

**LANGUAGE ACCESS PLAN
DEPARTMENT OF COMMERCE**

Revised March 2023

DEPARTMENT OF COMMERCE

LANGUAGE ACCESS PLAN

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1. PURPOSE AND AUTHORITY

- In Cooperation with the Mayor’s Office, the Department of Commerce 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”).
- The purpose of this document is to establish an effective plan and protocol for Department of Commerce personnel to follow when providing services to or interacting with, individuals who have limited English proficiency (LEP). Following this plan and protocol is essential to the success of the mission of the Department of Commerce.
- The Department of Commerce is committed to creating economic opportunities for individuals of all backgrounds. Ensuring access for individuals with limited English proficiency is essential to creating employment, business, and economic opportunities in general for all Philadelphians.

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2. GENERAL POLICY

- The Department of Commerce recognizes that the population eligible for services includes individuals who are Limited English Proficient (LEP). It is the policy of the Department of Commerce to ensure meaningful access to LEP individuals. The Department of Commerce adopts the following policy to ensure that LEP individuals can gain equal access to Department of Commerce services.
- 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 Department of Commerce intends to take reasonable steps to provide LEP persons with meaningful access to services and programs. The Department of Commerce seeks to reduce barriers by increasing its capacity to deliver services and benefits to people in their primary language.
- The Department of Commerce, 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 customers must be 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
- The preferred method of serving LEP customers is by:
 - Using competent bilingual staff able to provide services directly to the customer in his/her primary language without the need for an interpreter.
 - Available, trained, competent bilingual staff may be used for in-person or telephone interpreting to support other staff.
 - Staff should seek assistance from professional in-person or telephone interpreters when staff cannot meet language needs.
 - Certain circumstances may require specialized interpretation and translation services even when staff with bilingual abilities are available, for example any situation that may require have legal implications.
 - Staff must be authorized to provide language services to communicate effectively even when such assistance is not requested by the customer.

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3. LANGUAGE ACCESS COORDINATOR OR COMMITTEE

Language Access Coordinator

Karen Fegely, Deputy Commerce Director
Policy and Strategic Initiatives
Karen.fegely@phila.gov

Language Access Committee

Destiny Gadson
Pierre-Olivier Lugez
Nagiarry Porcena Meneus
Javier Mojica
Qianna Nelson
Ekpenyong Oji
Ting Wang

4. DIRECT CONTACT WITH LEP INDIVIDUALS

The Department of Commerce has several points of contact with the public:

1. **Office Walk Ins** – Occasionally LEP individuals will come into Commerce’s office looking for help applying for licenses or to receive business support. In these instances, if there is no bilingual staff available to interpret, staff uses telephonic interpretation.
2. **Business Services Hotline** – The Office of Business Services manages the Business Services Hotline (215-683-2100). Bilingual staff and telephonic interpretation are used to assist.
3. **Meetings/Information Sessions** – Commerce staff meets business owners on-site and at scheduled workshops/information sessions. If language needs are anticipated, Commerce will utilize bilingual staff to interpret.
4. **Website (business.phila.gov)** – The Department of Commerce maintains the business.phila.gov website for information about Commerce programs. This is also the host site for Licenses and Inspections business licenses. The site uses Google Translate to provide language services.
5. **Phone Calls or Email Correspondence** – LEP individuals may at times call staff members at their direct phone line or via email. If the staff member does not speak the language in which the correspondence is addressed, s/he shall either forward to a staff member who does or access telephonic interpretation in the case of a phone call. In the case of email, emails will only be translated if they appear to be urgent in nature. Routine emails will first be translated using Google Translate to determine the nature of the correspondence and followed up via phone call with interpretation.

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5. LANGUAGE ACCESS SERVICES AND PROTOCOLS

A. INTERPRETATION

Interpretation is the immediate oral rendering of the source language into the target language.

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 an interpreter, at no cost to the resident, for LEP individuals. Services offered include telephonic interpretation and in-person interpretation.

2) Protocols

Interpretation, by bilingual staff or interpretation services, shall be provided when:

- An individual approaches an employee – in person or by phone - and appears to be asking for help but has difficulty communicating what he or she needs, and/or
- When a request for an interpreter is made either orally, in writing or by pointing to a language card.
- When addressing a group, such as business association meeting, where language needs are predicted to be necessary.

3) Procedures

- When bilingual staff is not available, the employee shall contact a telephone interpreter service to provide such services.

Telephonic Interpretation: On-demand and scheduled three-way phone calls

Contact the City's contracted providers

ULG: [REDACTED]

GLOBO: [REDACTED]

- When an LEP person requests in-person interpretation for a future meeting, telephonic or in-person interpretation may be used. To schedule interpretation for virtual and/or in-person meetings with one of the City's providers, email the details of your request to Javier Mojica, or another member of the LAC, for guidance and submission of your request to OIA.

4) Future Plans

- Commerce will continue to
 - ▶ hire additional bilingual staff in order to best meet the needs of LEP individuals.
 - ▶ track languages that appear to be most prevalent in the commercial corridor and business community in order to best meet existing needs.
 - ▶ seek to partner with organizations and companies representing multiple languages to deliver Commerce programs.

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- Commerce LAC will aim to accomplish the following in FY23-24
 - ▶ add option for requesting bilingual staff during OBS' Virtual Window.
 - ▶ provide stickers with Telephonic Interpretation information for all staff to keep on their laptops/phones.
 - ▶ Secure (or create) a training on using the language access line for the LAC, Office of Business Services, and other key staff.
 - ▶ Remind our contractors of the opportunity to utilize the City's interpretation contractor rates.
 - ▶ research use of QR code or other easy access options
 - ▶ consider ways to share list of Commerce staff with language capacity (possibly on staff phone list)
 - ▶ refresh bilingual staff flyer desk "we speak your language" and post at front desk

B. TRANSLATION

Translation is the rendering of a written text from the source language into the target language.

1) Services Provided

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

2) Protocols

Commerce standard operating procedures for launching a new program or advertising important information includes consideration of translated documents and overall language access, as well as the outreach needed to circulate the information. Our practices include the following options:

- a) Translation of flyer, application, and all program materials;
- b) Translation of flyer with referral to OBS or partner organizations that have language services; or
- c) Adding tagline in multiple languages for people, i.e. "Contact 311 for Free Language Assistance" in multiple languages

3) Procedures

- Contact Commerce's Language Access Coordinator or LAC point person, Javier Mojica. Before submitting a document for translation, please review your document and ensure the following:
 - The content has not already been translated in another document.
 - The document and translation procedure have been approved by your supervisor.
 - The document is in a format that can be edited (e.g. MS Word, Publisher, InDesign, etc.).
 - Terms you do not want translated are highlighted (i.e. the name of your unit, program, or street).

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- The document is 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, you may request the same vendor to keep the translation consistent. (Commerce always utilizes Powerling)
- You have considered what languages are needed and discuss your reason or request guidance from the LAC (which includes Communications Director).
- LAC emails the editable document to the contractor and cc: Office of Immigrant Affairs – Language Access Program Manager.
- The contractor will email Commerce a quote with a time estimate for the delivery of the translation.
- The requestor’s supervisor must authorize the quote. LAC completes the order with the contractor (cc: to Supervisor, Finance, OIA).
- Translated documents are returned by email.

4) Signage

Walk-ins are rare at Commerce. A sign advertising available languages is posted prominently at the front desk. All staff will be trained on assisting someone with identifying their language and securing interpretation.

5) Website

- The general Commerce Department website (<http://www.phila.gov/commerce>) contains information about the entire range of department programs and activities. Phila.gov was designed in simplified English so that Google Translate can be used.
- Attachments and Forms may not be translatable. Flyers and program materials that are available in other languages will be posted online.
- The Business Services webpage <https://www.phila.gov/services/business-self-employment/support-for-businesses/meet-your-areas-business-service-manager/> includes a section on “Multilingual Services”. It states, “The Department of Commerce Department has staff that can help you in these languages [languages available with current staffing]. The City also offers free interpretation services in 160 languages. Do you need translation services? Call 215.683.2100.”

6) Future Plans

- Commerce will continue to
 - Translate select documents and make them available through the website, newsletter, and/or community engagement meetings and other events.
 - Periodically review the department webpages with the goal of improving its accessibility to LEP individuals. This includes identifying the most important information to be translated and the best means for disseminating translations to LEP communities.
 - Add tag lines on the website and/or blogposts when relevant that explain LEP individuals can obtain a translation of documents and that interpretation is available in our office.

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- Commerce LAC will aim to accomplish the following in FY23-24
 - ▶ Determine how Building Mgmt is handling language access with guests or walk-ins.
 - ▶ Add all translated flyers and program materials to our website.
 - ▶ Identify languages that Commerce will consistently translate documents for citywide programs.

C. BILINGUAL STAFF

Existing bilingual staff who are competent to deliver services directly in a second language, or to serve as interpreters for other employees. Identify the language(s) each staff member speaks and their contact phone numbers and email addresses.

The Department of Commerce maintains a list that identifies the languages spoken by staff who are linguistically, culturally, and technically able to deliver services in a language other than English and/or to serve as interpreters. The list will be updated on a rolling basis as new employees join the Department of Commerce and will be housed on the department’s shared drive. Commerce requests entry of language skills into OnePhilly part of onboarding for new staff.

Current Bilingual Staff Roster				OnePhilly columns (Proficiency: Limited, Intermediate, Fluent)					Commerce
Employee	Unit	Title	Language	Reading Proficiency	Speaking Proficiency	Listening Proficiency	Writing Proficiency	Native Language ? (Yes or No)	Willing to assist? (for walkins & phonecalls, in case of emergency)

As of March 2023, Commerce employs 73 staff total. Commerce staff have capacity in the following languages:

Language	# of staff with capacity
Spanish	9
French	3
Mandarin	3
Khmer	2
Arabic - Maghrebi	1
Arabic- Levantine	1
Belizean Creole	1
Dari	1
Farsi	1
Ga	1

Gujarati	1
Haitian Creole	1
Igbo	1
Indonesian	1
Pashto	1
Shona	1
Turkish	1
Twi	1
Vietnamese	1

Hiring

- Hiring decisions are based on City departments' business needs as interpreted by department heads, including language service needs. Bi- or Multi-language needs will be addressed if they are bona fide occupational qualifications. A "bona fide occupational qualification" is one that is essential to the effective performance of the job. When individuals are sought for positions in which they interact with LEP residents, language skills may be a "bona fide" or relevant job qualification.
- Language skill needs may be addressed in any one of three ways:
 - Create new positions for and hire full-time or part-time employees within departments using standard hiring processes.
 - Reclassify an existing position. If the need for interpretation and translation services is high and is expected to be long-term, departments may redefine a position to include the required language skill(s) and request Human Resources to study the work and create the position. This request must be made before filling a vacant position.
 - Include the language skills as a "desirable" qualification in job announcements.
- If bilingual or multilingual skills are included in the job description, a candidate's language proficiency should be assessed as part of the selection process. Assessment may include:
 - Formal testing of language proficiency or interpreting/translation ability; and certification, transcripts, diplomas or other evidence of language proficiency in English or other language; or
 - Certification, transcripts, diplomas or other evidence of training in interpreting and/or translation.
- Civil Service Commission Regulation 11.032 - SELECTIVE FACTOR CERTIFICATION.
When a certification of eligible candidates with specified experience, education, training, license, registration, certification or skill is requested in writing by the appointing authority as being necessary for satisfactory performance in a particular position in an established class or series of classes, and the Director determines that the reasons given fully justify the request, a certification may be made of the two highest ranking eligible candidates on the appropriate list who possess the specified qualification. Selection of the eligible to fill the vacancy will then be made in accordance with the Civil Service Regulations.

Staff Interpreters

- Competent and trained bilingual staff can also function as interpreters for other staff, when needs and staffing permits.
- Bilingual staff will receive training and when deemed necessary may be asked to receive certification through Berlitz Language Center.

Language Sensitive Assignments

- Subject to any mandatory legal constraints, department staff should 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.
- Staff will assert their willingness to participate in the levels of activity identified in the chart above.

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D. TRAINING STAFF ON POLICY, PROTOCOLS AND PROCEDURES

The Department of Commerce's Language Access Plan is provided to all Commerce staff members during staff on-boarding and is available on sharepoint.

Future Plans

Commerce LAC will aim to accomplish the following in FY23-24

- ▶ Regular presentations to Commerce All-Staff Meetings
- ▶ Create a flyer for bulletin boards reminding/directing about language access resources
- ▶ Require all existing staff to complete online training
- ▶ Make the online training part of onboarding for new staff
- ▶ Identify or create a training for all staff providing technical assistance, training or receiving in-bound calls. LEP training will include information on the following topics:
 1. Legal obligation to provide language assistance
 2. LEP plan and protocols
 3. Identifying and responding appropriately to LEP individuals
 4. Documenting LEP individuals' language preference
 5. Obtaining interpreters (in-person and over-the-phone)
 6. Using and working with interpreters (in-person and over-the-phone)
 7. Translating procedures
 8. Documenting language requests
 9. Using or not using bilingual staff as in-house interpreters
- ▶ Identify additional training needs and further standardize language access resources and related trainings in partnership with OIA, as well as seek other opportunities, such as supporting the "cultural competencies" lessons being created by Commerce's Racial Equity team.

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6. NOTICE OF THE RIGHT TO LANGUAGE ACCESS

- Posters notifying LEP individuals of their right to language services are displayed in the receptions area.
- Language access cards are available at the front desk.
- Languages access cards will be available at public meetings/ information sessions. These are cards with a detachable wallet-size card that say in both English and a second language ‘I speak (language). I need assistance in (language).’

7. DATA COLLECTION AND ANNUAL REPORT

- The Commerce 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 designated staff will lead the evaluation with the assistance of the Director and Deputy Director. The evaluation will include the following:
 - Assessment of the use of telephonic interpretation, in-person interpretation and translation services.
 - Assessment of data collected about the LEP’s primary language.
 - Assessment of the number and types of language requests during the past year.
 - 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.
 - Assessment of complaint information.
 - Assessment of soliciting feedback from LEP individuals and community groups.
- The Commerce Department Office of Business Services (OBS) will record each person’s language of choice in the OBS database to ensure that the information can be used by staff and tracked by the language access coordinator.
 - If the individual is Limited English Proficient, the person’s language of choice, country of origin and English Proficiency level will be noted for future visits.
- Evaluation results and recommended changes will be shared by the Department of Commerce’s Language Access Coordinator and incorporated into the **annual report which is required to be filed under Philadelphia Home Rule Charter § 8-600**. The Language Access Coordinator will also keep records of any language access services provided and will make this information available during the annual review process.

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8. LANGUAGE ACCESS COMPLAINT PROCEDURE

Commerce LEP clients may file a formal Language Access grievance with either the Office of Business Services (OBS) or the Office of Immigrant Affairs (OIA) if the client believes the Commerce Department has wrongly denied the benefits of this Language Access Plan. The client must file his or her complaint within 6 months of the alleged denial. To file A formal complaint, a Language Access Grievance Form provided by OIA may be submitted in person, by mail, or by e-mail to:

Department of Commerce
Office of Business Services
1515 Arch Street, 12th Floor
Philadelphia, PA 19107
E-Mail: business@phila.gov

Office of Immigrant Affairs
Maria Giraldo-Gallo
Language Access Program Manager
Municipal Services Building
1401 JFK Blvd., 14th Floor
Philadelphia, PA 19102
E-Mail: maria.giraldo-gallo@phila.gov

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.

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9. TIMELINE FOR IMPLEMENTATION

January - March 2023 (FY23 Q3)

- ▶ Update and submit Commerce's Language Access Plan to OIA.
- ▶ Submit the annual Language Access Report to OIA
- ▶ Presentation to Commerce Staff to include information on telephonic interpretation, identification of bilingual staff, and online training.
- ▶ Determine how Building Mgmt is handling language access with guests or walk-ins.

April – June 2023 (FY23 Q4)

- ▶ Secure (or create) a training on using the language access line for the LAC, Office of Business Services, and other key staff.
- ▶ Consider ways to share list of Commerce staff with language capacity (possibly on staff phone list)

July – September 2023 (FY24 Q1)

- ▶ Remind our contractors of the opportunity to utilize the City's interpretation contractor rates.
- ▶ Add option for requesting bilingual staff during OBS' Virtual Window.
- ▶ Refresh bilingual staff flyer desk "we speak your language" and post at Commerce front desk
- ▶ Identify which Commerce programs need translated flyers and/or applications and how those applications will be processed and serviced by Commerce staff. (Likely priorities: Storefront application, Camera application, Quality Jobs flyer & application, CREAL flyer)
- ▶ Present to Commerce Staff

October – December 2023 (FY24 Q2)

- ▶ Increase # of Commerce staff that have completed online Language Access training
- ▶ Add all translated flyers and program materials to our website.
- ▶ Create a flyer for bulletin boards reminding/directing about language access resources
- ▶ Research use of QR code or other easy access options
- ▶ Estimate the costs of providing language access services in FY2024 and project the department needs for FY 2025.
- ▶ Solicit feedback from CDCs, Business Associations, and other stakeholders about the Commerce's effectiveness and performance in ensuring meaningful access for LEP individuals.

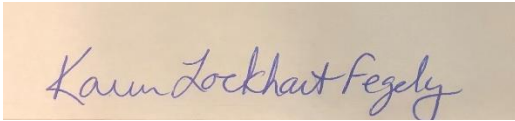
January – March 2024 (FY24 Q3)

- ▶ Review Agency Language Access Plan in accordance with the City's language access policy. If updates are needed, complete and submit the Plan to OIA.
- ▶ Submit the annual Language Access Report
- ▶ Presentation to Commerce Staff.

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10. SIGNATURE PAGE

A rectangular box with a light beige background containing a handwritten signature in blue ink that reads "Karen Lockhart Fezely".

Language Access Coordinator
Department of Commerce

A handwritten signature in blue ink that reads "Anne K. Dadol".

Director
Department of Commerce