



Policy No. 25.01

Language Accessibility

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Expiration: Until Rescinded

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Purpose

This policy provides information regarding the prohibition against national origin discrimination as it affects persons with Limited English Proficiency (LEP), particularly under the requirement of the Workforce Innovation and Opportunity Act (WIOA) Section 188 and regulations at 29 CFR 38.

References

- WIOA Sections 121 and 188
- 29 CFR Part 38
- TEN 28-16 Best Practices, Partnership Models, and Resources Available for Serving English Language Learners, Immigrants, Refugees, and New Americans
- DWD Policy 2016-09 Equal Opportunity and Nondiscrimination Guidance Letter
- United States Department of Labor Language Access Plan Fiscal Year 20232

Background

Southern Indiana Works is committed to ensuring language accessibility for customers with limited English proficiency. This includes access to language assistance for all programs under the Southern Indiana Works umbrella, including those operated by subrecipient partners, as well as for any written, physical or electronic, materials offered.

Definitions

Babel Notice. A short notice included in a document or electronic medium (e.g., website, app, email) in multiple languages informing the reader that the communication contains vital information and explaining how to access language services to have the contents of the communication provided in other languages.

Employment-related Training. Training that allows or enables an individual to obtain skills, abilities and/or knowledge designed to lead to employment.

LEP Individual. An individual whose primary language for communication is not English and who has a limited ability to read, speak, write, and/or understand English. An LEP individual may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).

LAP. A written language access plan which assists in ensuring that LEP individuals have meaningful access to WIOA Title I-financially assisted programs and activities.

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

Primary Language. An individual's primary language is the language in which they most effectively communicate, as identified by the individual.

Qualified Interpreter for an Individual who is LEP. An individual who demonstrates expertise and ability to communicate information effectively, accurately, and impartially, in both English and the other language, and identifies and employs the appropriate mode of interpreting, e.g., consecutive, simultaneous, or sight translation.

Vital Information. Information, whether written, oral, or electronic, that is necessary for an individual to understand how to obtain any aid, benefit, service, and/or training or required by law. Examples of documents containing vital information include, but are not limited to:

- Applications;
- Consent and complaint forms;
- Notices of rights and responsibilities;
- Notices advising LEP individuals of their rights under this part, including the availability of free language assistance;
- Rulebooks;
- Written tests that do not assess English language competency but rather assess competency for a particular license, job, or skill for which English proficiency is not required; and
- Letters or notices that require a response from the beneficiary or applicant, participant, or employee.

Content

Language Assistance Services

Every program delivery method, whether in person, electronic, or by phone, will convey in the appropriate language how an LEP individual may effectively learn about, participate in, and/or access any aid, benefit, service, or training available to them in written translation or oral interpretation.

Language services are to be provided free of charge and in a timely manner, meaning provided in a place and time that ensures equal access.

An LEP individual will be given adequate notice about the existence of interpretation and translation services.

Interpreter Services

An LEP individual will not be required to provide their own interpreter. Programs will not rely on an LEP individual's minor child or adult family or friend to interpret or facilitate communications, except for the following circumstances:

- In emergency situation while awaiting a qualified interpreter
- When the information conveyed is of minimal importance to the services to be provided.
- When an LEP individual specifically requests that an accompanying adult provide language assistance, and they agree to provide assistance to the individual. SIW will permit this practice with the caveat that a record must be made and retained of the LEP individual's decision to use their own interpreter.

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

Concerning Vital Information

When staff become aware of a non-English preferred language of an LEP individual, the staff must convey vital information in that language. Vital information in written materials will be translated into languages spoken by a significant portion of the population eligible to be served or likely to be encountered. These translations will be available in hard copy and electronically. If not a language spoken by a significant portion of the population, vital information may be conveyed orally if not translated in writing.

A Babel notice will be utilized to indicate that language assistance is available in all communications of vital information including letters or decisions in hard copy or electronic formats, such as email.

LAP Development

When developing an LAP, the following elements will be addressed:

- Process used to determine the language needs of individuals who may, or may seek to, participate in activities that receive financial assistance under WIOA Title I;
- The results of assessment;
- All language services to be provided to LEP individuals;
- The manner in which LEP individuals will be advised of available services;
- Steps LEP individuals should take to request language assistance;
- The process staff will use to provide language assistance services;
- Steps taken to create or modify documents, websites, outreach materials, applications, adaptations, and other needed documents;
- Staff training procedures;
- Steps to address complaints in a timely manner;
- Documentation of the provision of language services;

- The schedule for revising the LAP due to new recommendations and government guidance, changes in operations as well as the experiences and lessons learned, changing demographics, and stakeholder and beneficiary feedback;
- The individual(s) assigned to oversee implementation of the LAP; and
- Allocation of resources to implement the LAP.

Action

All Southern Indiana Works staff and subrecipients must adhere to this policy across all programs. The Language Access Plan will be reviewed at a minimum every two years.

Southern Indiana Works is an equal opportunity employer that administers equal opportunity programs. Free auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY number 1-800-743-3333. Free language interpretation and translation services are also available upon request.