



**SAN JOAQUIN COUNTY WORKNET
 EMPLOYMENT AND ECONOMIC DEVELOPMENT DEPARTMENT
 POLICIES AND PROCEDURES DIRECTIVE**

DIRECTIVE NO.	EFFECTIVE DATE	APPLICABILITY	PAGE
D-25	August 11, 2017	EPD, CMD, GMD	1 of 6
SUBJECT: LIMITED ENGLISH PROFICIENCY POLICY			

I. PURPOSE

The purpose of this Directive is to provide the guidance and establish the procedures regarding the prohibition against national origin discrimination as it affects persons with Limited English Proficiency (LEP). As stated in guidance provided by the State the Local Plan

II. GENERAL INFORMATION

- o Workforce Services Directive (WSD) 17-03
- o WSD 16-07, Regional and Local Planning Guidance for PY 2017-2020
- o Title 29 Code of Federal Regulations (CFR) Part 38

III. POLICY

It is the administrative policy of EEDD that the procedures established herein will be adhered to ensure that the nondiscrimination and equal opportunity provisions found in the Workforce Innovation and Opportunity Act (WIOA) that prohibit discrimination based on national origin (including LEP) on the basis of citizenship status or participation in a WIOA Title I-financially assisted program or activity.

National origin discrimination now includes LEP under 29 CFR Section 38.9 and specifically states that in providing any aid, benefit, service, or training under a WIOA Title I-financially assisted program or activity, a recipient must not, directly or through contractual, licensing, or other arrangements, discriminate on the basis of national origin, including LEP. Additionally, 29 CFR Section 38.41 added "LEP and preferred language" to the list of categories of information that each recipient must record about each applicant, registrant, eligible applicant/registant, participant, and terminee (individuals exiting the program).

This policy is in alignment with additional requirements required for the WIOA Local Plan as stated in State Guidance Directive WSD 16-07 requiring local areas to address the needs of and provide services to those who are LEP.

IV. PROCEDURE

Reasonable Steps to Ensure Meaningful Access for LEP Individuals

The San Joaquin County Workforce Development Board (AJCC), through the WorkNet/ America's Job Centers of California (AJCC) and its strategic partners have developed a comprehensive service delivery system to support the English Language Learner (ELL) population throughout the County. This includes providing employment and training services to increase basic skill levels, increase employment and training opportunities, and facilitate the transition into permanent employment with self-sufficient wages and benefits. The strategic objective is to deliver the services that will eliminate barriers to education and training to enable the target population to obtain the basic skill levels, skill sets, and certifications that will allow ELLs to transition into employment and career opportunities that will provide quality jobs in demand occupations.

Upon request, participants will receive a wide range of services including initial assessment to establish base line information, career information, access to vocational training or On-the-Job Training (OJT) contracts for those who are eligible, and direct job referrals, as appropriate. In addition, AJCC staff will make referrals to partner agencies for other necessary services that will eliminate barriers to employment and training and increase their employability.

Limited English speaking participants will be referred to work experience worksites with agencies that serve the limited English speaking population, not only to acquire recent work history, develop work maturity and job specific skills, but also to expand the service delivery and increase the level of services provided to the San Joaquin County residents by these public and non-profit organizations. AJCC participants will also be able to access available services and resources that will eliminate barriers to employment and expose them to nurturing bilingual role models and mentors that will facilitate their acquisition of English language skills.

Along with work experience, OJTs are developed for ELLs. It is a strategic objective of the AJCC to identify businesses who have bilingual staff and supervisors to enable the hiring of limited English speaking participants that have strong skill sets required. As AJCC business representatives work with employers, they make connections with participants who are ready to enter the world of work and are able to provide employment opportunities to limited English speaking participants. Recent OJTs have been written with businesses for a fiscal/office position (native language is Russian) as well as production positions (native language is Spanish) in a commercial laundry.

A significant part of the service delivery to ELLs that come to an AJCC is to provide a welcoming atmosphere where individuals feel comfortable exploring employment options. The orientations cover an array of services that are available to each individual. These orientations include bilingual sessions to encourage a better understanding of the opportunities available at the centers.

With a strategy of co-enrollments and the programming that addresses the needs of the targeted population, San Joaquin County WorkNet/AJCCs and its strategic partners are fully equipped to assist the ELLs with bilingual staff (in the centers) that can address the needs of the limited English population.

Language Assistance Services

To the extent possible, the AJCC shall ensure that the program delivery method, whether it be in person, electronic, or by phone, conveys in the appropriate language how an LEP individual may effectively learn about, participate in, and/or access any aid, benefit, service, or training available to them. It should also be noted that as new methods for the delivery of information or assistance are developed, the AJCCs are required to take reasonable steps to ensure that LEP individuals remain able to learn about, participate in, and/or access any aid, benefit, service, or training available to them.

English as a Second Language (ESL) training is available through a range of providers and programs. The California Human Development (CHD) is the local Workforce Innovation and Opportunity Act (WIOA) Section 167 grantee and the managing agency in the Lodi WorkNet AJCC. CHD and their co-located partners play a significant role in delivering English skills training through the National Farmworker Jobs Program to individuals referred by the AJCC. CHD is the lead partner agency in the AJCCs in San Joaquin County that provides Vocational English as a Second Language (VESL) instruction in training activities offered to participants.

The AJCCs in San Joaquin County have strong linkages with CHD and the critical organizations that deliver services to the limited English speaking population in San Joaquin County including, but not limited to community service organization such as: Lao- Khmu, Council for the Spanish Speaking, Community Partnership for Families, Little Manila Foundation, League of United Latin American Citizens, Catholic Charities, and school districts. The AJCC and its AJCCs have established referral processes and service agreements with these organizations.

A referral process is in place with San Joaquin Delta College and the Adult Schools in Stockton, Tracy, Lodi, and Manteca. The Adult Schools have a variety of adult education programs including ESL, General Education Development (GED) and basic skills training aimed at serving the immigrant population. The AJCC meets regularly with our educational partners to continue the alignment of all the programs to become more responsive to the limited English population. It will continue to further develop a student cross-tracking process with the Adult Schools to better monitor our progress. The AJCC shall monitor the referral process between our Adult Schools and the AJCCs in San Joaquin County to ensure compliance with established goals and performance objectives.

The AJCC has been an engaged partner in the development of San Joaquin County's Adult Education Strategic Plan, working closely with San Joaquin Delta

College and the Adult Schools. In an effort to align educational strategic course work, and connect with the targeted industry sectors, San Joaquin Delta College has designated the AJCC, in partnership with the other educational partners, to be the catalyst and the convener of industry sector forums with our targeted businesses and industry sector strategies, holding ongoing conversation to strengthen our partnerships within these priority industry sectors. There is an ongoing channel of communication that will lead to the identification of emerging skills sets, new classifications, and the need for new curriculum, course work, and certification programs that are more responsive to the need of our targeted industries and facilitate the development of a workforce that includes our ELLs.

It is the goal of the AJCC to also be aligned at the regional level with partners in the Regional Planning Unit (RPU); working with each of the Local Workforce Development Areas (LWDA) to share best practices and improve the capacity and capability of the workforce service delivery system to build the English skills of those with limited English proficiency. To this end, San Joaquin County workforce and education leadership will join the regional workgroup (RPU), forming a collaborative made up of the strategic partners in each LWDA in the RPU to develop strategies around the following challenges and issues:

- Communicating to the participant the value of English language skills acquisition in terms of employment opportunities;
- Making services accessible to the participant in terms of convenience of locations, flexible hours and instructional methods;
- Broadcasting the availability of programs and services;
- Linking language skills to work requirements; and
- Offering various on-ramps to beginning, intermediate, and advanced English skills training.

The AJCC and its required partners are committed to the development of a highly trained staff that is bilingual in the language of our English learners and will develop strong partnership with community based organizations that serve our limited English population including: faith based organizations, the Council for the Spanish Speaking, Lao-Khmu, and Catholic Charities, to name a few.

Language Assistance Services/ Interpreter Services

In order to increase awareness of all WIOA programs and services, bilingual staff will provide assistance in a timely manner and free of charge, in the languages of participants including, but not limited to the following: Spanish, Thai, Laotian, Cambodian, and Tagalog. As appropriate, translation services have been contracted with NorCal to provide services to participants who are hearing and/or visually impaired. If necessary, the AJCCs have contracted with Language World to provide interpreting service in over 80 languages and dialects including sign language.

These services will be made available to youth and adult participants, including people with disabilities. The AJCCs shall not require an LEP individual to provide

their own interpreter. Furthermore, the AJCCs shall not rely on an LEP individual's minor child or adult family or friend to interpret or facilitate communication, except for the following circumstances:

- In emergency situations while awaiting a qualified interpreter.
- When the information conveyed is of minimal importance to the services to be provided.
- When an LEP individual specifically requests that an accompanying adult provide language assistance and they agree to provide assistance to the individual. If a Local Area permits an accompanying adult to serve as an interpreter for an LEP individual, it must make and retain a record of the LEP individual's decision to use their own interpreter.

The AJCC and strategic partners including the Adult Schools and the Community College will engage in outreach efforts using a variety of media materials, including social media to promote the availability of services through the AJCC system in San Joaquin County.

Where precise, complete, and accurate interpretations or translation of information and/or testimony are critical for adjudicatory or legal reasons, Local Areas can still provide their own, independent interpreter, even if an LEP individual wants to use their own interpreter as well. This also applies in cases where the competency of the interpreter requested by the LEP individual is not established.

Concerning Vital Information

For languages spoken by a significant portion of the population eligible to be served or likely to be encountered, AJCC staff will translate vital information in written materials into these languages. These translations must in turn be readily available upon request in hard copy or electronically. Written training materials offered or used within employment-related training programs are excluded from these translation requirements. However, in all cases, the AJCCs must take reasonable steps to ensure meaningful access for LEP individuals. For languages not spoken by a significant portion of the population eligible to be served or likely to be encountered, the AJCC will take reasonable steps to meet the particularized language needs of LEP individuals who seek to learn about, participate in, and/or access the aid, benefit, service or training that is available to them. Vital information may be conveyed orally if not translated.

Local Areas must also be sure to include a Babel Notice, indicating that language assistance is available in all communications of vital information including letters or decisions in hardcopy or electronic formats

Staff Training

Information regarding how to engage LEP participants shall be part of the ongoing weekly training held with AJCC staff. Oftentimes, partner agencies are scheduled

to share how they engage LEP participants and the services that may be currently available. This cross-training enables staff to be knowledgeable of all programs in the AJCC.

Data and Information Collection and Maintenance

The AJCC shall collect and maintain LEP information and add "LEP and preferred language" to the list of categories of information that each area must record about each applicant, registrant, eligible applicant/registrant, participant, and terminnee (individuals exiting the program).

Update of Policy

It should be noted that the elements of a successful LEP plan are not fixed and must be tailored to the Local Area's specific programs and activities. Over time, LEP plans will need to be revised to reflect the following:

- New recommendations and government guidance;
- Changes in the Local Area's operations as well as the experiences and lessons learned;
- Changing demographics; and
- Stakeholder and beneficiary feedback.

V. QUESTIONS REGARDING THIS DIRECTIVE

May be referred to the Executive Director EEDD via Managers or designee.

VI. UPDATE RESPONSIBILITY

The Executive Director of EEDD and/or designee shall be responsible for updating this directive, as appropriate.

VII. APPROVED



JOHN M. SOLIS
EXECUTIVE DIRECTOR

JMS:pv