



FMCS

FEDERAL MEDIATION &  
CONCILIATION SERVICE

# *LANGUAGE ACCESS PLAN*

## *2023-2028*

August 2023

## **A Message from the Chief Operating Officer (Performing the duties of the Director)**



I am pleased to present the 2023 - 2028 Language Access Plan (Plan) for the Federal Mediation and Conciliation Service (FMCS). This Plan outlines FMCS's commitment to providing meaningful access for people with Limited English Proficiency (LEP), including immigrants, across all programs, services, and activities conducted by this Agency. Providing language access for persons with LEP is critical to FMCS's commitment to advancing equity, providing support to underserved communities and vulnerable populations, and combating discrimination based on national origin. FMCS's language assistance services create meaningful access to vital documents in multiple languages, services, and programs. These services lift language barriers for individuals with Limited English Proficiency who seek assistance.

FMCS adopts this Language Access Plan in accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency. It outlines our responsibilities, policies, and strategies for providing language assistance services to persons with LEP. Moreover, it applies to all FMCS offices. I intend for the Plan to evolve as the Agency learns more about its many interactions with persons with limited English proficiency and identifies the best methods for providing language assistance services.

To provide the most effective language assistance services, FMCS will continue to identify critical points of interaction with the non-English speaking public, assess limited English proficient communities' particular language assistance needs, and determine how each program office can ensure timely, meaningful access to FMCS programs, services, and activities for persons who speak little to no English. The Plan also provides a general framework within which FMCS offices may develop more effective solutions to providing language assistance services.

I am committed to implementing use of the Plan at all levels within FMCS so we can remove barriers to access for persons with LEP, and for all FMCS customers, in all FMCS programs, services, and activities.

Sincerely,

Gregory Goldstein  
Chief Operating Officer (performing the duties of the Director)

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## I. Language Access Plan Overview

### Vision Statement

The Federal Mediation and Conciliation (FMCS) shall provide meaningful access to equitable, timely, and quality language assistance services to individuals with Limited English Proficiency (LEP) in its programs and activities consistent with Executive Order [13166 \(EO 13166\)](#), Improving Access to Services for Persons with Limited English Proficiency, 65 Fed. Reg. 50, 121 (Aug. 16, 2000).

### Policy Statement

It is FMCS's policy to provide timely, meaningful access for persons with LEP to all agency programs, services, and activities. Individuals who have a limited ability to read, speak, write, or understand English may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. This policy is based on the principle that it is the responsibility of FMCS and the LEP person to take reasonable steps to ensure that communications between FMCS and the LEP person are not impaired as a result of the Limited English Proficiency of the individual. FMCS staff take reasonable steps to effectively inform the public of the availability of language accessible programs and activities free of charge.

FMCS's Language Access Plan (LAP or Plan) will be publicly available on FMCS's Office of Equal Opportunity's external website at: <https://www.fmcs.gov/office-of-equal-employment-opportunity-eeo/> and FMCS's intranet Language Assistance Services webpage. FMCS will explore options for making the LAP readily accessible on FMCS's homepage at FMCS.gov in the foreign languages identified in the LAP.

FMCS continuously seeks to improve and expand the services it provides to enable persons with LEP to communicate with FMCS in person, over the phone, in writing, or through electronic media. FMCS's published LEP policy and procedures align with the strategic goals outlined in the [FMCS Strategic Plan](#)<sup>1</sup>:

- a. Cross-Agency Priority Goal – continually improve client service; modernize databases and reporting platforms;
- b. Administration Policy Priorities – advance equity;
- c. FMCS Strategic Goals – Effectively provide top-tier conflict management and prevention services by expanding utilization of and access to FMCS services; Increase agencywide application and effectiveness of evidence-based decision-making to improve collection and application of LEP data; and Improve communication both internal and external to FMCS; and
- d. Ensure Stewardship.

In addition, the Plan, policies and procedures align with the strategic goals described in the [FMCS Equity Plan and FMCS Diversity, Equity, Inclusion and Accessibility Plan](#).

- a. Promoting virtual services and
- b. Ensuring FMCS programs and services are accessible so that all persons can fully and independently use them.

FMCS will re-evaluate the LAP every five years to ensure alignment with the Agency's overall

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<sup>1</sup> Updates to the Agency's Strategic Plan after the publishing of this document will be included as an addendum to the LAP.

strategic plan, to maintain compliance with the requirements set forth in Executive 13166 and other LEP related guidance, and to ensure that the LEP communities have continued meaningful access to FMCS's programs, services, and activities.

## **Purpose and Authority**

This Plan establishes a strategy for ensuring meaningful access by persons with LEP to FMCS administered programs and activities in accordance with Executive Order 13166. The Order set two overarching goals for each federal agency: (1) implement a system by which persons with LEP can meaningfully access the agency's services consistent with, and without unduly burdening, the fundamental mission of the agency, and (2) ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their applicants and beneficiaries with LEP<sup>2</sup>.

Section 2 of Executive Order 13166 requires Federal agencies to develop and implement a plan for improving access to services and participation in federally conducted programs and activities for persons with LEP. In compliance with Section 2 of the Order, this Plan details FMCS's initiatives and plans to improve access to its federally conducted programs and activities by eligible persons with LEP.

On February 17, 2011, Attorney General (AG) Eric Holder issued a memorandum on the subject of the Federal Government's Renewed Commitment to Language Access Obligations Under Executive Order 13166 ([AG Memo](#)), which requested that each Federal agency conduct a self-assessment of LEP services, to update its plan to improve the language accessibility of its "federally conducted programs and activities,"<sup>3</sup> and to take steps to implement the plan. The Department of Justice (DOJ) also provided the "[Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs](#)," with additional guidance. On November 21, 2022, AG Merrick B. Garland issued a [memorandum to Federal agencies and their heads of civil rights offices and general counsels on updating and improving their language access responsibilities](#) as outlined in Executive Order 13166.

FMCS used the Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs to draft FMCS's Plan. This Plan was also informed by the information FMCS received from conducting self-assessments of its LEP services and input from internal FMCS offices who may or have come into contact with LEP persons. Moving forward, FMCS will establish a mechanism for collecting input from outside stakeholders, such as persons

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<sup>2</sup> The definition of "Federally conducted programs" is the same under EO 13166 as the definition used under the regulations for application of section 504 of the Rehabilitation Act of 1973 to federally conducted programs (Title 28 of the Code of Federal Regulations Part 39, "Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Justice," "Editorial Note", Section 39.102, defines programs and activities). A federally conducted or funded program could interact with LEP persons in a variety of ways. Any interaction with the public has the potential to interact with LEP persons. This could include, but is not limited to program applicants and participants, hotline or information line calls, outreach programs, public meetings, public access to agency websites, written materials or complaints sent to an agency, agency brochures intended for public distribution, contacts with potential witnesses, victims, defendants, and interactions with detainees and prisoners.

<sup>3</sup> Executive Order 13166 covers all "federally conducted programs and activities." All federal agencies must design and implement a federally conducted plan to ensure meaningful access for persons with LEP to all its federally conducted programs and activities.

with LEP or groups that work with LEP communities to provide insight into how FMCS can continue to assess and updates its LAP.

## **II. Plan Development and Implementation**

The goal of all language access planning and implementation is to ensure that federal agencies provide meaningful access to all agency services to persons with LEP. As the AG Memo notes, this requires ensuring effective communication at all points of contact between a person with LEP and FMCS. This Plan will also help FMCS in developing language access policy directives, an implementation plan, and procedures to effectuate the elements of this Plan.

Implementation of FMCS's LAP will include its dissemination in Headquarters and to all national and regional field offices managers to inform FMCS staff of the elements and action steps outlined in the LAP. The FMCS Head of the Agency or designee shall be responsible for ensuring the LAP is implemented and that FMCS maintains compliance with applicable updates from governing entities. The FMCS Head of the Agency or designee shall delegate the authority to appropriate personnel who shall oversee and be responsible for ensuring that FMCS adheres to its policy, plan and procedures to provide meaningful access to LEP persons. The appointed personnel should be/report to a high-ranking FMCS official and be responsible for the oversight, performance, and implementation of the LAP. The designated personnel can be supported by the continuation of the Language Access Working Group formed to develop the LAP and appointment of Accessibility Assurance Liaisons who shall be responsible for staff training, self-assessments, maintaining accessibility of internal language assistance services, and providing notice of availability of language assistance services to external stakeholders through outreach initiatives, social media, and web page presence.

The comprehensive LAP provides flexibility for each program office to develop and design specific to its own unique responsibilities of the LAP. Appendix A is a sample template for use by each program office that would be consistent with the Agency-wide LAP. Each FMCS program office must identify its vital documents and in what languages those documents should be translated. Each FMCS program office must also examine the services they provide, identify any language access barriers to accessing those services, and develop and implement a system to provide meaningful access to those services for persons with LEP. This LAP is designed to assist program offices in identifying the language services they need and evaluate the translation and interpretation resources available to help persons with LEP access a program office's benefits, programs, services, information, or other operations.

FMCS will adopt the DOJ's five-step plan implementing elements to ensure an effective LAP:

- a. Assessment of LEP populations and language needs.
- b. Identification of ways in which language assistance will be provided.
- c. Public outreach and notice of the availability of language assistance.
- d. Provision of appropriate staff training on LEP program.
- e. Periodic self-assessment and self-monitoring

## **III. Language Access Working Group**

As a result of the AG Memo's reemphasis on LEP services, FMCS escalated oversight

responsibility of LEP services to the Office of Equal Employment Opportunity. The Office of Equal Employment Opportunity partnered with the Section 508 Program Manager and chartered the Language Access Working Group (“LAWG” or working group), responsible for planning and implementing the Agency’s language access activities. This working group collaborated with the FMCS Website Development and Communications Working Group to determine both short- and long-term goals. The working group also created the 2023 FMCS Language Access Plan Assessment (assessment) utilizing *DOJ Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs*. The assessment was distributed to FMCS Headquarters and to all National and Regional Field offices managers. Based on DOJ provided guidance and resources and feedback and the assessment, FMCS provides this comprehensive plan for increased access to its programs and services to persons with LEP.

FMCS will reconvene the LAWG, conduct periodic self-assessments of current LEP services, and will update this Plan, as necessary. The responsibilities of the working group will include establishing timeframes, objectives, and benchmarks corresponding to their respective program areas to address the appropriate element and action steps identified in this Plan. The LAWG consists of representatives designated by each of FMCS’s program offices’ senior leadership including but not limited to Accessibility Assurance Liaisons (Liaisons), as further described below. The LAWG may also include representatives from the National Association of Government Employees (NAGE), Local R3-118 and other areas of the agency, as necessary.

The working group will meet regularly to research and review the Agency’s language access program. They will develop and lead Agency-wide language access initiatives and collaborations, including those designed to leverage resources and improve both FMCS and recipient services for persons with LEP. The workgroup will report its findings and submit recommendations for improvements to the Senior Leadership Team.

While FMCS currently contracts with other language assistance providers, FMCS will conduct outreach and explore the possibility in partnering with federal agencies to further expand FMCS’s language assistance services.

#### **IV. 4 Factor Analysis to Determine LEP Services**

##### **Assessment Needs and Capacity**

An agency self-assessment was conducted in July 2023. The self-assessment (FMCS Assessment) assisted in identifying language barriers that may delay effective oral and written communication between the agency and persons with LEP. Nineteen responses were received from FMCS leadership and revealed FMCS target audience: government-wide, general public, applicants, internal employees, Congress, Industrial Labor Relations Community, Federal Sector, Public Sector, unions and employers, labor/management groups, parties to collective bargaining agreements, and international<sup>4</sup>.

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<sup>4</sup> FMCS conducts activities abroad, however, The Department of Justice has determined that Executive Order 13166 applies only to persons who are located within the United States and its territories, and does not apply extraterritorially. FMCS currently has an Interagency Agreement for the translation and interpretation for international services. Executive Order 13166 “[Commonly Asked Questions & Answers Regarding Executive Order 13166](#)”



FMCS does not currently collect data regarding its interactions with LEP persons. Moving forward, FMCS will develop a mechanism for regularly assessing whether the needs of current and potential programs participants are met and to identify FMCS' capacity to meet these needs. In addition to the assessments, the LAWG will collect language data from the U.S Census Bureau's American Community Survey (ACS) to identify the most encountered languages in labor and conflict management.

Headquarters, National and Regional Offices Liaisons should coordinate efforts with LAWG to conduct a four-factor analysis to determine what reasonable steps, if any, should be taken to provide LEP persons with meaningful access to FMCS programs and activities on a fact-specific, case-by-case basis. This data will assist FMCS in determining the extent to which services are needed in various languages and to ensure FMCS is meeting the needs of the persons with LEP whom it serves.

### **Four Factor Analysis**

The Agency's Plan is based on results of the assessment utilizing the four-factor analysis outlined in guidance issued in accordance with Executive Order 13166 Final Guidance. For each program in which LEP may be a consideration, the following four factors should be considered:

#### **Factor 1: Determine the number or proportion of LEP individuals in the eligible service population.**

Some FMCS programs and activities serve specific populations that may not reflect national LEP statistics. National statistics on LEP populations demonstrate that Spanish is the primary language for which assistance may be needed. Other nationally "significant"; language groups include those that speak Chinese, French, German, Italian, Tagalog, Vietnamese, Korean, and Russian. FMCS recognizes the need for Headquarters and Field Offices to continue to assess their individual service populations to determine local language needs.<sup>5</sup>

The FMCS Assessment confirmed that the non-English languages listed below are the most frequently encountered and vary greatly by region and state.

- Spanish
- French
- Arabic
- Somali
- Amharic/Tigrinya
- Chinese
- Polish

FMCS's language assistance services are request driven, in which persons with LEP seeking information about FMCS programs and services contact FMCS personnel to request interpretation and/or translation services.

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<sup>5</sup> See Appendix C.



#### Factor 2: The frequency LEP individuals come in contact with the program.

The FMCS assessment revealed LEP persons contact FMCS in person, by mail, phone, website and email to request or participate in FMCS services. To determine the frequency of persons with LEP that come in contact with FMCS programs, services, and activities, FMCS will begin collecting the preferred language data on individuals' requests for services and use the information gathered from the translation and interpretation contractors to determine the frequency of contacts, type of language assistance services needed, and the languages being requested.

#### Factor 3: The nature and importance of the program, activity, or service provided by FMCS to LEP individuals.

To determine the nature and importance of FMCS programs, activities, or services provided to persons with LEP, the Agency will evaluate the negative impacts on persons with LEP of not being able to access these benefits. Using this factor, FMCS will look at its programs, services, activities, and vital documents to determine the translation and interpretation services that the Agency will provide. Specifically, focus will be placed on the translation of documents determined to be vital (see Section VIII).

#### Factor 4: Determine the resources available to assist LEP individuals.

To determine the resources available to assist LEP persons, FMCS will explore the most cost-effective means of delivering competent and accurate language services and secured Agency-wide contracts for its interpretation and translation needs throughout national headquarters, regional, and local field offices. FMCS will evaluate the following actions to provide resources needed to assist persons with LEP.

- Hiring and training bilingual staff where bilingual skills are needed;
- Providing contracted third-party oral telephonic interpretation services at no charge to the person with LEP;
- Providing contracted written translation services to produce non-English language materials; and
- Training our network of public-contact employees on the available FMCS language assistance services.

### **V. Procedures for Requesting Language Services**

When a FMCS staff member in an affected office thinks language services might be appropriate, they should coordinate with their office's liaison if services are requested to evaluate whether services should be provided and, if so, what type of services are needed. Liaisons should follow the process for weighing the four factors set forth in Section IV in consultation with their direct supervisor.

## **VI. Language Access Service Options**

To improve LEP persons' access to FMCS programs and activities, FMCS should provide LEP services, as determined on a case-by-case basis with two types of language assistance services: translation and interpretation. To fulfill this commitment, FMCS relies on contractors and qualified bilingual staff members. FMCS will develop a Statement of Work based upon the particular needs of FMCS and as identified in the assessment, for the provision of options for language access services.

## **VII. Quality Control**

Headquarters, National and Regional offices should take reasonable steps to ensure that all staff or contracted personnel who serve as translators, interpreters or who communicate "in-language" with LEP persons are competent to do so. Considerations of competency in light of particular tasks may include:

- Demonstrated proficiency in and ability to communicate information accurately in both English and the other language;
- Identifying and employing the appropriate mode of interpreting (e.g., consecutive, simultaneous, or sight translation), translating, or communicating fluently in the target language;
- Knowledge in both languages of any specialized terms or concepts particular to the component's program or activity and of any particularized vocabulary used by the LEP person;
- Understanding and following confidentiality, impartiality, and ethical rules to the same extent as Department staff;
- Understanding and adhering to their role as interpreters, translators, or multilingual staff.

Headquarters, National and Regional offices should also take reasonable steps to ensure that all staff or contracted personnel who serve as translators are briefed by component staff on the context and intended audience for the translated text. For example, components may elect to provide guidance with respect to style, technical word choice, phrasing, or reading level depending on the context or target audience.<sup>6</sup>

Absent exigent circumstances, the Department should avoid using family members (including children), neighbors, friends, acquaintances, and bystanders to provide language assistance services.<sup>22</sup> Likewise, components should avoid using individual opposing parties, adverse

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<sup>6</sup> The LEP Guidance to Recipients, 67 Fed. Reg. at 41,464, provides that "[t]ranslators should understand the expected reading level of the audience and, where appropriate, have fundamental knowledge about the target language group's vocabulary and phraseology. Sometimes direct translation of materials results in a translation that is written at a much more difficult level than the English language version or has no relevant equivalent meaning. Community organizations may be able to help consider whether a document is written at a good level for the audience. Likewise, consistency in the words and phrases used to translate terms of art, legal, or other technical concepts helps avoid confusion by LEP individuals and may reduce costs."

witnesses, or victims to a dispute as interpreters.

## **VIII. Translation of Department Texts**

### **a. Translating Vital Documents**

In alignment with DOJ<sup>7</sup>, FMCS prioritizes translation of vital documents and will reasonably make available vital forms and materials in the most frequently encountered languages. Classification of a document as “vital” depends upon the importance of the program, information, encounter, or service involved, and the consequences to the LEP person if the information in question is not provided accurately or in a timely manner. Utilizing the four-factor analysis detailed in Section IV FMCS will develop a process for identifying and prioritizing vital documents or texts to translate.

When reasonable, these documents will be translated into the non-English language of each regularly encountered LEP group eligible to be served or likely to be affected. For lengthier and more technical documents that are targeted to the public, affected offices should provide an English language summary that will be translated into other languages.

The FMCS Assessment revealed FMCS currently translates the following documents considered “vital” to the respective work unit: contracts for services from foreign providers and engagement exercises and surveys.

### **b. Translating FMCS Web Content**

FMCS shall take reasonable steps to translate public website content and electronic documents that contain vital information about agency programs and services.<sup>8</sup> The FMCS website development team will continue to evaluate options for implementation including but not limited to determining what documents are “vital”. The following recommendations were made from the FMCS website development team:

1. Continue efforts to build a culturally and linguistically accessible website that can serve as a one-stop resource for LEP end users as well as the intermediaries that support them.
2. Scale the availability of in-language content, focusing especially on Spanish, French, and Arabic language content in the short-term.

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<sup>7</sup> In its Commonly Asked Questions and Answers Regarding Executive Order 13166, DOJ recommends that vital documents be translated when a significant number or percentage of the population eligible to be served, or likely to be directly affected by the program or activity, needs information in a language other than English to communicate effectively. Vital documents are those that contain information that is critical for obtaining Federal services and/or benefits or are required by law. Non-vital information includes documents that are not critical to access such benefits and services. Advertisements of Federal agency tours and copies of testimony presented to Congress that are available for informational purposes would be considered non-vital information. Whether or not a document (or the information it solicits) is vital may depend upon the importance of the program information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner.

<sup>8</sup> See also Office of Management and Budget, Executive Office of the President, memorandum for the heads of Executive departments and agencies, Policies for Federal Agency Public Websites (Dec. 17, 2004), available at <http://www.whitehouse.gov/omb/memoranda/fy2005/m05-04.pdf>.

3. Utilize machine translation where needed to support content production in other languages.
4. Continue to review in-language content for grammar, cultural relevance, and literacy levels.
5. Task translators to utilize plain language with less complex technical vocabulary and incorporate simplified terms where relevant to support comprehension.
6. Develop more specific, culturally-relevant messaging that will resonate with the priority language groups.
7. Seek readily available content – links, guides, videos featuring LEP consumers and/or written copy to clearly convey FMCS’s focus on this purpose.
8. Secure advanced versions of Google Translate to enable translation editing.
9. Deepen the efficacy of AI translations with manual edits to common terms, idiomatic expressions or turns of phrase that translate awkwardly between languages.

When evaluating existing and emerging technologies, FMCS considers the needs of persons with LEP, the resources available to meet those needs, and the effect technology can have on the LEP population. To ensure persons with LEP have access to digital information, FMCS is currently exploring cost-effective options for updating the existing IT infrastructure to improve the accessibility of FMCS’s translated materials on its website.

## **IX. Key Stakeholders and Responsibilities**

### **a. Director, FMCS**

1. Exercises leadership in establishing, maintaining, and carrying out a continuing LAP program designed to improve access to FMCS programs, services and activities for LEP persons as consistent with and without unduly burdening the FMCS’ mission.
2. Ensures resources are allocated to support the FMCS LAP program.
3. Promote a diverse and inclusive organizational culture and to create an environment where all individuals are treated with respect and dignity; and
4. Holds FMCS leadership, managers, and supervisors accountable under this policy.

### **b. FMCS Language Access Working Group (LAWG)**

1. Responsible for evaluating FMCS compliance with the FMCS LAP;
2. Assist with the identification of qualified interpreters and translators and maintain a regularly updated list of all competent bilingual employees, contract interpreters, and contract translators that includes but is not limited to availability, non-English language(s), and contact information;
3. Creating interpreter, translator, and bilingual staff qualifications and ethical standards;
4. Consult with the FMCS Office of Equal Employment Opportunity to ensure

core principles of EEO and diversity and inclusion principles are considered;

5. Coordinate implementation of the approved agency directives, policies and procedures relevant to FMCS LAP;
6. In coordination with the FMCS Center for Conflict Resolution Education, provide periodic refresher training for FMCS staff and Accessibility Assurance Liaisons and new employee training; and
7. Provides periodic reports or as requested to the Head of the Agency, Office of Equal Employment Opportunity and the FMCS Equity and DEIA Implementation Teams.
8. LAWG may designate sub-working groups. For example, after evaluation, a sub-working group could be formed to develop guidelines for establishing an Indigenous Languages Plan.
9. Membership: include but not limited to:
  - i. Leader Champion to provide oversight and direction. Appointed by the Head of the Agency.
  - ii. Director (or designee), Office of Equal Employment Opportunity;
  - iii. Director (or designee), Center for Conflict Resolution Education;
  - iv. Program Manager, Section 508;
  - v. eLearning Training Specialist;
  - vi. Digital Media Strategist;
  - vii. Director (or designee), Office of Procurement and Operational Support;
  - viii. Accessibility Assurance Liaisons/National and Field representatives;
  - ix. Manager (or designee), Office of Client Services; and
  - x. Director (or designee), Office of Information Technology.

c. Office of Equal Employment Opportunity (EEO)

1. Provide advice and recommendations for ensuring FMCS is a model agency.

d. Office of General Counsel (OGC)

1. Provides legal advice on applicable issues or concerns. OGC will interface with DOJ as needed on legal issues related to the LAP.

e. Office of Procurement and Operational Support

1. Develop a procurement strategy and process for selecting qualified contractors.
2. If FMCS elects to procure language assistance services, the FMCS Procurement and Operational Support Office should take reasonable efforts to ensure that any Request for Proposals or contract for language assistance services will specify responsibilities, assign liability, set pay rates, provide for dispute resolution.

3. For additional procurement resources, see Appendix E “Resources”
- f. Office of Human Resources
    1. Review relevant hiring and personnel practices to increase staff language capacity.
  - g. All FMCS supervisors and managers shall be responsible for:
    1. Directors of affected offices will appoint at least one Accessibility Assurance Liaisons for collaboration, coordination, and recordkeeping associated with carrying out LEP activities.
    2. Ensuring compliance with the requirements of FMCS staff.
    3. Identifying bilingual and/or multilingual FMCS employees.
    4. In collaboration with LAWG, Center for Conflict Resolution Education and Office of Human Resources, take reasonable steps to develop quality control procedures and work plans to ensure that FMCS employees who communicate or correspond in a non-English language with LEP persons do so in an accurate and competent manner by identifying area(s) of training/education.
    5. Maintain an inventory of qualified bilingual and multilingual staff.
  - h. Accessibility Assurance Liaisons – with guidance and support from the LAWG will coordinate efforts related to LEP translation/interpretation services for their respective Department, Office, or Region. This may include, but are not limited to:
    1. Advising and providing technical assistance.
    2. Forecasting fiscal year needs for translation and implementation services.
    3. Meeting with LAWG on a periodic basis to identify challenges and barriers; discuss LEP interactions and provide feedback to LAWG; share best practices and outreach efforts; and evaluate the services provided to LEP populations.
    4. Periodic refresher training for updates.
    5. Providing support for the agency-wide training.
    6. Providing periodic updates as requested by the respective area Director.
    7. Serve as primary point of contact for LEP services and coordinate with procurement for interpreter and translator compensation for services.
  - i. All FMCS employees shall be responsible for:
    1. It is necessary for FMCS staff to make reasonable efforts to provide timely language assistance services to ensure that LEP persons have substantially

equal and meaningfully effective access to FMCS programs or services or to whom FMCS staff wishes to communicate.

All FMCS staff are expected to coordinate with the assigned Accessibility Assurance Liaisons to formulate strategies and responses to overcome the barriers experienced in providing meaningful language access.

## **X. Staff Compliance and Training<sup>9</sup>**

- a. All FMCS Staff will receive initial and refresher LAP training to include but not be limited to: the content of the Plan; how to identify the need for language access services; working with LEP persons; providing language accessible service in a diverse and culturally sensitive manner; awareness and availability of resources; process for requesting resources; effective communication and interaction strategies when assisting LEP persons; working with an interpreter; updates and best practices. Additional agency-wide training will be determined and implemented.
- b. In addition to the above training, assigned Accessibility Assurance Liaisons, will receive the following training specific to their role initially and refresher training as determined:
  1. Procedures on accessing available language assistance services.
  2. Protocols to effectively communicate the secured LEP services requested for LEP individuals.
  3. Decision-making practices and protocols in determining, on a case-by-case basis, the most effective resource(s) for LEP individuals' needs.
  4. Channels of communication for issues and complications related to providing necessary services.

## **XI. Language Data**

FMCS shall conduct a biennial (2 year) review of language use and need of FMCS and its service population to include but not be limited to: frequently requested languages, feedback from FMCS employees, customer surveys and feedback and customer complaints. Additionally, FMCS will utilize data from the US Census Bureau, American Community Survey Data Annual Reports.

To enhance the availability of resources, FMCS may conduct a future landscape analysis and market research to better understand LEP consumers and develop strategies to strengthen the Agency's outreach, education, and communication to them.

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<sup>9</sup> This training helps ensure that all FMCS employees are aware of the resources available, the procedures to access these resources (e.g., interpreters, bilingual staff, translation services, telephonic interpretation, on-site interpretation, sign language, and Braille), and the FMCS liaisons/points of contact for technical assistance.



## **XII. Monitoring Language Needs**

- a. Based upon periodic assessments and where appropriate, FMCS will update the Plan to ensure that the scope and nature of language assistance services provided under the Plan reflect updated information on relevant LEP populations, Headquarters and National and Regional Offices language assistance needs, changes in technology, and FMCS staff training compliance.
- b. On an ongoing basis, the LAWG will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and associated procedures;
- c. On an ongoing basis each individual Headquarter and National and Regional Office will regularly assess the efficacy of the Plan and associated policies and procedures, including but not limited to mechanisms for securing interpreter services, equipment used for the delivery of language assistance and feedback from LEP persons.
- d. The LAWG will on a routine basis to be established, with representatives from the FMCS Equity and DEIA Implementation Team. As needed, LAWG will schedule additional meetings around special topics of immediate interest or concern.
- e. FMCS shall develop policies and procedures for the collection and storing of data for language use and need, including but not limited to: primary language of clients; use and language of interpretation services and employees; distribution of translated documents; and frequency of contact with LEP persons seeking services.
- f. In consultation with FMCS Office of Procurement and Operational Support, conduct reviews of our language access services contracts to ensure that contractors provide quality LEP services. The reviews should ensure language access contracts: contain language that adequately describes FMCS language needs, requirements and quality expectations; provide a means to assess whether contractors delivery of language access services meets quality standards; and provide a means to hold contractors accountable to meet quality standards.

## **XIII. Community Outreach and Disseminating Language Assistance Services Information**

FMCS will evaluate outreach efforts to make LEP persons aware of free language assistance services for FMCS benefits, programs, and services including but not limited to:

- a. Providing information to the public and to LEP communities regarding the language assistance services available free of charge through modalities including but not limited to signage at FMCS facilities, websites, translated documents, telephone tree options and community-focused outreach;
- b. Coordinating with other agencies and stakeholders to ensure consistent identification of LEP status, primary language, and similar information; and
- c. Exchanging promising practices and challenges with other governmental and non-governmental agencies.

#### **XIV. Notification of the Availability of Language Assistance Services**

Each Headquarter and National and Regional Offices should make reasonable efforts to notify the public about FMCS language access service options and should determine based upon this policy, what information for shall be provided in English and in appropriate non-English languages using for example, websites, translated documents, and community-focused outreach.<sup>10</sup>

FMCS Headquarters, National and Regional Offices will develop strategies tailored to the needs of the LEP communities they serve to provide efficient and effective language assistance services. Through a variety of outreach activities, Headquarters, National and Regional Offices will evaluate opportunities for creating and maintaining customer-centric working relationships with diverse LEP populations and the local organizations and institutions that serve them.

#### **XV. Contact for questions, complaints or feedback: [LEPSupport@fmcs.gov](mailto:LEPSupport@fmcs.gov).**

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Gregory Goldstein, Chief Operating Officer (acting in the capacity of Director

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Date

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<sup>10</sup> See Translation of Department Texts. See also HQ, National, Regional LAP Template (Appendix A).

# Appendix A

## FMCS Office Language Access Policy<sup>11</sup> Template Date

### General Language Access Policy

#### 1. Policy Statement

It is FMCS's policy to provide timely, meaningful access for persons with LEP to all agency programs, services, and activities. Individuals who have a limited ability to read, speak, write, or understand English may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. This policy is based on the principle that it is the responsibility of FMCS and the LEP person to take reasonable steps to ensure that communications between FMCS and the LEP person are not impaired as a result of the Limited English Proficiency of the individual. FMCS staff take reasonable steps to effectively inform the public of the availability of language accessible programs and activities free of charge.

#### 2. Purpose and Authority

This Plan establishes a strategy for ensuring meaningful access by persons with LEP to FMCS administered programs and activities in accordance with Executive Order 13166. The Order set two overarching goals for each federal agency: (1) implement a system by which persons with LEP can meaningfully access the agency's services consistent with, and without unduly burdening, the fundamental mission of the agency, and (2) ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their applicants and beneficiaries with LEP<sup>12</sup>.

Section 2 of Executive Order 13166 requires Federal agencies to develop and implement a plan for improving access to services and participation in federally conducted programs and activities for persons with LEP. In compliance with Section 2 of the Order, this Plan details FMCS's initiatives and plans to improve access to its federally conducted programs and activities by eligible persons with LEP.

On February 17, 2011, Attorney General (AG) Eric Holder issued a memorandum on the subject

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<sup>11</sup> This template is based on the Department of Justice's Language Access plan. The original document is available at [www.justice.gov/open/language-access-plan.pdf](http://www.justice.gov/open/language-access-plan.pdf). This document is to be used by Headquarters, National and Regional Offices to create LAP specific to LEP persons most frequently encountered, consistent with the FMCS LAP.

<sup>12</sup> The definition of "Federally conducted programs" is the same under EO 13166 as the definition used under the regulations for application of section 504 of the Rehabilitation Act of 1973 to federally conducted programs (Title 28 of the Code of Federal Regulations Part 39, "Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Justice," "Editorial Note", Section 39.102, defines programs and activities). A federally conducted or funded program could interact with LEP persons in a variety of ways. Any interaction with the public has the potential to interact with LEP persons. This could include, but is not limited to program applicants and participants, hotline or information line calls, outreach programs, public meetings, public access to agency websites, written materials or complaints sent to an agency, agency brochures intended for public distribution, contacts with potential witnesses, victims, defendants, and interactions with detainees and prisoners.

of the Federal Government’s Renewed Commitment to Language Access Obligations Under Executive Order 13166 (AG Memo), which requested that each Federal agency conduct a self-assessment of LEP services, to update its plan to improve the language accessibility of its “federally conducted programs and activities,”<sup>13</sup> and to take steps to implement the plan. The Department of Justice (DOJ) also provided the “Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs,” with additional guidance. On November 21, 2022, AG Merrick B. Garland issued a memorandum to Federal agencies and their heads of civil rights offices and general counsels on updating and improving their language access responsibilities as outlined in Executive Order 13166.

FMCS used the Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs to draft FMCS’s Plan. This Plan was also informed by the information FMCS received from conducting self-assessments of its LEP services and input from internal FMCS offices who may or have come into contact with LEP persons. Moving forward, FMCS will establish a mechanism for collecting input from outside stakeholders, such as persons with LEP or groups that work with LEP communities to provide insight into how FMCS can continue to assess and updates its LAP.

### 3. Definitions<sup>14</sup>

- a. *Limited English Proficient individual means any individual whose primary language is not English, and has limited or no ability to speak, understand, read, or write English.*
- b. *Interpretation is the process of orally rendering a spoken or signed communication from one language into another language.*
- c. *Primary language means the language that an individual communicates most effectively in.*
- d. *Translation is converting written text from one language into written text in another language. ‘Translation’ is often misused to mean interpretation, but it is a written medium.*
- e. *A qualified interpreter or translator is a trained professional who is a neutral third party with the requisite language skills, experienced in interpretation or translation techniques, and knowledgeable in specialized content areas and technical terminology in order to*

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<sup>13</sup> Executive Order 13166 covers all “federally conducted programs and activities.” All federal agencies must design and implement a federally conducted plan to ensure meaningful access for persons with LEP to all its federally conducted programs and activities.

<sup>14</sup> Plans from FMCS Headquarters, National and Regional Offices may supplement these definitions with additional terms or component-specific definitions that are not inconsistent with these definitions or with the objective of timely providing LEP persons with substantially equal and meaningfully effective to FMCS programs or services.

- effectively facilitate communication between two or more parties who do not share a common language.*
- f. Simultaneous interpretation is the process of orally rendering one language into another language virtually at the same time that the speaker is speaking with only a very short lag time.*
  - g. Consecutive interpretation is the process of orally rendering one language into another language after the speaker has completed a statement or question and pauses. The interpreter then renders that statement into the other language.*
  - h. Sight Translation is the rendering of material written in one language, completely and accurately into spoken speech in another language.*
  - i. Vital Documents are any materials that are essential to an individual's ability to access services provided by the organization, or are required by law.*

#### **4. Language Data**

FMCS shall conduct a biennial (2 year) review of language use and need of FMCS and its service population to include but not be limited to: frequently requested languages, feedback from FMCS employees, customer surveys and feedback and customer complaints. Additionally, FMCS will utilize data from the US Census Bureau, American Community Survey Data Annual Reports.

To enhance the availability of resources, FMCS may conduct a future landscape analysis and market research to better understand LEP consumers and develop strategies to strengthen the Agency's outreach, education, and communication to them.

### **Language Assistance Procedures**

#### **1. How to determine the need for language assistance**

- a. Staff at the initial point of contact will conduct an assessment for the need for language assistance, and notify the individual of the right to an interpreter at no cost. Staff members who have subsequent contact will continue to assess the need for language assistance.*
  - To assess the need for language assessment, staff should ask open ended questions, and avoid asking questions that would allow for yes or no responses. For example, asking: "how may I be of assistance?" instead of "do you need help?"*
  - The LEP individual may speak more than one language, or may have limited proficiency in a secondary language. Staff shall identify the primary language of the LEP individual, and work to provide language assistance in the primary language of the individual.*

- *A Deaf individual may also be limited English proficient and not be proficient in American Sign Language. Staff shall work to identify the primary language of the Deaf individual, and provide language assistance in the primary language of the individual.*

*b. Request for language assistance from the LEP individual or companion.*

## **2. Identifying Language**

- a. Staff shall request the individual or companion identify the language of the LEP or Deaf individual.*
- b. Staff may request bilingual/multilingual staff or volunteers to identify the primary language.*
- c. Use in-person, video remote interpreters, or telephonic interpreters to identify the language.*
- d. Use an “I speak” card or poster to identify the primary language.*
- e. Staff should determine of the preferred mode of communication for a Deaf or Hard of Hearing individuals is interpretation or Communication Access Realtime Translation (CART).*

## **3. Procedures for language services** (TIP: Provide step by step guidance on how staff can access language services adopted by the organization. The following are examples of different ways to provide language services).

### **a. Bilingual/multilingual staff**

- (QUESTION: Who should staff contact?)
- (QUESTIONS: What services will the bilingual/multilingual staff person provide? Interpretation or services in the primary language of the individual?)

### **b. In-person Interpreters**

- (Detail procedures for obtaining an in person interpretation services. QUESTION: Do you have staff interpreters? Do you contract with an interpretation agency or independent contractor?)

### **c. Telephonic/video remote Interpreters**

- (Detail procedures for obtaining services through your telephonic or video remote interpretation company.)

d. Video Relay Services

- (Detail procedures for using video relay services.)

**4. Translation of Vital Documents**

- *Organizations will make available vital forms and materials in the most frequently encountered languages. (QUESTIONS: What forms and materials will you translate? How about outreach materials? If you are outreach materials, do you have the capacity to provide services in the languages you are translating your materials?)*
- *For other languages, staff should use an interpreter to sight translate the document into the individuals primary language.*
- *Written communication to the LEP individual should be translated into the primary language of the LEP individual.*

**5. Notice of Language Services**

*Signage will be placed in visible locations notifying individuals of the right to request an interpreter at no cost to the individual. Signage will be translated into the languages most frequently encountered by the organization.*

*Staff at the initial point of contact, will notify individuals of their right to an interpreters at no cost.*

**6. Prohibition against using children as interpreters**

*Staff are prohibited from using minor children to interpret, absent emergency circumstances. Clients shall be advised of client's right to an interpreter at no cost to the client.*

**Interpreter and Translator Code of Ethics<sup>15</sup>**

**1. Accuracy**

*Source-language speech should be faithfully rendered into the target language by conserving all the elements of the original message while accommodating the syntactic and semantic patterns of the target language. The rendition should sound natural in the target language, and there should be no distortion of the original message through addition or omission, explanation or paraphrasing. All hedges, false starts and repetitions should be conveyed; also, English words mixed into the other language should be retained, as should culturally-bound terms which have no direct equivalent in English, or which may have more than one meaning. The register, style and tone of the source language should be conserved. Guessing should be avoided. Interpreters who do not hear or understand what a speaker has said*

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<sup>15</sup> National Association of Judiciary Interpreters & Translators, Code of Ethics and Professional Responsibilities. Available at [www.najit.org/about/NAJITCodeofEthicsFINAL.pdf](http://www.najit.org/about/NAJITCodeofEthicsFINAL.pdf).



*should seek clarification. Interpreter errors should be corrected as soon as possible.*

## **2. Impartiality and Conflicts of Interest**

*Interpreters and translators are to remain impartial and neutral in proceedings where they serve, and must maintain the appearance of impartiality and neutrality, avoiding unnecessary contact with the parties. Interpreters and translators shall abstain from comment on matters in which they serve. Any real or potential conflict of interest shall be immediately disclosed to \_\_\_\_\_ and all parties as soon as the interpreter or translator becomes aware of such conflict of interest.*

## **3. Confidentiality**

*Privileged or confidential information acquired in the course of interpreting or preparing a translation shall not be disclosed by the interpreter without authorization.*

## **4. Limitations of Practice**

*Interpreters and translators shall limit their participation in those matters in which they serve to interpreting and translating, and shall not give advice to the parties or otherwise engage in activities that can be construed as the practice of law.*

## **5. Protocol and Demeanor**

*Interpreters shall conduct themselves in a manner consistent with the standards and protocol of the \_\_\_\_\_, and shall perform their duties as unobtrusively as possible. Interpreters are to use the same grammatical person as the speaker. When it becomes necessary to assume a primary role in the communication, they must make it clear that they are speaking for themselves.*

## **6. Maintenance and Improvement of Skills and Knowledge**

*Interpreters and translators shall strive to maintain and improve their interpreting and translation skills and knowledge.*

## **7. Accurate Representation of Credentials**

*Interpreters and translators shall accurately represent their certifications, accreditations, training and pertinent experience.*

## **8. Impediments to Compliance**

*Interpreters and translators shall bring to the \_\_\_\_\_'s attention any circumstance or condition that impedes full compliance with any Canon of this Code, including interpreter fatigue, inability to hear, or inadequate knowledge of specialized terminology, and must decline assignments under conditions that make such compliance patently impossible.*

## **Staff Compliance**

### **1. Training**

*Staff will receive training on: the content of the language access policy; how to identify the need for language access services; working with an LEP and Deaf individuals; providing language accessible service in a culturally sensitive manner; working with an interpreter; and interpretation best practices.*

*(TIP: Contact the Interpretation Technical Assistance Resource Center for resources and assistance in training your staff.)*

## **Internal Language Access Contacts**

1. (Identify the Language Access Coordinator for your organization)

## **Monitoring and Assessment**

1. *Staff shall be responsible for monitoring compliance with the organizations language access policy.*
2. *Organization shall collect information on language use and need, including: primary language of clients; use and language of interpretation services; distribution of translated documents; frequency of contact with LEP or Deaf individuals seeking services; and referrals of LEP or Deaf individuals and the language of the referred LEP or Deaf individual.*
3. *Organization shall conduct (how frequently?) a review on the effectiveness of the language access policy and make changes as needed.*

## **Complaint Process**

1. *A complaint regarding the denial of language accessible services, or regarding the quality of language accessible services, including interpreters or translated materials, may be made in person, or in writing.*
2. *The complaint should specify the date, individuals involved, and the nature of the client (i.e. the interpreter was summarizing, or an LEP individual or Deaf individual was denied services because they did not bring their own interpreter).*
3. *All complaints will be directed to the Language Access Coordinator.*
4. *The Language Access Coordinator will notify the parties within 30 days upon receipt of the complaint of the outcome.*
5. *Staff will notify individuals of the complaint process.*
6. *The complaint process will be included in the posted notification of the right to an interpreter.*

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**(Signatures)**

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**Date**

## Appendix B: Definitions<sup>16</sup>

***Accessibility Assurance Liaisons*** - points of contacts within FMCS Departments, Offices and Regions. The Accessibility Assurance Liaisons will be primarily responsible for monitoring, tracking and providing support for their Department, Office or Region in coordination and consultation with the LAWG.

***Bilingual/Multilingual Staff*** – A staff person or employee who has demonstrated proficiency in English and reading, writing, speaking, or understanding at least one other language as authorized by his or her component.

***Direct “In-Language” Communication*** - Monolingual communication in a language other than English between a multilingual staff and an LEP person (e.g., Korean to Korean).

***Interpretation*** – The act of listening to a communication in one language and orally converting it to another language while retaining the same meaning.

***Language Access*** – Is achieved when persons with LEP can communicate effectively with FMCS employees and contractors and participate in FMCS programs and activities.

***Language Access Program*** – An array of language assistant services that are managed and coordinated by FMCS to allow persons with LEP to receive equivalent information and access to FMCS programs, services, and activities.

***Language Assistance Services*** – Oral and written language services needed to assist persons with LEP to communicate effectively with staff, and to provide persons with LEP with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by the Agency.

***Persons with Limited English Proficient (LEP)*** – Individuals for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. persons with LEP may be competent in English for certain types of communication, but still be LEP for other purposes.

***Meaningful Access*** – Language assistance that results in accurate, timely, and effective communication at no cost to the person with LEP. For persons with LEP, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English proficient individuals.

***Preferred/Primary Language*** – The language that a person with LEP identifies as the preferred language that he or she uses to communicate effectively.

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<sup>16</sup> Plans from FMCS Headquarters, National and Regional Offices may supplement these definitions with additional terms or component-specific definitions that are not inconsistent with these definitions or with the objective of timely providing LEP persons with substantially equal and meaningfully effective to FMCS programs or services.

***Program or Activity*** – The term “program or activity” and the term “program” mean all the operations of the Agency.

***Program Office*** – Program Office refers solely to headquarters FMCS Operating Divisions (such as Community Planning and Development, FHEO, Housing, Public and Indian Housing) and Support Divisions (such as Chief Human Capital, Public Affairs). Operating Divisions focus on specific programs and activities as authorized by Congress. Support Divisions serve in a coordinating role for the Agency.

***Qualified Interpreter*** – An in-house or contracted translator or interpreter who has demonstrated his or her competence to interpret or translate through court certification or is authorized to do so by contract with the Agency.

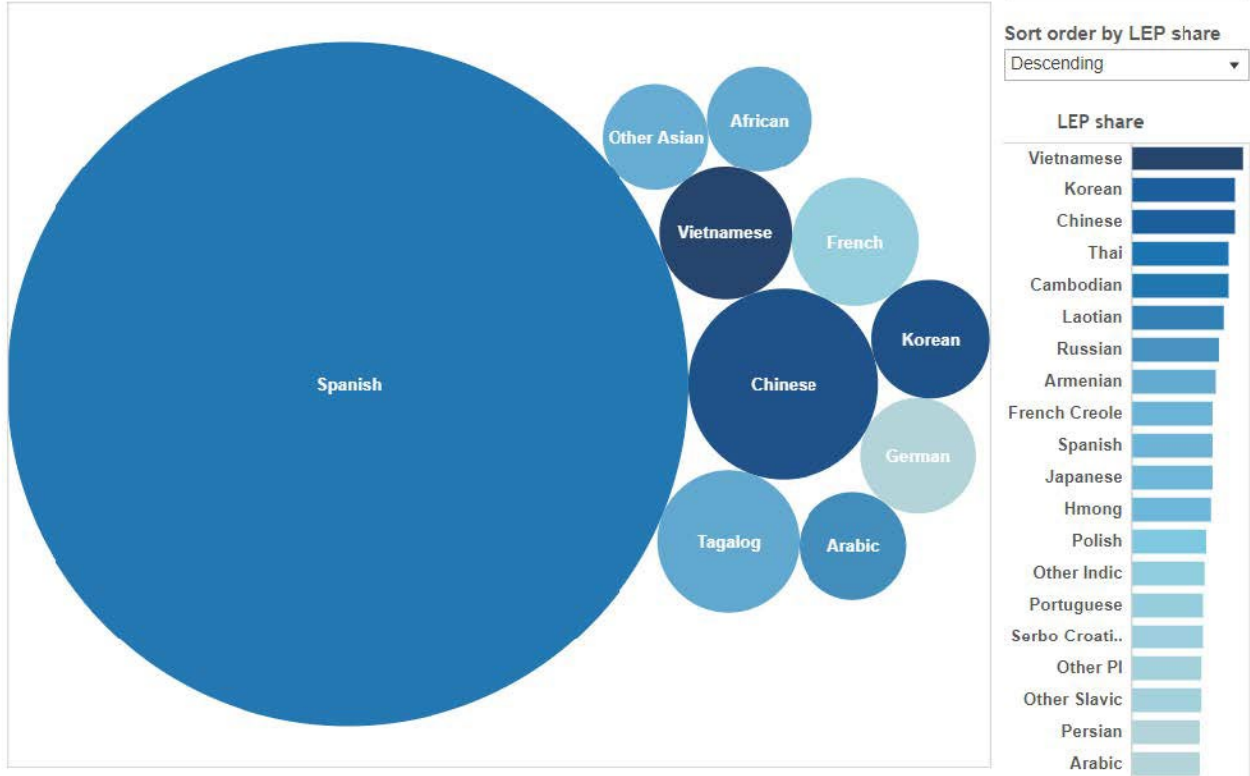
***Translation*** – The replacement of written text from one language into an equivalent written text in another language. Note: FMCS’s translations are contractually performed by certified linguists. The use of or reliance on free or automatic translation services, such as Google Translate, is not a best practice and should not be used for translation purposes. Outreach and training efforts have increased staff’s awareness of language assistance services which eliminates the use of online translation services.

***Vital Documents*** – Paper or electronic written material that contains information that is critical for accessing a component’s program or activities or is required by law. Vital documents include, for example: applications, model leases, disaster planning formation, consent, and complaint forms; notices of rights and disciplinary action; notices advising persons with LEP of the availability of free language assistance; and letters or notices that require a response from the beneficiary or client. For instance, if a complaint form is necessary to file a claim with an agency, that complaint form would be vital. Non-vital information includes documents that are not critical to access such benefits and services.

## Appendix C

### Migration Policy Institute Data Hub

Top 10 Languages Spoken by Limited English Proficient U.S. Residents and LEP Share, by Language, U.S. State, and Puerto Rico, 2009-2013\*



Migration Policy Institute (MPI) Data Hub  
<http://www.migrationpolicy.org/programs/data-hub>

LEP share  
16% 60%

## Appendix D

### READILY AVAILABLE TECHNOLOGIES TO SUPPORT LANGUAGE ACCESS PLAN

(ease of use scale based on Likert ratings of 1-5 with 1 being the easiest and 5 being most complex)

#### TEXT TRANSLATION

- 1. Systems:** Windows, iOS, Android  
**Platforms, Apps, Programs:** Word, PowerPoint, Teams, SharePoint, Excel, Outlook, OneNote, Publisher  
**How it Works:** For Word, PowerPoint, Excel, OneNote an Add-in is available that allows users to translate portions text/an entire document into approximately 30 different languages.  
**Ease of Use:** 1 of 5. 5 simple clicks with explicit guidance/directions from start to finish.  
**Cost and Availability:** Included with current MS subscription/already available for all users.
- 2. Systems:** Windows, iOS, Android  
**Platforms, Apps, Programs:** Microsoft Teams  
**How it Works:** Users can translate CHAT messages, CHANNEL posts (includes the incoming Teams notifications on the Desktop), and Teams Meeting CHAT messages into 40 different languages.  
**Ease of Use:** 2 of 5. From the Windows desktop: Users pre-set the original language and the output language and from there it is three clicks to translate a message/post. From an iOS or Android device users can long-press a CHAT message/CHANNEL POST and choose the language to translate to.  
**Cost and Availability:** Included with current MS subscription/already available to all users.

#### SPEECH TRANSLATION – TRANSCRIPTION (CAPTIONING/SUBTITLES)

- 1. Systems:** Windows  
**Platforms, Apps, Programs:** PowerPoint  
**How it Works:** Although PowerPoint is not capable of recording and adding subtitles when users record (voiceover) a PowerPoint there is a feasible workaround by using the following steps: Choose SLIDESHOW setting to ALWAYS SHOW SUBTITLES, Choose RECORD>RECORD SCREEN, Select SLIDESHOW and start presenting the slideshow in the screen where it is recording.  
**Ease of Use:** 4 of 5.  
**Cost and Availability:** included with current MS subscription/already available for all users

#### SPEECH TRANSLATION – (LIVE TRANSLATION TO CAPTIONING/SUBTITLES)

- 2. Systems:** Windows  
**Platforms, Apps, Programs:** Microsoft Teams  
**How it Works:** During Teams meetings individual users can turn on LIVE CAPTIONS, choose a spoken language and then choose one of 40 languages to translate it to. The translated text appears in captions at the bottom of the user's screen. The translation takes place for anyone who is speaking, not just the presenter, and indicates who the speaker is for each caption generated.  
**Ease of Use:** 2 of 5.

**Cost and Availability:** included with current MS subscription/already available for all users

**Systems:** Windows

**Platforms, Apps, Programs:** ZoomGov

**How it Works:** Option a: (can only be used in SCHEDULED MEETINGS/SCHEDULED WEBINARS) Hosts can enable language interpretation and invite a live language interpreter to the meeting (16 default languages and users can add more). A live interpreter (up to 5 in one meeting) will translate to the chosen language for participants.

**Ease of Use:** 3 of 5

**Cost and Availability:** Unsure of cost.

NOTE: Recommendations when using ZoomGov: Use a PowerPoint Slideshow in a Zoom meeting with Subtitles and Translation (to appropriate language) turned on will display presenter's speech to subtitles/captioning in a single, chosen language for individual viewers based on their specific language preference.

**Systems:** Windows

**Platforms, Apps, Programs:** PowerPoint

**How it Works:** When presenting a PowerPoint Slideshow on Zoom or in MS Teams, presenters can turn on subtitles and have them translated in one of 40 different languages as the PowerPoint Slideshow is being presented. PowerPoint will listen to the Presenter and add the subtitles in the chosen language.

**Ease of Use:** 2 of 5.

**Cost and Availability:** included with current MS subscription/already available for all users



## Appendix E: Additional Resources

- Executive Order 13166 and Commonly Asked Questions
- <https://www.lep.gov/>
- Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs - May 9, 2011, Federal Coordination and Compliance Section, Civil Rights Division, U.S. Department of Justice
- Common Language Access Questions, Technical Assistance, and Guidance for Federally Conducted and Federally Assisted Programs (PDF), August 15, 2011
- Department of Justice (DOJ)  
DOJ has provided instructional guidance and resources to assist Federal agencies to develop and update Language Access Plans and implement measures to assure compliance with EO 13166. To gain a better understanding of Federal agencies LEP obligations, please review DOJ's video on "[Overcoming Language Barriers: Creating Language Access Policies, Plans and Procedures](#)".
- Procurement
  1. [Foreign Language Services Ordering Guide \(July 2020\)](#) – GSA.gov
  2. TIPS (Translation and Interpretation Procurement Series):
    - [What Does it Mean to be a Certified Linguist?](#)
    - [Other TIPS topics](#)
- US Census Bureau: [American Community Survey Data](#)

## Appendix F

### Sample Statement of Work

[DRAFT: Not for distribution outside of federal agencies]

#### 1. Requesting Agency's Scope

The Department of Justice (DOJ) Civil Rights Division (CRT or Division) requires in-person interpretation and written translation services. Interpretation services are required on an as needed basis throughout the 50 United States, the District of Columbia, and U.S. territories including, but not limited to, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam. Requests for translation services will originate in the District of Columbia. This interagency agreement is available to all CRT Sections.

#### 2. Roles & Responsibilities for the Requesting Agency and the Servicing Agency

##### a. **Services to be Performed**

- i. VENDOR shall provide qualified interpreters and translators for any language requested by CRT staff.
- ii. For requests for in-person interpretation, CRT staff will notify VENDOR staff of the need for an interpreter, including language, geographic location, and any other specific request, within 20 days of the assignment. VENDOR shall respond to CRT's request within three days and will work with CRT to find the appropriate interpreter for the assignment. CRT will pay only for interpreter time, not travel time. This means CRT shall not be billed for any time leading up to the time at which the interpreter travels to the location and is ready to interpret.
- iii. For requests for routine translations, CRT staff will notify VENDOR staff of the need for a written translation, including the target language(s) for translation. VENDOR staff shall respond to CRT's request within three days and will work with CRT to obtain the requested written translation within 8-10 days. In the event of a priority or urgent request for a translation, VENDOR staff shall inform CRT staff within 24 hours of their ability to perform the translation and the projected completion time for the project.
- iv. VENDOR shall provide interpretation and translation services for, at a minimum, the following list of required languages. This list will be updated periodically to encounter new languages encountered. This list is provided merely as an indication of what languages have been needed by DOJ in the past and may be required during the term of this interagency agreement. CRT does not guarantee that interpreters will be required for all the languages listed below.

##### **Interpretation Language Requirements**

Amharic	Ilocano	Portuguese
Albanian	Indonesian	Portuguese Creole
Arabic	Japanese	Punjabi
Armenian	Karen	Romanian
Bahasa	Kinyarwanda	Russian

Bengali	Korean	Serbian
Bosnian	Laotian	Slovak
Burmese	Latvian	Somali
Cantonese	Lingala	Spanish
Croatian	Lithuanian	Swahili
Farsi	Mandarin	Tagalog
French	Mon-Khmer, Cambodian	Taiwanese
German	Navajo	Thai
Gujarati	Nepali	Tibetan
Haitian Creole	Oromo	Tigrinya
Hebrew	Pashto	Turkish
Hindi	Persian-Dari	Ukrainian
Hmong	Pohnpeian	Urdu
Hungarian	Polish	Vietnamese
		Yupik

- v. CRT reserves the right to request services for languages other than those shown above. Requested languages that are not listed above as required shall be invoiced using an “Other Languages” rate. The “Other Languages” rate shall be divided based on geography:
    - 1) Other Languages – Western European Languages
    - 2) Other Languages – Eastern European Languages
    - 3) Other Languages - Middle Eastern and Central Asian Languages
    - 4) Other Languages – East and South Asian Languages
    - 5) Other Languages – African Languages and Less Common Dialects
  - vi. Required languages will be reviewed annually. If demand grows for a particular language, the Division reserves the right to add the language to the required list.
  - vii. With the guidance of CRT, VENDOR shall furnish training materials to assist CRT staff in learning how to properly request in-person interpreters or written translations. Training materials may include training videos, handouts, or in-person presentations.
- b. In-Person Interpreter Qualifications**

VENDOR shall provide qualified, professional, experienced interpreters who possess a high level of interpretation skills and proficiency in both the English language and the non-English speaker’s language

in order to interpret the speaker's meaning completely and accurately. Specifically, interpreters employed by VENDOR must:

- i. Have one (1) year of experience interpreting in a judicial environment or at least four (4) years of experience in general language interpretation (i.e., consecutive, simultaneous).
- ii. Have a minimum score of 2 plus in Interpretation Performance according to the Interagency Language Roundtable Scale (see <http://www.govtilr.org/Skills/interpretationSLDsapproved.htm>) or its equivalent. Federal, State or the National Association of Judiciary Interpreters and Translators (NAJIT) Judiciary Interpreters and Translators Certification Examination (JITCE) certification will also be accepted. VENDOR shall present proof of interpreters' qualifications upon request. VENDOR may request a waiver of this requirement on an individual interpreter basis.
- iii. Be knowledgeable of both English and the target language vocabularies typically used in formal, consultative, and casual modes of communication in justice system contexts, including colloquial slang, idiosyncratic slang, and regionalism.
- iv. Be knowledgeable of specialized vocabulary (terminology) in both English and the target language related to DOJ's varied roles and missions, particularly for DOJ components with greater interaction with limited English proficient populations.
- v. Be able to speak English and the target language fluently, including regionalisms and colloquial slang without altering meanings, and do so with clear and intelligible pronunciation;
- vi. Be able to interpret in a manner that is factually and conceptually accurate without changes, omissions, or additions;
- vii. Be able to preserve the tone, sentiment, and emotional level of the original oral statement;
- viii. Be able to maintain appropriate speed and projection while rendering interpretation, and request and incorporate clarification of speaker's statements only when justified; and
- ix. Abide by the National Association of Judiciary Interpreters & Translators Code of Ethics and Professional Responsibilities, available at <https://najit.org/wp-content/uploads/2016/09/NAJITCodeofEthicsFINAL.pdf>.

**c. Translator Qualifications**

VENDOR shall provide qualified, professional, experienced translators who possess a high level of translation skills and proficiency in both the English language and the target language in order to translate written text completely and accurately. Specifically, translators employed by VENDOR must:

- i. Have one (1) year of experience translating judicial texts or at least four (4) years of experience in general language translation.
- ii. Have a minimum score of 2 plus in Translation Performance according to the Interagency Language Roundtable Scale (see <http://www.govtilr.org/Skills/interpretationSLDsapproved.htm>) or its equivalent. Federal, State or the National Association of Judiciary Interpreters and Translators (NAJIT) Judiciary Interpreters and Translators Certification Examination (JITCE)

certification will also be accepted. VENDOR shall present proof of translators' qualifications upon request. VENDOR may request a waiver of this requirement on an individual translator basis.

- iii. Be knowledgeable of both English and the target language vocabularies typically used in formal, consultative, and casual modes of communication in justice system contexts, including colloquial slang, idiosyncratic slang, and regionalism.
- iv. Be knowledgeable of specialized vocabulary (terminology) in both English and the target language related to DOJ's varied roles and missions, particularly for DOJ components with greater interaction with limited English proficient populations.
- v. Write in English and the target language fluently, including regionalisms and colloquial slang without altering meanings;
- vi. Translate in a manner that is factually and conceptually accurate without changes, omissions, or additions;
- vii. Be able to preserve the tone, sentiment, and emotional register of the original written statement;
- viii. Abide by the National Association of Judiciary Interpreters & Translators Code of Ethics and Professional Responsibilities, available at <https://najit.org/wp-content/uploads/2016/09/NAJITCodeofEthicsFINAL.pdf>.

#### **d. Quality Controls**

- i. The VENDOR shall perform quality control pursuant that, at a minimum, addresses the following:
  - 1) Detailed description of the quality assurance measures employed to meet all of the requirements of this BPA.
  - 2) Linguist Qualifications Matrix listing all interpreters and translators used by the VENDOR in meeting the requirements of this BPA. The VENDOR shall update the Linguist Qualifications Matrix on a quarterly basis and provide it to the Division in electronic format.
- ii. For quality control purposes, the Division may verify the qualifications of any linguist. This may include, but is not limited to, inquiries regarding:
  - i. Whether the linguist is a certified translator or interpreter or both;
  - ii. The certifying authority/organization that granted the linguist's certification;
  - iii. The process of getting a linguist certified;
  - iv. Any limitations to the linguist's certification;
  - v. The linguist's experience interpreting or translating;
  - vi. Any continuing education or ongoing certification needed to maintain the linguist's certification; and,
  - vii. Potential conflicts of interest.

#### **e. Linguist Disqualifications**

The CRT reserves the right to refuse the use of an individual linguist provided by the VENDOR due to poor performance, inappropriate conduct, or any other reason based on a failure to satisfy the

requirements of the BPA. Such a refusal is deemed a disqualification of the linguist. Once the VENDOR is notified that a particular linguist has been disqualified, the VENDOR shall not use such linguist, unless reinstatement is granted by the Division. The VENDOR shall submit written Reinstatement requests and shall include detailed information on the specific actions taken by the VENDOR that justify reinstatement, such as confirmation of training, counseling, additional interpreting skills and language proficiency evaluations, ethics training, etc.

**f. Process for Requesting a VENDOR linguist**

All CRT requests for a linguist must be made through either Hermena Murphy or Brent Oliver (ADM). For a period of one year, VENDOR, Hermena Murphy and Brent Oliver will consult with the Co-Chairs of the Language Access Working Group, Marta Campos and Laureen Laglagaron, prior to approving and assigning a VENDOR linguist.

**g. Resource Materials**

The VENDOR shall ensure all of its linguists have relevant language resource materials available, including English language/foreign language conversion dictionaries, monolingual dictionaries, legal dictionaries, etc. The VENDOR shall provide the above items to its linguists at its own expense.