



**DEPARTMENT OF FAIR EMPLOYMENT  
AND HOUSING  
ENFORCEMENT DIVISION  
DIRECTIVE**

**DIRECTIVE NUMBER  
108  
DISTRIBUTION DATE  
May 26, 2006**

- SUBJECT: PROVISION OF SERVICES TO INDIVIDUALS WHO ARE LIMITED ENGLISH PROFICIENT**
- PURPOSE:** To set forth the procedures for obtaining and processing requests for interpreters/translators for individuals who are Limited English Proficient (LEP) or for documents which require translation into languages other than English.
- BACKGROUND:** Occasions arise when Department of Fair Employment and Housing (DFEH) employees interface with individuals who are not fluent in English or are LEP. Both federal and State law require that all State agencies and agencies that receive federal funds provide bilingual services to the public. Title VI of the Civil Rights Act of 1964 (§ 601 of Title VI, 42 U.S.C. § 2000d) and Presidential Executive Order 13166 prohibit recipients of federal financial assistance from discriminating against or otherwise excluding individuals on the basis of race, color, or national origin in any of their activities. The "Dymally-Alatorre Bilingual Services Act" (Gov. Code, §§ 7290-7299.8) requires that all State agencies ensure that information and services are provided to all individuals who are LEP. The Department is subject to the provisions of these laws, as well as other relevant State or federal regulations or laws that provide guidance and instruction related to bilingual services. Some of these regulations contain provisions regarding the use of various individuals as interpreters, especially family members, friends or minor children of the LEP individual.

The Department is responsible for and committed to ensuring that all individuals, including those who are LEP, are provided equal access to the services, programs and information offered by the Department. All Department employees are responsible for ensuring that the public is treated with dignity and respect, that the language needs of the public are identified, and that proper service is provided to all individuals regardless of their ability to speak English.

This directive describes the procedures for providing non-English translators. (**NOTE:** Please refer to Enforcement Division Directive 400, "Settlement Agreements," for requirements on documenting the translation of settlement agreements.)

#### 4. **PROCEDURES:**

##### A. **Identification of the Need for an Interpreter:**

- 1) As referenced in Enforcement Division Directive 200, when entering information regarding an intake appointment, Communication Center staff will include all available information regarding special language and/or communication needs. District Administrators should review the "Intake Appointment List" as soon as possible to ensure there is ample time to make any necessary arrangements to assist the LEP individual.
- 2) Should an LEP individual present himself/herself in a district office and there is uncertainty as to the language spoken by the individual, district office staff will use the "Language Identification Guide" to assist the LEP individual identify the language he/she speaks. This guide is to be maintained at the Reception Desk (refer to Attachment 2).

##### B. **Internal Translators:**

- 1) Once the language of the LEP individual has been determined, staff will refer to the "DFEH Interpreters/Translators List" (Attachment 1) to determine whether any DFEH employees have identified themselves as fluent in that language. Individuals who are listed as "Certified" (receiving bilingual pay) should be called upon first. If a Certified Interpreter is not available, a Non-Certified Interpreter can be used if he/she is agreeable.
- 2) Requests to use a DFEH interpreter from a different district office or work unit will be made by the District Administrator or supervisor who will contact the District Administrator or supervisor where the interpreter is assigned. These interpreters are subject to availability and can usually be made available by telephone.
- 3) The Language Survey Coordinator will update the list of interpreters on the DFEH Interpreters/Translators List by surveying staff via the Foreign Language Abilities form (DFEH-400-15) and forwarding the updated information to the Deputy Director Enforcement Division for distribution.
- 4) The DFEH Interpreters/Translators List will be distributed on an annual basis each July.

**C. External Interpreters:**

- 1) When an LEP individual provides his/her own interpreter, the interpreter should be encouraged to commit himself/herself for the entire case processing period. Minor children should not be allowed to serve as interpreters. The employee, with the concurrence of the District Administrator or supervisor, has the discretion to determine whether a particular interpreter is appropriate.
- 2) When a District Administrator has determined that the Department does not have an internal resource or an external voluntary resource to provide the needed language or communication assistance, he/she will prepare a Standard Form 5 identifying the date and time of the intake appointment, as well as the language need. The Form 5 will be processed in accordance with standard procedures. Business Services will prepare the service order and provide a copy to the requestor. It is the responsibility of the District Administrator or supervisor to ensure that appropriate language assistance is available.
- 3) In those instances when the appointment is imminent and an interpreter has not been identified, the District Administrator or supervisor should contact their respective Regional Administrator for guidance and assistance.
- 4) Any individual who functions as an interpreter/translator who is not an employee of the Department shall be required to complete and sign a DFEH Interpreter/Translator Confidentiality Agreement (DFEH-600-13). Upon completion, the form shall be maintained in the case file.
- 5) Each District Administrator will also establish a list of community resources that offer free translators for interpretation/translation of the following languages:
  - 1) Spanish
  - 2) Tagalog and Bisayan
  - 3) Chinese (Cantonese)
  - 4) Vietnamese
  - 5) Hindi
  - 6) Others, as needed

The list will be distributed to staff of the office where compiled and a copy will be forwarded to the Deputy Director Enforcement Division and the appropriate Regional Administrator.

**D. Notices to the Public:**

District offices, as well as all other Department facilities utilized by the public, will post in their lobby a notice written in the four (4) most commonly used languages utilized in the relevant service area that states the following:

**NOTICE OF INTERPRETER SERVICES**

If you do not speak the English language or are hearing impaired, you may ask for an interpreter to assist you. Please tell one of the workers that you need an interpreter and help them in identifying the language you speak.

If you are unable to get the workers to provide you with an interpreter or are not satisfied with the interpreter services that are provided to you, please contact the individual listed below for assistance.

The poster will contain the name and telephone number of the District Administrator as well as the name of the Department's Bilingual Services Coordinator.

**E. Translator Services:**

Should the need arise for a document(s) to be translated into a language other than English, such requests shall be made in the manner as described in sections in 4.B.1) and 2) and 4.C.2) above.

**F. Hearing, Vision or Speech Impaired Accommodations:**

For instructions for providing services to individuals who are hearing, speech or vision impaired, refer to Directive 109, "Department Accommodation for Hearing, Speech and Vision Impaired Complainants and Others Needing Reasonable Accommodation to Obtain Access to Department Services."

**5. APPROVAL:**

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Suzanne M. Ambrose, Director

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Date