

MISSOULA COUNTY LANGUAGE ACCESS POLICY

Purpose

Missoula County is committed to effective and accurate communication between its personnel and the community we serve. Language barriers can impede this process in a variety of ways. Individuals who have a limited ability to read, write, speak, or understand English have Limited English Proficiency (LEP). This language barrier may hinder or even prohibit individuals from access and/or understanding important rights, obligations and services, or from communicating accurately and effectively in difficult situations. Similar barriers may impact deaf or hard of hearing individuals. Hampered communications with community members presents Missoula County with many challenges, therefore ensuring maximum communication ability between county personnel and all segments of the community serves the interest of both. This policy ensures effective, accurate, timely and meaningful access for LEP and deaf and hard of hearing individuals to all Missoula County services and activities.

Scope

This policy is applicable to all County departments and entities. Departments may apply additional requirements as long as they are equal to or more restrictive than these standards.

Administration

- a. Missoula County is responsible for providing language assistance services to LEP and deaf and hard of hearing individuals, at no cost to them, and ensuring departmental compliance with this policy.
- b. Department heads and supervisors are responsible for implementing the Language Access Plan within their respective departments and ensuring that all staff members are aware of and adhere to language access policies and procedures.
- c. Although the County Commissioners have the final authority for administration, interpretation, and application of the terms of this policy, it is strongly recommended that questions of interpretation be resolved with the County Auditor and/or the Access & Engagement Coordinator prior to seeking an interpretation or ruling from the Commissioners.

References/Legal Basis

As a public entity, the County is subject to several federal laws which mandate the provision of language access services, including:

- d. Title VI of the federal Civil Rights Act of 1964 states that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."
- e. Title II of the Americans with Disabilities Act (ADA) prohibits discrimination based on disability by public entities. Public entities shall take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others, utilizing auxiliary aids and services when necessary, which includes individuals who are deaf or blind.
- f. Section 504 of the Rehabilitation Act requires that "no otherwise qualified individual with a disability...shall, solely by reason of his or her disability, be excluded from the participation in, be

denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (29 U.S.C. § 794).

Definitions

1. **Bilingual/Multilingual:** The ability to use two or more languages proficiently.
2. **Customers:** Anyone seeking access to a Missoula County service, program or activity.
3. **Deaf and Hard of Hearing:** Having an impairment of hearing or speech, which creates an inability to understand or communicate the spoken English language.
4. **Dominant Language:** An individual's primary or most proficiently spoken or understood language in which they can most comfortably and accurately express themselves. County staff should avoid assumptions about an individual's dominant language and make every effort to ascertain the individual's dominant language to ensure effective communication.
5. **Interpretation:** Oral conversation of communication from one language to another while preserving meaning.
6. **Language Access:** LEP individuals can communicate effectively with any employee and participate in all programs and activities in their dominant language.
7. **Language Services:** Tools providing assistance to enable communication with LEP or deaf or hard of hearing individuals, including translated written material and oral or signed information conveyed from one language into another by an interpreter.
8. **Limited English Proficiency (LEP):** Persons with limited ability to communicate in English.
9. **Meaningful Access:** Provision of language assistance resulting in accurate and effective communication at no cost to the LEP individual.
10. **Program/Activity:** All operations of Missoula County.
11. **Sight Translation:** Oral rendering of written text into spoken language without altering meaning.
12. **Translation:** Replacement of written text from one language to another without altering meaning.
13. **Vital Document:** Critical written material for access departmental programs or activities.
14. **Authorized Interpreter:** County staff who have been officially designated and permitted to provide translation or interpretation services, or those who provide this service through a contracted vendor organization.
 - a. Bilingual staff play a pivotal role in promoting effective communication, fostering inclusivity, and facilitating seamless interaction between diverse language-speaking individuals or groups. Staff who are demonstrably proficient in languages other than English can serve as a valuable resource for communication with LEP and deaf or hard of hearing users. In order for staff to be authorized to translate or interpret for official County business, they must have sufficient certification and consult with their supervisor for approval before conducting County business.

Policy

Language access services for LEP and deaf and hard of hearing individuals are essential to ensure all community members are able to fully participate in our programs, services and activities. Additionally, these services allow the County to adhere to federal mandates and avoid discrimination. Missoula County is committed to providing language assistance services, including interpretation and translation services, to LEP and deaf and hard of hearing individuals, at no cost to the individual, in the language which the individual is most comfortable with. In pursuit of this commitment, the County has formally adopted this Language Access Policy and it is incumbent upon all departments and staff members to diligently uphold and adhere to its principles.

A. Procedures

Early identification and staff awareness that an LEP or deaf or hard of hearing individual requires language assistance is vital in order to ensure that timely arrangements for a qualified interpreter or

translator can be made. Language access services should be offered, even if not requested, where the need is apparent or where the ability of a person to understand and communicate in English is unclear. One method of identifying the dominant language for which interpretation or translation is needed is the use of language identification cards that contains the text “I speak <insert name of language>” in a variety of languages to allow an individual to point to a language they understand. Departments with a public-facing desk and staff operating in the field should make the use of “I speak” cards readily available. Once staff are aware of the language needed by the individual, staff will use the available services to complete the interaction.

i. Use of Family and/or Friends as Interpreters

Family or friends may not be competent to serve as interpreters because they may not be proficient enough in both languages, may lack training in interpretation, and/or have little familiarity with specialized program terminology. Use of family or friends could also result in a breach of confidentiality or reluctance on the part of the residents to reveal personal information critical to their situation. The use of minor children as interpreters/translators by Missoula County is never allowed, except as outlined in section iii below. Bilingual friends or family members may only assist County staff to obtain basic information to determine which language services are needed. Relying on these individuals beyond just gleaning necessary context may inhibit effective delivery of services and increase risk of liability for the County.

ii. Assisting Customers Who Do Not Read Their Language

County staff must assist an LEP customer who does not read their primary language in the same way they would assist English speakers who are unable to read. It is the Department's responsibility to provide this service, and it is unacceptable to direct individuals to seek assistance elsewhere.

iii. Emergency Situations

In situations related to public safety and/or medical emergencies it is important for staff to utilize effective language services where practicable under the circumstances. However, emergency situations where immediate provision of safety is paramount for all involved may understandably preclude the use of language services.

iv. Procedure for Using/Distributing Translated Forms

Forms and documents will be translated upon request for individual LEP residents of Missoula County. All departments can request a free quote in advance of submitting a document for translation. Forms not specific to an individual will be uploaded to the County-wide Language Access [Folder](#) so they are shared as a common resource.

v. System Security

Any login credentials and/or access codes provided to staff to access third-party language services must not be shared with other users or individuals outside of the organization.

B. Types of Language Assistance Services

There are two primary types of language assistance services:

1. Interpretation Services: Oral language assistance services may be provided through "in-language" communication, where a qualified bilingual staff member communicates directly in the LEP person's language, or through interpreting. Interpreters render messages spoken in one language into one or more other languages. Interpretation can occur in-person, via telephonic interpreter, or through internet or video interpreting. Departments must utilize an authorized interpreter (as outlined in the Definitions section, number 14) for all interactions where an interpreter is needed.
2. Translation of Vital Documents: Departments should proactively translate vital written documents into frequently encountered languages of LEP groups served or likely to be affected by the benefit, program, or service in Missoula County. When Department staff believe an individual is

LEP, they must make arrangements to respond in a language the individual understands. For instance, letters sent to specific LEP individuals should be translated into their appropriate language to ensure effective communication. Departments should prioritize the translation of vital documents, which are determined based on their importance and the consequences to LEP individuals if the information is not provided accurately or in a timely manner. Each department should identify and prioritize vital documents or texts to translate, ensuring all translations are completed by qualified translators. Examples of documents that may be considered “vital” include, but are not limited to:

- i. Administrative complaints, release, or waiver forms
- ii. Claim or application forms
- iii. Public outreach or education materials (including web-based material)
- iv. Letters or notices pertaining to policy changes or updates
- v. Written notices of rights, denial, loss, or decreases in benefits or service, or hearings
- vi. Forms or written material related to individual rights
- vii. Notices of community meetings or other community outreach
- viii. Notices regarding the availability of language assistance services provided by the department at no cost to LEP and deaf and hard of hearing individuals

C. Staff Training

All County employees will receive training on the Language Access Policy and any third-party services made available for the purpose of fulfilling this policy. Training will include information on how to identify language assistance needs, access language services, and promote cultural competency.

D. Outreach & Notice

Missoula County will engage in outreach efforts to inform the public about the availability of language access services. Notices in relevant languages will be prominently displayed in County offices, on the official website, and in outreach materials.

E. Monitoring & Evaluation

Monitoring and evaluating language services offered and provided by Missoula County is critical to maintaining timely, effective, and appropriate language assistance and to ensure meaningful access to our organization. Consistent evaluation to track implementation, access progress, identify gaps, and update this policy and corresponding procedures will occur on a regular basis. This evaluation will consider:

1. Population demographics data (i.e., changes to local language distribution)
2. Language service user data (i.e., who was served, where, and for what language)
3. Assessing staff awareness of language access policies and procedures, and capacity to implement language assistance services
4. Staff and customer feedback about the effectiveness of language assistance
5. Financial data (i.e., how much was spent on quality language services)

F. Responsible Authority

The language access point of contact is designated to provide technical assistance to all staff to support the use of language services, and to respond to inquiries, feedback, and complaints from the public.

Language Access Point of Contact:

Elisha Buchholz
Access & Engagement Coordinator

(406) 258-4462
ebuchholz@missoulacounty.us

In the event the language access point of contact is not available, staff and community members can reach out to the internal Compliance Coordinator.

Compliance Coordinator
Arwyn Welander
Compliance Coordinator
(406) 258-4879
awelander@missoulacounty.us

G. Language Access Complaint Procedure

The language access point of contact listed above is the contact for public complaints regarding the Language Access Policy. Complaints can be reported verbally or in writing. After a complaint has been made, the point of contact will investigate the concern. Following the investigation, a summary of findings will be provided to the complainant within thirty (30) days of the date the complaint was filed. Divisional corrective action will be taken if the violation of the language access policy is determined. Language assistance will be available for the duration of the complaint process for any LEP/deaf or hard of hearing individual who wishes to file a complaint. Moreover, staff who experience issues implementing this plan may also make a complaint to be investigated by the language access point of contact.

If individuals who have filed a complaint do not feel like their concern is addressed adequately by the point of contact, they may elevate their issue to the internal Compliance Coordinator listed above. In the case that an individual feels no internal bodies have provided an adequate response, they may reach out to the following external organizations with their complaint:

Montana Human Rights Bureau
PO Box 1728
Helena, MT 59624
406-444-2884
Toll Free: 1-800-542-0807

US Department of Justice, Civil Rights Division
950 Pennsylvania Avenue, NW
Office of the Assistant Attorney General, Main
Washington, DC 20530
202-514-3847

(TTY) 202-514-0716