

Law Department

LANGUAGE ACCESS PLAN & PROTOCOL

September 2016

Purpose and Authority

The purpose of this plan is to establish an effective process and protocol for the Law Department staff to follow to ensure individuals with limited English proficiency (LEP) have access to the Law Department. The Law Department's mission is to furnish high-quality legal advice and services to City departments, agencies, boards, and commissions, in a timely and cost effective manner. The Law Department also collects delinquent taxes, fines, and other debts owed to the City; processes and approves all City contracts; represents the City in litigation to which the City is a party; and prepares or assists in the preparation of ordinances for introduction in City Council. This document establishes the plan and protocol for Law Department personnel to follow when individuals who have limited English proficiency (LEP) contact the Law Department and require information pertaining to matters within the department, or when such individuals need more general direction for resolving their issues with the City.

In Cooperation with the Mayor's Office, the Law Department is committed to compliance with Title VI of the Civil Rights Act of 1964, 2 C.S. § 561 et seq. (Act 172 of 2006), and the Philadelphia Home Rule Charter § 8-600 and § A-200, in ensuring meaningful access to City services and programs for individuals with limited English Proficiency ("LEP").

General Policy

The Law Department recognizes that the population eligible for services includes individuals who are Limited English Proficient (LEP). It is the policy of Law to ensure meaningful access to LEP individuals. Thus, the Law Department adopts the following policy to ensure that LEP individuals can gain equal access to the department's services and communicate effectively. This Plan applies to all Law Department offices and satellite offices.

A. Policy

It is the City's policy to grant access to services or programs to every person even when the person has a limited ability to speak, understand, read or write English. The Law Department intends to take reasonable steps to provide LEP persons with meaningful access to services and programs it provides to English proficient individuals. The Law Department seeks to reduce barriers by increasing its capacity to deliver services to people in their primary language.

B. Responsibility Statements

- The department, rather than the LEP customer, bears the responsibility for providing language appropriate services. Staff at the initial point of contact have the specific duty to identify and record language needs.
- Use of informal interpreters such as family, friends of the person seeking service, or other members of the public is discouraged. Minor children are prohibited from acting as interpreters.
- No staff may suggest or require that an LEP customer provide an interpreter in order to receive

services.

C. Preferred Method of Service:

- The preferred method of serving LEP individuals is by using competent bilingual staff able to provide services directly to the individual in his/her primary language without the need for an interpreter. A list of bilingual staff employed in the Law Department will be circulated to all Units of the department so that such staff may be contacted to possibly assist LEP individuals seeking information from the Department.
- Available, trained, competent bilingual staff may be used for both in-person and telephone interpreting.
- Staff should seek assistance from professional telephone interpreters when staff cannot meet language needs. A list of such service providers will be distributed to all units of the department.
- Staff will provide language services to communicate effectively even when such assistance is not requested by the customer.

Language Access Coordinator or Committee

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Direct Contact with LEP Individuals

The Law Department has the following points of contact with individuals with limited English proficiency.

- (1) Mental health and lead court. Contact occurs through phone calls to the Health and Adult Services Unit ("HAS") for information regarding mental health and lead court cases. The HAS Unit has two staff members who can assist with Spanish speaking callers. Should additional services be required, staff will first consult the Law Department Bilingual Directory and if there is no one available with the needed language ability, will call a service to provide telephonic interpretation. For court matters, staff of the Law Department will call the court for a professional interpreter.
- (2) Child Welfare Unit. Occasionally, the 16th floor receptionist (east side) has contact with LEP persons seeking access to the Child Welfare Unit. The Chief of the Child Welfare Unit will be provided with

the contact information for bilingual staff within the Law Department since those staff could possibly assist the receptionist should a need arise. The receptionist will also utilize telephonic interpretation where necessary.

Direct contact with LEP individuals occurs in Child Welfare court matters. The Unit will continue to rely on the court for providing professional interpreter services.

- (3) Tax Unit. The Tax Unit sees approximately 200 walk-in taxpayers and water customers a week. Fortunately, it has a number of bilingual staff available to assist LEP individuals who wish to discuss a tax matter. Four staff persons are fluent in Spanish and one staff person is fluent in each of the following languages: Greek, German, Malayalam, Dutch, and Italian. Staff in the Tax Unit can also set up calls through the Revenue Department facilities to provide telephonic interpreter services. The Chief Counsel to Revenue will send a memorandum to staff explaining the steps to take to utilize Revenue facilities to provide telephonic interpreter services.
- (4) LEP claimants. Members of the public often file claims against the City and participate in litigation involving the City which includes depositions and court hearings. The litigation units use professional interpreters, as required under the court rules, for all depositions and hearings. The use of professional interpreters should and will continue under this plan.

Language Access Services and Protocols

Interpretation

1.) Services Provided

To ensure that the public has access to the Law Department, the department will continue to utilize available bilingual staff to interpret, and where staff are not available, the department employee will utilize telephonic interpretation. For court matters, professional interpreters will continue to be utilized consistent with the court rules.

2.) Protocols

When a person calls or visits the Law Department and is communicating in a language other than English, staff will determine whether the person requires language assistance in several ways:

- By asking the individual if he or she would like language assistance.
- By asking an available bilingual staff person to inquire if language assistance service is necessary.
- By using signs posted at reception areas including several languages determine the LEP individual's primary language.

3.) Procedures

- a. When an LEP individual needs language assistance, the Law Department employee will first consult the Law Department Bilingual Directory for a staff person who may be available to interpret in person in the individual's primary language.
- b. If the Law Department employee cannot identify an available staff person who speaks the individual's primary language, he or she will utilize a telephone interpretation service from the

Law Department's List of Telephone Interpretation Services. Staff working in primary points of contact with LEP individuals will be trained on using these services.

- a. For an in-person interpreter, dial _____ and enter the Client ID number for the Law Department.
- c. For depositions in litigation matters, attorneys will contact a professional interpreter from the List of Professional Interpreters.
- d. For court cases, attorneys are to contact the court to ensure an interpreter is available for the date of the hearing.

4.) Future Plans

- a. **Use telephonic interpretation, and ensure that the public knows about the availability of these services.** The Law Department will make telephonic interpretation services more widely available. One service, the Language Line, offers more than 175 different languages. The office will inform the public about these resources through visible multilingual signs in reception area and will train staff working in primary points of contacts on using telephonic interpretation services.
- b. **Grow in-person interpretation services.** The Law Department has a number of staff that are bilingual. This information will be shared with all staff in the form of a directory. Bilingual staff will be trained on providing interpretation services.
- c. **Improve technology to enable interpretation.** The Tax Unit has requested a phone jack and a dual headset phone for our customer service cubical to allow access to the Language Line.
- d. **Improve notice to the public about available interpretation services.** A sign in most of the major languages used in the City should be posted in the reception areas on the Law Department. In addition a sign stating that the Law Department does not accept cash should also be posted at the Tax Unit reception area. At a minimum Spanish is required. To provide notice to LEP individuals about interpretation services, including the Language Line, each reception area of the Law department for primary points of contact with LEP individuals should have a sign in the most frequently encountered languages.
- e. **Consider expanding language ability.** Given that the Law Department has several "moderate" Spanish employees Law will consider a course focused on vocabulary and concepts covering technical terms to enhance in-house interpretation.
- f. **Develop Directories for Reference.** The Law Department will develop and circulate the following to all Law Department Staff: The Law Department Bilingual Directory, Law Department List of Telephonic Interpreters, and a list of Professional Court Interpreters. These documents will serve as reference materials to support interpretation services to LEP individuals requiring access to the Law Department.

Translation

1.) Services Provided

To ensure that the inability to communicate in English does not deprive the public of rights and privileges, our department will continue to provide translations of vital documents, at no cost, for LEP individuals. This includes translations of signage and portions of our website.

2.) Protocols for Document Translation

Vital documents - Vital written documents include, but are not limited to: consent and complaint forms; intake and application forms with the potential for important consequences; written notices of rights; notices of denials, losses or decreases in benefits or services; notice of disciplinary action; signs; and notices advising LEP individuals of free language assistance services.

To date, the following documents have been translated into Spanish.

- The Lead Court cover sheet for complaints
- Major tax documents (provided by Revenue)
- The standard Real Estate Tax Agreement
- Notices to Plead used by the Claims Unit (prepared by the First Judicial District of Pennsylvania)

The Tax Unit OOPA Low-income Real Estate Tax Agreement from outside counsel will soon be translated to Spanish. Below is a consolidated list of the standard notices that the Law Department's collection firm utilizes that have been translated into Spanish.

- First Warning of Risk of Tax Foreclosure
- Payment Plan Default Letter
- Hello Letter
- OOPA Enclosure Letter
- First page of OOPA
- Expired Payment Plan Letter
- 2016 Reminder Notice
- Payment Plan Enclosure Letter

Law will continue to work on translating the following documents used in the Tax Unit receptionist area.

- Receivership/Sequestration – receptionist desk sign in sheet
- Business Tax Intake Form
- Water Collection
- Real Estate Intake Form
- 30 days Appeals Form

Each Unit of the Law Department will continue to consider whether there are additional documents that are vital, and thus, should be translated into other languages. Chief Deputies are expected to notify the Language Access Coordinator of any need for translation.

3.) Procedure for Submitting a document for translation:

1. Email the editable document to Office of Immigrant Affairs – Language Access Program Manager at Orlando.aimonte@phila.gov
2. OIA will submit the translation request to translation vendor to obtain a quote.
3. OIA will email the requesting Law Department staff member a quote with a time estimate for delivery of the translation.

4. Quote will then be authorized by Donna J Mouzayck, Language Access Coordinator.
5. Quote is to be signed and emailed back to OIA.
6. OIA will email the requesting staff member the translated documents.

NOTE: Before submitting a document for translation, staff members are to review the document and ensure the following:

- The content has not already been translated in another document.
- The document and translation procedure have been approved by the relevant Chief Deputy.
- The document is in a format that can be edited (e.g. MS Word, Publisher, InDesign, etc.)
- Terms which should NOT be translated will be highlighted, i.e. the name of the Law Department Unit, program or street.
- The document is to be written so it can be understood by readers with lower literacy skills.
- If the translation is a continuation of a series or collection of documents, staff should request the same vendor to keep the translation consistent.

4.) Signage

Currently, no signs are available in other languages.

5.) Website

Currently, no portion of the Law Department is available in another language.

6.) Future Plans

Website

Going forward in FY17, the Law Department will add the following text in Spanish to its website.

- Interpretation services are available at each reception area of the Law Department.
- The Law Department cannot accept cash payments to satisfy any penalty, fine or debt.

In addition, the FAQ's found on the website will be translated into Spanish. Furthermore, signs will be made and posted stating: The Law Department cannot accept any cash payments.

Additional plans for FY17

1. HIPAA notification of breach letters will be translated into foreign languages where appropriate.
2. Vendors providing HIPAA notices will be required to translate the relevant documents.
3. HIPAA hotlines and notices of privacy rights will be translated into Spanish.
4. The Tax Review Board petition form will be translated into Spanish.

Bilingual Staff

1.) Current Staff

A directory of bilingual staff is attached. The directory will be updated on a quarterly basis by the Administrative Services Director of the Department. All supervisors will be informed of the Law Department's policy to allow, when feasible, bilingual staff to assist LEP individuals calling or visiting any unit of the Law Department. Bilingual staff will be provided with general guidance on best practices for serving as interpreters.

2.) Future Plans

a.) Hiring. Current bilingual staff levels in the Law Department are adequate to serve LEP individuals. Nonetheless, the Law Department is currently taking efforts to maximize the diversity of its workforce so that it is representative of the City of Philadelphia. A more inclusive workforce is likely to increase in-house language capacity.

b.) Staff Interpreters. The Law Department will work with the OIA to determine those resources that may be available for training bilingual staff on interpretive skills if needed.

c.) Language Sensitive Assignments. Chief Deputies will consider the options available to assign or configure employees in order to best communicate with LEP individuals served by or in contact with the department without imposing unfair burdens on bilingual staff. Should there be any issue concerning the assignment of bilingual staff to assist in primary points of contact with LEP individuals, the Chief Deputy of the Unit will contact either the First Deputy or the Language Access Coordinator who will work to resolve the issue.

Training Staff on Policy, Plan and Protocols

1) Training Protocol

- a. The Law Department's Language Access Plan & Protocol is part of the Law Department's Professional Employee Guidebook and Civil Service Employee Guidebook, which is distributed to all new hires. In addition, it has been posted on the bulletin board for all existing personnel, and a hard copy has been placed in all reception areas of the department to serve as a reference resource.
- b. The Law Department will save the plan to the Law Share drive. Jaqueline Maldonado, Legal Assistant can direct any employee to the Law Share drive.
- c. In order to establish meaningful access to information and services for LEP individuals, staff that regularly interact with the public and those who will serve as in-house interpreters will be trained on Law Department's LEP policy, plan and protocols. Training will ensure that staff members are effectively able to work in person and/or by telephone with LEP individuals. Supervisory staff will be included in this training, even if they do not interact regularly with LEP individuals, to ensure that they fully understand the policy, plan, and protocols so they can reinforce the importance of the plan and ensure implementation.
- d. Formal training for those serving as interpreters will be explored with the help of the OIA.
- e. LEP training will include information on the following topics:
 - Legal obligation to provide language assistance;

- LEP plan and protocols;
 - Identifying and responding appropriately to LEP individuals;
 - Documenting LEP individual's language preference;
 - Obtaining interpreters (in-person and over-the-phone);
 - Using and working with interpreters (in-person and over-the-phone);
 - Translating procedures;
 - Documenting language requests; and
 - Using or not using bilingual staff as in-house interpreters.
- f. The Law Department will circulate its language access policy and related protocols to all staff within 30 days of approval by the City Solicitor and the OIA. Every two years, the department will circulate the revised policy and protocols to all staff after adoption. During FY17, Law will provide cultural competency training, including training in regard to this policy and the appropriate use of interpreters and translators, to all staff who have regular interaction with LEP individuals. All new staff members assigned to primary points of contact will receive cultural competency training within twelve months of the beginning of their employment with the Law Department. After initial training, staff members will receive refresher training in cultural competency and language access every three years. The Law Department's Administrative Services Director will work with the Human Resource manager to document training and schedule training sessions within these timelines.
- g. New staff who are assigned to primary points of contact will be trained on the Law Department's Language Access Plan and protocols so that they can effectively communicate with LEP residents. The Chief Deputies will be responsible to schedule this training for their employees by contacting the Language Access Coordinator.

2.) Future Plans

- a.) To create awareness of the City's obligation to provide LEP individuals with access to government throughout the Law Department, highlights of the Law Department's plan and protocols will be presented by the City Solicitor, First Deputy and Language Access Coordinator at a meeting with Chiefs and Chairs.
- b.) The Law Department will consider advancing the language skills of moderate skilled Spanish speaking staff members through training should additional capacity for bilingual staff be required.

Administrative Hearings

The Law Department does not conduct administrative hearings. However, attorneys do attend or provide representation at administrative hearings held by other departments, boards, or agencies. Staff participating in administrative hearings are advised to request professional interpreters from the department, board or agency that scheduled the hearing should a member of the public require language assistance.

Notice of the Right to Language Access

In all areas of public contact and on its website, the Law Department will post and maintain clear and readable signs in the languages most prevalent in the City notifying LEP individuals that free translation

and interpretation services are available to them.

Data Collection and Annual Report

This section outlines the department's plans to collect data on language access need, use, delivery and training. All of this information is to be included in the filing of the annual report required by Philadelphia Home Rule Charter § 8-600 and § A-200 and the OIA.

Data Collection

In order to effectively gather and analyze data on the language needs of those who use the department's services the Law Department has created a Language Assistance Report. This report will document the LEP encounter by language, the type of service provided to LEP individuals, any translation service requests, and any expenditures for assisting LEP individuals.

The Language Assistance Report is to be completed by the Law Department employee any time services are rendered to LEP individuals and any time translation services are requested. The report is to be sent to the Administrative Services Director (ASD). The ASD will prepare a quarterly report documenting the following for the period:

- (1) Number of LEP Encounters (By Language)
- (2) Type of Language Services Provided to LEP Customers
- (3) Number of Documents Translated
- (4) Language Services Expenditures

Additionally, the ASD will provide a copy of the quarterly report to the City Solicitor, First Deputy, Language Access Coordinator and the OIA.

In addition, the ASD will also report quarterly on the following:

- (1) Number of bilingual staff
- (2) Number of staff trained in Language Access/Cultural Competency

On an annual basis, the ASD will total all information provided on the quarterly reports to provide for periodic reporting to the Language Access Coordinator for the Law Department and the MDO.

The Corporate Chair of the Law Department will develop a system within 90 days of the completion of the Language Access plan to ensure that contractors of the department who may come in contact with LEP members of the public in the course of their City work comply with the Law Department's language access policy.

Annual Report and Evaluation

The Law Department will conduct an annual evaluation of its Language Access Plan to determine its overall effectiveness, review the progress of department goals and identify new goals or strategies for serving LEP residents. The evaluation will include the following:

- a. Assessment of the use of telephonic interpretation, in-person interpretation and translation services.
- b. Assessment of data collected about the LEP's primary language.
- c. Assessment of the number and types of language requests during the past year.
- d. Assessment of whether staff members understand the Language Access Plan and procedures, how to carry them out, and whether language assistance resources and arrangements for those resources are up-to-date and accessible.
- e. Assessment of complaint information.

This information will be reported annually to the OIA by the Language Access Coordinator.

The Administrative Services Director will also keep records of any language access services provided and will make this information available during the annual review process.

Law Department staff are advised that the Office of Immigrant Affairs may request comments and feedback from visitors that have received language services.

Language Access Complaint Procedure

You may file a formal Language Access grievance with the Office of Immigrant Affairs if you believe you have been wrongly denied the benefits of this Language Access Plan. You must file your complaint within 6 months of the alleged denial. To file a formal complaint, you must fill out a Language Access Grievance Form and submit the form in person, by mail or e-mail to:

Office of Immigrant Affairs
Orlando Almonte
Language Access Program Manager
Municipal Services Building
1401 JFK Blvd., 14th Floor, Suite 1430
Philadelphia, PA 19102
E-Mail: orlando.almonte@phila.gov

The form will also be available on the OIA website.

Additionally, any person, regardless of immigration status, may submit a formal legal complaint through the Philadelphia Commission on Human Relations. To do so, please complete a Public Accommodations Discrimination Intake Form and submit in person or by mail to:

Philadelphia Commission on Human Relations
The Curtis Center
601 Walnut Street., Suite 300 South
Philadelphia, PA 19106

To access the form and for more information, please visit www.phila.gov/humanrelations

Timeline for Implementation

Implementation Plan

Major milestones for the Law Department

- Educating Law Department staff on the Language Access Plan, specifically, training necessary staff who work in primary points of contact with LEP individuals on interpreting and use of telephonic interpretation services, procedures to obtain translation services, the Law Department's Language Assistance Report, and the Language Access Complaint Form.
- Updating the Law Department website.
- Placing necessary signs and forms throughout the Law Department.

FY17 Timeline

Within 60 days

- The Language Access Coordinator will discuss with OIA available resources for training staff of the Law Department and for publishing best practices for those serving as interpreters.
- The Language Access Coordinator will ensure distribution of the plan, the Bilingual Directories, the Law Department's List of Telephone Interpretation Services, and a List of Professional Court Interpreters consistent with this plan document.

Within 6 months

- The Law Department will update the department's website to include the identified information translated into Spanish.



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