

Language Access Plan

**DIVISION OF WORKFORCE DEVELOPMENT AND
ADULT LEARNING**

DIVISION OF UNEMPLOYMENT INSURANCE



2024

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INTRODUCTION

The Office of the Assistant Secretary for the Division of Workforce Development and Adult Learning (DWDAL) at the Maryland Department of Labor (MD Labor) collaboratively developed this Language Access Plan (LAP) with input from MD Labor's Division of Unemployment Insurance (DUI), Local Workforce Development Areas¹ (Local Areas), and MD Labor's Office of Fair Practices (OFP).

This Plan identifies how DWDAL, DUI, and WIOA Title I, II, and III programs are working to ensure and improve service access for Limited English Proficiency (LEP) individuals.

RELEVANT DEFINITIONS AND ACRONYMS

Below is a list of defined terms:

Babel Notice: A short tag line in multiple languages added to a document that advises non-English speakers whom they should contact to receive the information in their preferred language; this notice should briefly explain that the information is important and should include a telephone number or website.

Limited English Proficiency (LEP): Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." These individuals may be entitled language assistance with respect to a particular type of service, benefit, or encounter.²

Meaningful access: Language assistance provided to individuals that is accurate, timely and effective communication for LEP individuals.

Statutory languages: Languages identified in a particular area that constitute those spoken by 3% or more of the local population.³

Below is a list of commonly referenced acronyms:

AJC – American Job Center

DBM – Department of Budget and Management

DHS – Department of Human Services

DUI – Division of Unemployment Insurance

DWDAL – Division of Workforce Development and Adult Learning

EO – Equal Opportunity

EOO – Equal Opportunity Officer

ESL – English as a Second Language, as known as English for Speakers of Other Languages (ESOL)

LAP – Language Access Plan

¹ [Local Workforce Development Areas](#) (Local Areas) administer WIOA Title I services.

² [LEP.gov](#).

³ [Md. Code Ann., State Gov't Art. §10-1103\(b\)\(2\)](#).

LDSS – Local Departments of Social Services

LEP – Limited English Proficiency

Local Areas – Local Workforce Development Areas

MD Labor – Maryland Department of Labor

MORA – Maryland Office for Refugees and Asylees (Maryland Department of Human Services)

MWE – Maryland Workforce Exchange

OFP – Office of Fair Practices

RSA – Resource Sharing Agreement

SOP – Standard Operating Procedures

SWOT – Strengths, Weaknesses, Opportunities, and Threats

WIOA – Workforce Innovation and Opportunity Act

BACKGROUND

MD Labor’s OFP (draft) *LEP Plan* was updated in 2017 in accordance with [Executive Order 13166](#) and the U.S. Department of Justice’s Policy Guidance Document “[Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons With Limited English Proficiency.](#)” OFP is currently working to publish an updated *LEP Plan* as general guidance for all seven Divisions and Commissions (Division of Unemployment Insurance, Division of Occupational and Professional Licensing, Division of Workforce Development and Adult Learning, Division of Labor and Industry, Office of the Commissioner of Financial Regulation, Maryland Racing Commission, and Family and Medical Leave Insurance) within MD Labor with the following:

Goal of Service Delivery to LEP Population

Maryland Labor shall provide quality language assistance services to individuals with limited English proficiency in a timely manner, to ensure meaningful access to programs, services, and activities. The purpose of this LEP Plan is not to create new services but to eliminate or reduce limited English proficiency as a barrier or impediment to accessing Labor’s core services.⁴

As one of the State Agencies responsible for the implementation of WIOA, MD Labor’s DWDAL and DUI drafted this LAP in consultation with partners to comply with [WIOA Section 188](#). This section prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either

⁴ Maryland Department of Labor. (Draft) *LEP Plan*. 2017.

citizenship status or participation in any WIOA Title I financially assisted program or activity.⁵

Additionally, the Maryland Legislature enacted the “Equal Access to Public Services for Individuals with Limited English Proficiency” statute, prompting the development of this LAP:

The General Assembly finds that the inability to speak, understand, or read the English language is a barrier that prevents access to public services provided by State departments, agencies, and programs, and that the public services available through these entities are essential to the welfare of Maryland residents. It is the policy of the State that State departments, agencies, and programs shall provide equal access to public services for individuals with limited English proficiency.⁶

NOTE: This plan does not cover American Sign Language or resources for serving individuals who are deaf or hard of hearing. For a list of resources to provide communication access to individuals who are deaf or hard of hearing, please visit the Governor’s Office of the Deaf and Hard of Hearing:

<https://odhh.maryland.gov/resources/>.

PURPOSE

MD Labor is working diligently to prioritize customers with barriers to employment and to improve service delivery to the LEP population. The purpose of this LAP is 1) to share current DWDAL and DUI resources and practices to serve LEP individuals, 2) to refine and strengthen services that already exist to seamlessly integrate the LEP population into Maryland’s workforce system, and 3) to identify future strategies to enhance service delivery to LEP customers pursuant to the OFP (draft) *LEP Plan*, Maryland statute, and WIOA. This Plan aligns with Governor Wes Moore’s strategic vision to “leave no Marylander behind” by offering strategies to improve service to adult learners, claimants, employers, and jobseekers. Implementation of this LAP will improve the access to needed services for a population facing challenging barriers to employment and education.

This LAP serves as DWDAL’s and DUI’s response to OFP’s (draft) *LEP Plan* and will outline provisions for the following seven required Division-level activities related to LEP service:

- a. Perform a needs and capacity assessment;
- b. Arrange for oral language assistance, as appropriate;

⁵ [29 C.F.R. 38.25\(a\)\(1\)\(A\)](#).

⁶ [Md. Code Ann., State Gov’t. § 10-1101](#).

- c. Translate vital documents into languages other than English;
- d. Provide notification to customers of the availability of language assistance services;
- e. Develop written guidelines and procedures for delivering LEP services;
- f. Monitor access to language assistance; and
- g. Train front-line and managerial staff.

DIVISION ROLES

Division of Workforce Development and Adult Learning (DWDAL)

DWDAL coordinates job seeker, business, and adult learning services as part of the implementation of WIOA. Signed into law on July 22, 2014, WIOA went into effect on July 1, 2015. It envisions connecting businesses with job seekers through meaningful partnerships among workforce, education, human services, and economic development entities to ensure optimum results and utilization of resources. The law addresses the needs of jobseekers by establishing a workforce system that helps them access employment, education, training, and support services to succeed in the labor market. DWDAL allocates funds towards business-driven solutions for workforce demands, oversees the efficient operation of Maryland's AJC locations, and administers WIOA Title I, Title II, and Title III programs. Additionally, the Division provides guidance to Maryland's Local Areas.

DWDAL routinely serves Maryland's linguistically diverse population through WIOA Title I, Title II, and Title III programs. Data available in the Maryland Workforce Exchange (MWE) for Title I and Title III, shows that in Fiscal Year (FY) 2023, 2,594 users reported their native language being a language other than English. Montgomery County and Prince George's County served the most customers whose native language is not English. For FY 2023 there were 15,263 English Language Learners enrolled in Title II Adult Education programs including in English Language Acquisition, Adult Basic Education, Integrated English Literacy and Civics Education, and Integrated Education and Training programs. English as a Second Language (ESL) classes are available at multiple MD Labor-funded adult education sites around the State. Additionally, DWDAL serves the diverse incarcerated population in Maryland through the Correctional Education Program that provides academic, vocational, transitional instruction, and/or ESL programming at certain sites.

DWDAL will be responsible for adhering to the provisions outlined in this LAP pursuant to WIOA Section 188, [Md. Code Ann., State Gov't. §§ 10-1101 - 10-1103](#), and OFP's (draft) *LEP Plan* in its services to job seekers, adult education students, and businesses. WIOA Title I, II, and III programs and staff will be responsible for implementing the strategies to enhance services to the LEP population.

DWDAL's website: <http://labor.maryland.gov/employment/>.

Division of Unemployment Insurance (DUI)

DUI provides benefits to those who are unemployed through no fault of their own and who are ready, willing, able, and available to work. The money for unemployment insurance benefits comes from contributions paid by employers. Customers can learn about unemployment benefits and employer contributions by visiting the Division's website below. In addition, claimants can call the Claim Center line at 667-207-6520, and employers can call the Employer Call Center line at 410-949-0033.

As with DWDAL, DUI regularly serves Maryland's LEP population and there is a high demand for services in Spanish. The Division has taken many steps to ensure excellent customer service delivery to this population, including offering interpreters at the College Park Claim Center. Additionally, DUI utilizes telephone interpretation services to assist claimants and customers who speak all languages. DUI will be responsible for adhering to the provisions outlined in this LAP pursuant to [Md. Code Ann., State Gov't. §§ 10-1101 - 10-1103](#) and OFP's (draft) *LEP Plan* in service to DUI internal and external stakeholders included but not limited to claimants, employers, and third-party agents.

DUI's website: <http://labor.maryland.gov/employment/unemployment.shtml>.

STAKEHOLDER CONSULTATION

The original LAP, issued in January 2018, was informed by meetings and interviews with relevant stakeholders and subject matter experts from various offices and individuals within MD Labor and Maryland's Workforce System. The LAP will be updated biennially by a review team consisting of current relevant stakeholders and subject matter experts from various offices and individuals within MD Labor and Maryland's Workforce System. Additionally, the LAP will be distributed for public comment, allowing stakeholders the opportunity to review and provide input.

Contributing staff to the LAP 2024 update included:

- Assistant Secretary, DWDAL; Erin Roth
- Deputy Assistant Secretary, DWDAL; John Feaster
- Policy Analyst, DWDAL; Dylan McDonough
- New Americans Initiative Coordinator, DWDAL; Joana Winningham

- Monitoring and Compliance Manager, DWDAL; Tanya Washington
- Office of Workforce Development Director, DWDAL; Lloyd Day
- Reemployment Program Director, Frederick County, DWDAL; Jenna Freeman
- Reemployment Program Director, Anne Arundel County, DWDAL; Andre James
- Reemployment Program Director, Montgomery County, DWDAL; Barbara Ebel
- Reemployment Program Director, Harford and Cecil Counties, DWDAL; Denise Carey
- Workforce Development Supervisor, Frederick County, DWDAL; Joyce Bouchard
- Workforce Development Specialist, Upper Shore, DWDAL; Ty'keta Butler
- Workforce Development Specialist III, Southern Maryland, DWDAL; Toi Bailey
- Adult Education Program Specialist, DWDAL; Helen Coupe
- Deputy Director, OFP; Robert Goodman
- Unemployment Insurance (UI) Advanced Professional, DUI; Crystal Powell
- Director of Policy, Integrity, and Stakeholder Outreach, DUI; Alexis Braun
- Assistant Attorney General, MD Labor; Leza Griffith
- Assistant Attorney General, MD Labor; Andrew Gaudreau
- Workforce Consultant, Howard County Workforce Development; Thomas Smith
- Acting Vice President, Career Development and Community Services & Corporate Operations Manager and Equal Opportunity Officer, Anne Arundel Workforce Development Corporation; Jason Papanikolas
- Director Of Adult Education, Chesapeake College; Brenda Horrocks
- ESOL Intake and Assessment Specialist, Frederick Community College; Michelle Wichman
- Director of Adult Education, Prince George's Community College; Margaret Shrager

Additionally, the LAP was shared with stakeholders and posted for a two-week public comment period. Stakeholders included staff from the WIOA Alignment Group, including AJCs, Local Areas, Maryland Department of Housing and Community Development, Maryland's Department of Human Services (DHS), Local Departments of Social Services (LDSS), the Maryland State Department of Education's (MSDE) Division of Rehabilitation Services (DORS), MSDE's Division of Career and College Readiness, as well as WIOA Title II adult education providers and

members of the Skilled Immigrant Task Force, a group co-sponsored by DWDAL and the Maryland Office for Refugees and Asylees (MORA).

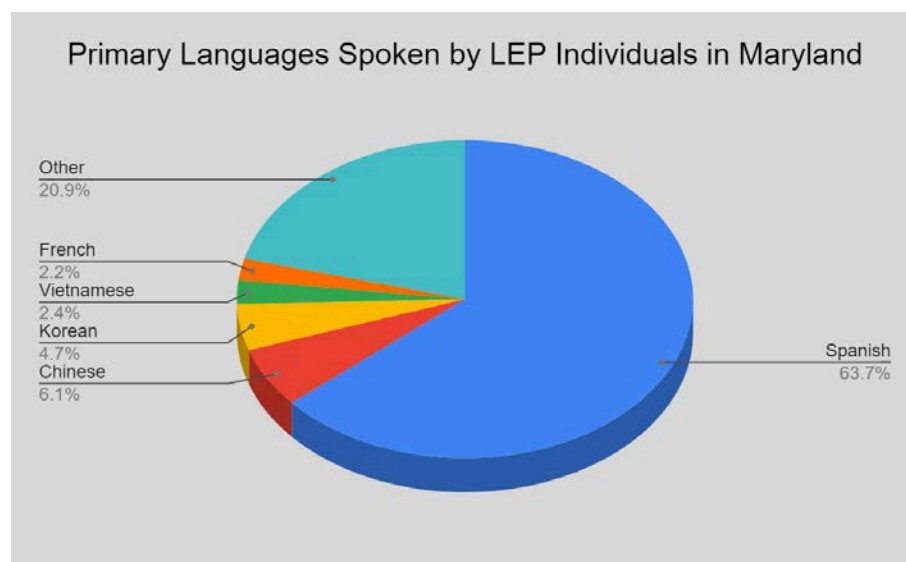
CURRENT DATA AND PRACTICES

This section of the LAP will serve as a report on current data, resources, points of contact, and practices utilized by DWDAL and DUI to provide equitable access to LEP customers.

Language Diversity in Maryland

According to the Annual Estimates of the Resident Population from the Census Bureau, in 2023 Maryland was home to 6,180,253 residents.⁷ Of the statewide population age five or older, 19.8 percent report that they speak a language other than English at home and 7.3 percent report speaking English less than “very well.”⁸ Additionally, the Census Bureau reports that, of the 958,319 foreign born persons in Maryland of the age of five or older, 80 percent speak a language other than English and 37.9 percent report speaking English less than “very well.”⁹

The graphic below¹⁰ represents the five identified non-English languages or language clusters spoken by 2 percent or more of LEP Marylanders. The “Other” category represents languages spoken by less than 2 percent of Maryland’s LEP population. This includes Portuguese, Arabic, Russian, Amharic, Mandarin, Urdu, Nepali, Farsi, Haitian, Cantonese, Hindi, Tagalog, Gujarati, Burmese, Bengali, Thai, Pashto, Lao, Turkish, Yoruba, Japanese, Indonesian, Punjabi, Italian, Filipino, Ukrainian, and more. These languages and language groups show a great deal of language diversity throughout Maryland.



⁷ U.S. Census Bureau [2023 Annual Estimates of the Resident Population](#).

⁸ U.S. Census Bureau; [American Community Survey 2018-2022 5-year data](#).

⁹ U.S. Census Bureau; [American Community Survey 2018-2022 5-year data](#).

¹⁰ U.S. Census Bureau; [American Community Survey 2018-2022 5-Year Estimates Public Use Microdata Sample](#).

Points of Contact with Customer Population

DWDAL and DUI have contact with LEP customers, students, and jobseekers at the statewide locations detailed below.

- Customers are served at AJCs located throughout Local Areas. Information about the AJCs is available at: <http://labor.maryland.gov/county/>.
- WIOA Title II Adult Education programs offer ESL classes, along with other adult education programs. Information about these programs is available at: <https://labor.maryland.gov/adultliteracy/programs.shtml>.
- Correctional education is provided to incarcerated persons throughout the state. More information about correctional education is at: <http://labor.maryland.gov/ce/>.
- DUI serves customers through claims and appeals centers. Customers can find information about unemployment insurance at: <http://labor.maryland.gov/employment/unemployment.shtml>. Customers can also speak to a live agent by calling our Claim Center line at 667-207-6520 during normal business hours. Information about the Appeals Division can be found at: <http://labor.maryland.gov/uiappeals/>.

Office of Fair Practices (OFP)

OFP is responsible for overall compliance regarding equal opportunity (EO) and nondiscrimination matters. OFP provides technical assistance and professional development opportunities. Additionally, this Office oversees the receipt and resolution of EO complaints related to all programs, activities, and services conducted by or through MD Labor.

OFP's website serves as a repository of relevant information, including EO federal guidelines, state policies, and information regarding LEP. OFP's website: <https://labor.maryland.gov/oeope/>.

Language Resources Available at DWDAL and DUI

1. Office of Fair Practices "Equal Opportunity is the Law" in Spanish: <https://labor.maryland.gov/oeope/equalisp.shtml>
2. Maryland Department of Budget and Management's (DBM) Statewide Foreign Language Interpretation/Translation Services (FLITS) webpage: <https://dbm.maryland.gov/contracts/Pages/contract-library/Services/Language2019.aspx>
 - a. State of Maryland contractor for over-the-phone interpretation services (oral): <https://languageline.com/state-of-maryland>
 - b. State of Maryland contractor for in-person interpretation services (oral):

<https://secure.scheduleinterpreter.com/ad-astra/cgi-bin/dna.cgi?action=loginForm>¹¹

- c. State of Maryland contractor for translations services (written):
<https://adastra.plunet.com/pagesUTF8/login.jsp>¹²
3. DWDAL homepage with information available in English and Spanish and embedded Google Translate tool: <https://labor.maryland.gov/employment/#es>
4. The Maryland Workforce Exchange website is available in 133 languages: Customers can select a language option when registering online:
<https://mwejobs.maryland.gov/vosnet/Default.aspx>



5. DWDAL-sponsored ESL class interactive locator, organized by county and Local Areas:
<https://labor.maryland.gov/adultliteracy/programs.shtml>
6. Literacy, Adult and Community Education System (LACES) forms are available in multiple languages for use by Adult Education Providers:
<https://labor.maryland.gov/adultliteracy/resources.shtml>
 - a. Amharic
 - b. Arabic
 - c. Chinese
 - d. French
 - e. Haitian Creole
 - f. Korean
 - g. Portuguese
 - h. Russian
 - i. Spanish
 - j. Tagalog
 - k. Vietnamese
7. DUI “Ayuda en Español” for general information and contacts:
<https://labor.maryland.gov/spanish/desempleo.shtml>
8. AICs use “I Speak” cards and/or posters, which allow LEP customers to self-select their

¹¹ After creating an account, the link can be used to submit online requests for in-person interpretation services. Instructions to set up a user account are located on page 18 of this Plan, *Certified In-person Interpretation*.

¹² After creating an account, the link can be used to submit online requests for translation services. Instructions to set up a user account are located on page 21 of this Plan, *Translation Services*.

preferred language (sample excerpts are represented below):

<https://www.lep.gov/sites/lep/files/media/document/2022-06/i-speak-booklet.pdf>



9. The MD Labor website has an embedded Google Translate tool in the upper right-hand corner with more than 100 languages: <https://labor.maryland.gov>



10. A Financial Resource Guide created by the Skilled Immigrant Task Force is available in multiple languages: <https://labor.maryland.gov/employment/skilledimmigrant.shtml>

- a. Amharic
- b. Chinese
- c. Dari
- d. French
- e. Korean
- f. Pashto
- g. Spanish
- h. Swahili
- i. Tagalog
- j. Tigrinya
- k. Vietnamese

11. Registered Apprenticeship brochures are available in multiple languages on the New Americans homepage under the Jobs section, third bullet:

<https://labor.maryland.gov/employment/newamerjobs.shtml>

- a. Amharic
- b. Chinese
- c. Dari
- d. French
- e. Korean
- f. Pashto
- g. Russian
- h. Spanish
- i. Swahili
- j. Tagalog
- k. Tigrinya
- l. Vietnamese

12. DUI's claimant portal, BEACON, is available to claimants in English and Spanish. If assistance is needed for a language other than Spanish, the potential claimant would call (667) 207-6520 for interpretation assistance. BEACON allows a claimant to select their preferred language to allow DUI staff to communicate with them in their preferred

language (screenshot below).

<https://beacon.labor.maryland.gov/> (English)

<https://beacon.labor.maryland.gov/claimant-page-es.html> (Spanish)

The screenshot shows a web form on Maryland.gov with the following sections:

- Primary Language:** A dropdown menu with "Spanish" selected. Below it, text reads: "Indicate your primary language, using the drop down menu: MARYLAND Unemployment Insurance Agency provides translation services to assist you."
- Preferred Language:** A dropdown menu with "Spanish" selected. Text reads: "Preferred Language: [Spanish]"
- Mail Hold:** A radio button selection for "Apply mail hold?". The "No" option is selected.
- 1099-G Preferred method of delivery:** A dropdown menu. Text reads: "Preferred Method of Delivery. You have withdrawn your consent to receive the 1099-G form electronically. All future 1099-G forms will be mailed to your address file, unless and until you again provide consent to receive the form electronically. If you would like to request a paper copy of a 1099-G form that has already been delivered electronically, send your written request electronically to dlu1099-labor@maryland.gov or letter to Benefit Payment Control Unit, 1100 N. Eutaw Street, Room 206, Baltimore, MD 21201."

A language selection dropdown menu is open on the right side of the form, listing the following languages: Spanish, English, Spanish, French, Italian, Japanese, Chinese, Korean, Portuguese, Arabic, Swahili, Creole Haitian, Creole, Cantonese, Vietnamese, Russian, Tagalog, German, Persian, and Hindi.

Maryland's Skilled Immigrant Task Force



Created in June 2016, the Skilled Immigrant Task Force (Task Force) addresses workforce-related issues that prevent internationally trained professionals from securing jobs in their professional fields. As part of its mission and goals, the Task Force explores the challenges associated with LEP and works to develop strategies in order to reduce barriers to employment. This robust network of multi-sector stakeholders is co-sponsored by two State agencies: DHS and MD Labor. Other groups represented include AJCs, community colleges, LDSS, and immigrant-serving organizations. For additional information on the Task Force visit:

<https://labor.maryland.gov/employment/skilledimmigrant.shtml>

LANGUAGE ACCESS PROVISION

The State of Maryland and MD Labor are committed to providing excellent customer service to all who live and work in the State. The target populations impacted by this LAP are the LEP individuals served by DWDAL, DUI, and WIOA Title I, II, and III programs. In order to deliver quality and equitable service to LEP Marylanders in compliance with the OFP, Maryland laws, WIOA, DWDAL, DUI, and WIOA Title I, II, and III programs, this LAP will address the following:

- Perform a needs and capacity assessment regarding service to LEP customers;
- Provide strategies for providing oral interpretation;
- Identify and translate vital documents into languages other than English;
- Identify LEP Status and inform customers/students of the availability of language

- assistance services, including through the use of Babel Notices;
- e. Develop written guidelines and procedures for delivering LEP services;
 - f. Monitor access to language assistance;
 - g. Train staff regarding techniques and assistive technologies to enhance customer service to the Maryland LEP population;
 - h. Collect participant data pertaining to LEP status;
 - i. Identify a Language Access Coordinator; and,
 - j. Allocate resources to implement this LAP.

This section of the LAP describes how DWDAL and DUI implement and monitor the provisions listed above. The Divisions will review and update the plan biennially and it will be subject to continual assessment and revision.

Needs and Capacity Assessment

The Skilled Immigrant Task Force's *Capacity Building and Best Practices Subcommittee* conducted a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis of language access and services among WIOA network partners in 2017. This analysis led to the creation and distribution of a workforce system survey that assessed the capacity of DWDAL offices and staff to serve those with limited English proficiency. With guidance from the Language Access Assessment created by the U.S. Department of Justice's Civil Rights Division, DWDAL drafted and disseminated the *Workforce System Survey: Serving Limited English Proficiency (LEP) Individuals and Skilled Immigrants* in August 2017. To assess the current needs and capacity, the original 2017 survey was revised and disseminated in 2023.

The *2023 Needs and Capacity Survey for Serving Limited English Proficient (LEP) Individuals and Internationally Trained Professionals (ITP)* was distributed to leadership and frontline staff at the AJCs, Title II adult education sites, and DWDAL Central Office. Survey items related to language access and service to LEP customers included:

- How does your organization identify LEP individuals?
- How do LEP individuals report hearing about your services?
- If you collect and record primary language data from individuals, where is the information stored?
- Identify non-English languages encountered at your organization.
- What type of language assistance services have you utilized to serve customers?
- When is language assistance training available for staff at your organization?
- What outreach does your organization currently conduct to engage LEP individuals and

immigrant communities in services?

- What resources have you used to serve LEP individuals?
- Do you feel equipped with the skills and tools necessary to guide an LEP individual through the process of finding a job?
- In what ways do you think your organization could enhance services for LEP individuals?
- What training or technical assistance do you require in order to improve service to LEP individuals in Maryland’s workforce system?

Results of this needs and capacity survey will drive future staff training and the creation of technical assistance opportunities. As such, particular attention was given to the questions regarding training needs. A few key results are summarized below. There were 114 responses statewide.

- 44% indicated they had not received language access training;
- 36% selected training on how to work with immigrants;
- 45% selected training on how to work with LEP individuals;
- 39% selected training on how to use interpretation and translation services;
- 18% selected training on highlighting international talent to employers; and
- 15% selected training on the licensing process and credential evaluation for internationally trained professionals.

A copy of the *2023 Needs and Capacity Survey for Serving Limited English Proficient (LEP) Individuals and Internationally Trained Professionals (ITP)* is available at:

<https://labor.maryland.gov/employment/wdskilledimmigrant2023needscapacity.pdf>

Oral Interpretation Services

LEP.gov uses language from a Supreme Court decision to define “interpretation” as the ordinary or common meaning of “interpreter” does not include those who translate writings. Instead, we find that an interpreter is normally understood as “one who translates orally from one language to another”.¹³ It is strictly a communication strategy and does not extend to consultation or legal advice.

Oral interpretation services **must** be available to LEP customers in a reasonable amount of time and may be provided over the telephone or in-person. “Reasonableness” is determined based

¹³ [Lep.gov](#): *Taniguchi v Kan Pac. Saipan, Ltd*, 132 S. Ct. 1997, 2003-04 (May 21, 2012).

on the urgency of the service inquiry. Providers should consider the nature of access, customer requests, geographic constraints, and the terms of vendor contracts¹⁴ when determining how and when services are delivered.

[29 C.F.R. § 38.9\(f\)](#) provides for requirements that recipients (WIOA Title I-financially assisted programs and activities) must follow when interacting with LEPs:

- (1) A recipient shall not require an LEP individual to provide their own interpreter;*
- (2) A recipient also shall not rely on an LEP individual's minor child or adult family or friend(s) to interpret or facilitate communication, except:

 - (i) An LEP individual's minor child or adult family or friend(s) may interpret or facilitate communication in emergency situations while awaiting a qualified interpreter; or*
 - (ii) The accompanying adult (but not minor child) may interpret or facilitate communication when the information conveyed is of minimal importance to the services to be provided or when the LEP individual specifically requests that the accompanying adult provide language assistance, the accompanying adult agrees to provide assistance, and reliance on that adult for such assistance is appropriate under the circumstances. When the recipient permits the accompanying adult to provide such assistance, it must make and retain a record of the LEP individual's decision to use their own interpreter.**
- (3) Where precise, complete, and accurate interpretations or translation of information and/or testimony are critical for adjudicatory or legal reasons, or where the competency of the interpreter requested by the LEP individual is not established, a recipient may decide to provide its own, independent interpreter, even if an LEP individual wants to use their own interpreter as well.*

Maryland law defines oral language services to include “various methods to provide verbal information and interpretation such as staff interpreters, bilingual staff, telephone interpreter programs, and private interpreter programs.”¹⁵ The relevant statute also stipulates that oral language services must be delivered on-site for those in frequent contact with a service provider:

*Reasonable steps to provide equal access to public services include: 1) the provision of oral language services for individuals with limited English proficiency, which must be through face-to-face, in-house oral language services if contact between the agency and individuals with limited English proficiency is on a weekly or more frequent basis.*¹⁶

¹⁴ DBM's [Foreign Language Interpretation/Translation Services](#) vendor contract defines covered core languages, telephone interpretation availability, critical services, and required contractor notice timelines.

¹⁵ [Md. Code Ann., State Gov't. § 10-1102\(d\)](#).

¹⁶ [Md. Code Ann., State Gov't. § 10-1103\(b\)\(1\)](#).

29 C.F.R. § 38.9 provides that reasonable steps must be taken to ensure meaningful access for LEP individuals under WIOA programs. This can include in-person or telephone interpretation for non-English languages.¹⁷

Pursuant to the law and guidance detailed above, DWDAL, DUI, and WIOA Title I, II and III programs will arrange for oral language assistance by utilizing the following three strategies:

- Multilingual staff or volunteers;
- Telephone interpretation services; and/or
- Certified in-person/virtual interpreters.

Financial provisions to cover these services will be reflected in applicable DWDAL and DUI budgets, Memoranda of Understanding, and Resource Sharing Agreements (RSAs). DWDAL and DUI are utilizing the statewide contracts which have been procured by DBM pursuant to the requirements and processes set by Maryland law.

Multilingual Staff or Volunteers

Areas of the State with particularly dense populations of LEP individuals may employ staff fluent in the native languages of nearby residents. To accurately determine languages spoken in a particular Local Area, both AJC and WIOA Title II staff will utilize U.S. Census data or information from the American Community Survey.

Since DUI claimant services are primarily delivered over the telephone, this Division has opted to strategically position multilingual staff in the College Park Claim Center and route all calls requiring interpretation to that site. The predominant language needed is Spanish.

DWDAL, DUI, and WIOA Title I, II, and III staff may also opt to utilize volunteer interpreters for large gatherings such as job fairs or mass registration events. Volunteers should have a strong command of oral language. These individuals must not assist with completing formal paperwork or registrations that require a signature but can assist with supporting the flow of services. A qualified interpreter is required when a customer or student is receiving vital information and/or signing vital documents. A qualified interpreter can be defined as an individual who has demonstrated proficient language skills through substantial experience in interpretation and/or the completion of an external interpretation training program. DWDAL, DUI, and WIOA Title I, II, and III programs have discretion to determine whether or not multilingual staff can serve as qualified interpreters.

Pursuant to [29 C.F.R. § 38.9 \(f\)\(2\)\(ii\)](#), volunteers provided by an LEP individual, such as an accompanying adult (but not a minor child), may only assist with the completion of formal documents after the customer has been offered and declined alternative assistance. WIOA Title

¹⁷ [29 C.F.R. § 38.9 \(b\)\(2\)\(ii\)](#).

I staff must record and retain evidence of the customer’s decision to decline the assistance of a certified interpreter.

Telephone Interpretation Services



<https://languageline.com/>

Telephone interpretation services allow staff to serve a customer through the assistance of an external, third-party interpreter. Staff can speak to the customer in English over the telephone and the interpreter relays the staff’s speech back to a client in their preferred language.

The State of Maryland contracts with Language Line Solutions (Language Line) to provide telephone interpretation services. WIOA Title I recipients may choose their own vendor or utilize the State’s Language Line contract, but must obtain their own account and billing codes and explicitly mention usage in their WIOA RSA.¹⁸ WIOA Title II recipients may choose their own vendor or utilize the State’s Language Line contract, but must also obtain their own account and billing codes. State staff must use the State’s Language Line contract and can request their client ID# and access code from the appropriate Language Access Coordinator (see page 25).

Language Line is available 24 hours a day, 365 days a year, and has a repertoire of 240 languages. The number to call for interpretation services is 1-866-874-3972. State staff utilizing Language Line should contact the appropriate Language Access Coordinator (see page 25) for the proper client ID# and access code to ensure accurate billing. WIOA Title I and Title II staff wishing to initiate services under this DBM contract should contact their DWDAL or DUI Language Access Coordinator (see page 25) for more details.

For more information about this provider visit <https://languageline.com/> or on DBM’s Statewide Foreign Language Interpretation/Translation Services site listed on page 9 of this Plan.¹⁹

Certified In-Person Interpreters



<http://ad-astrainc.com/>

¹⁸ [WIOA Memoranda of Understanding & Resource Sharing Agreements.](#)

¹⁹ [Section 1.28 of the Statewide Contracts for Foreign Language Services](#) permits Maryland county, municipal and other non-state governments, government and not for profit organizations to purchase services at the same prices, terms and conditions agreed to by the contractors under the Statewide contract. See the contract for additional details.

In-person interpretation is a real-time, face-to-face oral interpretation service option that allows customers to receive information in their preferred language incorporated with cultural and syntactic context. Service is delivered on site by a certified interpreter.

The State of Maryland contracts with Ad Astra, Inc. (Ad Astra) to provide this service. As with telephone interpretation services, WIOA Title I recipients may choose their own vendor or utilize the State's Ad Astra contract, but must obtain their own account and billing codes and explicitly mention usage in their WIOA RSA. WIOA Title II recipients can choose their own vendor or utilize the State's Ad Astra contract, but must also obtain their own account and billing codes. State staff must use the State's Ad Astra contract and must obtain their own account and billing code.

Ad Astra is located in Silver Spring, Maryland and offers on-site interpretation services in over 250 languages. To set up a user account or schedule an in-person interpreter, email interpreting@ad-astrainc.com or call 301-408-4242 (choose option 2). For additional questions about using this service under this DBM contract contact your DWDAL or DUI Language Access Coordinator (see page 25) for details.

For more information about this provider visit <http://ad-astrainc.com/> or on DBM's Statewide Foreign Language Interpretation/Translation Services site listed on page 9 of this Plan.

Vital Documents Translation

Definitions and Explanations

To ensure equal access to services and information, vital documents must be translated and made available to LEP customers. To differentiate from "interpretation," note that "translation" refers to written and print items, including online content.

OFP offers guidance on "vital documents" in the Agency's (draft) *LEP Plan* as the following:

"Vital documents" are documents that convey information that critically affects the ability of the program recipient to make decisions about his or her participation in the program. Vital documents include applications, public notices, consent forms, letters containing important information regarding participation in a program, eligibility rules, notices pertaining to the reduction, denial, or termination of benefits, right to appeal, notices advising of the availability of language assistance, and outreach and community education materials.

While this list of documents is extensive, it should be noted that it is not comprehensive and may not align with items independently developed and utilized by various Local Areas, WIOA Title II programs, or DUI Claim Centers. Staff should exercise professional and critical judgment when determining if something is a "vital document" and consult the appropriate Language

Access Coordinator (see page 25) for clarification as necessary. Additionally, Local Area staff should consider if any of their correspondence with LEP business owners requires translation.

Maryland statute defines “vital documents” as “all applications or informational materials, notices, and complaint forms offered by State departments, agencies, and programs.”²⁰ The law further explains the standard for required written translation as:

*Reasonable steps to provide equal access to public services include...the translation of vital documents ordinarily provided to the public into any language spoken by any limited English proficient population that constitutes 3% of the overall population within the geographic area served by a local office of a State program as measured by the United States Census.*²¹

WIOA regulations also provide the following:

(g) With regard to vital information:

(1) For languages spoken by a significant number or portion of the population eligible to be served, or likely to be encountered, a recipient must translate vital information in written materials into these languages and make the translations readily available in hard copy, upon request, or electronically such as on a Web site. Written training materials offered or used within employment-related training programs as defined under § 38.4(t) are excluded from these translation requirements. However, recipients must take reasonable steps to ensure meaningful access as stated in § 38.9(b).

*(2) For languages not spoken by a significant number or portion of the population eligible to be served, or likely to be encountered, a recipient must 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 the recipient provides. Vital information may be conveyed orally if not translated.*²²

DWDAL, DUI, and WIOA Title I, Title II, and Title III programs must adhere to State law regarding LEP populations for which vital document translation is necessary (languages of 3 percent or more of the geographic area) and *OPF’s (draft) LEP Plan* for suggestions as to what constitutes a “vital document.”

Maryland law also requires equal access to website content requiring that all web content should be available in any language that is spoken by any LEP population that constitutes at

²⁰ [Md. Code Ann., State Gov’t. § 10-1102 \(f\)\(1\).](#)

²¹ [Md. Code Ann., State Gov’t. § 10-1103 \(b\)\(2\)\(i\).](#)

²² [29 C.F.R. § 38.9 \(g\)\(1-2\).](#)

least 0.5 percent of the *overall* state population, according to the most recent U.S. Census.²³ According to figures from the U.S. Census Bureau's American Community Survey (2018-2022), Spanish is the only language in Maryland that currently meets this requirement.²⁴ Some State agencies have opted to translate web content or embed tools, such as Google Translate, on their sites to increase accessibility. MD Labor's website has the Google Translate feature available for all webpages.

Identification and Determination Procedures

In order to serve LEP customers equitably, DWDAL, DUI, and WIOA Title I, Title II, and Title III program staff shall adhere to the following five-step process for document translation:

1. Identify vital documents for an office, giving consideration to documents that are signed, collected/retained, or shared publicly;
2. Identify the languages spoken by the LEP population of a geographic area. (Local Areas should use their county or counties; WIOA Title II programs are encouraged to consider the student population served in ESL courses; and DUI should follow the regions that align with their Claim Centers) using U.S. Census data in comparison to the overall population of that region;
3. From the data collected in step 2, determine an area's statutory languages and target them for vital document translation (statutory languages are those identified in a particular area that constitute languages spoken by 3 percent or more of the population in the geographic area);
4. Order translation of vital documents into the statutory languages (multilingual staff cannot be used to translate vital documents, but may review them for accuracy); and
5. Disseminate and post material in accordance with the notification requirements of language service provisions (see *Identifying LEP Status and Notification of Language Assistance Services* section on page 21).

It is important to note that Maryland is a linguistically diverse state, with a varied LEP population. Some regions may follow the above outlined procedure and determine that there are no statutory languages in an area.

It is strongly recommended that all programs consider the language needs of their customer or student populations and offer translated vital documents for the populations exceeding three percent of their total participant population.

Regardless of the variety or volume of languages present in a given region, all written material should be initially drafted in language that is clear and easy for a broad audience to read and

²³ [Md. Code Ann., State Gov't. § 10-1105.](#)

²⁴ [U.S. Census Bureau; American Community Survey 2018-2022 5-year data.](#)

understand. Local Areas and DUI staff are encouraged to collaborate with WIOA Title II program staff should they need assistance drafting documents that are accessible to those with low levels of English literacy.

Translation Services



<http://ad-astrainc.com/>

The State of Maryland contracts with Ad Astra to provide written translation services. As with telephone and in-person interpretation services, WIOA Title I recipients may choose their own vendor or utilize the State's Ad Astra translation contract, but must obtain their own account and billing codes and explicitly mention usage in their WIOA RSA. WIOA Title II recipients may choose their own vendor or utilize the State's Ad Astra contract, but must also obtain their own account and billing codes. Should sites opt to procure their own translation technologies, they will be responsible for verifying that these services are compliant with this Plan. State staff must use the State's Ad Astra contract and should consult with their DWDAL or DUI Language Access Coordinator (see page 25) for translation requests.

Ad Astra is located in Silver Spring, Maryland and offers prompt translation services in over 120 languages. To create a user account or to request document translation, email translation@ad-astrainc.com or call 301-404-4242 (choose option 4). Completion of translation services is dependent on the language and the length of the content to be translated. For additional questions about using this service under this DBM contract contact your DWDAL or DUI Language Access Coordinator (see page 25) for details.

For more information about this provider visit <http://ad-astrainc.com/> or on DBM's Statewide Foreign Language Interpretation/Translation Services site on page 9 of this Plan.

Identifying LEP Status and Notification of Language Assistance Services

DWDAL, DUI, WIOA Title I, Title II, and Title III programs staff will identify LEP individuals through at least one of the following measures:

- Formal assessment (TABE CLAS-E, TABE, CASAS, etc.)²⁵;
- Self-identification or an assistance request by the non-English speaker or LEP individual during intake; and/or,

²⁵ For more information on assessments reference PI 2023-02, Basic Education Skills and English Language Assessments at : <https://labor.maryland.gov/employment/mpi/>.

- Use of “I Speak” cards/posters to self-select preferred language (see page 11 for examples).

Published information will be accessible to customers, students, and claimants at all times. Once LEP status has been identified, an individual should receive vital documents and interpretation in their preferred language. DWDAL, DUI, WIOA Title I, Title II, and Title III programs must prepare all publicly shared materials in any statutorily prescribed languages identified in their area (see *Identification and Determination Procedures* on page 20).

In cases where vital information is shared, DWDAL, DUI, WIOA Title I, Title II, and Title III programs will add Babel Notices to their materials to ensure equitable access. A Babel Notice is a short tag line in multiple languages added to a document that advises non-English speakers whom they contact to receive information in their preferred language. These excerpts should briefly explain that the information is important and should include a telephone number or website. The telephone number included in these messages should be for a staff member who is trained to utilize a telephone interpretation service when individuals call for assistance.

An example of Babel Notice language from a United States Department of Labor Training and Employment Guidance Letter for Unemployment Insurance sites can be found here:

<https://www.dol.gov/sites/dolgov/files/OASAM/legacy/files/Babel-Notice-Samples-UI.pdf>

Currently DWDAL and DUI utilize the following Babel Notice:

"IMPORTANT! This document contains important information about your rights, responsibilities and/or benefits. It is critical that you understand the information in this document, and we will provide the information in your preferred language at no cost to you. Call (xxx) xxx-xxxx for assistance in the translation and understanding of the information in this document."

DWDAL includes the Babel Notice above in communications to Reemployment Services and Eligibility Assessment (RESEA) And Reemployment Opportunity Workshop (ROW) claimants in the following 14 languages: Amharic, Arabic, Burmese, Chinese (Simplified and Traditional), Farsi, French, Haitian Creole, Korean, Polish, Russian, Spanish, Tagalog, and Vietnamese.

DUI also includes the Babel Notice above in some of its correspondence to employers and claimants. Babel Notices are a part of the initial communications material that claimants received when initially requesting to receive UI benefits. Currently DUI's Babel Notice includes languages that are spoken by at least 0.5% of Maryland's population, which include Spanish, Chinese, French, Korean, and Vietnamese.

Babel Notices are a best practice to ensure equal access to information for the LEP population, but there is no standard to determine which or how many languages should be included in

public materials. For the purpose of this LAP, DWDAL, DUI, WIOA Title I, Title II, and Title III programs should include, at a minimum, Babel Notices pursuant to [Md. Ann. Code, State Gov't Art. 10-1103\(b\)\(2\)\(i\)](#) and the three percent local population area stipulation.

Guidelines for Serving LEP Individuals

DWDAL and DUI collaboratively developed and distributed a *Language Access Plan Resource Guide* in 2024 that details the way language assistance services are to be provided by staff. This is a reproducible tool intended for staff use and lists additional details not captured in this LAP.

This tool contains:

- Links to applicable laws and regulations which apply to LEP service;
- Strategies to assess language needs;
- Instructions for how to use the State's telephonic interpretation vendor;
- Instructions for how to schedule an in-person interpreter with the State's in-person interpretation vendor;
- Procedures for how to identify and translate vital documents with the State's translation vendor;
- Processes to request language assistance services training;
- Proper coding and documentation procedures, including MWE screenshots reflecting how and where to record LEP status, preferred language, and language services;
- Links to any policy issuances relevant to this LAP; and
- Contact information for the applicable Division's Language Access Coordinator.

The Language Access Plan Resource Guide can be found here:

<https://labor.maryland.gov/employment/wioa-access-rg.pdf>

Monitoring Language Access

Within DWDAL, the Office of the Assistant Secretary is working in conjunction with MD Labor's State-Level EOO and the OFP to ensure compliance with this LAP. DWDAL's Office of Monitoring and Compliance staff are tasked with ensuring the enforcement of WIOA on behalf of the Governor and the state of Maryland, whereas the OFP is charged with monitoring and compliance with the EEO and nondiscrimination provisions of WIOA, as well as other applicable federal, state, and local mandates and policies. DWDAL's Office of Monitoring and Compliance will assist in assuring the accessibility and quality of language assistance activities under WIOA Title I, Title II and Title III through periodic reviews of the implementation status of this LAP.

Monitoring will occur pursuant to [29 C.F.R. § 38.51](#) (Governor’s oversight and monitoring responsibilities for State Programs) and [29 C.F.R. § 38.53](#) (Governor’s oversight responsibilities regarding recipients’ recordkeeping). A complete account of monitoring procedures is available in the Nondiscrimination Plan. The Nondiscrimination Plan establishes a complaint process for Title I and how to address those issues in a timely manner, as well as how stakeholders and employees may provide feedback to DWDAL. The Nondiscrimination Plan is available here: www.labor.maryland.gov/employment/wioa-nondis.shtml.

Monitoring procedures will be reevaluated biennially as part of updating this LAP. OFP will begin reviewing the collection of relevant data detailed in the *Language and LEP Data Collection* section of this Plan (see page 25).

Staff Training

To prepare staff to deliver excellent and equitable service to the LEP population, DWDAL and DUI are committed to improved staff training for both frontline and managerial positions. According to the results of the *2023 Needs and Capacity Survey for Serving Limited English Proficient (LEP) Individuals and Internationally Trained Professionals (ITP)* mentioned above, 44 percent of respondents indicated they had not received language access training, reinforcing the continued need for training on providing language access to include how to access the State’s contracted language access vendors and strategies in working with LEP individuals.

DWDAL and DUI created and distributed the *2024 Language Access Plan Resource Guide*, as mentioned in a previous section, to ensure staff know how to utilize language assistance services. In addition, the two Divisions prepared a *Language Assistance Services* training opportunity for staff in February of 2023 and future training will be offered. This training will also be offered in 2024 on a quarterly basis. Training will be updated if there are changes to this Language Access Plan, to state or federal law or policy or to the interpretation and translation vendors. The HUB is Maryland’s Learning Management System, optimized for providing training to state and local staff. DWDAL is actively looking to leverage the HUB to deliver training on language access to State and local partners in the Maryland workforce system.

The mode and location of delivery will vary but may include in-person or virtual instruction. WIOA Title I, II, and III and DUI Claim Centers may elect to require all staff to participate or adopt a “train the trainer” model. This professional development opportunity may include:

- Best practices in working with LEP populations;
- Demonstrations of language services, including the use of telephone interpretation;
- Updated strategies/protocols for LEP status assessment;
- Procedures for updated/enhanced MWE coding or relevant documentation

- requirements; and
- LAP revisions.

DWDAL and DUI will also utilize WIOA network gatherings to deliver staff training.

Language and LEP Data Collection

To comply with data collection provisions under WIOA, the Office of Workforce Development's Maryland Workforce Exchange and Performance Unit within DWDAL ensures that the MWE captures all pertinent information regarding language needs. DUI also relies on MWE for claimant information. DUI updated their mainframe to collect the same data for claimants. This includes LEP status and preferred language as detailed in 29 § C.F.R. 38.41(b)(2) below:

Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee. Such information must be stored in a manner that ensures confidentiality, and must be used only for the purposes of recordkeeping and reporting; determining eligibility, where appropriate, for WIOA Title I-financially assisted programs or activities; determining the extent to which the recipient is operating its WIOA Title I-financially assisted program or activity in a nondiscriminatory manner; or other use authorized by law.²⁶

Language Access Coordinators

The Language Access Coordinators will be responsible for arranging annual training, maintaining a log of multilingual staff by site, and providing guidance on the use of assistive technologies per DBM's vendor agreements.

DWDAL has identified the following staff member as their Language Access Coordinator:

Joana Winningham
 New Americans Initiative Coordinator
joana.winningham@maryland.gov
 410-767-2822 (office)

DUI has identified the following staff member as their Language Access Coordinator:

²⁶ [29 § C.F.R. 38.41\(b\)\(2\)](#).

Crystal Powell
Unemployment Insurance Advanced Professional
crystals.powell@maryland.gov
410-767-2671 (office)

Allocation of Resources to Implement this LAP

DWDAL will assist Local Areas and Title II adult education providers in their implementation of this plan through professional development, training opportunities, and financial investments. As mentioned earlier, MD Labor will provide training to staff regarding specific service strategies and best practices.

Additionally, DWDAL will work to centralize the translation of vital documents and may offer assistance to offset the cost of this process and the creation and insertion of Babel Notices. Any funding provided to Local Areas will subsequently be memorialized in the State's Resource Sharing Agreements. While support may vary based on proportionate demand, and availability of funding, all sites are expected to comply with all components of this LAP. Local Areas must describe their language access policies and procedures in their Local Plans, which may be found at: <http://labor.maryland.gov/wdplan/wioalocalplans.shtml>.