

COMMUNITY LANGUAGE ACCESS



WASHINGTON STATE DEPT OF
**NATURAL
RESOURCES**

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SCOPE STATEMENT:

This Policy addresses two key demographics. It ensures the Department of Natural Resources (Department) complies with legal, legislative, and other regulatory requirements for providing Language Access services to Limited English Proficiency (LEP) individuals, and for those who are deaf, hard of hearing, and/or with other auditory disabilities.

It implements Federal requirements consistent with *Title VI of the Civil Rights Acts of 1964 (Title VI)* and *Section 188 of the Workforce Investment Act of 1998 (WIA)*, and Washington State Civil Service laws and rules: *Chapter 2.42 RCW Interpreters in Legal Proceedings, Chapter 2.43 RCW Interpreters for Non-English Speaking Persons, Chapter 49.60 Discrimination—Human Rights Commission, RCW 74.04.025 Bilingual services for non-English-speaking applicants and recipients—Bilingual personnel, when—Primary language pamphlets and written materials, and WAC 388-271-0010 What are limited English proficient (LEP) services?*

This Policy also ensures that the Department provides meaningful access to Department services to those who are blind, and/or with other vision disabilities. The Department will provide meaningful language access services for these individuals.

PO06-100 Public Meetings and Community Involvement addresses the accommodations process for the public. *PO01-047 Reasonable Accommodations for Employees* addresses the reasonable accommodation process for Department employees.

This Policy applies to all Department staff and contractors doing business with the Department who interact with the public.

POLICY:

As a recipient of federal financial assistance, the Department will take reasonable steps to ensure meaningful access to its programs and activities. Department employees will provide individuals with meaningful access to Department programs and services by using language access services. Department employees shall ensure that individuals can effectively access Department services to understand their rights and responsibilities in a language or communication method they understand.

In accordance with Washington state law, the Department will establish requirements for providing language access services as an accommodation at no cost to the public and job applicants. The Office of Workplace Culture and Development (WCD) will develop an additional Policy to cover language access services for Department staff.

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Provision of Language Access Services to Individuals

The Department will provide individuals with meaningful access to Department programs and services by using language access services when requested or required.

1. Department staff will provide language access services to individuals at no cost through one or more of the following methods:
 - a. Direct provision of services by designated bilingual or multilingual staff;
 - b. Interpreter services provided by certified contracted interpreters (in person, virtual video call, or over the phone), including visual description interpretation;
 - c. Interpreter services provided by qualified interpreters for languages in which certification is not available; and
 - d. Translation of written documents provided by certified or authorized translators.
2. Department staff will not use web-based or phone/tablet applications or software to process or provide translations unless there are extenuating circumstances, such as limited access to the internet or cellular networks.
 - a. Only Information Technology Division (ITD) approved applications or software may be utilized in extenuating circumstances.
3. Department staff will not use children, family members, or friends of the individual as interpreters.

Notice of Language Access Services

Department staff will inform individuals about the availability of language assistance, free of charge, by providing written notice in non-English languages, using plain language that individuals who require language access services will understand.

1. At a minimum, language access services notices and signs will be posted in conspicuous locations and provided to individuals at every public-facing Department office location.
2. Information on language access services will be posted to the Department's public-facing website, along with contact information to request services.
3. Notification of language access services will also be provided through one or more of the following methods: outreach documents, telephone menus, local newspapers, radio and television stations, and/or outreach to community-based organizations.
 - a. When outreach documents are created, a statement must be included that notifies individuals of the ability to request language access services for those outreach documents.
 - b. When outreach occurs with community-based organizations, the Department will notify those organizations of language access services available upon request so that community members can effectively engage with the Department.

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Language Services for Oral and Written Communications

Depending on the individual's communication needs and circumstances, Department staff will choose among the following options when identifying the form of oral and/or written communication to use in each situation.

Staff can consult documents outlining specific procedures for accessing interpreter and translation services on WCD's *Language Access Services* SharePoint site.

Oral Communications

1. If an individual who requires or requests language access services is not being served directly by a designated bilingual employee, Department staff will communicate verbally with the individual through a certified interpreter.
2. An oral interpretation of an English written communication may be acceptable, but the individual receiving language services must be informed that translation services are also available at no cost to them.

Written Communications

1. Department staff will provide individuals who require or request language access services with one or more of the following forms of translated written communications:
 - a. A fully translated written communication or correspondence from the Department in the individual's preferred language, including Braille;
 - b. A written summary of the English written communication or a short description, indicating the subject and its significance and any deadlines, in the individual's preferred language, including Braille; or
 - c. A note or letter in the individual's preferred language, including Braille, that tells them how to contact the Department for assistance in understanding written communications that they receive from the Department in English.
2. Vital documents (refer to the *Definitions* section, and Appointing Authorities roles under *Roles and Responsibilities*) are prioritized for translation.
3. Staff may consult with WCD for assistance with determining the most appropriate method of communicating with an individual who requires or requests language access services.

Complaint Procedures

When an individual reports failures by Department staff to provide language access services, or complaints regarding language access services provided, the first responsibility is to provide the service requested and resolve the issue at the lowest level possible.

1. Individuals who have a complaint regarding a contract service provider or vendor that the Department uses for language access services may file a complaint directly with the

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Department by emailing WCDSupport@dnr.wa.gov. These complaints will be investigated to ensure quality language access services are provided.

2. Individuals who believe they have been denied meaningful access to Department services due to their LEP status, their need for language access services, or other protected status, shall be informed that they may file a complaint.
3. Complaints shall be filed with DNR following the Department's complaint procedures, per *PO06-101 Civil Rights Request and Complaint Management*.

Roles and Responsibilities:

Office of Workplace Culture and Development

1. Oversee Language Access Services for the Department by contracting with language access services to provide services such as translation and interpretation.
2. Provide staff with guidance, training, and tools to ensure communications meet ADA accessibility and inclusive language best practices.
3. Provide set up and coordination of Video Remote Interpreting (VRI) and Video Relay Service (VRS) services for deaf and hard-of-hearing individuals.
4. Provide financial support for language access services to programs as long as funding is available within the budget.
5. Provide a biennial Language Access Plan aligning with the Department's Strategic Plan and PEAR Plan goals.
6. Update *GL26-004-001 Limited English Proficiency Significant Population Segment County Demographics* using Washington Office of Financial Management (OFM) data every two years.
7. WCD will provide assistance to users of this Policy through the Department's Helpdesk ticket system or via their support email (WCDSupport@dnr.wa.gov) for primary communications.

Information Technology Division

1. Approve web-based or phone/tablet applications and software for translation services in consultation with the Office of Workplace Culture and Development.

Appointing Authorities

1. Ensure direct reports are trained on this Policy, can locate available language access resources, and receive any other training necessary for staff to perform their job duties through accessing language access services.
2. Identify vital documents for translation. Federal guidelines can assist with determining vital documents that need to be prioritized for translation and may not be readily provided through oral services through bilingual staff or interpreter services. For more information on Vital documents, refer to the *Definitions* section below. Plan for the time needed to translate vital documents to provide meaningful access to these documents. Vital

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documents include, but are not limited to:

- a. Documents that must be provided by law
 - b. Complaint, consent, release, or waiver forms
 - c. Claim or application forms
 - d. Conditions of settlement or resolution agreements
 - e. Letters or notices pertaining to the reduction, denial, or termination of services or programs or that require a response from the LEP individual
 - f. Time-sensitive notices, including notice of hearing, upcoming deposition appearance, or other investigation or litigation-related deadlines
 - g. Forms or written material related to individual rights
 - h. Notices of rights, requirements, or responsibilities
 - i. Notices regarding the availability of free language assistance services for LEP individuals
 - j. Outreach or information material when lack of awareness of the existence of a particular program may effectively deny LEP individuals' meaningful access.
3. Include language in service contracts to advise providers of their responsibility under federal law to provide or arrange for language services. Note that service providers under contract with the Department must comply with federal (e.g., Title VI of the U.S. Civil Rights Act of 1964) and state regulations, as well as contractual requirements pertaining to the provision of language services.

Employees

1. Participate in required training for Language Access services.
2. Provide Language Access services to individuals who request or require language access services.
3. Consult with their Appointing Authority or designee for assistance following this Policy.
4. Utilize *GL26-004-001 Limited English Proficiency Significant Population Segment County Demographics* to determine when language access services must be provided.

Determining Language Access Requirements by Washington State County for LEP Individuals:

The Department will evaluate Washington demographics for LEP individuals and update Department guidance every two years. The Department will provide guidance at the county-level based on Washington Office of Financial Management (OFM) data.

GL26-004-001 Limited English Proficiency Significant Population Segments by County will provide county-level estimates of the number/percentage of LEP individuals eligible or likely to be served by the Department. This estimate is based on a pre-determined threshold of a population segment where at least 5% of the population or 1,000 people (whichever is less) uses a language other than English within the county.

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The Department will provide language access services to the highlighted demographics that meet the above threshold, regardless of whether a request has been made. *GL26-004-001 Limited English Proficiency Significant Population Segments by County* will be utilized to determine which language access services should be provided for public meetings and emergency communications for specific geographic locations. LEP individuals may request language access services when the population segment does not meet the above threshold.

When the Department hosts public meetings, disseminates emergency communications, or holds any other event where the public is present, Department staff must:

- Determine the target audience of all communications.
 - a. If the Audience is Statewide, language access services must be provided in Washington's top 7 spoken languages.
 - b. If the Audience is location-specific, the staff member must identify language access services that must be provided by utilizing *GL26-004-001 Limited English Proficiency Significant Population Segments by County*.

Required Policy Review and Training:

WCD will develop job aids and best practices to follow this Policy. These will be made available on the *Language Access Knowledgebase* within the Department's helpdesk.

Supervisors should identify direct reports with public-facing duties and review this Policy with their staff. Staff with public-facing duties must read this Policy and ensure that they provide language access services when required.

Training for accessing Language Access Services in the field will be provided to Exempt Wildland Firefighters annually. Alternative training options for Exempt Wildland Firefighters onboarded after Fire Academy training dates will be provided.

Records Management and Reporting

Records must be managed for all Language Access Services requests as per *PO06-007 Records Management* and *PO06-650 Responding to and Managing Public Disclosure Requests* policies.

The Department will provide an annual report summarizing Language Access Services accessed for each fiscal year as part of the Language Access Plan.

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Primary Language: the language that someone uses most frequently to communicate with. It is the language a person uses in most situations. For many people, their primary language is their first language.

Source Language: the language of the speaker or author from which translation or interpretation occurs. For example, if an English document is translated into Russian, the source language is English.

Target Audience: the audience to which the translated document is intended for use. Some terms and concepts are hard to translate in a meaningful way due to cultural or linguistic differences. In these cases, it may be more appropriate to redesign and tailor the language of a document in English to ensure the intended message will be understood by the target audience that speaks a non-English language.

Target Language: this is the language to which translation or interpretation occurs - the language of the listener or reader. For example: If an English document is translated into Russian, the target language is Russian.

Translation: the conversion of written communication from one language (source language) to another (target language) in a written form. An accurate translation is one that conveys the intent and essential meaning of the original text.

Vital Document(s): documents deemed as vital to an individual's access to Department services and activities, or are required by law. Whether a document is considered vital or not may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP individual if the information in question is not provided accurately or timely. For many larger documents, translation of vital information contained within the document will suffice and the documents need not be translated in their entirety.

REFERENCES & CITATIONS

GL26-004-001 Limited English Proficiency Significant Population Segments by County

PO01-047 Reasonable Accommodations for Employees

PO06-007 Records Management

PO06-101 Civil Rights Request and Complaint Management

PO06-100 Public Meetings and Community Involvement

PO06-650 Responding to and Managing Public Disclosure Requests

RCW 74.04.025 Bilingual services for non-English-speaking applicants and recipients—Bilingual personnel, when—Primary language pamphlets and written materials,

RCW Chapter 2.42 Interpreters in Legal Proceedings

RCW Chapter 2.43 Interpreters for Non-English Speaking Persons,

RCW Chapter 49.60 Discrimination—Human Rights Commission,

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Section 188 of the Workforce Investment Act of 1998 (WIA)
Title VI of Civil Rights Act of 1964
WAC 388-271-0010 What are limited English proficient (LEP) services?

DOCUMENT BACKGROUND:

This Policy was developed to ensure that the Department is in alignment with Federal and Washington State Civil Rights requirements.

REVISION HISTORY:

Date	Comments/ Summary of changes
1/29/25	New.