent in English and the language of the LEP individual. They are asked to interpret during a legal proceeding, despite having no formal training in legal terminology or interpreting techniques.</p> <p>Their lack of qualifications could lead to misunderstandings, inaccuracies, and potential legal consequences due to misinterpretation of critical information.</p>

### Translation of Written Materials

Staff must ensure LEP individuals have meaningful access to and can understand information contained in written documents, including forms, publications, and specific program documents. **DEW Website, SCWorks.org, and SC Works Online Services (SCWOS).** The [DEW website](#), [SCWorks.org](#), and [SCWOS](#) offer South Carolina workforce system services through interactive platforms online, providing users with the convenience of accessing workforce system services from their homes or offices. These websites can be translated into several different languages

using Google Translate. Instructions for accessing the online translation for these websites are available on the ES DEWConnect page.

**Hard Copy Documents.** Vital and essential documents (such as, applications, consent forms, letters containing important information regarding participation in a program, and outreach materials) are translated from English based on the following:

- **Babel Notice.** Staff must place a notice of language assistance, otherwise known as a Babel Notice, on vital documents sent to LEP individuals and/or posted in central places where individuals can see them, such as a lobby or registration desk. This notice informs customers of their right to receive free interpretation and/or translation services. See <https://scworks.org/about-us/babel-notice>.
- **DEW Forms.** Staff can obtain ES and law complaint forms in Spanish at <https://scworks.org/escomplaint>, and Equal Opportunity (EO) forms in multiple languages at <https://scworks.org/about-us/legal>. Staff should coordinate with their regional manager for any other DEW forms.

Staff should contact their Regional Manager for further guidance regarding when and how to request translated documents.

**Staff Resources**

Staff guides and resources can be found on DEWConnect under the ES Division’s page, including guidance on the following:

Process Guides	Notices
Third-Party Language Access Services Purchasing Process	“I Speak” Card
Third-Party Language Access Service Providers and Instructions	Point to Language Poster
Translation Instructions for DEW Websites	Babel Notice
Forms	Other Resources
DEW Language Access Services Usage Form	Dialing 7-1-1 & Text Telephones (TTYs)
Waiver of Language Access Services	

This is a non-exclusive list of staff resources available. As needed, other resources may be developed and included on the ES DEWConnect page. Staff may contact their Regional Manager and Area Director with requests for additional staff resources and/or training.

**Action:** Please ensure that all appropriate ES staff receive and understand this policy.

**Inquiries:** Questions may be directed to [WorkforcePolicy@dew.sc.gov](mailto:WorkforcePolicy@dew.sc.gov).



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