

LIMITED ENGLISH PROFICIENT PERSONS:
ACCESS TO COUNTY GOVERNMENT
SERVICES



OFFICE OF LEGISLATIVE OVERSIGHT
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EXECUTIVE SUMMARY

A person who is limited English proficient (LEP) is someone who does not speak English as his/her primary language and who has a limited ability to read, speak, write, or understand English. **According to 2000 Census data, 105,000 persons or 13% of the County's population aged five and older are limited English proficient;** of this group: 43% speak Spanish; 31% speak an Asian or Pacific Island language; 21% speak an Indo-European language other than Spanish; and 5% speak a language that falls into a different language category.

The highest concentrations of LEP persons reside in parts of Takoma Park, Silver Spring, Wheaton, Rockville, and Gaithersburg. Although 44% of LEP persons in the County aged 25 years and older have attended at least some college, 36% have less than a high school education; in addition, although 13% of LEP persons in the County aged 15 years and older earn above \$50K; 70% earn less than \$30K.

As a recipient of federal funds, Montgomery County must take reasonable steps to provide LEP persons with meaningful access to County Government services. During the past year, the County Executive established an LEP Policy, and the Chief Administrative Officer issued an LEP Plan for implementing this policy. According to the Plan: "It is the position of the Executive Branch that federal and state LEP guidelines serve as minimal baselines for assisting LEP customers. Montgomery County will go beyond federal and state guidelines to reasonably remove any remaining barriers to services for any identifiable LEP community."

Current Language Assistance Services. The County Government uses multilingual employees and volunteers, and a telephone interpretation service (the "language line") to communicate with LEP persons; specifically:

- 358 County employees are certified as multilingual and receive a pay differential for their language skills; 75% of these employees are certified in Spanish;
- The County's Volunteer Language Bank lists 94 volunteers available to provide interpretation/translation services in 31 languages;
- At a cost of \$1.60 per minute, the "language line" provides telephone interpretation in 150 languages on a 24/7 basis; public safety and health and human services staff called the language line 13,543 times in 2003 for a total cost of \$161K.

Although not sanctioned as a language assistance tool, in practice, there are situations where an LEP person's multilingual family member or friend provides interpretation services.

Views of Front-Line Employees. The mutual exchange (oral and/or written) of information is an essential component of the quality services that County employees want to deliver. Not being able to easily communicate with LEP persons can be extremely frustrating. In some situations, the inability to quickly and accurately communicate can create a serious public safety issue.

The "best" strategy for LEP access depends upon multiple factors, e.g., the mode of communication (telephone vs. in-person), the place (office vs. field setting), and the purpose of the interaction. Employees find that the available language assistance services work extremely well in most cases; in others employees see need for improvement. There is a general consensus that the preferred option is to have a multilingual employee talk directly to the LEP person in his/her own language.

Feedback from the Community. Members of the community who work routinely with LEP persons observe that, compared to five years ago, LEP persons can now more easily access County Government services. However, there remains room for improvement.

Specific recommendations from community members included: hire additional multilingual employees; design an outreach campaign to inform LEP persons about available services; simplify access by establishing a single call center that provides information and referral services in multiple languages; and make the County's voicemail system easier for non-English speaking individuals to use.

Comparative Information. Interesting practices used by other local governments for improving LEP persons' access to services include: enacting legislation; designating an office to coordinate jurisdiction-wide LEP-related activities; centralizing procurement of language assistance services; and providing employees with cellular phones for accessing telephone interpretation services in the field.

OLO Recommendations for Council Action. The issue of providing meaningful access to LEP persons is linked to other important public policy issues. It is a subset of the County's goals to inform all County residents about available programs and provide quality service to all customers. In addition, it is separate but integrally related to the offering of English as a Second Language classes. OLO recommends the Council keep these connections in mind as it considers the following package of recommendations for Council action.

Recommendation #1: Request the Chief Administrative Officer to brief the Council on the Executive Branch's limited English proficiency policy and implementation plan.

Recommendation #2: Request the CAO to consider the following ideas for improving how the County Government provides language assistance services to LEP persons.

- Establish a priority order of County services for receiving attention and additional resources related to communicating with LEP persons.
- Centralize procurement of language assistance services.
- Expand access to the County's contract for telephone interpretation services to all front-line employees who have regular contact with the public.
- Explore whether changes are needed to improve the County's policies and practices related to recruiting, certifying, and compensating multilingual employees.
- Assess whether the County Government's current offerings of Spanish language courses adequately meet the interests and needs of the workforce.
- Expand the number of telephone messages that include a Spanish language option, especially for recordings that are designed to provide specific program information to the public.
- Develop a plan for ongoing monitoring and updating of the LEP Plan.

Recommendation #3: Consider the merits of proceeding with either a statement of Council policy guidance or a County law that outlines the County Council's expectations concerning how the County provides meaningful access to LEP persons.

Recommendation #4: Request the other agencies (outside of County Government) provide a report to the Council about their current and future plans for providing meaningful access to LEP persons.

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CHAPTER I. Authority, Scope, and Methodology

A. Authority

Council Resolution 15-281, FY 2004 Work Program of the Office of Legislative Oversight, adopted July 29, 2003.

B. Scope and Organization of Report

This report by the Office of Legislative Oversight (OLO) responds to the County Council's request to study the County Government's current capacity and future plans to provide persons with limited English proficiency (LEP) with meaningful access to County Government services. The Council asked OLO to study this issue with a special focus on LEP persons' access to emergency public safety and health and human services.

This report is organized as follows:

Chapter II, Definitions and Legal Framework, lists definitions of key terms used throughout the report, and provides background on federal and State laws and regulations that address LEP persons access to government services.

Chapter III, Languages Spoken and Limited English Proficient Population in Montgomery County, presents 2000 Census data on the number of persons living in the County who speak a language other than English at home; and reviews available Census data on the characteristics of the County's LEP population.

Chapter IV, The Executive Branch's Limited English Proficiency Policy and Plan, summarizes the County Executive's Limited English Proficiency Policy and the Chief Administrative Officer's plan for implementing the LEP policy across the Executive Branch of County Government.

Chapter V, Language Assistance Services Currently Used by County Government, describes the array of language assistance services currently used by County Government staff for communicating with LEP persons.

Chapter VI, Case Studies in Public Safety and Health and Human Services, examines how front-line County personnel communicate with LEP persons in the course of delivering selected emergency public safety and health and human services.

Chapter VII, Related Activities for Reducing Language Barriers, describes additional activities that relate to reducing language barriers and increase service access to LEP persons.

Chapter VIII, Feedback from the Community, summarizes feedback about LEP persons' access to County Government services that OLO obtained through meetings with representatives from County advisory groups, members of the Community Outreach Forum, and telephone interviews with individuals who work directly with residents who do not speak English well.

Chapter IX, Comparative Research on Practices in Other Jurisdictions, highlights the practices used by the following six local governments to improve LEP persons' access to services: City of Alexandria, VA; City of Oakland, CA; City of San Francisco, CA; District of Columbia; Fairfax County, VA; and New York City, NY.

Chapters X and XI present OLO's findings and recommendations; and **Chapter XII** contains the formal written comments received on the final draft report.

C. Methodology

Office of Legislative Oversight staff members Karen Orlansky, Director; Scott Brown, Legislative Analyst; and Karen Yoskowitz, Research Assistant; conducted this study. Teri Busch, OLO Administrative Specialist, provided invaluable assistance with final production of the report.

OLO gathered information for this project in numerous ways including general research, document reviews, individual and group interviews, and on-site observations. OLO worked with Executive Branch staff from the Offices of the County Executive, Office of Human Resources, Office of Management and Budget, Department of Police, Montgomery County Fire and Rescue Services, Department of Health and Human Services, Department of Libraries, Department of Correction and Rehabilitation, Department of Housing and Community Affairs, to compile process, workload, budget, and other data.

OLO obtained Census data from M-NCPPC's Research Division and the Maryland State Department of Planning. For comparative information, OLO interviewed staff representatives from the following local government jurisdictions: City of Alexandria, VA; District of Columbia; Fairfax County, VA; New York City, NY; and the Cities of Oakland and San Francisco, CA.

To solicit feed back from the community, OLO conducted telephone interviews with individual community members who work routinely with LEP persons, and consulted with representatives from the County Executive's African American Advisory Committee; Asian American Advisory Committee, Latin American Advisory Committee, and Committee on Ethnic Affairs. OLO also attended a meeting of the County's Community Outreach Forum.

D. Acknowledgements

OLO received cooperation from everyone involved in this study. OLO appreciates the many individuals who took the time to share their experiences, insights, and suggestions for improvements.

In terms of specific individuals, OLO thanks:

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CHAPTER II. Definitions and Legal Framework

A. Definitions of Terms

This report adopts the federal Department of Justice's definitions of the following terms:¹

A Limited English proficient (LEP) person. Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be limited English proficient, or "LEP."

Interpretation is the act of listening to something in one language (source language) and orally translating it into another language (target language).

Translation is the replacement of a written text from one language (source language) into an equivalent written text in another language (target language).

B. Federal Law and Related Guidelines

The federal government has established legal requirements concerning access by LEP persons to important government services. As a recipient of federal funds, Montgomery County is obligated to reduce language barriers so that LEP persons have meaningful access to government programs and activities. In addition, the federal Voting Rights Act sets forth very explicit legal requirements related to the voting rights of LEP persons.

1. Title VI of the Civil Rights Act

Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating based on race, color, or national origin. Specifically, Title VI, Section 601 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. (42 U.S.C. Section 2000d)

Section 602 authorizes and directs federal agencies to implement these provisions by issuing rules, regulations, or orders of general applicability for federally assisted programs or activities.

¹ Department of Justice, *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, Federal Register, June 18, 2002.

The application of Title VI extends to providing meaningful access to individuals who are limited English proficient (LEP). This interpretation was affirmed by a 1974 Supreme Court decision and further implemented through the issuance of Executive Order 13166 in 2000.

Supreme Court Decision. In 1974, the United States Supreme Court in *Lau v. Nichols* interpreted that one type of national origin discrimination is discrimination based on a person's inability to speak, read, write or understand English. Specifically, in *Lau*, the Court held that a San Francisco school district – that had a significant number of non-English speaking students of Chinese origin – was in violation of Title VI for failing to take reasonable steps to provide students of Chinese origin a meaningful opportunity to participate in federally funded educational programs.

Lau v. Nichols is often cited as a major precedent regarding the rights of language minorities. The ruling is said to have “opened a new era in federal civil rights enforcement.”²

Executive Order 13166. In August 2000, President Clinton issued Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency to Federal Agencies*.³ Executive Order 13166 contained two major provisions – it requires:

- All federal agencies to prepare plans to improve access to their federally conducted programs and activities by eligible LEP persons; and
- All federal agencies that provide federal financial assistance to draft guidance that clarifies for their recipients what they must do to comply with Title VI's prohibition against national origin discrimination, which includes providing meaningful access to LEP persons.

Department of Justice LEP Guidance. The Civil Rights Division of the Department of Justice (DOJ) is assigned lead responsibility for coordinating and implementing Executive Order 13166. In addition, the Department of Justice issued LEP Guidance that sets forth the standards that DOJ is applying and provides a framework for other agencies to follow.⁴

The requirement to provide meaningful access has been interpreted to apply to all services provided by the recipient of federal funds, and not just the particular ones receiving federal financial assistance. For example, if the federal Department of Justice provides assistance to improve a particular local prison facility, all of the operations of the entire local department of corrections – not just the particular prison receiving federal funds– are covered by the requirement to provide reasonable access to LEP persons.

² For a summary of the Supreme Court's decision in *Lau v. Nichols*, go to <http://ourworld.compuserve.com/homepages/JWCRAWFORD/lau.htm>.

³ For a copy of Executive Order 13166, go to <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>.

⁴ For a copy of DOJ's LEP Guidance, go to <http://www.usdoj.gov/crt/cor/lep/DOJFinLEPFRJun182002.htm>.

The federal Department of Justice (DOJ) developed a four-factor analysis that further defines what it means for recipients of federal funds to establish “reasonable steps to ensure meaningful access”:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program. Programs that serve a few or even one LEP person are still subject to the requirements of Title VI. Recipients need to determine the number of people who would be excluded from the benefits/services, if language barriers are not removed.
2. The frequency with which LEP persons come in contact with the program. Frequency of contact is another factor that needs to be weighed. For example, if LEP individuals access a program daily, the recipient has a greater responsibility to provide access than if contact is unpredictable or infrequent.
3. The nature and importance of the program, activity, or services provided by the program to people’s lives. More affirmative steps must be taken where the delay of access could have life or death implications. For example, the obligations of a federally assisted school or hospital differ from federally assisted zoo or theater.
4. The resources available to the grantee/recipient and costs. Recipients with limited resources may not have to take the same steps as recipients with greater resources. The intent of this guidance is to find a balance that ensures meaningful access by LEP to critical services while not imposing undue burdens on small businesses or non-profits.

Recipients of federal funding are encouraged to develop written language access plans. According to the DOJ guidelines, an LEP policy or plan should:

- Identify LEP persons who need language assistance;
- Identify ways in which language assistance will be provided;
- Train staff;
- Provide notice to LEP persons; and
- Monitor and update the LEP policy.

DOJ guidelines indicate that the following actions are considered strong evidence of compliance with LEP access requirements:

Translation of Vital Documents. A recipient’s vital documents should be translated “for each eligible LEP language group that constitutes five percent or 1,000 (whichever is less) of the population of persons eligible to be served or likely to be affected or encountered.”

If there are fewer than 50 people in a language group that reaches the five percent trigger, the recipient may need only provide written notice (in the language of the LEP language group) of the right to receive oral interpretation of vital documents, at no cost.

Examples of vital documents include:

- Consent and complaint forms;
- Written notices of rights, denial, loss, or decreases in benefits or services;
- Notices of disciplinary action;
- Notices advising LEP persons of free language assistance; and
- Written tests that do not assess English language competency, but test competency for a particular license, job, or skill for which knowing English is not required.

Language Assistance Services. DOJ guidelines stipulate the use of quality and accurate interpretation and translation services may be provided in numerous ways, including: multilingual staff; telephone interpreter lines; written language services; and community volunteers.

Department of Health and Human Services LEP Guidance. The U.S. Department of Health and Human Services, Office for Civil Rights (OCR) also developed LEP policy guidelines, *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*.⁵

The guidelines were originally published in August 30, 2000 and parallel those developed by the U.S. Department of Justice.⁶ Similar to the DOJ guidelines, recipients of federal DHHS funding are required to provide meaningful access to LEP persons. The document provides guidance (including the DOJ's four-factor analysis) to help recipients ensure meaningful access for LEP persons.

2. Section 203 of the Voting Rights Act

In addition to the general requirements to reduce language barriers that derive from Title VI, a 1975 amendment to the federal Voting Rights Act sets forth explicit requirements related to the voting rights of LEP persons. Specifically, Section 203 of the Voting Rights Act provides that:

Whenever any State or political subdivision [covered by this section] provides registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language.

⁵ For a copy of the federal Department of Health and Human Services LEP guidelines, go to <http://www.hhs.gov/ocr/lep/revisedlep.html>.

⁶ The guidelines were revised and republished in August 2003.

Section 203 of the Act requires a state or political subdivision to provide language assistance to voters if more than five percent (or more than 10,000 of the total voting age citizens are members of a single-language minority group) have low literacy rates, and do not speak English very well.

Montgomery County is subject to the provisions of Section 203, which apply to all elections conducted within the County. By law, the County must provide all election information in English and in Spanish including:

- The ballot;
- Voter registration;
- Candidate qualifying;
- Polling place notices;
- Sample ballots;
- Instructional forms;
- Voter information pamphlets; and
- Absentee ballots.

In addition, details about voter registration through the actual casting of the ballot, and the questions that regularly come up in the polling place must be provided in English and Spanish. Also, poll officials should be capable of answering questions regarding the election process and the operation of the polls to all voters.

C. Maryland Equal Access to Public Services Act

In 2002, the Maryland General Assembly enacted the Equal Access to Public Services – Individuals with Limited English Proficiency Act. As codified in State law, the legislative findings state that:

The General Assembly finds that the inability to speak, understand, or read the English language is a barrier that prevents access to public services provided by State agencies and that public services available through these entities are essential to the welfare of Maryland residents. It is policy of the State that State departments, agencies, and programs shall provide equal access to public services for individuals with limited English proficiency. (Government Procedures, Subtitle 11, §10-1101)

In sum, the law requires that State agencies take “reasonable steps to provide equal access to public services for individuals with limited English proficiency.” The law defines “equal access” as being “informed of, participate in, and benefit from public services offered by a State department, agency, and program.” (§10-1102-3)

The State law specifically requires a State agency to translate “vital documents” into the language spoken by any LEP population that constitutes 3% of the overall population within the geographic area served by a local office. Also, it requires State agencies to provide LEP individuals with “oral language services” defined to mean staff interpreters, bilingual staff, and/or telephone interpretation.

The law specifies different implementation deadlines for various State departments and agencies. Table 1 (page 10) summarizes the list of implementation deadlines that began on July 1, 2003 and extend until July 1, 2006.

The law however, does not explicitly state whether recipients of State financial assistance must comply with the LEP provisions. The law defines “programs” as “the operations of a State department, agency, or any other instrumentality of the State.”

**TABLE 1
COMPLIANCE DEADLINE FOR STATE AGENCIES AS SET FORTH IN THE MARYLAND
STATE CODE**

Department	Compliance Deadline
<ul style="list-style-type: none"> • Human Resources • Labor, Licensing, and Regulation • Health and Mental Hygiene • Juvenile Justice • Worker's Compensation Commission 	July 1, 2003
<ul style="list-style-type: none"> • Aging • Public Safety and Correctional Services • Transportation (not including Maryland Transit Administration) • Maryland Human Relations Commission • State Police • Five independent agencies, boards, or commissions, to be determined by the Secretary of the Department of Human Resources in consultation with the Attorney General 	July 1, 2004
<ul style="list-style-type: none"> • Comptroller of Maryland • Housing and Community Development • Maryland Transit Administration • Natural Resources • Maryland State Department of Education • Office of the Attorney General • Selection of five independent agencies by the Secretary of the Department of Human Resources, in consultation with the Attorney General 	July 1, 2005
<ul style="list-style-type: none"> • Agriculture • Business and Economic Development • Veterans Affairs • Environment • Selection of five independent agencies by the Secretary of the Department of Human Resources, in consultation with the Attorney General 	July 1, 2006

Source: Maryland Code Title 10. Governmental Procedures/Subtitle 11. Equal Access to Public Services for Individuals with Limited English Proficiency/§10-1103.

CHAPTER III. Languages Spoken and Limited English Proficient Population in Montgomery County

As of this writing, 2000 United States Census Bureau data remain the most comprehensive source of demographic information about the limited English proficient population living in Montgomery County. However, because Census data are now four years old, it is generally acknowledged that these data likely undercount the total number of persons living in Montgomery County who speak a language other than English at home as well as the number of LEP persons.

Part A, Number of Residents that Speak a Language Other than English at Home.

This section presents 2000 Census data on the number of persons living in Montgomery County who speak a language other than English at home. Because many of these residents speak English very well, these data are not synonymous with data on the number of limited English proficient persons living in Montgomery County.

Part B, Number of Limited English Proficient Residents by Language Category.

This section summarizes, by language category, 2000 Census data on the number of County residents who are English proficient vs. the number of residents who do not speak English very well.

Part C, Characteristics of the County's Limited English Proficient Residents. This section presents 2000 Census data on characteristics of the County's LEP population. In addition to total numbers and location, data on age, gender, income, and levels of education are also presented.

A. Number of Residents that Speak a Language Other than English at Home

Census data on language(s) spoken are limited to the population of persons aged five years and older. In addition, data are collected only on the household population, which means that the total numbers do not include persons living in institutions, college dormitories, and other group quarters.

According to the 2000 Census survey, there are 813,460 County residents age five and older. Of this population:

- 68% (556,682) residents speak English at home; and
- 32% (256,778) residents speak a language other than English at home

Table 2 (page 13) lists, by language, the number of residents aged five and older who speak a language other than English at home. The data show that 93,760 residents or 12% of the total population of County residents aged five and older, speak Spanish at home. No other single language group comes close to the number of Spanish-speaking households in the County.

The data show that 3% of the total population of County residents aged five and older speak Chinese at home, 2% speak French at home; 1.7% speak Korean at home; and 1.6% speak an African language at home. All of the remaining language groups represent one percent or less of the County's population aged five and older.

Exhibit 1 (page 14) sorts the various languages spoken at home into English and four broad language categories that the Census tracks. The data show that of the County's population five and older:

- 68% speak English at home;
- 12% speak Spanish at home;
- 9% speak an Indo-European language other than Spanish;
- 8% speak an Asian or Pacific Islander language; and
- 3% speak another language.

Appendix A lists the languages that the Census counts in each of these categories.

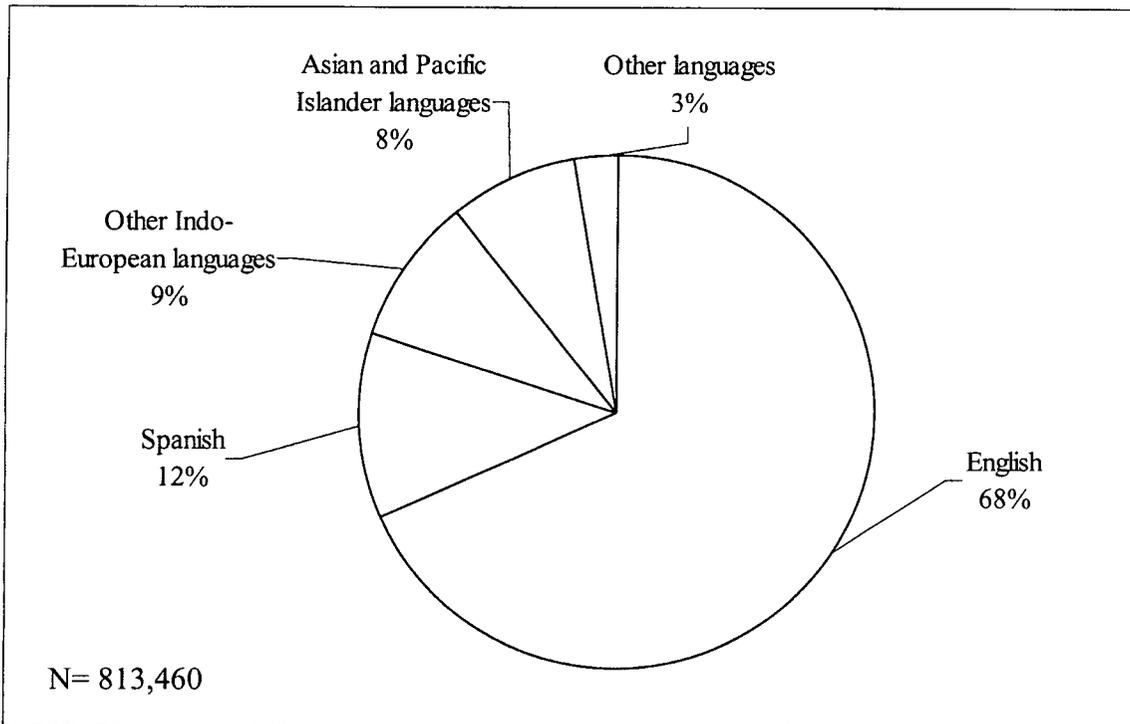
TABLE 2
NUMBER OF COUNTY RESIDENTS (AGED FIVE YEARS AND OLDER) WHO SPEAK A
LANGUAGE OTHER THAN ENGLISH AT HOME

Language Spoken at Home	Number of Residents	Percent of Total County Population Five Years and Older*
1. Spanish or Spanish Creole	93,760	12.0%
2. Chinese	24,394	3.0%
3. French (including Patois, Cajun)	15,121	2.0%
4. Korean	13,469	1.7%
5. African Languages	13,381	1.6%
6. Vietnamese	8,336	1.0%
7. Persian	8,116	1.0%
8. Other Asian Languages	6,465	0.8%
9. Other Indic Languages	6,234	0.8%
10. Russian	6,176	0.8%
11. Hindu	5,992	0.7%
12. Tagalog	5,099	0.6%
13. German	4,764	0.6%
14. Portuguese or Portuguese Creole	4,665	0.5%
15. Arabic	4,341	0.5%
16. Greek	3,832	0.4%
17. Urdu	3,310	0.4%
18. Hebrew	3,261	0.4%
19. Italian	3,046	0.4%
20. Japanese	2,609	0.3%
21. French Creole	2,442	0.3%
22. Gujarathi	2,358	0.3%
23. Other Indo-European languages	2,304	0.3%
24. Other Slavic languages	1,686	0.2%
25. Other Pacific Island languages	1,661	0.2%
26. Thai	1,350	0.2%
27. Mon-Khmer, Cambodian	1,306	0.2%
28. Armenian	1,248	0.2%
29. Polish	1,175	0.1%
30. Scandinavian languages	1,084	0.1%
31. Hungarian	722	.09%
32. Other West German Languages	707	.09%
33. Serbo-Croatian	649	.08%
34. Yiddish	635	.08%
35. Other and unspecified languages	433	.05%
36. Laotian	414	.05%
37. Other Native North American languages	186	.02%
38. Navajo	39	.005%
39. Miao, Hmong	8	.001%
Total	256,778	32%

*Total County population in 2000 aged five years and older was 813,460.

Source: Montgomery County Department of Park and Planning, Research and Technology Center (based on U.S. Census Bureau 2000)

EXHIBIT 1
LANGUAGE SPOKEN AT HOME IN MONTGOMERY COUNTY
(POPULATION 5 YEARS AND OLDER)



Source: OLO and Montgomery County Department of Park and Planning, Research and Technology Center (based on 2000 U.S. Census Bureau data)

B. Number of Limited English Proficient Residents by Language Category

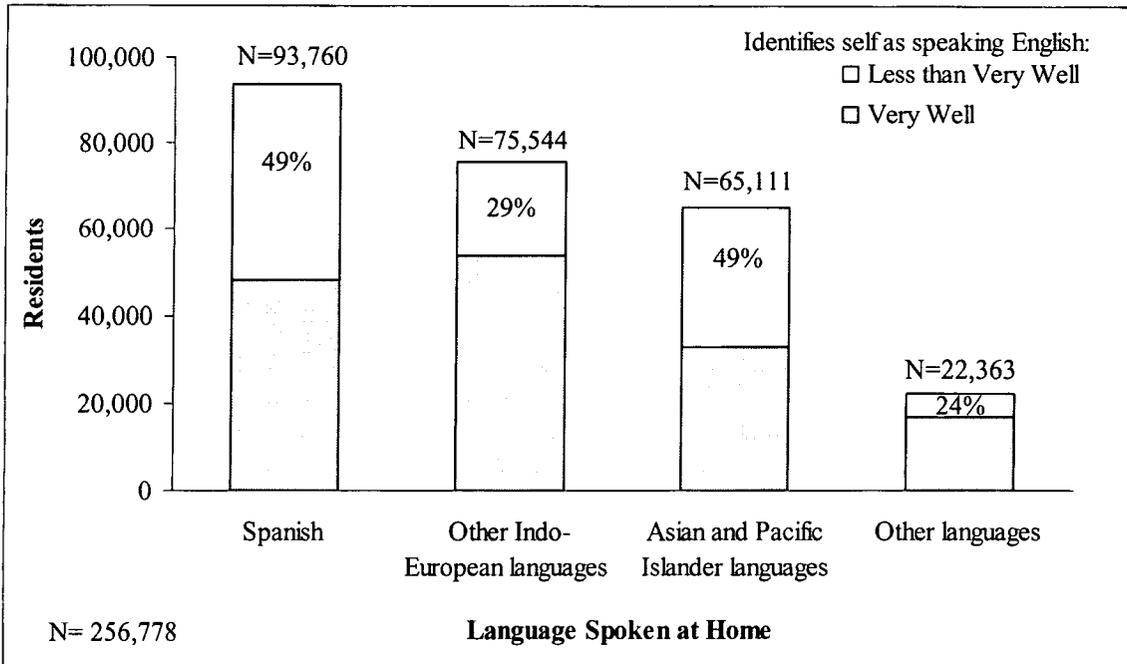
The U.S. Census survey asks respondents to self assess their English-speaking ability as very well, well, or less than very well. Although the Census does not use the term “limited English proficient,” it is generally accepted that respondents who answer anything other than that they speak English “very well” can be counted as LEP persons.

Exhibit 2 (page 15) shows the number of Montgomery County residents five years and older who assess themselves as speaking English “very well” vs. those who assess themselves as speaking English less than very well. The data indicate that:

- 49% of the approximately 94,000 persons five years and older who speak Spanish at home are limited English proficient (LEP);
- 29% of the approximately 76,000 persons five years and older who speak an Indo-European language other than Spanish at home are LEP;

- 49% of the approximately 65,000 persons five years and older who speak an Asian or Pacific Islander language at home are LEP; and
- 24% of the approximately 22,000 persons five years and older who speak a language that falls into a different language category are LEP.

EXHIBIT 2
ENGLISH SPOKEN VERY WELL COMPARED TO LESS THAN VERY WELL
(POPULATION 5 YEARS AND OLDER)

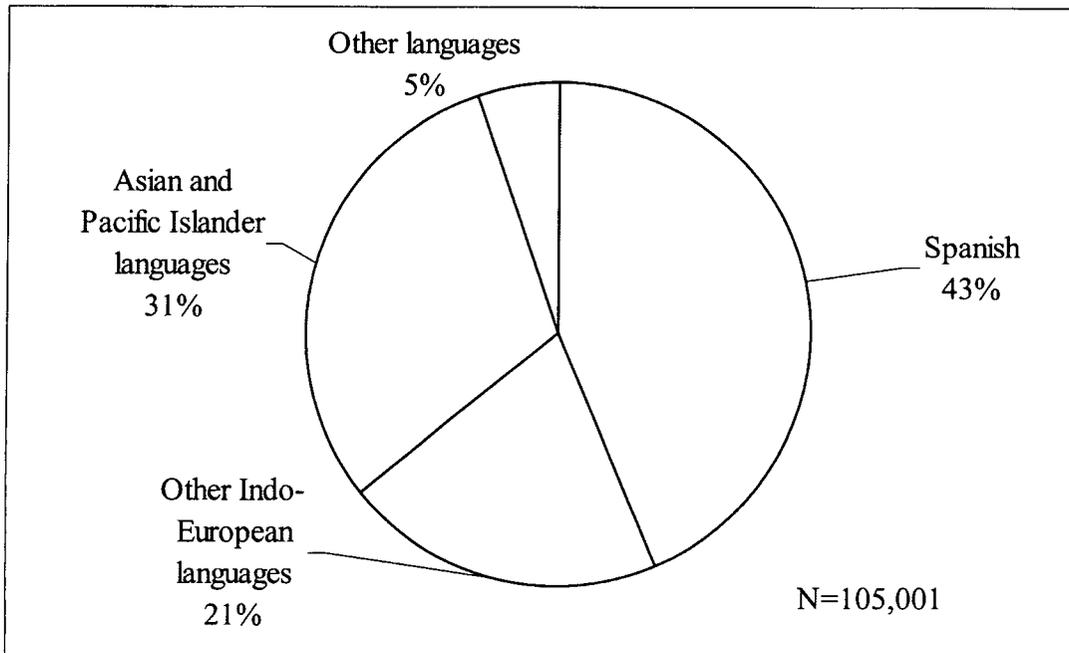


Source: OLO and Montgomery County Department of Park and Planning, Research and Technology Center (based on 2000 U.S. Census Bureau data)

In other words, the 2000 Census data indicate that there are approximately 105,000 persons five years and older living in the County who are LEP. As depicted in Exhibit 3 (page 16), the language spoken by the County's LEP population breaks down as follows:

- 43% (45,710 persons) speak Spanish;
- 31% (32,109 persons) speak an Asian or Pacific Island language;
- 21% (21,770 persons) speak an Indo-European language other than Spanish; and
- 5% (5,412 persons) speak a language that falls into a different language category.

EXHIBIT 3
LIMITED ENGLISH PROFICIENCY BY LANGUAGE CATEGORY
(POPULATION 5 YEARS AND OLDER)



Source: OLO and Montgomery County Department of Park and Planning, Research and Technology Center (based on 2000 U.S. Census Bureau data)

C. Characteristics of the County's Limited English Proficient Residents

As reviewed above, 2000 Census data indicate there are approximately 105,000 LEP persons five years and older living in the County. This represents 13% of the total County population over five years of age.

The rest of this chapter reviews additional data on the County's LEP population. OLO obtained these data from the Maryland State Department of Planning, based upon an advanced query of the 2000 Census data.

Readers should note that because of how Census data are collected, the total population counts differ among the tables. Specifically: Table 3 (a) and (b) on age (pages 19 & 20) and Table 4 (page 21) on gender cohorts is for all persons five years and older; Table 5 (page 22) on education attainment is for all persons 25 years and older; and Table 6 (page 23) on income is for all persons 15 years and older.

English Language Proficiency by Age. Table 3 (a) contains data on the age of persons older than five years of age. The table shows that 27% of this cohort is between 5 and 24 years of age; 52% is between 25 to 54 years of age, and 21% is above 55 years of age. In terms of the age of the County's LEP population, 21% are between 5 and 24 years of age; 60% are between 25 and 54 years of age; and 19% are older than 55 years of age.

Table 3 (b) contains data on the age and English language proficiency of County residents who speak a language other than English at home. Within this cohort of residents, almost 60% speak English very well. When looked at by age, the percent who speak English very well is lower for the older age groups. Specifically:

- 74% of the 5-17 years olds speak English very well;
- 64% of the 18-24 years olds speak English very well;
- 53-57% of the 25-64 years old speak English very well;
- 44% of those 65 and older speak English very well.

English Language Proficiency by Gender. Table 4 contains data on the gender and English language proficiency of County residents. The gender split for all County residents is 48% male and 52% female. The gender split among residents who do not speak English well is only a single percentage point different from that found Countywide, i.e., 47% male and 53% female. Specifically, the data show that of the approximately 105,000 LEP persons, about 49,000 are male and 56,000 are female.

English Language Proficiency by Level of Education. Table 5 contains data on the levels of education and English language proficiency of County residents who speak English only compared to those who speak a language other than English at home. The education level percentages listed in column B (for residents who speak only English) are almost identical to the education level percentages listed in column C (residents who speak a language other than English at home and who also speak English very well.) Specifically:

- 63-66% of residents in both groups have a college degree (or higher);
- Only 5-7% have less than a high school education.

However, there is a striking difference in the education level percentages for both of these groups compared to the education level percentages for residents who do not speak English very well (column D). In particular, of the 83,021 residents (25 years and older) who do not speak English very well:

- 32% have a college degree (or higher);
- 36% have less than a high school education.

English Language Proficiency by Income Level. Table 6 contains data on the income levels and English language proficiency of County residents who speak English only compared to those who speak a language other than English at home. Residents who speak English only (column B), as a group, have higher incomes than residents who speak a language other than English at home (columns C and D). Within the cohort of residents who speak a language other than English at home, those who speak English very well (column C), as a group, have higher incomes than residents who speak English less than very well (column D). Specifically:

- More than half (51%) of the residents who do not speak English very well earn less than \$20K; only 13% of this group earns more than \$50K;
- In comparison, close to 40% of residents who speak English only earn more than \$50K; only 25% of this group earns less than \$20K.

English Language Proficiency by County Region. Exhibit Maps 4 & 5 (pages 24 & 25) illustrate where limited English proficient persons live in the County by US Census tract. Map 4 shows the LEP population by number of LEP persons and Map 5 shows LEP persons as a percent of the population age five years and older.

The highest concentration of LEP persons are seen in parts of Silver Spring, Takoma Park, Wheaton, Rockville, and Gaithersburg. Specifically, Map 4 and Map 5 show that 30% to 46% (or more than 1,500 people) of the residents in these County areas speak English less than very well.

TABLE 3 (A)
ENGLISH LANGUAGE PROFICIENCY BY AGE

Age	(A) Total population	(B) Residents who speak only English	(C) Residents who speak a language other than English at home and who speak English very well	(D) Residents who speak a language other than English and who speak English less than very well
5 to 17 years	160,699 (20%)	112,094 (20%)	36,192 (24%)	12,413 (12%)
18 to 24 years	58,727 (7%)	32,352 (6%)	16,809 (11%)	9,566 (9%)
25 to 34 years	126,519 (16%)	77,568 (14%)	27,974 (18%)	20,977 (20%)
35 to 44 years	159,485 (20%)	104,306 (19%)	30,500 (20%)	24,679 (24%)
45 to 54 years	132,872 (16%)	95,790 (17%)	20,459 (13%)	16,623 (16%)
55 to 64 years	77,701 (10%)	56,994 (10%)	11,041 (7%)	9,666 (9%)
65 years +	97,457 (11%)	77,578 (14%)	8,802 (7%)	11,077 (10%)
Total	813,460 (100%)	556,682 (100%)	151,777 (100%)	105,001 (100%)

Source: U.S. Census Bureau 2000 and the Maryland Department of Planning, Planning Data Services, April 2004. Cross tabulations only include respondents aged 5 years and older

TABLE 3 (B)
ENGLISH LANGUAGE PROFICIENCY BY AGE-RESIDENTS WHO SPEAK A
LANGUAGE OTHER THAN ENGLISH AT HOME

Age	(A) Total number of residents who speak a language other than English at home	(B) Percent who speak English very well	(C) Percent who speak English less than very well
5 to 17 years	48,605	74%	26%
18 to 24 years	26,375	64%	36%
25 to 34 years	48,951	57%	43%
35 to 44 years	55,179	55%	45%
45 to 54 years	37,082	55%	45%
55 to 64 years	20,707	53%	47%
65 years +	19,879	44%	56%
Total	256,778	59%	41%

Source: U.S. Census Bureau 2000 and the Maryland Department of Planning, Planning Data Services, April 2004. Cross tabulations only include respondents aged 5 years and older.

TABLE 4
ENGLISH LANGUAGE PROFICIENCY BY GENDER

Gender	(A) Total population	(B) Residents who speak only English	(C) Residents who speak a language other than English at home and who speak English very well	(D) Residents who speak a language other than English and who speak English less than very well
Male	417,650 (48%)	294,190 (48%)	74,448 (49%)	49,012 (47%)
Female	455,691 (52%)	322,373 (52%)	77,329 (51%)	55,989 (53%)
Total	873,341 (100%)	616,563 (100%)	151,777 (100%)	105,001 (100%)

Source: U.S. Census Bureau 2000 and the Maryland State Department of Planning, Planning Data Services, April 2004. Cross tabulations only include respondents aged 5 years and older.

TABLE 5
ENGLISH LANGUAGE PROFICIENCY BY LEVEL OF EDUCATION

Level of education	(A) Total population	(B) Residents who speak only English	(C) Residents who speak a language other than English at home and who speak English very well	(D) Residents who speak a language other than English and who speak English less than very well
Less than 9 th Grade	25,877	5,791 (1%)	2,678 (3%)	17,408 (21%)
9 th - 12 th grade, no diploma	31,599	15,036 (4%)	4,324 (4%)	12,239 (15%)
High School Graduate	86,009	58,211 (14%)	11,020 (11%)	16,778 (20%)
Some College, No Degree	99,097	73,385 (18%)	15,417 (16%)	10,295 (12%)
College Degree (or higher)	351,451	259,813 (63%)	65,337 (66%)	26,301 (32%)
Total	594,033	412,236 (100%)	98,776 (100%)	83,021 (100%)

Source: U.S. Census Bureau 2000 and the Maryland Department of Planning, Planning Data Services, April 2004. Cross tabulations only include respondents aged 25 years and over.

TABLE 6
ENGLISH LANGUAGE PROFICIENCY BY LEVEL OF INCOME

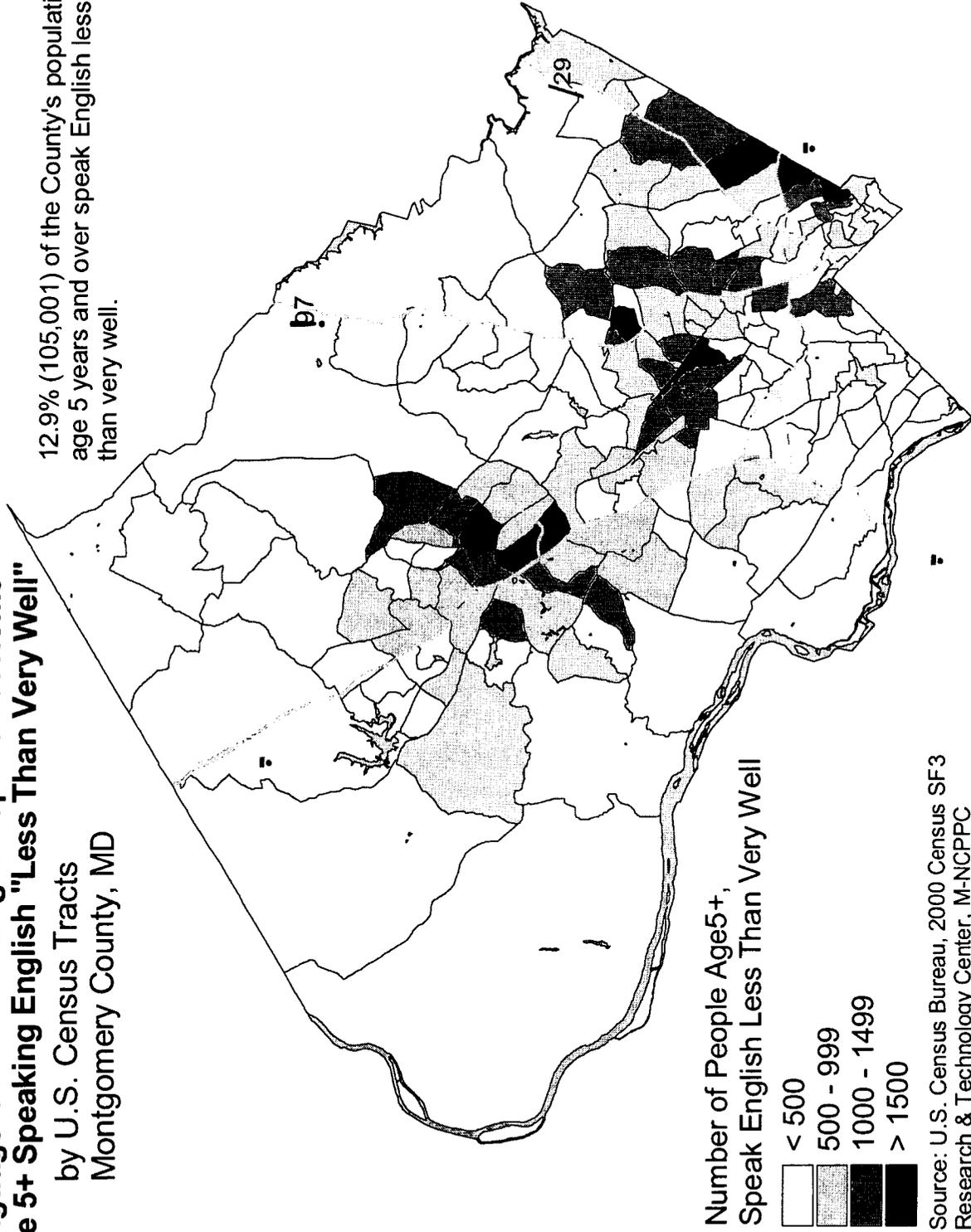
Annual income	(A) Total population	(B) Residents who speak only English	(C) Residents who speak a language other than English at home and who speak English very well	(D) Residents who speak a language other than English and who speak English less than very well
Less than \$10,000	98,205	61,788 (14%)	17,468 (17%)	18,949 (25%)
\$10,000 to \$19,999	83,479	48,177 (11%)	15,438 (15%)	19,864 (26%)
\$20,000 to \$29,999	81,197	50,689 (12%)	15,689 (15%)	14,819 (19%)
\$30,000 to \$39,999	76,769	53,968 (13%)	14,317 (14%)	8,484 (11%)
\$40,000 to \$49,999	59,770	44,831 (10%)	10,208 (10%)	4,731 (6%)
\$50,000 to \$74,999	99,102	77,335 (18%)	16,137 (15%)	5,630 (7%)
\$75,000 to \$99,999	49,523	40,094 (9%)	7,490 (7%)	1,939 (3%)
\$100,000 or more	64,435	53,775 (13%)	8,890 (7%)	1,770 (3%)
Total	612,480	430,657 (100%)	105,637 (100%)	76,186 (100%)

Source: U.S. Census Bureau 2000 and the Maryland State Department of Planning, Planning Data Services, April 2004. Cross tabulations only include respondents 15 years and older.

Language Other Than English Spoken at Home Age 5+ Speaking English "Less Than Very Well"

by U.S. Census Tracts
Montgomery County, MD

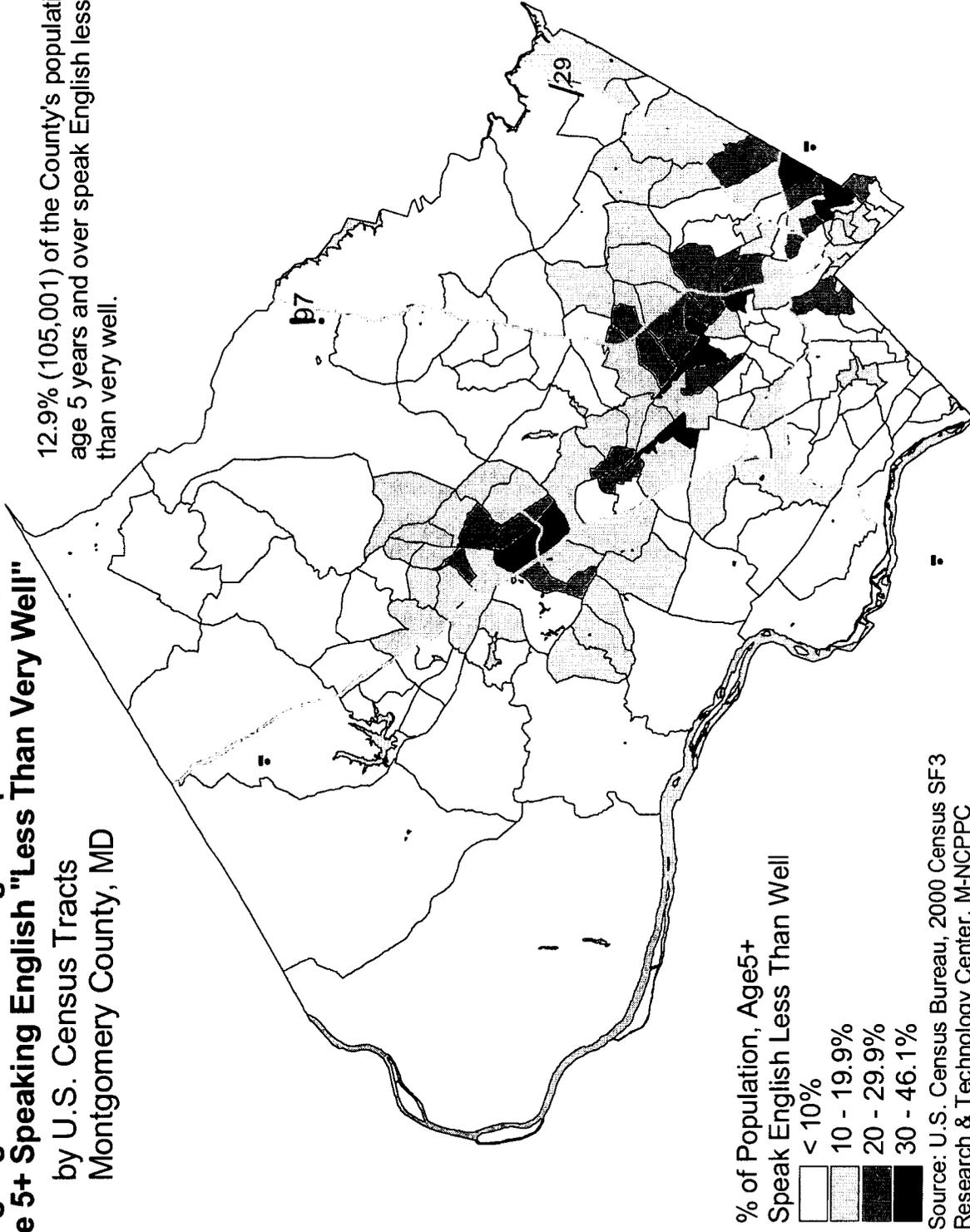
12.9% (105,001) of the County's population
age 5 years and over speak English less
than very well.



Language Other Than English Spoken at Home Age 5+ Speaking English "Less Than Very Well"

by U.S. Census Tracts
Montgomery County, MD

12.9% (105,001) of the County's population
age 5 years and over speak English less
than very well.



CHAPTER IV. The Executive Branch's Limited English Proficiency Policy and Plan

During the past year, the Executive Branch established a Limited English Proficiency Policy and developed a Limited English Proficiency Plan for implementing the policy. This chapter summarizes the completed and ongoing efforts of the Executive Branch.

A. Limited English Proficiency Policy

In May 2003, the County Executive established a Limited English Proficiency Policy. The text of the policy is reproduced in the text box below:

LIMITED ENGLISH PROFICIENCY POLICY

Policy: It is the policy of the Montgomery County Executive Branch that departments, agencies, and programs take reasonable steps to provide equal access to public services for persons with limited English proficiency (LEP). We are committed to eliminating any remaining barriers to services, programs, and activities to eligible limited English proficient persons.

Who is a person with limited English proficiency? (LEP) Any individual who is prevented from meaningful access to services because of his or her inability to read, write or understand the English language is deemed to be of limited English proficiency.¹

Who is covered under this policy? Federal and state guidelines define the LEP population to include persons who speak languages in a linguistic community that constitutes 3% of the overall population within Montgomery County as measured by the United States Census and persons who speak languages frequently encountered by a department, program, or activity as determined by the department or program director.

It is the position of Montgomery County's Executive Branch that federal and state LEP guidelines serve as minimal baselines for assisting LEP customers. Montgomery County will go beyond federal and state guidelines to reasonable remove any remaining barriers to services for any identifiable LEP community.

Vital documents include: Informational materials; brochures; posters; applications for benefits, licenses, and other services; client notice of action; and other documents as each department deems necessary.

Source: Offices of the County Executive, June 2004

¹ The Executive Branch's working definition of an LEP person is not identical to the federal Department of Justice's definition of an LEP person. For further explanation of the Executive Branch's definition, see the CAO comments on page 111.

B. Limited English Proficiency Plan

In October 2003, the Executive Branch convened a “Diversity Summit” to address issues of diversity and the delivery of public sector services as well as recruitment and staffing issues. The Diversity Summit included discussion of how to reduce or eliminate any remaining barriers that may prevent LEP persons from access to County services and programs.

As background for the Diversity Summit, staff from the Offices of the County Executive conducted a survey of how Executive Branch departments currently serve LEP persons. Appendix B contains a list of the survey questions and a summary of the survey results, as prepared by the Office of Community Outreach.

In June 2004, the Chief Administrative Officer issued a Limited English Proficiency Plan (Plan) to implement the County Executive’s Limited English Proficiency Policy. Appendix C contains a copy of the Plan.

The Plan includes: a history and background section, summary data on the County’s LEP population, a review of current resources for LEP customers; and a framework for implementing the County Executive’s LEP Policy across County Government. The introductory paragraph to the implementation section states that:

It is the position of Montgomery County’s Executive Branch that federal and state LEP guidelines serve as minimal baselines for assisting LEP customers. Montgomery County will go beyond federal and state guidelines to reasonably remove any remaining barrier to services for any identifiable LEP community. (Offices of the County Executive, LEP Plan, June 2004)

The Plan creates four LEP groups for the purpose of implementing “a coordinated policy across all departments and agencies:” Departmental Representatives, Resource Team, Training Teams, and Stakeholders Committees. The responsibilities assigned to each group are described below.

Departmental Representatives. Each County department and office must designate a staff member to serve as an LEP representative. According to the LEP Plan:

Departmental Representatives are appointed by department directors who serve as the direct link to LEP policy. They play a critical role in successful implementation. Representatives obtain and provide information on departmental efforts in place to serve LEP customers. Representatives also develop and recommend the County’s comprehensive LEP plan. This comprehensive plan is brought back to directors and senior staff who then will continuously tailor and fine tune strategies to best serve LEP customers seeking services from their departments and agencies. (Offices of the County Executive, LEP Plan, June 2004)

The Plan lists the following responsibilities assigned to the Departmental Representatives:

- Obtain information on what documents are already translated in individual departments;
- Obtain information on the procedure to provide interpreters;
- Obtain information on the process that determines which documents are translated and into which languages;
- Help determine whether more information is needed on the number and the nature of contacts by LEP customers in individual departments;
- Establish guidelines that will determine future translations of documents and into which languages, and determine guidelines on obtaining interpreters for LEP customers.

The plan states that the Departmental Representatives will meet with less frequency after completion of these tasks.

Resource Teams. The Plan assigns the Resource Teams with the task of assisting the work of Departmental Representatives. According to the LEP Plan:

In order to expedite the work of the Departmental Representatives, the Resource Team develops agendas and policy ideas for review and approval by Departmental Representatives. The Resource Team actively collects information and develops ideas, strategies and best practices that can improve LEP implementation. Membership in the Resource Team is open to all interested County employees. (Offices of the County Executive, LEP Plan, June 2004)

The Plan states that as the “Resource Teams will meet separately from the Departmental Representatives although membership in the two groups may overlap. As with the Departmental Representatives, the Resource Team will meet with greater frequency during the initial months of policy implementation and with less frequency as the implementation proceeds.”

Training Teams. The Plan assigns the Training Teams with the responsibility to develop LEP curriculum and schedule training for front-line personnel. Specifically, the Plan states:

County employees who have an interest in training and in LEP policy will be recruited to join Training Teams. Training Team members are provided information on LEP policy by the Departmental Representatives as well as training techniques by the Office of Human Resources and other entities as necessary. Training is scheduled with priority given to those departments providing the most critical service. The Training Team coordinates with the Departmental Representatives to determine the prioritization.

A curriculum is being completed in conjunction with USHHS, Maryland Department of Human Resources and other appropriate organizations. The curriculum includes the historical and legal background of LEP, how to work with LEP customers and some demographic and cultural information on the larger LEP communities in Montgomery County. (Offices of the County Executive, LEP Plan, June 2004)

Stakeholders Committee. This Committee will be responsible for meeting with community based organizations, families, and individuals to obtain feedback on how well the County Government is providing access to the LEP community.

According to the Plan:

The Stakeholders Committee will be responsible for contacting organizations and individual stakeholders who will be impacted by LEP policy. The Committee will reach as many grassroots organizations, families and individuals as possible to obtain an accurate assessment of the County's efforts on providing access to LEP customers. (Offices of the County Executive, LEP Plan, June 2004)

The Stakeholders Committee will consist of interested individuals and representatives from the following groups:

- County boards, committees and commissions as appropriate;
- County Executive's advisory committees to the African American, Asian American and Latin American communities;
- County Executive's Committee for Ethnic Affairs;
- Community Outreach Forum;
- Diversity Council;
- Outreach or advisory committees or boards that support any Agency or Department as appropriate; and
- Private non-profit community, faith based and expatriate organizations as appropriate.

According to staff from the Offices of the County Executive, the Committee will develop a questionnaire to obtain feedback. The questionnaire will provide a uniform set of questions to be used at meetings, focus groups and with individuals to help assess and evaluate how the County is doing in removing barriers to the LEP community.

The Committee also plans to receive additional feedback from evaluators who will pose as LEP customers to test access to services. According to staff, the evaluators will conduct "mystery tests" through telephone calls and onsite visits that focus on service delivery as a whole and not on individual employees. The Plan describes this testing process as follows:

In conjunction with Montgomery County's Office on Human Rights, a group of "mystery shoppers" are being recruited to provide testing of County service providers. Mystery shoppers will be trained to play the role of LEP customers and are given a prepared script to objectively and uniformly seek information and services from the County. They will both place telephone calls and make site visits as would any LEP customer. A uniform reporting mechanism will be developed so the results will be as consistent and objective as possible. (Offices of the County Executive, LEP Plan, June 2004)

According to the Plan, the results of the Stakeholders Committee's work will be analyzed to identify any improvements that County service providers can make to serve LEP customers or if any gaps in service exist.

Categories of Executive Branch Departments and Offices

As part of the Diversity Summit held in October 2003, Executive Branch staff sorted all County Government departments and offices into three categories. The categories are based (generally) on the nature, purpose, and consequence of interactions with LEP persons.

Category #1: Infrequent includes departments/offices/Boards that serve the County Government's internal management and administrative needs, and whose interactions with LEP individuals are infrequent.

Category #2: Moderate includes the County entities that serve the County Government's legal, investigative, and policy needs, and have moderate interactions with LEP individuals.

Category #3: Significant includes County entities that provide services, information, or assistance to residents, and have potentially significant interactions with LEP persons. Departments that fall within this category must:

- Designate staff responsible for improving access of services to LEP persons;
- Create a working group consisting of limited English proficient people;
- Define and identify vital documents for translation;
- Develop a uniform procedure for the timely and effective accessing of language assistance services;
- Provide training to staff to improve communication with LEP persons;
- Identify the points of contact in a department where language assistance is likely to be needed; and
- Determine whether sufficient numbers of bilingual employees are in public contact positions.

Table 7 (page 31) shows the Executive Branch's groupings of departments/offices into these three categories.

TABLE 7
DEPARTMENT CATEGORIES BASED ON LIKELIHOOD OF INTERACTION WITH LEP PERSONS

Category Defined	County Government Department/Office
<p>Category #1-Infrequent: Potential interactions with LEP individuals are <u>infrequent</u> and secondary due to the nature of the services performed by these departments.</p>	<ul style="list-style-type: none"> • Department of Finance • Office of Human Resources • Office of Intergovernmental Relations • Board of Liquor License Commissioners • Office of Management and Budget • Department of Technology Services
<p>Category #2-Moderate: Potential interactions with LEP individuals are <u>moderate</u> due to the nature of services performed by these departments.</p>	<ul style="list-style-type: none"> • Office of the County Attorney • Offices of the County Executive • Department of Economic Development • Department of Environmental Protection • Department of Liquor Control • Department of Permitting Services • Office of Procurement • Commission for Women • Community Use of Public Facilities • Regional Service Centers
<p>Category #3-Significant: Potential interactions with LEP individuals are <u>significant</u> due to the nature of services performed by these departments.</p>	<ul style="list-style-type: none"> • Fire and Rescue Service • Department of Health and Human Services • Public Information Office • Public Libraries • Department of Police • Department of Public Works & Transportation • Department of Recreation

Source: "LEP Services Survey Analysis for Departments and Agencies in Montgomery County", prepared by the Office of Community Outreach, October 16, 2003.

CHAPTER V. Language Assistance Services Currently Used by County Government

This chapter provides an overview of the language assistance services used most often by County Government staff for communicating with LEP persons.

- Direct communication or interpretation/translation by multilingual employees;
- Telephone interpretation by paid “language line” service;
- Telephone or in-person interpretation/translation by volunteers; and
- Interpretation/translation provided by family members or friends.

Chapter VI (begins on page 42) reports in more detail on the strategies used by front-line public safety and health and human service program staff to communicate with LEP persons in the delivery of emergency services selected by OLO as case studies. Chapter VII (begins on page 71) then describes some additional activities related to serving LEP person in the County, e.g., English-language classes, the Gilchrist Center, community grants targeted to language minorities.

A. Direct Communication or Interpretation/Translation by Multilingual Employees

Using multilingual employees for either direct communication or interpretation/translation services is frequently cited as the most preferred option for communicating with LEP persons. This section reviews the number of certified multilingual County employees, the County’s process for language certification, the currently negotiated hourly rates of multilingual pay differential; and proposed amendments to the Personnel Regulations that address multilingual employees.

1. Number of Certified Multilingual Employees

As of May 2004, there are 358 certified multilingual County Government employees. This represents approximately 4.5% of the total County workforce. The Office of Human Resources maintains a database of certified multilingual employees; which is available for reference via the County’s intranet.¹

Table 8 and 9 (pages 33 & 34) list the 358 certified multilingual employees by department/office of employment and language. The data show that 272 (75%) of the multilingual employees are certified in Spanish; 26 (7%) employees are certified in Chinese and 15 (4%) are certified in Vietnamese. In addition, there are between one and seven employees certified in 19 other languages.

The Department of Health and Human Services has 151 certified multilingual employees, more than twice the number compared to any other single County Government department or office. The Department of Police has the second largest number of certified multilingual staff members (47 employees), followed by the Department of Libraries (23 employees), and the Department of Corrections and Rehabilitation (21 employees).

¹ The Employee Language Bank’s web address is:
<http://www.montgomerycountymd.gov/content/ohr/ResourceLibrary/files/RLLangB.xls>

**TABLE 8
NUMBER OF CERTIFIED MULTILINGUAL EMPLOYEES BY DEPARTMENT AND
LANGUAGE***

Dept./Office	Spanish	Chinese	French	Korean	Vietnamese	Other**	Total*
Department of Health and Human Services	120	4	5	2	8	12	151
Department of Police	47	3		2	1	8	61
Libraries	23	16		1	3	1	44
Department of Corrections	21		1	1	1	8	32
Fire and Rescue Service	18					1	19
Department of Public Works and Transportation	10						10
Sheriff's Office	5	1		1	1		8
County Attorney's Office	2					2	4
Offices of the County Executive	3	1					4
Department of Housing and Community Affairs	4						4
Department of Recreation	4						4
Board of Elections	3						3
Office of Human Rights	2				1		3
Department of Permitting Services	2	1					3
Regional Services Centers	3						3
Office of Human Resources	1						1
Board of Liquor License Commissioners	1						1
Commission for Women	1						1
Department of Economic Development	1						1
Department of Finance	1						1
Total	272	26	6	7	15	32**	358

* The count does not include the six employees certified in sign language.

**See Table 9 for listing of the number of employees certified in "other languages" by department/office.

Source: OLO/OHR, May 2004

**TABLE 9
NUMBER OF MULTILINGUAL EMPLOYEES CERTIFIED IN "OTHER" LANGUAGES
LISTED BY DEPARTMENT***

Department	Language spoken	Number of Multilingual Staff**
HHS	Amharic	2
	Arabic	1
	Cambodian	1
	Creole	1
	Farsi	2
	Hindi	2
	Nepali	1
	Russian	1
	Swahili	1
Corrections	Akan	1
	Creole	1
	German	1
	Ibo	2
	Urdu	2
	Yoruba	3
Police	Arabic	1
	Farsi	1
	German	1
	Greek	2
	Portuguese	1
	Russian	2
Libraries	Farsi	1
	Italian	1
	Portuguese	1
County Attorney	Farsi	1
	Hindi	1
	Punjabi	1
Fire/Rescue	Portuguese	1

* Excludes six certified sign language staff

**Four individuals are counted more than once, because they speak two or more languages.

Source: OLO/OHR, May 2004

2. The Certification Process

The County Government's Office of Human Resources (OHR) was first assigned lead responsibility for certifying multilingual employees in the late 1980s. At that time, OHR hired a consultant to design a test that examined a person's written, oral, and reading language skills.

Today, County staff administer the language certification tests, which remain modeled after the initial tests designed by the consultant. OHR primarily relies upon County multilingual employees who are already certified to assist with the testing process. OHR reports that the County has in-house capacity to supervise the testing of most languages, including Spanish, Chinese, French, Korean, and Vietnamese. For less common languages, OHR arranges with the relevant embassy to supervise an employee's examination.

At present, OHR offers both basic and advanced language skills tests. An employee who passes the basic test is certified to translate oral communications. An employee who passes the advanced test is certified to interpret oral and translate written communications. Over half (55%) of the County employees are certified at the advanced level.

According to OHR staff, the basic language test consists of three components:

- Approximately ten minutes of conversation;
- Translating (by reading out loud) a document into English from one written in the language being tested; and
- Translating (by reading out loud) a document from English into the language being tested.

The advanced language test consists of the three components listed above plus a written translation of a document from English to the language tested and vice versa. According to OHR staff, the certification tests are tailored to the employee's field of work. For example, the test given to the social worker differs from the test given to a police officer.

Before taking a language certification test, an employee must submit an application form signed by his/her immediate supervisor and department/office director. Appendix D contains a copy of this form, which is available online. Once certified, an employee remains certified for the duration of his/her employment with the County.

Staff from the Office of Human Resources advise that they are currently working to develop a partnership with Montgomery College, University of Maryland, or John Hopkins University to improve the County's testing and certification process.

3. Multilingual Pay Differential

Certified multilingual employees receive a pay differential that varies by labor agreement. Table 10 summarizes the per hour rates, as negotiated in the most recent agreements with the County Government's three labor organizations.² Unrepresented employees receive the same pay differential as MCGEO members.

TABLE 10
MULTILINGUAL PAY DIFFERENTIAL BY LABOR AGREEMENT

Employee Organization	Basic (per hour)	Advanced (per hour)	Dates of Current Agreement
FOP	\$1.00	\$2.00	July 1, 2001 - June 30, 2003
IAFF	\$1.00	N/A*	July 1, 2002 - June 30, 2005
MCGEO	\$1.00	\$1.30	July 1, 2001 - June 30, 2004

*The IAFF agreement contains no provision for multilingual pay differential at the advanced level.

Source: OHR, Labor Relations, Bargaining Unit Agreements

All certified multilingual employees receive the pay differential for every hour accounted for on their time sheet. Under the currently negotiated agreements, the per-hour pay differential is the same amount, regardless of how frequently an employee's second language skills are used. Previous negotiated agreements required that the County pay for the amount of time an employee actually spent providing interpretation/translation services. According to OHR, the current approach that establishes a set amount is less cumbersome and much simpler to administer.

The Office of Management and Budget reports that the total FY 03 cost to the County for the multilingual pay differential was almost \$700K.

4. Proposed Amendments to Personnel Regulations re: Multilingual Employees

On July 20, 2004, the County Executive transmitted Executive Regulation No. 9-04, *Amendments to Montgomery County Personnel Regulations on Multilingual Pay, Service Increment Dates, Annual and Sick Leave, and Promotion*, to the Council President for the Council's review and approval. Appendix E contains a copy of the proposed Executive Regulation in its entirety.

The proposed Executive Regulation outlines a process for designating certain positions in County Government as "multilingual", meaning that a specific language skill becomes a job qualification. The Regulation also proposes a process for inter-departmental sharing of certified multilingual employees, including procedures for reimbursing the employee's home department if an employee's time for interpretation/translation exceeds four hours.

² Appendix F contains the relevant excerpts from the three labor agreements.

The proposed Executive Regulation would also establish:

- Formal definitions of basic and advanced multilingual skills;
- Eligibility criteria for a multilingual pay differential;
- The process for certifying multilingual employees and maintaining a list of certified employees; and
- Parameters for the payment and amount of multilingual pay differentials.

B. Telephone Interpretation by Paid “Language Line” Service

A number of County Government departments communicate with LEP persons by using paid telephone interpreters available through the County’s contract with a so-called “language line”. At the present time, the major users of the contract for telephone interpretation services are: the Police Department, Fire and Rescue Services, and the Department of Health and Human Services.³

As the result of a competitive procurement, the Police Department entered into a multi-year contract with a company called Language Line Services to provide telephone interpretation services. Language Line Services provides over-the-phone interpretation from English to more than 150 other languages. The County pays \$1.60 per minute of interpretation services, regardless of language. Interpretations services are available 24 hours a day, seven days a week. Language Line Services is based in California and the interpreters employed by Language Line Services reside in many different places across the country.

At the Emergency Communications Center, Fire and Rescue Services employees have access to the language line through the Police Department’s user code. The Department of Health and Human Service has an agreement with the Department of Police to “ride” their contract with Language Line Services. DHHS staff are assigned a separate user code and DHHS receives a separate monthly bill from Language Line Services.

Table 11 (page 38) summarizes the County Government’s use of Language Line Services in CY 2003. The data shows that the Police Department and MCFRS called Language Line Services 10,070 times. Staff estimate that 90% of these calls came from the Emergency Communications Center. DHHS called Language Line Services 3,473 times.

Language Line Services connected Police Department and MCFRS personnel to the appropriate interpreter within an average time of 6.1 seconds; DHHS employees were connected within an average time of 13.4 seconds. The average call for interpretation services lasted six minutes for MCPD and MCFRS, and 13 minutes for DHHS. The total cost to the County for Language Line Services in CY 2003 was about \$161K.

³ According to the Director of the Department of Libraries, library employees occasionally use the language line to communicate with LEP persons. The Director advises that the language line is only used when a multilingual staff member is unavailable.

Chapter VI (begins on page 42) provides further details on the use of Language Line Services by the Police Department, MCFRS, and DHHS.

TABLE 11
MONTGOMERY COUNTY POLICE DEPARTMENT, FIRE AND RESCUE SERVICE, AND
HEALTH AND HUMAN SERVICES USE OF LANGUAGE LINE SERVICES
(CALENDAR YEAR 2003)

Details	Police/MCFRS	DHHS	Total
Number of Calls	10,070	3,473	13,543
Average Time Taken to Connect to Interpreter	6.1 seconds	13.4 seconds	8 seconds
Average Length of Call	6.0 minutes	13.1 minutes	8 minutes
Total Cost for Interpretation Services	\$91,959	\$69,324	\$161,283

Source: Language Line Services' accounting of County Government use of service from January 1, 2003 through December 31, 2003.

C. Interpretation/Translation Services by Volunteers

The County Government's Volunteer Language Bank, first established five years ago, consists of names of community members who have indicated a willingness to volunteer their time as translators/interpreters. The County's Volunteer Center maintains a database of volunteer names and contact details.

Persons wishing to volunteer must contact the Center and attend an orientation session. The Center's staff interview volunteers and check references before including the person in the Language Bank.

Any County Government department/office and participating non-profit organizations (the Volunteer Center lists approximately 600) can access the database and call upon a volunteer for language assistance. The names and contact details of the volunteers are available through the County Government's website.⁴ Other information listed includes a volunteer's available times, level of language skills, and specialized technical skills, e.g., legal, medical knowledge.

⁴ The Volunteer Language Bank's web address is:
<http://www.montgomerycountymd.gov/mc/services/volunteer/langbank.htm>

TABLE 12
NUMBER OF MULTILINGUAL VOLUNTEERS BY LANGUAGE AND SERVICE(S) OFFERED

Language	Interpretation Services Only	Interpretation and Translation Services	Total*
Amharic	1	1	2
Arabic		4	4
Chinese	1	14	15
Czech		1	1
Ewe		1	1
Farsi		1	1
French	3	7	10
Ga		1	1
German	1		1
Greek		1	1
Guarani		1	1
Hebrew	1		1
Hindi	2	1	3
Japanese		1	1
Korean		3	3
Laotian	1		1
Lingala		1	1
Polish		1	1
Portuguese	1	3	4
Romanian		1	1
Russian	3	1	4
Samoan		1	1
Shanti		1	1
Spanish	4	17	21
Swahili		1	1
Taiwanese	1		1
Thai	2	1	3
Twi		1	1
Urdu	1	1	2
Vietnamese	2	2	4
West Africa		1	1
Total	24	70	94

*Excludes two sign language personnel

Source: OLO/Volunteer Services Center, May 2004

Table 12 (page 39) lists the number – by language and service available – of volunteers registered in the Volunteer Language Bank as of April 2004. At present, there are 94 volunteers available to interpret/translate in 31 languages. The largest number of volunteers are available for interpretation/translation services in Spanish, Chinese, and French. According to a survey conducted last summer by the Office of Community Outreach, the Volunteer Language Bank receives, on average, 14 calls each month for assistance.

According to Executive Branch staff, Department of Health and Human Services makes the greatest number of language requests to the Language Bank. Other frequent users of the Language Bank cited include Permitting Services, Libraries, Fire and Rescue Services, Police, and Human Resources.

D. Interpretation/Translation by Family Members and Friends

Using an LEP person's multilingual family member or friend to provide interpretation is not sanctioned by the County Government as an official language assistance tool.⁵ In practice, however, there are interactions between County personnel and LEP persons where a family member or friend does serve as the interpreter. Further, it is not uncommon for an LEP person to bring a multilingual family member with him/her specifically for the purpose of providing interpretation. Younger family members, in particular, often act as interpreters for their parents or grandparents.

The reliance on family members and friends to reduce language barriers is not unique to the County Government. Other government agencies and businesses often rely on this strategy. For example, a 2001 survey by the University of Maryland found that State employees relied on family members, friends, or other community members for approximately 80% of their interactions with LEP persons.⁶

The federal Department of Justice Guidance on improving access to limited English proficiency discourages the recipients of federal funds to rely on a LEP person's family member/relative to act as interpreters. However the Guidance does acknowledge that LEP persons may prefer to use family member/friends over other language assistance tools. According to DOJ's Guidance:

Although recipients should not plan to rely on an LEP person's family members, friends, or other informal interpreters to provide meaningful access to important programs and activities, where LEP persons so desire, they should be permitted to use, at their own expense, an interpreter of their own choosing (whether a professional interpreter, family member, friend...) in place of or as a supplement to the free language services expressly offered by the recipient.⁷

⁵ See page 111 for the CAO's comments on the use of family members and friends.

⁶ Source: *State Government Survey of State Departments, Agencies, and Programs – Persons with Limited English Proficiency (LEP)*, The National Foreign Language Center at the University of Maryland, December 21, 2001, page 14.

⁷ Source: Department of Justice's Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, page 18

The Guidance, however, goes on to state that family members or friends may need to be used to provide interpreter services in emergency situations.

In emergency situations that are not reasonably foreseeable, the recipient may have to temporarily rely on non-recipient-provided language services. Reliance on children is especially discouraged unless there is an extreme emergency and no preferable interpreters are available.⁸

Similar to the DOJ guidelines, the U.S. Department of Health and Human Services also discourages using family members and friends as interpreters. The guidance parallels the language in the DOJ guidance, but also explicitly states that “a recipient may not require an LEP person to use a family member or friend as an interpreter.”

The following chapter provides more detail on when front-line employees in the Department of Police, Fire and Rescue Services, and DHHS are comfortable asking a family member or friend to interpret for an LEP person, and when it is not at all appropriate, either for legal or confidentiality reasons, to do so.

⁸ Source: DOJ LEP Policy Guidance, page 30

CHAPTER VI: Case Studies in Public Safety and Health and Human Services

In order to more closely examine the County Government's practices of providing language assistance services to persons with limited English proficiency (LEP), OLO selected three public safety services and three health and human program services as case studies. OLO purposely selected high priority government services that require County personnel to communicate quickly and accurately with a broad cross-section of the public. Additionally, the consequence of a language miscommunication in each of the case study services could potentially be life threatening.

Part A, Public Safety Case Studies, examines the language assistance services used by Montgomery County Police Department (MCPD) and the Montgomery County Fire and Rescue Service (MCFRS) personnel for communicating with LEP persons in the course of delivering the following public safety services:

- The Emergency Communications Center's receipt and processing of 9-1-1 calls;
- The initial response provided by County patrol officers to 9-1-1 calls for emergency police service; and
- The initial response provided by MCFRS personnel to 9-1-1 calls for fire suppression, rescue, and/or emergency medical services (EMS).

Part B, Health and Human Services Case Studies, examines the language assistance services used by Department of Health and Human Services personnel for communicating with LEP persons in the course of delivering the following services:

- The intake (either on the telephone or in-person) and initial counseling services provided by staff in the 24-hour Crisis Center;
- Child Welfare Services' screening and initial investigations of cases involving reports of alleged child abuse or neglect; and
- Adult Protective Services' screening and initial investigations of cases involving reports of alleged elder abuse or neglect.

A. Public Safety Case Studies

The Montgomery County Police Department (MCPD) and the Montgomery County Fire and Rescue Service (MCFRS) deliver a broad range of public safety services related to law enforcement, emergency medical, fire, rescue, and disaster management, prevention, and education. This section reviews the language assistance services currently used by Emergency Communications Center call takers, police officers, and firefighters to communicate with LEP persons, and summarizes feedback received through interviews with front-line staff.

This section is organized into five parts:

- Part 1, Overview of Interactions with Persons of Limited English Proficiency;
- Part 2, Language Assistance Services Used by the Emergency Communications Center;
- Part 3, Language Assistance Services Used in Emergency Patrol Response Operations;
- Part 4, Language Assistance Services Used by MCFRS Personnel in Emergency Fire, Rescue, and Medical Services Response Operations;
- Part 5, Additional Feedback from the Field.

1. Overview of Interactions with Persons of Limited English Proficiency (LEP)

In both the Police Department and The Montgomery County Fire and Rescue Service, substantial attention is paid to ensuring that persons of limited English proficiency have access to services. Across both departments, the language assistance services most often used in practice are:

- Direct communication or interpretation by multilingual employees;
- Use of contract telephone interpreters; and
- Use of family members, neighbors, or others on-site at the scene of an incident as informal interpreters.

Except for data available on the use of contract telephone interpreters, neither the Police Department nor MCFRS collect data on interactions with LEP persons. Interviews with front-line responders suggest that the frequency of contact with LEP persons varies considerably across the County, but is notably on the increase almost everywhere.

In some parts of the County, police officers and firefighters interact with LEP persons as part of their daily routine. In other parts of the County, public safety personnel interact with LEP persons, but not necessarily multiple times every day.

MCPD and MCFRS personnel consistently report that the largest number of LEP persons they interact with speak Spanish. The other languages that staff report (anecdotally) as being spoken most often by LEP persons in the County are: Chinese, Korean, Vietnamese, French, and Russian.

Responding to emergency situations that present some form of communication challenge is not new to law enforcement or fire/rescue personnel. Examples of communication challenges, other than a language barrier, routinely faced by police officers and firefighters are:

- Firefighters arrive at the scene of a fire where no one is present to answer questions about the situation.
- Firefighters respond to an EMS call where the person needing help is not able to communicate with words because he/she is unconscious or too young to answer questions.
- Police officers arrive at an incident scene where the individuals on site are hesitant to provide any information because they fear or distrust law enforcement; and
- Police officers and firefighters respond to incidents that involve persons who are not in a position to communicate clearly, either due to a mental illness and/or because they are under the influence of alcohol or drugs.

Within this context, providing services to LEP persons can be looked at as one among multiple types of communication challenges faced by front-line public safety responders.

Formal Statement of MCPD Policy. The Police Department has a formal written policy (MCPD Function Code 1121, Interpreters/Language Services) that sets forth the Department's guidelines for accessing interpreters and other language services. This document includes the following statement of policy:

It is the policy of the department to furnish appropriate auxiliary aids and services whenever necessary to ensure effective communications with individuals with hearing impairments. Language services will also be made available so the department may serve all members of the community. (MCPD, Function Code 1121, page 1)

Function Code 1121 establishes that telephone interpretation services are available 24 hours a day, seven days a week to all MCPD staff. An attachment to FC 1121 contains instructions on the logistics of how to access and use the Police Department's contract for telephone interpreter services.

As reviewed earlier in this report (see page 37), the Police Department's current contract for telephone interpreter services is with Language Line Services. Data on the use of Language Line Services in CY 2003 is reviewed in the following section on language assistance services used by the Emergency Communication Center.

Certified Multilingual Employees in the Police Department and MCFRS. The County's contracts with the Fraternal Order of Police (FOP) and the International Association of Firefighters (IAFF) both provide for a multilingual pay differential.

Agreement with the FOP. The County's collectively bargained Agreement with the FOP provides for a \$1 per hour pay differential for multilingual employees certified at the basic level, and \$2 per hour pay differential for multilingual employees certified at the advanced level. Appendix F contains the relevant excerpt from the current Agreement for the years July 1, 2001 through June 30, 2003.

Table 13 lists the 68 certified multilingual MCPD employees by language. 49 (72%) of the certified MCPD employees are certified in Spanish, with the other 19 certified across 10 other languages including sign language. In FY 03, the total cost to the Police Department for multilingual differential pay (including overtime) was \$162K.

TABLE 13
NUMBER OF CERTIFIED MCPD MULTILINGUAL EMPLOYEES BY LANGUAGE
(AS OF MAY 2004)

Language of Certification	Sworn Officers	Civilians	Total
Arabic	1	0	1
Chinese	1	2	3
French	1	0	1
German	1	0	1
Greek	2	0	2
Korean	0	1	1
Portuguese	1	2	3
Russian	3	0	3
Sign	3	0	3
Spanish	35	14	49
Vietnamese	0	1	1
	48	20	68

Source: Office of Human Resources, May 2004.

Agreement with the IAFF. The County's collectively bargained Agreement with the IAFF provides for a \$1 per hour pay differential for multilingual employees who pass a language proficiency exam administered by the Office of Human Resources. Appendix F contains the relevant excerpt from the current Agreement for the years July 1, 2002 through June 30, 2005.

Table 14 lists the 20 certified multilingual MCFRS employees by language. 17 of the 20 MCFRS employees are certified in Spanish, two in Portuguese, and one in sign language. In FY 03, the total cost to MCFRS of paying the multilingual differential pay (including overtime) was \$34K. At the present time, all certified multilingual MCFRS staff are uniformed firefighters.

**TABLE 14
NUMBER OF CERTIFIED MCFRS MULTILINGUAL EMPLOYEES BY LANGUAGE
(AS OF MAY 2004)**

Language of Certification	Uniformed Firefighters	Other MCFRS Staff	Total
Spanish	17	0	17
Portuguese	2	0	2
American sign language	1	0	1
	20	0	20

Source: MCFRS, May 2004.

The rest of this section reviews in more detail the language assistance services used in practice by the Emergency Communication Center staff, patrol officers responding to 9-1-1 calls for emergency police services; and MCFRS personnel responding to 9-1-1 calls for fire suppression, rescue, and/or emergency medical services.

2. Language Assistance Services Used by the Emergency Communications Center

In CY 2003, the Emergency Communications Center (ECC) answered and processed 915,990 telephone calls. Approximately two-thirds of these are 9-1-1 calls and the other third are calls to ECC's non-emergency number. During CY 2003, 129,130 (15%) of the total calls received were transferred to the "fire side" of ECC; the balance were handled by the "police side."

**TABLE 15
NUMBER OF EMERGENCY AND NON-EMERGENCY CALLS TO THE ECC: FY 2004**

Category of telephone call received	Number	Percent of Total
Calls to 9-1-1	609,817	67%
Calls to non-emergency number	306,173	33%
Total calls received	915,990	100%

Source: Public Safety Communications Center, May 2004

In practice, ECC call takers' primary tool for communicating with callers with limited English proficiency is to engage the services of contract telephone interpreters. Alternatively, when it is feasible, multilingual ECC call takers are assigned calls received from persons who speak the call taker's second language.

Use of contract telephone interpreters – the Language Line. All of the ECC stations for receiving and dispatching calls are equipped with a single-button that connects to Language Line Services, Inc., which as described earlier (see page 37), is the County's current vendor for providing telephone language interpretation services. As soon as a call taker determines the need for an interpreter, the call taker asks the caller to "hold on" and pushes the single button to access the language line. Once the call taker, caller, and interpreter are all connected on the telephone line, the three parties enter into a process of consecutive interpretation.¹

Table 16 (pages 48 & 49) summarizes the Police Department and MCFRS' use of the language line during CY 2003. Staff estimate that calls initiated by the Emergency Communications Center account for at least 90% of the two departments' total use of the language line. The data show that, during 2003, the Police Department and MCFRS together:

- Placed approximately 10,000 calls to the language line for a total of 60,266 minutes (1,004 hours) of interpreter services;
- It took an average of 6.1 seconds to connect to the interpreter and the average call used 6 minutes of interpreter time for an average cost of \$9.13 per call;
- The 12-month cost of the Police Department and MCFRS' use of the language line was about \$92K.

In terms of the language requested, the data show that 91.5% of the more than 10,000 calls placed to the language line during 2003 were requests for Spanish interpreters. The average connect time to a Spanish interpreter was only 3.2 seconds. Many of the individuals who answer incoming calls at Language Line Services speak Spanish, which means the time to connect to a Spanish interpreter is essentially reduced to zero.

The balance of the Police Department and MCFRS' requests to the language line during 2003 were divided among 43 other languages. Following Spanish, the most frequently requested languages were: Mandarin, Vietnamese, Korean, Portuguese, and French; more than 100 requests were placed to Language Line Services for each of these languages. There were three or fewer requests for 23 other languages, such as Polish, Ibo, Hebrew, and Laotian.

¹ Consecutive interpretation occurs when two people communicate with each other through an interpreter. For example, the process of interpreting between English-speaking person (A) and Spanish-speaking person (B) is as follows. The interpreter listens to Person A in English and relays the message to Person B in Spanish. The interpreter then listens to Person B's response in Spanish and relays it back to Person A in English.

TABLE 16
POLICE DEPARTMENT AND MONTGOMERY COUNTY FIRE AND RESCUE SERVICE
USE OF LANGUAGE LINE
(CALENDAR YEAR 2003)

Language	Number of Calls to Language Line	Average Time Taken to Connect to Interpreter (in seconds)	Average Length of Call (in minutes)	Annual Cost for Interpretation (by language)
Total	10,070	6.1	6.0	\$91,959
1. Spanish	9,220	3.2	5.8	86,256
2. Mandarin	136	32.8	7.5	1,635
3. Vietnamese	121	28.5	8.3	1,603
4. Korean	116	33.1	6.6	1,228
5. Portuguese	111	39.8	10.3	1,820
6. French	104	35.7	6.0	998
7. Russian	66	28.0	6.8	715
8. Cantonese	32	33.0	5.7	292
9. Hindi	24	35.0	7.0	267
10. Amharic	20	44.5	10.0	331
11. Farsi	17	32.5	7.8	211
12. Haitian Creole	13	47.8	6.9	144
13. Thai	11	31.7	5.3	92
14. Urdu	8	41.9	7.5	96
15. Cambodian	6	22.5	8.2	78
16. Taiwanese	6	76.3	7.3	70
17. Arabic	6	27.0	4.7	44
18. Bengali	6	87.0	4.5	43
19. Turkish	4	35.5	5.5	35
20. German	4	29.8	3.0	19
21. Tagalog	3	26.3	8.7	41
22. Tamil	3	89.0	6.7	32
23. Greek	3	26.7	6.3	30
24. Sinhalese	3	49.3	6.3	30
25. Japanese	3	22.7	6.0	28
26. Italian	3	39.3	5.3	25
27. Swahili	2	59.5	11.5	36
28. Polish	2	53.5	10.5	33
29. Nepali	2	66.5	4.5	14
30. Wolof	1	23.0	24.0	38

**TABLE 16 CONT.
POLICE DEPARTMENT AND MONTGOMERY COUNTY FIRE AND RESCUE SERVICE USE OF
LANGUAGE LINE
(CALENDAR YEAR 2003)**

Language	Number of Calls to Language Line	Average Time Taken to Connect to Interpreter (in seconds)	Average Length of Call (in minutes)	Annual Cost for Interpretation (by language)
31. Ibo	1	65.0	13.0	20
32. Lithuanian	1	27.0	12.0	19
33. Punjabi	1	55.0	10.0	16
34. Armenian	1	30.0	6.0	9
35. Marathi	1	26.0	6.0	9
36. Hebrew	1	24.0	6.0	9
37. Fukienese	1	47.0	5.0	8
38. Somali	1	29.0	5.0	8
39. Indonesian	1	66.0	4.0	6
40. Akan	1	125.0	3.0	4
41. Malayalam	1	0.0	3.0	4
42. Dutch	1	0.0	3.0	4
43. Laotian	1	19.0	3.0	4
44. Tigrinya	1	29.0	2.0	3

Source: Language Line Services, April 2004.

Implementation of Emergency Medical Dispatch (EMD) protocol requires call takers to ask additional questions. In July 2003, the MCFRS side of ECC implemented a new protocol for answering and dispatching calls for fire, rescue, and emergency medical services. The new process, which involves certifying ECC call takers as “emergency medical dispatchers” brings Montgomery County into compliance with standards established by the Maryland Institute for Emergency Medical Services Systems. A certified emergency medical dispatcher receives enhanced emergency medical training and is considered the first responder in what is known as the “chain of survival.”

In sum, the County’s implementation of EMD involves use of a computer program titled “ProQA Emergency Dispatch Software.” After answering the 9-1-1 call, the ProQA program prompts the call taker to ask a series of standardized key questions to determine the victim’s medical needs and severity of illness or injury. Different follow-up questions are generated depending upon the presenting problem.

Based upon the answers provided, the computer program recommends the most appropriate response to meet the patient’s needs. For example, it recommends whether to dispatch a basic life support unit, an advanced life support unit, first responders, or special services such as forcible entry, manpower or other unique assistance that might be required to render aid. The other advantage is that the information obtained through the questioning is passed on to the MCFRS responders, who are then more informed and prepared when they arrive on the scene.

If the initial questioning indicates a life-threatening emergency, then units can be dispatched without delay while the caller is asked to stay on the line to answer additional questions. Once the emergency has been identified, ProQA prompts the call taker to provide potentially life-saving, pre-arrival/post-dispatch instruction to the caller.

MCFRS staff confirm that the introduction of ProQA, with its built-in protocol of multiple questions, has increased the need for call takers to use language interpretation services with callers who are of limited English proficiency. The software is designed such that the series of questions associated with a particular presenting problem must be answered before a dispatch decision is made. Even though the software allows the call taker to override the questions and move more quickly to a dispatch decision, this is not a recommended or best practice to follow on a routine basis.

Direct communication by multilingual ECC staff. During any given shift, there may or may not be multilingual employees working as ECC call takers. When it is feasible, calls received in a call taker's second language are assigned to that call taker for processing.

3. Language Assistance Services Used in Emergency Patrol Response Operations

During CY 2003, approximately 307,500 calls to the Emergency Communications Center resulted in the dispatch of one or more patrol officers.² In FY 04, there were almost 600 officers assigned to one of the six Police Districts to provide the first response to 9-1-1 calls, staff traffic accidents, and organize community policing efforts.

MCPD staff explain that the approach used by patrol officers to communicate with LEP persons depends largely upon the specifics of the incident. The different strategies most often used are summarized below:

- Direct communication or interpretation by MCPD personnel. The patrol officers interviewed indicated that calling upon multilingual MCPD staff (certified or not certified) to talk directly with persons in their own language is almost always the preferred approach to communicating with members of the community who are of limited English proficiency. As reviewed earlier (see page 45), there are currently 68 certified multilingual MCPD employees. In addition, there are other MCPD staff members who speak more than one language who are not officially certified.³

² The 307,500 figure is an estimate made by Public Safety Communications Center staff based upon actual data for the first six months of 2003.

³ Officers who can speak a language other than English are not certified for different reasons. Some have made the personal choice not to be certified, most often because they do not want to be routinely called away from their primary assignment to provide interpretation services. Others desire to be certified but either were not able to pass OHR's test, or have not yet gotten around to taking OHR's test.

The most convenient situation occurs when a multilingual officer is working the same shift in close proximity to where his/her language skills are needed. In such cases, the patrol officer needing language interpretation services will contact the multilingual officer and request him/her to come to the scene. Alternatively, some situations lend themselves to meeting the multilingual staff member back at the District Police station.

- Engage the assistance of multilingual family member, neighbor, or other person at the incident scene. A less-preferred but common strategy used by patrol officers for communicating with LEP persons is to seek out a family member, neighbor, or other person at the scene who is multilingual, and to ask this individual to serve as an informal interpreter.

In some situations, (e.g., filing a report of stolen property), asking a family member to serve as an interpreter is a practical and efficient way to communicate with LEP persons. In other situations, (e.g., a domestic dispute), asking a family member to serve as an interpreter, especially when the family member may himself/herself also be involved in the incident, is not an advisable strategy and is only used as a last resort.

- Use of telephone interpreters via the language line. Patrol officers report only occasional use of the telephone interpreters made available through the County's contract with Language Line Services, Inc. Patrol officers can place the telephone call to Language Line Services directly or through calling back through the Emergency Communications Center.

According to the patrol officers interviewed, although the use of telephone language interpreters is useful in some situations, many emergency incidents do not lend themselves to either the time it takes to conduct consecutive interpretation, or the logistics of passing a telephone receiver back and forth. At present, only officers at the rank of sergeant and above are assigned a cell phone, which adds the additional problem in the field of finding and using a telephone for accessing the language line.⁴

Other potential problems with use of the language line are that: there is essentially no way for an officer to know whether the interpretation being provided is accurate; and the telephone interpreters themselves work from all across the country and are generally not available to testify in court as to what they heard.

⁴ Appendix G, New York Times "Translating Crime Reports by Cellphone", April 22, 2004

A number of patrol officers interviewed mentioned two additional less formal strategies used in practice for communicating with LEP persons:

- Use of “street Spanish”. Officers, especially those who work in areas of the County that have substantial numbers of Spanish-speaking residents, have learned to speak what is referred to as “street Spanish.” Basically, through on-the-job training, these officers have picked up key phrases in Spanish that they can speak and recognize. While this approach works in some situations, the acknowledged trade-off is that it can lead to a misunderstanding that an officer is fluent in Spanish.
- Request to “try it in English.” Another informal strategy used in selected interactions with LEP persons is to encourage them to try and communicate in English. Officers report their experience that many individuals who may not have confidence in their English language skills can actually speak English well enough to communicate what needs to be communicated to a patrol officer. Officers further observe that this strategy is usually only appropriate in situations that are of a less urgent nature.

4. Language Assistance Services Used in MCFRS Personnel in Emergency Fire, Rescue, and Medical Services Response Operations

Table 17 shows the breakdown of the 101,518 incidents that MCFRS responded to during 2003 into the numbers of fire suppression, emergency medical services, and “other” incidents. As the data show, calls for emergency medical services (basic and advanced life support incidents) accounted for almost three fourths of the incidents to which MCFRS vehicles and personnel responded.

**TABLE 17
MCFRS RESPONSES BY TYPE OF INCIDENT: CY 2003**

Type of Incident	Number	Percent of Total
Fire Suppression	1,678	2%
Emergency Medical Services*	74,513	73%
Other**	25,327	25%
Total	101,518	100%

* This number is a total of both basic and advanced life support incidents.

**The category of “other incidents” includes responses to non-structure fires and miscellaneous alarm calls, e.g., automatic fire alarms.

MCFRS personnel report that the approach firefighters use to communicate with persons who are of limited English proficiency depends upon the specifics of the emergency. A consistent observation made by the front-line responders interviewed is that emergency medical services incidents almost always require more immediate and detailed exchange of information with members of the community compared to fire suppression incidents.

Response to Fire Incidents. When responding to an incident involving a fire, firefighters are usually able to decide the appropriate course of action without additional information from the persons on-site. The location of a fire is usually apparent through sight and smell. Further, MCFRS' protocol is to conduct a thorough search for anyone inside regardless of what information is provided by the individuals on the scene.

MCFRS personnel report that it is often after a fire has been suppressed that there is a greater need for exchanging information with members of the community. This would include, for example, the need to communicate when it is safe to return, or what options are available to assist residents who were displaced as the result of a structural fire.

When there are LEP persons at the scene of a fire, MCFRS' preferred approach is to ensure that a multilingual person is on the scene to help with passing along important information. If multilingual MCFRS personnel are not available, then an attempt is made to engage the assistance of family members or neighbors who are multilingual.

Response to Emergency Medical Services (EMS) Incidents. MCFRS personnel consistently report that, compared to fire incidents, EMS incidents pose a bigger challenge for providing services to LEP persons. This is because the assistance provided is largely guided by what they are able to learn about a patient's presenting problem. In some cases, the problem and appropriate intervention is obvious without need for an extensive exchange of information. In other cases, the problem and appropriate intervention is not immediately obvious and requires obtaining more information from the patient.

When EMS providers are unable to figure out exactly what is going on with a patient (due to any type of communication problem, including a language barrier), their default course of action is to stabilize the patient and transport him/her to the hospital. Although this admittedly can result in an unnecessary visit to an emergency room, it errs on the side of caution in terms of providing an appropriate level of emergency medical services.

Examples of questions that EMS providers at the scene of an incident typically seek prompt and accurate answers to are listed below. Questions 1-5 are examples of commonly asked questions that require a simple "yes" or "no" answer. Questions 6-11 are examples of commonly asked questions that require a more complex answer.

1. Are you hurt?
2. Are you having chest pain?
3. Are you having trouble breathing?
4. Do you have any medical problems?
5. Are you allergic to any medicines?
6. What medications do you take?
7. What type of medical problems do you have?
8. Describe the pain.
9. How long ago did this episode begin?
10. What were you doing when it started?
11. How fast was the car going?

The need for a patient to understand written information comes in situations where a patient refuses care or refuses transport to a hospital. In such cases, MCFRS' protocol requires the individual to sign a waiver document that releases the EMS providers from any claims for damages or injuries arising from such refusal. (Appendix H contains a copy of this waiver form.)

In addition, when a patient is transported by ambulance to a hospital emergency room (ER), the standard and expected practice is for the EMS providers to give the ER staff information about the patient's presenting problem. When the EMS providers are limited in what they know about the status of a patient, (due to a language barrier or other reason), the ER staff must begin the diagnosis process from scratch, which lengthens the time before appropriate medical intervention can be provided.

MCFRS personnel report using a number of different approaches for communicating with LEP persons at EMS incidents. In addition, MCFRS plans to introduce a new computer-based translation tool for pilot use in the field within the next year.

- Ask a multilingual family member, neighbor, or other person on-site to provide interpretation. Firefighters report that this is probably the most common strategy used to communicate with LEP persons. In many cases, a multilingual family member or neighbor will offer to serve as an interpreter without being asked.
- Use of multilingual MCFRS personnel. Another strategy is to call upon available multilingual MCFRS personnel to interpret at the scene of an incident. If the multilingual individual is at another location (e.g., back at the station), then his/her interpretation services might be engaged over the telephone.
- Use of contract telephone interpreters. Firefighters report that they occasionally use interpreters available on the telephone via the County's contract with Language Line Services. The telephone call can be placed directly by firefighters in the field or through calling back through the ECC.⁵ Firefighters point out, however, that many emergency situations do not lend themselves to use of telephone interpreters.
- Use of pocket-sized English/Spanish translation card. Some firefighters report that they sometimes consult with a pocket-sized translation card that lists words and phrases commonly used at the scene of an EMS incident. Appendix I contains a copy of a sample translation card.

Introduction of SafetyPAD and translation module. During the coming year, MCFRS plans to introduce use of a new computerized emergency medical service information management system called SafetyPAD. In sum, SafetyPAD is a mobile computer that will allow MCFRS to collect, reference, share, and distribute call and patient emergency medical information in real-time. Each computer will automatically receive dispatch information from the ECC/CAD via a wireless cellular data modem. When an incident is over, the data will be transmitted wirelessly back to the server.

⁵ See page 47 for Language Line Services discussion.

One option available through SafetyPAD is a translation module. Specifically, the computer can be pre-programmed to “read aloud” commonly asked questions in different languages. Designed upon the assumption that the EMS provider does not speak the language of the patient that he/she is attempting to communicate with, the questions programmed into SafetyPAD are primarily questions that can be answered either “yes” or “no.” Appendix J contains a list of sample questions to be programmed into SafetyPAD.

5. Additional Feedback from the Field

To obtain feedback from the front-line public safety responders OLO conducted site visits and solicited the views of Police Department and MCFRS personnel at the ECC, two Police Districts, six fire stations and one rescue station. The observations expressed by those interviewed are summarized below.

Views expressed by ECC call takers

- Ready access to telephone interpreters is critical when calls are received from callers who are of limited English proficiency. Even though the consecutive interpretation process takes longer, it provides an essential tool to understanding enough of the caller’s emergency to dispatch the appropriate personnel and apparatus.
- Although ECC has used some type of telephone interpretation services for many years, the introduction of Emergency Medical Dispatch (in July of 2003) has measurably increased MCFRS’ call takers need for it. Without use of the language line, the call takers would be unable to answer the questions required by the EMD protocol.
- The use of the language line could be made more efficient if the interpreters knew in advance the questions that needed to be asked to the 9-1-1 callers.
- The mechanics of accessing the language line work well most of the time. Connection to the correct language interpreter typically occurs within seconds. Although it is not the norm, call takers shared the following anecdotes of situations where use of the language line is problematic:
 - Calls to the language line occasionally result in a recording that states “all circuits are currently busy;”
 - Language Line Services sometimes connects the call initially to the wrong language interpreter;
 - In some situations, the interpreter has difficulty understanding what the caller is trying to say, which makes the process of consecutive interpretation take even longer.
- Several of the more experienced call takers explained that in some cases where the caller indicates some command of English, instead of immediately calling the language line, they will ask the caller to “try it in English.” The call takers report that callers often can communicate enough of what is going on to provide the call taker with sufficient information to make a dispatch decision within a shorter period of time.

Views expressed by Patrol Officers

- Not being able to communicate with a member of the community due to a language barrier can be extremely frustrating and definitely creates a challenge to the responding patrol officer(s). When someone does not immediately respond in a cooperative way with an officer's request or command, the officer does not immediately know whether the individual is not responding because he/she does not comprehend the officer's request or because he/she is choosing to be uncooperative.
- Police officers are not consistently informed in advance (as part of the ECC dispatch) that they are responding to an incident that involves one or more individuals who are of limited English proficiency.
- The "best" strategy for communicating with individuals who are of limited English proficiency is to have a multilingual officer (who fluently speaks the language of the person(s) involved) who is dispatched either as the initial responder to the call, or who is readily available to assist with interpretation.
- In many emergency situations, the first five minutes is crucial in terms of securing a crime scene and stabilizing a situation. Realistically, the time is not always available to call upon the services of a multilingual officer. In such cases, officers will seek assistance with interpretation from a multilingual family member, neighbor, or bystander.
- Not all patrol officers interviewed knew that the language line was available to them.
- The use of the language line is often not a practical tool to use when responding to an emergency incident. In addition to the fact that a telephone (either land line or cell phone) is not always readily available, a prevailing opinion expressed by patrol officers interviewed is that many incidents do not lend themselves to taking the time needed to access the language line and go through the process of consecutive interpretation.
- Another problem with using language line interpreters is that the interpreters are not often located in the area and not easily available to come testify in court.
- Many officers expressed an interest in learning Spanish, with an emphasis on learning what is sometimes described as "survival Spanish for law enforcement." Several officers recalled the Department at one time offering a three-day Spanish-language immersion class focused on Spanish for police officers.
- Some resentment expressed by officers that the same pay differential is paid to officers regardless of the frequency that they are called upon to provide interpretation services. Also, that over time, providing interpretation services can become a burden if officers are too often called away from their primary assignment.

Views expressed by MCFRS field personnel

- The need that front-line responders have to exchange words with members of the community in order to figure out the best course of emergency intervention is substantially more of an issue with EMS incidents when compared to fire suppression incidents.
- Adding a language barrier to emergency situations where acting expeditiously can mean the difference of life and death admittedly is frustrating. At the same time, EMS providers can usually figure out what needs to be done with or without detailed information from the patient.
- The most common strategy used by staff in the field is to call upon a multilingual family member, neighbor, or bystander to assist with interpretation. Fire/rescue personnel report that, in most cases, people are more than willing to help out in these situations. The firefighters interviewed shared numerous anecdotes that evidence these types of informal interpretation services are frequently just volunteered without need for MCFRS personnel to even ask.
- Firefighters are not consistently informed in advance (as part of the ECC dispatch) that they are responding to an incident that involves one or more individuals who are of limited English proficiency.
- Not all MCFRS personnel are aware of the language line as a potential resource for communicating with LEP persons. Those who know about the language line report that it is often not a practical tool to use when responding to an emergency call. In addition to the fact that a telephone (either land line or cell phone) is not always readily available, a prevailing opinion expressed by firefighters is that the time needed to access the language line and go through the process of consecutive interpretation is often not “worth it” because enough information can be made about the condition of a patient without exchange of detailed information.
- Knowing what medicines that a patient is currently taking is an important piece of figuring out the most appropriate intervention. In some cases, MCFRS responds to a call where a person is taking medicines with labels in languages other than English. In such cases, the medicine is not always recognizable.

Specific Suggestions for Improvements

- The Office of Human Resources’ process for certifying employees as multilingual should be better explained. At present, it is not entirely clear what standards are being used to measure an employee’s language proficiency.

- The County should provide employees with more opportunities to learn Spanish. Many individuals expressed an interest in attending a Spanish immersion class as a more efficient way to learn. Language classes should be held at convenient times and be offered either free or at low cost to employees.
- The County should provide opportunities for staff to learn more about the cultural differences of the different language minorities living in the County. Similarly, the County should make an effort to educate members of the community what to expect when, for example, they call 9-1-1 for emergency medical services or they are stopped by a police officer.
- It would be useful for front-line public safety responders to have easy access to cell phones that have the capacity to serve as speaker phones. This would facilitate the practical use of the language line in the field.

B. Health and Human Services (DHHS) Case Studies

The Department of Health and Human Services (DHHS) mission is to provide services that address the health and human service needs of Montgomery County residents. This section begins with a summary of Department's overall approach to providing language assistance services to LEP persons, and then focuses on the practices being used to reduce language barriers in the specific service areas selected as case studies. It concludes with a summary of feedback received from interviews with management and front-line DHHS staff.

This section is organized into four parts as follows:

- Part 1, Department-wide Initiatives Related to Ensuring Access for LEP Persons;
- Part 2, Brief Descriptions of the Three DHHS Service Case Studies;
- Part 3, Language Assistance Services Used by Crisis Center, Child Welfare Services, and Adult Protective Services Staff; and
- Part 4, Additional Feedback from Program Staff.

1. Department-wide Initiatives Related to Ensuring Access for LEP Persons

According to Department of Health and Human Services (DHHS) staff, ensuring meaningful access to programs and activities to persons with limited English proficiency (LEP) is a high priority of the Department. DHHS staff report that the newly established Office of Community Affairs (once it becomes operational) will:

- Ensure compliance with LEP requirements;
- Identify and coordinate training regarding LEP requirements and cultural competence among DHHS staff; and
- Ensure that the Department's services are accessible to all residents regardless of their English speaking capabilities.⁶

Staff across DHHS currently employ a range of practices to communicate with LEP persons. The primary methods currently used are: interpretation by multilingual DHHS staff, use of contract telephone interpreters, use of State funded interpreters (in person), and use of volunteer interpreters. In addition, DHHS staff report that it is not uncommon for an LEP person to ask a relative or friend to serve as their interpreter, either on the telephone or in-person.

⁶ Department staff report that the newly hired Chief of Community Affairs began work on July 12, 2004. The CAO reports that the Office will be responsible for community outreach, as well as development, implementation, and oversight of services to aid poor residents of the County through the Community Action Agency. See page 111 for the CAO's comments on the Office of Community Affairs.

Interpretation by multilingual DHHS staff: As of May 2004, 151 DHHS staff members are certified by the Office of Human Resources as multilingual employees. These 151 multilingual employees represent approximately 9% of DHHS' total personnel complement of approximately 1,628 persons.

Tables 8 and 9 (pages 33 & 34) list these 151 employees by their respective certified language. The data show that 79% are certified in Spanish. Other languages spoken by certified employees include Amharic, Arabic, Cambodian, Chinese, Creole, Farsi, French, Hindi, Korean, Nepali, Russian, Swahili, and Vietnamese. Appendix K lists the individuals by DHHS service area.

Use of contract telephone interpreters. As the result of a competitive procurement, the Police Department entered into a multi-year contract with Language Line Services to provide telephone interpretation services. Under an arrangement with the Police Department, DHHS staff can access Language Line Services under the terms negotiated under the MCPD's contract; DHHS staff use a separate user code and receive a separate monthly bill from Language Line Services.

Table 18 (page 60) summarizes the CY 2003 use of the Language Line Services by DHHS staff; data are not readily available on which programs within DHHS used Language Line Services. DHHS paid Language Line Services a total of \$69,324 to translate 3,473 calls for language assistance. Language Line Services connected DHHS employees to a translator within an average of 13.4 seconds.

In terms of the language requested, the data show that 75% of the 3,473 calls placed to the language line were requests for Spanish interpreters. The average connect time to a Spanish interpreter was only 6.1 seconds.

The balance of the DHHS' requests to the language line during 2003 were divided among 35 other languages. Following Spanish, the most frequently requested languages were: Vietnamese, French, and Mandarin; and more than 100 requests were placed to Language Line Services for each of these languages. There were also frequent requests for Amharic, Korean, Russian, Farsi, Portuguese, and Cantonese.

TABLE 18
MONTGOMERY COUNTY HEATH AND HUMAN SERVICES: USE OF LANGUAGE LINE
CALENDAR YEAR 2003

Language	Number of Calls to Language Line	Average Time Taken to Connect to Interpreter (in seconds)	Average Length of Call (in minutes)	Annual Cost for Interpretation (by language)
Total	3,473	13.4	13.1	\$69,324
1. Spanish	2,582	6.1	12.4	51,356
2. Vietnamese	182	26.7	12.7	3,702
3. French	142	28.2	16.3	3,694
4. Mandarin	106	33.5	10.8	1,825
5. Amharic	96	35.7	22.1	3,401
6. Korean	87	34.2	12.3	1,707
7. Russian	47	23.8	15.2	1,142
8. Farsi	42	25.5	18.6	1,251
9. Portuguese	37	33.6	13.4	795
10. Cantonese	29	48.6	10.2	473
11. Hindi	21	38.6	10.1	340
12. Turkish	19	85.1	31.7	963
13. Haitian Creole	14	31.0	14.1	316
14. Bengali	12	62.7	11.5	220
15. Urdu	10	37.6	9.0	144
16. Arabic	7	45.5	9.3	104
17. Thai	5	34.0	21.4	171
18. Cambodian	4	22.0	22.8	145
19. Japanese	4	19.8	17.3	110
20. Armenian	4	25.8	8.5	54
21. Tagalog	3	44.3	26.3	126
22. Indonesian	2	49.0	35.5	113
23. Gujarti	2	225.5	22.0	70
24. Somali	2	36.0	17.5	56
25. Burmese	2	17.0	13.0	41
26. Nepali	2	80.8	6.5	20
27. Polish	1	25.0	91.0	145
28. Sinhalese	1	76.0	35.0	56
29. Albanian	1	23.0	28.0	44
30. Czech	1	16.0	19.0	30
31. Tamil	1	55.0	18.0	28
32. Akan	1	28.5	6.0	9
33. Hungarian	1	24.0	6.0	9
34. Punjabi	1	31.0	6.0	9
35. Greek	1	18.0	4.0	6
36. French Canadian	1	0.0	3.0	4

Source: Language Line Services, April 2004.

Use of State funded interpreters (in-person). DHHS has the ability to access a registry of interpreters maintained by the State. DHHS may call upon these interpreters to assist in court-related matters. The State pays for the interpreters' costs.

Adult Protective Services, Child Protective Services, and Income Support Services can also draw upon designated State funding (HB669) to pay for in-person interpreter services. DHHS uses a local private firm to provide the in-person interpretative service. Staff make arrangements with the firm (e.g., language needed, time, location) through their administrative services coordinator. Management staff estimate using the firm eight to twelve times per year and report satisfaction with the service provided. The firm provides in-person interpreters/translators at the rate of \$60 per hour.

Use of volunteer interpreters. DHHS frequently uses volunteer interpreters from the County's Language Bank. Page 38 of Chapter V provides details about the Language Bank. Views expressed by Crisis Center, Child Welfare Services, and Adult Protective Services staff about use of the volunteers are detailed on page 69.

Use of Community-Based Organizations. DHHS contracts with a variety of community based organizations to serve the County's cultural/ethnic groups. Page 76 of Chapter VII summarizes the organizations that received FY 05 funding to provide an array of services to residents who may not speak English very well.

Other Activities. In May 2004, over 1,300 DHHS employees received LEP training from staff of the Maryland Department of Human Resources. According to DHHS staff, the training provided an overview of the LEP requirements and covered topics such as:

- Federal and state legal requirements related to limited English proficiency;
- Language assistance techniques and strategies; and
- Resources available at the State level.

According to DHHS staff, the Department also recently conducted the following activities to ensure meaningful access to persons with limited English proficiency:

- Surveyed all service delivery telephone lines and directional voice mails to determine the availability of multilingual assistance available by phone. Staff report that the survey identified limited availability of language assistance, particularly in languages other than Spanish; and a lack of multilingual instructions available on voice mail messages. Staff report that the Department's after hours message (associated with the main information number) is now available in Spanish.
- Identified all program literature, brochures, and other documents (approximately 600) readily available in languages other than English.
- Drafted a standard procedures that outline the process -- already widely used in the Department -- to serve LEP persons. See page 114 for a copy of the draft procedures (attached to the CAO's comments on the final draft of this report).

During FY 05, Department staff report plans to conduct the following activities:

- Implement a centralized information and referral system, with phones answered by staff between 8:00 AM and 5:30 PM. The centralized information and referral group will provide multilingual staff support in several languages, and allow residents to access information to the Department's services via a single point of contact.
- Modify the existing Community Guide to services to provide a comprehensive listing of available programs and resources to residents. The Guide will be available in multiple languages. Staff will also review and consolidate individual the program guides to reduce the number publications and brochures in use.
- Finalize and fully implement the Department's LEP procedures.
- Identify and implement additional staff training, including cultural competency and tips for conducting assessments and interviews utilizing trained interpreters.
- Continue to collaborate with the Offices of the County Executive to plan and implement Countywide LEP standards.

2. Brief Descriptions of the Three DHHS Case Study Services

The Department of Health and Human Services does not maintain data on the frequency of interactions with LEP persons.⁷ Interviews with DHHS staff suggest that the number of LEP persons seeking services from DHHS has notably increased over the last five years.

Management and field staff from the three service areas selected for case study estimate that at least 10-25% of their cases involve working with LEP persons. Some programs and service areas indicate that their proportion of LEP clients is even higher.

DHHS staff consistently report that the largest number of LEP persons that they come in contact with speak Spanish. The other languages that DHHS staff identify anecdotally as most frequently being spoken by LEP persons that they work with are Chinese, Vietnamese, Korean, French, Russian, Farsi, and various African languages.

a. The 24-Hour Crisis Center – Operations Room

The Crisis Center provides a broad range of services to individuals experiencing situational, emotional, or mental health crisis. The Crisis Center offers counseling services either over the telephone or at the Center itself (located at DHHS' offices on Piccard Drive). In addition, the Crisis Center's Assertive Community Treatment Team and Mobile Crisis Team provide services in the field.

⁷ According to the CAO, the Department is "adding a module to its current data collection bundle, to track LEP contacts. This data collection will occur in several phases, with the first to collect information related to residents seeking the Department's services for the first time."

The Crisis Center operates 24 hours a day, seven days a week. The Crisis Center employs counselors, clinical social workers, psychologists, and psychiatrists. These staff (42.5 workyears in FY 04) provide individuals and families with crisis intervention and stabilization services, and help in obtaining additional services that are appropriate to the presenting problem.

For purposes of examining strategies for communicating with LEP persons, OLO focused on the work of the Crisis Center's operations room, which receives and processes all telephone calls and walk-in requests for assistance.

In FY 03, the Crisis Center handled an estimated 48,000 telephone calls for assistance, and assisted 5,400 walk-in clients.⁸ Staff estimate that phone calls from LEP persons account for 25% of the total calls received. Data maintained by the Crisis Center show that 545 or approximately 10% of walk-in consultations involved Spanish speaking persons, many of whom were limited English proficient.

b. Child Welfare Services: Screening and Assessment Units

The overall mission of Child Welfare Services (CWS) is to "protect children, preserve families, strengthen communities, and ensure permanency for every abused and neglected child in Montgomery County." CWS staff assess children and families, provide protective and foster care services, and coordinate adoptive placements.

For purposes of examining strategies for communicating with LEP persons, OLO selected the work of CWS' Screening Unit and Assessment Unit:

- **The Screening Unit** is the single point of entry for all child welfare cases. The Unit receives and processes all referrals of suspected child abuse and neglect, and other requests for child welfare related services. The Screening Unit's current staff includes eight social workers (five full time and three part time) and an information specialist who answers and refers all incoming calls to the Unit's social workers.
- **The Assessment Unit** investigates reports of alleged child abuse and neglect, evaluates the need for services to ensure child safety, and "promotes preservation of the family".⁹ The Assessment Unit's current staff consists of 32 social workers who investigate allegations of child physical and sexual abuse and neglect.

In FY 03, Child Welfare's Screening Unit received 9,295 telephone calls or approximately 750-800 calls a month. Staff estimate that 20-30 telephone calls each week (10-15% of all telephone calls received) are from LEP persons. During FY 03, CWS staff conducted 2,656 family assessments, which collectively involved 5,691 children. Staff estimate that 5-8 assessments each week involve family members who are of limited English proficiency.

⁸ Data on the actual number of calls received is unavailable due to the installation of a new phone system.

⁹ Source: Child Welfare Services Montgomery County Maryland, Annual Report 2003.

State law mandates that cases accepted for investigation must be started within 24 hours. By law, a social worker must see children within 24 hours in cases of physical and sexual abuse and within five days for neglect. A social worker must complete his or her investigation within 60 days.

3. Adult Protective Services: Screening and Assessment Units

Adult Protective Services (APS) is mandated to prevent or remedy neglect, self-neglect, abuse or financial exploitation of persons aged 18 and over who lack the physical or mental capacity to provide for their daily needs. APS services include: evaluation of client needs; emergency services and shelter; counseling clients, relatives, surrogates, payees, and guardians; arranging alternative living arrangements; petitioning the Court for guardianship; and serving as the Court-appointed guardian.

Maryland law requires health practitioners, police officers, and human service workers to report suspect cases of abuse or neglect. APS accepts reports/referrals via telephone, letter, and/or direct conversation 24 hours a day, 365 days of the year.

An APS investigation can involve multiple home visits, consultation with family and other appropriate parties (e.g., neighbors, police, and physicians), police reports, court presentations, and collaboration with public and private organizations.

By State law, APS must immediately initiate investigations of cases where there is a high risk of abuse/neglect. For other cases, the law requires initiation no later than five days after the referral. APS staff must complete all investigations within 30 days. In FY 03, APS took an average of 3.6 days to initiate and an average of 27 days to complete an investigation.

APS staffing complement consists of six social workers and four community health nurses. APS may draw upon another 4.0 workyears of staff time from other Aging and Disability programs for emergency/same day APS investigations. In addition, APS and Child Protective Services have access to three contractors to provide evening coverage and five contractors to provide weekend coverage.

In FY 03, APS screened 521 abuse and neglect reports and completed 481 investigations. APS staff estimate that 10-15% of their caseload involves working with family members who are of limited English proficiency.

3. Language Assistance Services Used by Crisis Center, Child Welfare Services, and Adult Protective Services Staff

Summary. The Crisis Center, Child Welfare Services, and Adult Protective Services staff primarily use multilingual staff, contract telephone interpreters, and volunteer interpreters to communicate with LEP persons.

In practice, Child Welfare Services most often uses one of their multilingual employees to interact with LEP clients. The 24-hour crisis center prefers to use multilingual employees, but is a frequent user of the language line for both field and office work. Crisis Center staff report general satisfaction with the language line. Adult Protective Services uses a combination of all three tools, as well as in-person contract interpreters to assist in communication.

Management and field staff from the three service areas concur that no other language assistance tool can substitute for multilingual employees. When hiring, management staff place high priority on qualified candidates who are multilingual. Due to the nature of the work performed by the Crisis Center, Child Welfare Services, and Adult Protective Services, the use of family members, friends, or neighbors as interpreters is not recognized as an acceptable practice as a method for communicating with LEP persons.

a. 24-Hour Crisis Center – Operations Room

Individuals contact the Crisis Center for assistance both by telephone and in person. The preferred approach to working with LEP persons is to assign the client to a multilingual staff member who speaks the same language as the LEP person. As of May 2004, the Crisis Center has nine multilingual employees, which represent 22% of the Center's total staffing. At least two of the nine staff speak two or more languages in addition to English. According to Crisis Center management, several staff members speak other languages at a conversational level, which is helpful in basic communication.

In addition, the Crisis Center has formal relationships with eight graduate schools that provide graduate students each academic year to the Center. For example, since the early 1990s, Howard University Hospital has supplied the Crisis Center 3rd or 4th year psychiatric students to provide services on site. The majority of these students speak languages other than English.

When multilingual staff are not available, Crisis Center staff use contract telephone interpreters (Language Line Services) to communicate with LEP persons. Each counselor in the operations room can directly access the language line whenever he/she believes it is needed.

The Crisis Center has been using contract telephone interpreters to communicate with LEP persons for close to 10 years. Overall, staff report satisfaction with the County's current contract with Language Line Services. They have access to more than 100 different languages and report little delay in being connected to the appropriate interpreter.

Crisis Center staff use Language Line Services as a tool for communicating with LEP persons who are walk-in clients as well as LEP persons who call in for assistance. For face-to-face consultations at the Crisis Center, the LEP person is escorted to a private counseling room. The Counselor dials the language line and speaks with the LEP person through the conference call feature of the telephone. Staff also report using the language line in the field by using cell phones that have the capacity to work as speaker phones.

In addition, Crisis Center keeps a walk-in form (see Appendix L) written in both English and Spanish. This form is used by counselors to obtain initial basic detail-on and an insight into a person's crisis.

b. Child Welfare Services

During the past 15 years, Child Welfare Services has made a concerted and ongoing effort to recruit multilingual staff. According to CWS management staff, the ability to speak a language other than English is not a minimum job requirement, but a highly preferred qualification. Appendix K shows the number of multilingual CWS staff, by language spoken. CWS reports that use of multilingual staff is both the preferred and most often used approach to working with LEP persons.

CWS recruitment practices have focused on hiring Spanish-speaking staff; 32 of the 47 CWS' multilingual staff speak Spanish. CWS job openings are advertised in Spanish-read newspapers and in geographic areas of the County where greater numbers of Spanish-speaking residents live.

The Screening Unit answers all incoming calls about alleged child abuse, transcribes basic information about what is being reported, and refers the caller onto a social worker. The social worker and the call takers are located in close proximity to one another. Of the eight social workers currently working in the Screening Unit, two speak Spanish, one speaks Farsi, one speaks Amharic, and one speaks French.

For Spanish speaking LEP callers, the call taker refers the call directly to a Spanish speaking social worker. Staff report that in most cases, a Spanish speaking LEP caller is able to speak almost immediately with a multilingual social worker. If a Spanish speaking social worker is unavailable, the call taker – using rudimentary Spanish and a translation sheet – records basic details about the person's case and advises the caller that a Spanish speaking social worker will be in contact. According to staff, calls are returned as soon as possible.

For LEP individuals who speak a language other than Spanish, the call taker typically asks for assistance from multilingual staff working in close proximity to the Screening Unit area. In most cases, the call taker will be able to refer the call to a multilingual staff person or have a multilingual staff person return the call as soon as practicably possible.

In terms of field investigations, CWS staff explain that they usually know in advance whether the case involves a family member who is of limited English proficiency. If so, CWS will involve an appropriate multilingual staff person to either conduct the investigation or to act as a translator. CWS will also do team investigations with the police for sexual abuse and serious physical abuse cases. If it is predominately a child welfare issue, CWS management will assign one of their multilingual staff members.

For the past four years, CWS has received a Victims of Crime Assistance grant to pay for multilingual contractors to assist in CWS caseload. The VOCA grant funds a Latino outreach program in Child Welfare, in which four Spanish speaking community service aides work with CWS social workers to assure child safety by assessing risks, helping improve parenting, and assisting families in obtaining needed services.

If a case involves Court action, the County Attorney requires a certified translator/interpreter to assist the LEP person through pre-trial matters. CWS assigns one of its certified translators/interpreters to the case. The Court reimburses CWS for all translation services costs.

On occasion, CWS staff use other language assistance services, such as the language line, State funded in-person interpreters, and volunteer interpreters from the County's Volunteer Language Bank. In general, because of confidentiality issues and the sensitive nature of their work, CWS' preference is not to use telephone or volunteer interpreters. When volunteers are used, CWS requires the volunteer to sign a confidentiality agreement.

Only some of CWS vital documents are translated into other languages; primarily Spanish. CWS primarily relies upon State-approved forms, which are not consistently available in any language other than English. To overcome this barrier, multilingual CWS staff assist LEP persons to complete their portion of vital documents.

In March 2003, Child Welfare Services (CWS) established a standard operating procedure on translation and interpretation. The procedure provides guidance on how staff can gain access to multilingual staff, multilingual volunteers, the language line, and State funded interpreters. Appendix M contains a copy of the policy.

c. Adult Protective Services: Intake and Investigation Units

Adult Protective Services (APS) Intake and Information Unit receives all reports, either by telephone or in-person, of alleged adult abuse and neglect. When a contact is made by an LEP person who speaks Spanish, the initial call takers (screeners) refer the case to one of two Spanish speaking APS staff members. Similar to the practice of Child Welfare Services, if a Spanish speaking APS staff member is not available, the screener uses a Spanish translation "cheat sheet" to obtain basic details and advises the caller that a Spanish speaking person will call them back as soon as practicably possible.

For communicating with LEP persons who speak a language other than Spanish, the APS screeners rely either on multilingual employees who work in other DHHS offices or volunteers from the Volunteer Language Bank. On a non-routine basis, the APS screeners use telephone interpreters available through the County's contract with Language Line Services.

For conducting field investigations involving a family member who is of limited English proficiency, APS management's preferred practice is to assign the case to a multilingual APS staff member. Similar to the screening unit, APS field staff also rely on other multilingual DHHS employees, State funded in-person interpreters, or volunteers from the County's Volunteer Language Bank to serve as interpreters.

E. Feedback from the Field

This section presents feedback obtained from OLO's interviews with management and frontline staff representatives from the Crisis Center, Child Welfare Services, and Adult Protective Services about their observations on communicating with LEP persons.

1. General Observations

Although data are not maintained to "prove it," a consistent observation made by staff across the selected DHHS case studies is that their frequency of interactions with LEP persons has increased notably during the past five years. The general consensus among those interviewed is that 10-25% of their workload involves working with LEP persons, with Spanish clearly being the dominant language of LEP persons. Staff report that they also interact with LEP persons who speak a variety of other languages including, Chinese, Vietnamese, French, Russian, Farsi, and African languages.

Frontline employees commonly report that the inability to speak a person's language is only one of many communication barriers that they have to contend with. For example, DHHS staff report that they frequently interact with people who have mental health disorders, or who (for various reasons) are not forthcoming with information, regardless of their English language proficiency.

Staff said that many of their foreign born clients (whether LEP or not) do not understand the County Government's system of services. In addition, staff observe that LEP persons may not fully comprehend what is being communicated, even when it is communicated in their own language. Staff also report another complication is when LEP persons are illiterate in their own language.

2. Feedback on Specific Language Assistance Services

Multilingual Staff. Staff from all three service areas stated that the preferred method of communicating with an LEP person is to use trained multilingual employees. Communicating through an interpreter involves a third party and is more cumbersome than direct person-to-person communication. A frequently voiced observation is that LEP clients appear to be more comfortable and communicate more effectively with staff members who speak their primary language. Staff also believe that the details or nuances of a case may inadvertently be omitted when an interpreter is used.

Staff from CWS report that they usually have a sufficient number of bilingual staff available to facilitate one-on-one direct communication with most LEP clients during business hours; availability of multilingual employees is more problematic during non-traditional working hours. Staff from the Crisis Center believe that it is virtually impossible to have sufficient depth in language capacity among multilingual employees available 24 hours a day, seven days a week. APS staff report the need to improve the process of “borrowing” multilingual staff from other DHHS service areas.

Volunteer Interpreters. Staff from all three service areas examined provided a mix of views about use of volunteers interpreters from the County’s Volunteer Language Bank. Some staff stated their experience of working with volunteers who were professional, reliable and a helpful resource. These staff stated that they would continue to use volunteers for translation.

However, some staff reported experiences where volunteer interpreters were unreliable or unavailable at the time when most needed. Staff stated that a volunteer’s availability depends on whether the person was free of any other job or family commitments. Staff expressed frustration at potential time lost in arranging for the use of volunteer interpreters. In addition, staff report that some volunteers are reluctant to get involved in some cases (e.g., alleged child or elder abuse) due to the nature of the case or closeness of the person’s linguistic minority community.

Language Line. Feedback on the use of the County’s contract with Language Line Services varied.

Staff from the Crisis Center are frequent users of the language line and report great satisfaction. Staff use the language line at the Center and in the field.¹⁰ Although it is challenging to provide counseling services using consecutive interpretation, staff cited successful scenarios of counseling people who are suicidal, manic depressive, and psychotic through a language line interpreter.¹¹

The only drawback cited by Crisis Center staff is that the language line interpreters often do not translate literally or summarize the dialogue. Because of this, nuances of the conversation can be lost. Staff must continually remind the telephone interpreter to translate the conversation word for word. Despite this limitation, Crisis Center staff said that they don’t believe they have ever “lost a client” because of a language barrier and they feel they are able to provide good service because of their access to telephone interpreters. Overall, staff said that they were comfortable with the communication tools available, but would like more multilingual staff.

¹⁰ For field work, Crisis Center staff use cellular phones with speaker phone capacity to communicate with LEP persons.

¹¹ See page 47 for the definition of consecutive interpretation.

Frontline Child Welfare Services and Adult Protective Services staff were not all aware that the County had a contract with telephone interpreters that they could use. (Note: This may reflect management's strong preference for use of in-house multilingual staff.) A frequently made observation is that staff would like the option to use Language Line Services when a multilingual employee in the needed language is not available.

3. Cultural Differences

Another general observation voiced by DHHS staff interviewed is that understanding a person's cultural background is as important as being able to communicate in the person's language. Many interviewees believe cultural issues can be an obstacle in giving or receiving DHHS' services.

A number of interviewees expressed a desire to learn more about the cultures of the County's various linguistic minorities. The cultural differences concerning children is of particular concern. For example, some LEP clients are from cultures that do not restrict child abuse or the marriage of minors.

For the last two years, CWS management required staff to attend cultural competence training twice a year. Appendix N lists the types of activities conducted and issues discussed at the training sessions. In addition, management provide monthly brown bag lunches that address cultural diversity issues.

4. Suggestions for Improvement

To improve the delivery of services to LEP persons, the following improvement suggestions were offered by interviewees across the three service areas:

- Recruit more multilingual staff, especially fluent Spanish speaking employees.¹²
- Consider establishing an office staffed with multilingual employees whose primary job is to provide translation and interpretation services across County Government.
- Offer convenient and no-cost Spanish language classes to staff. Training should also include cultural competency education.
- Provide language assistance cards (e.g., "I speak" cards) at all front counter service areas.

¹² See page 113 for the CAO's comments on this improvement suggestion.

CHAPTER VII. Related Activities for Reducing Language Barriers

This chapter describes additional activities that relate to reducing language barriers and increase service access to limited English proficient persons in Montgomery County.

Part A, Improving Adult English as a Second Language (ESL) Education, describes recent initiatives to improve the County's adult ESL service delivery system.

Part B, Other Executive Branch Initiatives, briefly describes a number of other Executive Branch initiatives that focus on providing services to LEP persons in the County.

A. Improving Adult English as a Second Language (ESL) Education

Part of the County's overall strategy for supporting residents who do not speak English is to provide easy access to classes that teach English, and to ensure that adult ESL services are tied to the workforce development needs of the County. Although not directly considered a "language assistance service", the County's recent efforts to improve the overall system of adult ESL services deserves mention as an important component of how the County is serving LEP persons in the community.

In April 2003, the County Council established the Adult ESL Task Force. The Council tasked the group to "work with service providers and community stakeholders to devise a system to increase the quantity and quality of Adult ESL services, and to ensure that programs are closely tied to the workforce development needs in the County."

Councilmember Tom Perez served as the Task Force Chair. Other members of the Task Force included representatives from: Montgomery County Public Schools, Montgomery College, linguistic minority groups, business leaders, community-based organizations, Montgomery County Business Roundtable, faith-based community organizations, and other interested parties.

Concerns identified by the Task Force included:

- Shortage of existing adult ESL programs;
- Barriers to existing programs, such as childcare and transportation;
- Insufficient connections between business community and those implementing adult ESL programs; and
- A scattered and diffuse system of adult ESL delivery.¹

¹ Source: Adult ESL Task Force Findings and Recommendations, March 11, 2004

The Task Force recommended that a non-profit organization facilitate the creation of two primary ESL centers; one located down-County and one located up-County. The centers would play a key role in connecting adult ESL learners to providers and other social services in the County. The recommended activities include:

- Providing professional development and resources to both paid and unpaid teachers;
- Organizing literacy coalition activities and connecting with local and national organizations that address literacy issues; and
- Connecting Montgomery County businesses with customized ESL curricula, teachers, and technical assistance to implement on-site ESL Training.

The Task Force envisioned two phases to develop and implement this new delivery system. The first phase is a one-year planning process and the establishment of the non-profit organization. The second phase consists of a five-year implementation process; with the establishment of the two centers at the end of the five years.

Appendix O contains the Task Force's report of findings and recommendations, and a copy of the County Council resolution of action following receipt of the Task Force report. In sum, the Council endorsed Montgomery College's creation of a community-based non-profit organization to facilitate the expansion of adult ESL education. The Council's final FY 05 budget actions included the appropriation of \$100K to the College for first year planning related to establishing the non-profit organization.

B. Other Executive Branch Initiatives

In the course of conducting this study, OLO learned of some additional Executive Branch initiatives that focus on providing services to LEP persons. This chapter provides summary information on:

- The Gilchrist Center for Cultural Diversity;
- The Department of Libraries' Multicultural Outreach Initiative;
- The Silver Spring Multicultural Program;
- Examples of outreach in different languages;
- Spanish language classes available to County employees; and
- A variety of grants that have a focus on serving LEP persons.

1. Gilchrist Center for Cultural Diversity

The County Government opened the Gilchrist Center for Cultural Diversity in September 2001; the Center is located in Wheaton. A second satellite location for the Center opened in the Up-County Regional Services Center (Germantown) in April 2004. The Limited English Proficiency Plan describes the Gilchrist Centers as follows:

The Wheaton and Germantown Centers are means to provide activities and services to the County's diverse community, including the large number of LEP residents. The centers are strategically located to provide easy access in geographic areas with large LEP customers that is easily accessible by public transportation. The Centers function as central points of contact to County and other community services. The staff, many of whom are bilingual and multilingual volunteers, are committed to working closely with government agencies, community organizations and individual residents to ensure high customer service and to meet the needs of the diverse communities they serve.

According to staff, the Centers focus on delivering programs to new Americans and new immigrants living in Montgomery County. The Centers provide English classes, citizenship classes, pro bono legal advice, seminars and workshops on a variety of themes, as well as extensive information and referral services.

The Centers are funded through the Department of Recreation budget; FY 04 funding for the Centers was \$319K. The approved FY 05 budget shows a similar level of funding for the upcoming fiscal year. In addition, there are two staff members (one full-time and one part-time) and reportedly more than 100 volunteers who provide assistance through the Centers.

2. Department of Libraries' Multicultural Outreach Initiative

The Department of Public Libraries instituted the Multicultural Outreach Initiative more than ten years ago to provide services for LEP customers. Under this initiative, the Department prioritized the acquisition of materials in languages other than English for LEP library patrons.

Books, magazines, and non-print items (e.g., videos, tapes) are currently purchased in Spanish, Chinese, Korean and Vietnamese. Library brochures and signs are also translated into these languages. In addition, the Department's website provides information in languages other than English, including information on English as a Second Language classes.

As part of the initiative, the Department established a Multicultural Services Office. The purpose of the Multicultural Services Office is to identify the information needs of residents who do not speak English as their primary language. Services are developed to meet these needs, including public programs and ethnic festivals, which highlight the diversity of these different cultures.

Finally, the Department's Multicultural Services Library Advisory Committee (LAC) actively seeks bilingual and multilingual individuals who can provide information on the language needs of the LEP community.

3. Department of Health and Human Services' Multicultural Program

Established in 1987, the Silver Spring Multicultural Program (MCP) provides outpatient mental health services to low income earners. The Program's clients are:

- Persons ineligible for services from the public mental health system due to immigration status or income;
- Persons unable to receive public mental health services in their language;
- Persons eligible for Medicare but unable to afford the co-pay requirement.

Program services include individual, family and group psychotherapy, psychiatric diagnosis, evaluation, medication evaluation, and psychotropic medication management. The program primarily operates from the Silver Spring Regional Services Center. However, staff report that the Department will relocate the Program to the Wheaton Services Center in the first quarter of FY 2005.² Some program services are also provided (one day a week) at the Department of Health and Human Services building located at 1301 Piccard Drive.

Historically, the program's focus had been to serve Spanish and Vietnamese speaking adults.³ Beginning in FY 05, the program will also serve all other language groups.⁴ The program's FY 05 budget is \$1,006,965, of which the County's contribution is \$689K (68%); this represents an increase of \$117K in County funding from FY 04. The balance of the program is supported by State funds.

The Program currently employs 12 staff (nine workyears): one supervisor; two part-time front desk staff (an office services coordinator and principal administrative assistant); one full-time community mental health counselor who serves as the intake coordinator; three part-time psychiatrists; and five therapists (two of which are part-time). Eleven of the current 12 staff members are multilingual.

Staff report that the program's current caseload is 235 cases. However, the program also provides office based services to more than 400 people and outreach services to another 400 persons each year. Outreach activities include TV and radio presentations, workshops, stress management groups, assessment and referral sessions for Spanish speaking persons, and psychiatric consultation to primary care physicians.

² The Wheaton venue is needed to accommodate the expected increase in workload during the coming year.

³ Staff report that the public mental health system generally does not provide services in Spanish and Vietnamese. Staff also report that the program provides services to clients from 37 countries and cultures.

⁴ Including individuals who are undocumented and/or those who earn in excess of the \$10,800 eligibility limit for a single adult, but who are still low wage earners.

4. Examples of Outreach in Different Languages

The following are examples of ways that the County Government reaches out to LEP persons in the County:

- Produced by the Offices of the County Executive, 'Tertulia' is a Spanish language television program aired on the County's cable television station. The program provides information about County services and advice on how to access County Government programs.
- The Office of Public Information maintains contracts with commercial marketing firms to translate media advisories and press releases. The contractor also translates selected County publications on emergency and other services into Spanish, Chinese, Korean, Vietnamese, Cambodian, French, and Farsi.

According to staff from the Offices of the County Executive, studies are underway to determine the cost and feasibility of translating portions of the County Government's website into selected languages.

5. Spanish Language Classes

The County's Office of Human Resources (OHR) list of course offerings for County employees includes Spanish-language classes. The two courses currently offered are "Conversational Spanish" and "Survival Spanish". Appendix P contains an excerpt from OHR's FY 04 course catalog, which describes the two classes.

Employees are eligible to receive paid time off from regular assignments to attend language classes. Staff from Montgomery College's, Office of Workforce Development and Continuing Education conduct the training.

According to OHR's training manual, the Conversational Spanish course instructs employees on basic Spanish language skills (over 27 hours). The course is designed to develop speaking and listening skills through role plays and group interaction. The prerequisite for the course is Basic Level I Spanish or equivalent.

The survival Spanish course is an intensive 12-hour course aimed at building elementary Spanish vocabulary. The course is designed to enable participants to say customized phrases and exercises. Upon completion of the course, it is expected that participants will be able to understand basic questions and provide answers, and pronounce words.

6. Community Grants

Each year, the County Government awards numerous grants directly to organizations in the community to conduct a wide range of activities. Some of the grants support programs that focus on providing services directly to LEP persons and/or assist LEP persons access County Government programs.

Many of the grants that focus on LEP persons are managed by the Department of Health and Human Services. Examples of community based organizations that receive these grants are:

- Asian Pacific American Legal Resource Center;
- Cambodian Senior Association of Greater Washington;
- Caribbean Help Center;
- Chinese Culture and Community Service Center;
- Korean American Senior Citizens' Association;
- League of Korean Americans of Montgomery County;
- Montgomery County Language Minority Health Project;
- Muslim Community Center, Inc.;
- Ninos Unidos de Montgomery County; and
- Spanish Catholic Center, Inc.

Table 19 (pages 78 & 79) lists 17 grants awarded for FY 05 that have a special focus on providing services to members of the community who speak a language other than English.⁵

⁵ See page 113 for the CAO's comments on Community Grants.

TABLE 19
EXAMPLES OF FY 05 COMMUNITY GRANTS WITH A FOCUS ON LEP PERSONS

Organization/Fund	Amount of County Funding Provided	Purpose of Community Grant
African Immigrant and Refugee Foundation	\$30,000	Tutoring and mentoring to help African refugee students with cultural adjustment.
CASA of Maryland	\$10,000	ESOL classes to immigrants
CASA of Maryland	\$140,000	Employment and training programs to low-income immigrants looking for work, including basic English and Spanish literacy classes.
Caribbean Help Center	\$20,000	Employment and education assistance to French and Creole Americans, e.g., one-on-one bilingual assistance and ESL classes
Centro Familia	\$90,000	Professional development training for Spanish-speaking child care providers
Housing and Community Initiatives	\$15,200	One-on-one bilingual housing counseling services to low to moderate-income county residents.
IMPACT Silver Spring	\$35,000	Supports the Community Involvement Tool Kit project which aims to build a "thriving, multicultural community"
Interages	\$51,440	Supports programs where adult volunteers teach children from immigrant families to improve their English communication skills.
Jewish Community Center of Greater Washington	\$20,000	Offers information and assistance to refugees from the former Soviet Union, including information on government benefit programs, assistance for the elderly, mental health and substance abuse resources, and general County Government resources.
Korean American Association of Maryland	\$45,000	Computer training in Korean for economically disadvantaged and newly arriving immigrants.
Korean American Association of Maryland	\$45,000	Counseling and health care services to low-income families and seniors with health problems stemming from difficulties they experience living in a different culture with limited language skills.

**TABLE 19 CONT.
EXAMPLES OF FY 05 COMMUNITY GRANTS WITH A FOCUS ON LEP PERSONS**

Organization/Fund	Amount of County Funding Provided	Purpose of Community Grant
Korean Community Service Center of Greater Washington	\$95,000	The Strengthening Asian Families through Empowerment and Services (SAFES) program funds the delivery of services that resolve the gap between existing social service agencies and the unmet needs to due to cultural, linguistic, and financial barriers among low-income immigrant families.
Korean Dry Cleaner Association of Greater Washington	\$10,000	Job training for low and /or moderate-income households or new immigrants from Korea and/or Latin America.
League of Korean Americans	\$40,000	Outreach to non-English speaking residents to educate them, for e.g., about preventive medicine and health screening
Luther Rice Neighborhood Center	\$10,000	After school program targeting low-income Hispanic, Asian, and African families in the Four Corners area of Silver Spring.
Migrant and Refugee Cultural Support	\$45,000	Assistance to immigrants who are victims of domestic violence
Washington Youth Foundation	\$45,000	After school and weekend education programs and family counseling for students with limited English proficiency.

Source: FY 05 Operating Budget Worksession

CHAPTER VIII. Feedback from the Community

In order to solicit feedback from members of the community about how accessible County Government services are to LEP persons, OLO met with representatives from a number of key County advisory groups, talked with members of the Community Outreach Forum, and conducted telephone interviews with individuals who work directly with residents who do not speak English well.

This chapter summarizes the common views expressed by those contacted. While the information compiled adds value to a discussion of the County's efforts to serve LEP persons, readers should keep in mind that it is not statistically reliable.

A. Methodology

OLO staff solicited the views of representatives from the following formal advisory committees:

- The County Executive's African American Advisory Committee;
- The County Executive's Asian American Advisory Committee;
- The County Executive's Latin American Advisory Committee; and
- The County Executive's Committee on Ethnic Affairs.

OLO also attended a meeting of the Community Outreach Forum. The Office of Community Outreach established the Community Outreach Forum in 2003 to improve the coordination of outreach services to County residents. Appendix Q contains a description of the Forum and lists the Forum's membership.

In addition, OLO conducted another 20 one-on-one telephone interviews with individuals who work directly with members of the community who are of limited English proficiency. OLO asked the individual community members as well as the advisory group representatives and staff members consulted to provide:

- General observations about how well the County Government is positioned to provide services to individuals who are of limited English proficiency.
- Personal anecdotes that illustrate either a positive or negative example of an LEP person's experience with accessing County Government services.
- Suggestions for improving how the County Government provides LEP persons with access to services.

Finally, staff from the Takoma Park East Silver Spring (TESS) Center conducted an informal survey of their LEP clients. The survey specifically asked LEP persons whether they believed access to County Government services was ever denied due to a language barrier.

Acknowledgements. OLO greatly appreciates the time taken by members of the community to share their views. OLO thanks Parker Hamilton, Assistant Chief Administrative Officer and Debbie Resnick, Manager for the Office of Community Outreach for facilitating OLO's meetings with members of the County Executive's Advisory Committees. OLO also thanks Frankie Blackburn, Executive Director of IMPACT Silver Spring, for providing recommendations and contact information for community members who have direct experience working with LEP persons trying to access County Government services.

The rest of this chapter is organized into two parts:

- **Part B, Common Observations**, summarizes the most common observations offered as to how easily County Government services can be accessed by LEP persons.
- **Part C, Suggested Improvements**, lists the specific recommendations for improvement suggested by those interviewed.

B. Common Observations

1. Compared to five years ago, LEP persons can now more easily access County Government services. However, there is still room for improvement.

Perhaps the most consistently offered observations concerned the notable improvements that the County Government has made during the past five years to improve service access for LEP persons. In particular, interviewees noted the:

- Increased presence of front-line multilingual staff; and
- Increased use of other language assistance services, such as telephone interpreters.

Many interviewees shared anecdotes about an LEP person's positive experience with accessing a County Government service. County staff are, in most cases, described as accommodating, polite, and committed to providing services to LEP persons. A common practice of LEP persons is, however, not to expect the County Government to provide interpretation services. Instead, LEP persons often bring along a multilingual relative or friend who provides needed interpretation/translation services.

However, interviewees also provided some examples where LEP persons' access to County Government services needs improvement. Examples of commonly mentioned problem situations were:

- Frustration with information on the telephone only being available in English;
- An LEP person's initial request for assistance not being understood; and
- Encounters with rude or impatient front-line staff members.

Some of the negative feedback was not specifically related to language access, but more to the overall complexity of County Government services. Some individuals reported being just overwhelmed and confused by the bureaucracy of the Government.

2. The County is in a better position to communicate with Spanish-speaking LEP persons compared to LEP persons who speak any other language.

Another common observation offered by interviewees is that LEP persons who speak Spanish have an easier time accessing County Government services compared to LEP persons who speak other languages. In particular, the County Government was complimented frequently for hiring more front-line employees who speak Spanish, and for providing some telephone and written program information in Spanish. Some interviewees also noted that some of the County's website is now available in Spanish.

There are notable fewer multilingual County Government employees who speak a language other than Spanish. Similarly, while some documents have been translated into Spanish, it is unusual for County documents to be available in any other language.

3. Hiring more multilingual staff is cited as the preferred solution to eliminating language barriers for LEP persons. Consecutive interpretation, especially over the telephone, is perceived by some as time consuming and cumbersome.¹

Almost every interviewee agreed that the preferred solution to eliminating language barriers for LEP persons is for the County Government to hire more multilingual employees. The greatest advantage of multilingual employees is that communication with the LEP person occurs directly; it avoids the process of consecutive interpretation, which can be time consuming and cumbersome.

A commonly offered observation is that once members of a linguistic minority community are aware that a multilingual employee who speaks their language works in a particular County Government office, LEP persons are more willing to access the service and go out of their way to ask for the multilingual employee.

A number of interviewees also commented that to be most effective, multilingual employees should also be "culturally competent." This means that the interpreter should be familiar both with the language and the culture of the LEP person.

Some LEP persons perceive the use of telephone interpretation services as impersonal, while at the same time being acknowledged as "better than nothing" and the "only option" in some situations. Bringing in a third party to interpret is particularly problematic when an LEP person is disclosing deeply personal and/or potentially embarrassing information. Also, third party interpretation, especially over the telephone, does not always pick up every nuance of critical information being conveyed by the LEP person.

¹ See page 47 for the definition of consecutive interpretation.

4. Many LEP persons do not know what County Government services are available to them. Additionally, some LEP persons are afraid to contact the government even when services are needed.

Many interviewees observed that an issue related to LEP persons' access to County Government is their general lack of knowledge about what County services are available. In addition, many LEP persons, regardless of a language barrier, just do not know how to maneuver through the County Government's structure.

In addition, some LEP persons are afraid to contact any office connected with the government. In some cases, there is fear related to an LEP person's immigration status. Alternatively, there may be fear of retribution for requesting certain services, e.g., police, fire/rescue, child welfare.

An LEP person's reluctance to contact a County Government office can also derive from their lack of confidence in speaking English. Some LEP persons are embarrassed by their inability to speak English well and hesitate to place themselves in a situation where their language skills are apparent to others.

5. Results of Informal Survey by the Takoma Park Silver Spring (TESS) Center.

To assist OLO in obtaining feedback from the community, staff from the TESS Center offered to conduct an informal survey of LEP persons who walked into the Center for assistance during a single business day. The survey asked LEP persons whether they believed access to any County Government service has ever been denied due to a language barrier.

TESS surveyed a total of 16 LEP persons. 15 respondents reported that they had never been denied services from the County Government due to a language barrier. One respondent, who only spoke Spanish, believed that he/she had been denied service from the County Government because a front-line employee did not understand his/her request for service.

Eight respondents identified the use of a specific language assistance service:

- Four of the respondents brought along a multilingual family member or friend to provide interpretations services;
- Two respondents received assistance from multilingual staff; and
- Two respondents communicated with County staff with assistance of a telephone interpreters.

C. Suggested Improvements

The recommendations most often offered for reducing or eliminating language barriers and improving the ease in which LEP persons can access County Government services are summarized below.

- Hire more front-line multilingual employees. While some interviewees specifically recommended the County hire more Spanish-speaking employees, other interviewees recommend the County hire employees that speak languages other than Spanish.
- Provide Spanish-language training to employees who are interested in learning Spanish. The training should also include cultural competence training. Some interviewees cautioned that language training is not a substitute for hiring fully conversant multilingual staff.
- Make active use of existing forums that include LEP persons to educate community members about how to access County services. For example:
 - Publicize County Government services using media with a known LEP clientele, e.g., other language newspapers, radio, and television.
 - Advertise County Government services on information areas at restaurants, libraries, churches, and grocery stores located in communities where many LEP persons are known to reside.
 - Teach adult ESL students and school-age ESOL students what to expect when stopped by a police officer and what questions to be prepared to answer if calling 9-1-1 for an ambulance.
- Design an effective marketing and advertising campaign to reach the County's LEP residents. The County should task an independent entity the responsibility of monitoring the implementation of the marketing strategies.
- Publicize that LEP individuals should consider bringing a multilingual family member or friend with them when attempting to access County services.
- Make the County's voicemail systems less difficult for LEP individuals to navigate through. Many interviewees expressed frustration with English-only messages.
- Make County offices accessible to people that rely on public transportation.
- Simplifying access by establishing a central call center that provides an information and referral service. The call center could act as a conduit for translation assistance and as a hotline for general information to LEP persons.
- Remove all language barriers from critical County Government services e.g., emergency medical services, housing, and health and human services.

CHAPTER IX. Comparative Research on Practices in Other Jurisdictions

This chapter highlights some of the practices used by the following six local governments to improve LEP persons' access to services:

- City of Alexandria, VA;
- City of Oakland, CA;
- City of San Francisco, CA;
- District of Columbia;
- Fairfax County, VA; and
- New York City, NY.

Methodology. OLO selected these jurisdictions primarily because each was cited in an article or recommended by staff in other local governments as places that have identified LEP persons' access to services as a priority, and as a result, have introduced new or interesting practices related to providing language assistance services. In addition, although the total population and numbers of LEP residents vary across the jurisdictions, all six have LEP populations in more than a single language category.

The demographic data for each jurisdiction comes from the 2000 Census. To obtain information about the different LEP-related initiatives, OLO conducted telephone interviews with various representatives from the six jurisdictions.

This chapter is organized into two sections:

Part A, Demographic Data, presents population information for each jurisdiction, including data on the breakdown of LEP residents by language category.

Part B, Summary of Practices, reviews some of the notable practices being used by these six jurisdictions to improve LEP persons' access to services.

A. Demographic Data

Based upon 2000 Census data, Table 20 (page 86) lists the total populations and numbers of LEP persons in each of the six jurisdictions. For comparison, the table also includes Montgomery County data.

Table 21 (page 86) shows the LEP populations, broken down into the four language categories tracked by the 2000 Census: Spanish; Asian; Other Indo-European; and Other.

As shown, the jurisdictions' LEP populations as a percent of their population over five years range from 7% (District of Columbia) to 25% (San Francisco). Montgomery County's LEP population is 13%; and is comparatively larger than the City of Alexandria and the District of Columbia, but smaller than New York City, San Francisco, and Oakland. Fairfax County's LEP population as a percent of the population over five years is identical to Montgomery County.

TABLE 20
TOTAL LEP POPULATION (AGED FIVE YEARS AND OLDER) BY JURISDICTION

City/County	Total Population	Total LEP population *	LEP persons as percent of total population
New York City, NY	7,475,602	1,768,977	24%
Fairfax County, VA	902,189	119,065	13%
San Francisco, CA	745,650	186,401	25%
Montgomery County, MD	813,460	105,001	13%
District of Columbia	539,658	38,236	7%
City of Oakland, CA	371,551	82,731	22%
City of Alexandria, VA	120,272	17,163	14%

*Although the Census does not use the term "limited English proficient," it is generally accepted that respondents who answer anything other than that they speak English "very well" can be counted as LEP
Source: U.S. Census Bureau 2000

TABLE 21
LEP POPULATION BY LANGUAGE GROUP

City/County	Total LEP population*	Percent of LEP population who speaks:			
		Spanish	Other Indo-European languages	Asian languages	Other languages
New York City	1,768,977	52%	26%	18%	3%
Fairfax County	119,065	43%	15%	36%	6%
San Francisco	186,401	24%	10%	65%	1%
Montgomery County	105,001	44%	21%	31%	5%
District of Columbia	38,236	66%	15%	12%	7%
City of Oakland	82,731	54%	4%	41%	2%
City of Alexandria	17,163	60%	14%	12%	15%

*Although the Census does not use the term "limited English proficient," it is generally accepted that respondents who answer anything other than that they speak English "very well" can be counted as LEP
Source: U.S. Census Bureau 2000

B. Summary of Practices

The jurisdictions selected for study have introduced a range of legislative, staffing, management, and other practices to improve LEP persons' access to local government services. The jurisdictions studied each use one or more of the practices identified.

Where Montgomery County Government has introduced a practice that is similar to the one identified in another jurisdiction, it is noted at the end of each section.

1. Enact legislation that addresses service access for LEP persons.

Four of the jurisdictions have enacted local legislation that requires equal access to city/county services for LEP persons. Oakland and San Francisco both passed LEP-related laws in 2001; New York City passed its law in 2003 and the District of Columbia just passed its LEP law earlier this year.

The primary reasons cited for enacting legislation were to formally establish the jurisdiction's commitment to improving LEP persons' access to services, and to place priority on implementing plans to reduce or eliminate remaining language barriers.

The laws in all four places establish requirements for departments to establish plans tailored to improve access for LEP persons; and criteria for translating vital documents into other languages. With the exception of New York City, the other jurisdictions' laws also establish requirements for recruiting multilingual employees.

All four jurisdictions have similar provisions for requiring individual departments to tailor access plans based on: the number of LEP individuals served, the types of languages encountered, the needs of LEP clients; and the type of services provided.

The laws in the District of Columbia, Oakland, and San Francisco also establish procedures that allow residents to file complaints if they believe access to a service was denied due to a language barrier. The laws outline different approaches to conducting a complaint investigation and resolving the complaint. In addition, the laws in these jurisdictions establish an office and/or a position dedicated to oversight and coordination of jurisdiction-wide LEP activities.

Appendix R provides copies of the laws enacted in these four jurisdictions.

2. Designate an office to coordinate jurisdiction-wide LEP-related activities.

All six places designate an office to oversee and coordinate jurisdiction-wide efforts related to ensuring LEP persons' access to services. Representatives from the other jurisdictions concur that the benefits of centralized oversight include better coordination and improved accountability across the government.

The table below lists the office tasked in each jurisdiction with coordinating LEP-related activities.

TABLE 22
Office Tasked with Coordinating LEP-Related Activities: Other Jurisdictions

Jurisdiction	Office Tasked with Coordinating LEP-Related Activities
Alexandria	Multicultural Services Office, Department of Human Services
District of Columbia	Language Access Director, Office of Human Rights
Fairfax County	Language Access Coordinator, Office of the County Executive
New York City	Office of Immigrant Affairs, Office of the Mayor
Oakland	Equal Access Office, Office of the City Manager
San Francisco	Immigrant Rights Commission, Office of the City Administrator

Source: OLO, May 2004

Examples of the duties performed by an office or position tasked with overseeing LEP activities include assisting departments to:

- Develop agency-specific language access plans;
- Evaluate whether LEP initiatives work;
- Assess the language skills of multilingual employees;
- Increase the recruitment and retention of multilingual employees;
- Effectively utilize all communication tools available;
- Investigate public complaints about language access violations; and
- Report the number, nature, and status of language access complaints.

In addition to tasking an office or person with the responsibility for jurisdiction-wide coordination, five of the six jurisdictions (Alexandria, the District of Columbia, Fairfax, Oakland, and San Francisco) also require each department to designate someone to focus on department-wide coordination of LEP-related activities.

Montgomery County's Practice: This practice is also found in Montgomery County. Last year, the Chief Administrative Officer tasked the Office of Community Outreach (which is part of the Offices of the County Executive) with overall responsibility for coordinating LEP-related activities across the Executive Branch. The CAO also asked each Executive Branch department to designate an LEP representative, to coordinate LEP-related activities within the department and to serve on a Departmental Representative Group. (See Chapter IV, page 27).

3. Centralized competitive procurement of language assistance services.

In order to avoid a duplication of effort at the department level and benefit from potential economies of scale, Fairfax County centralized a competitive procurement of different language assistance services. Specifically, in May of 2003, the Language Access Coordinator (structurally located in Fairfax County's Office of the County Executive) issued an RFP for the following language assistance services on an "as needed" basis:

- Interpretation services - either by telephone or face-to-face
- Translation services – for County publications
- Bilingual skills assessment of County job applicants for bilingual preferred or required positions.

Offerors were allowed to respond with bids to provide one or more of the services requested. In addition to providing detailed data about their qualifications, including the list of languages or dialects for which interpreters/translators are capable of providing services, offerors were asked to provide information such as:

- Per minute and per hour rates for providing language interpretation services (by telephone and in-person), and per word rates for providing language translation services;
- The maximum time needed to respond to a request for interpretation/translation services;
- Days and times available to provide interpretation/translation services;
- Policy and procedures for safeguarding confidential information that is disclosed while providing services under the contract;
- Policy and procedures for monitoring and correcting poor performance by interpreters, translators, and skills assessment evaluators; and
- Detailed description of any special language certification skills, e.g., medical legal.

As the result of this competitive procurement process, Fairfax County selected seven vendors, who are now on a "short list" of qualified vendors. There are fixed pricing profiles on file for each vendor. Depending upon their specific needs for language assistance services, individual departments can go ahead and purchase services from any one of these seven vendors. The "short list" is good through November 2008.

Appendix S contains a copy of Fairfax County's RFP.

Montgomery County's Practice: Montgomery County currently has one contract with a telephone interpretation service that was awarded as the result of a competitive procurement conducted for the Department of Police. The Department of Health and Human Services "rides" the Police Department's contract using a separate user code.¹ (See Chapter V, page 37).

¹ Department of Libraries staff also occasionally use the language line to communicate with LEP persons.

4. Coordinating the use of multilingual employees and volunteers.

Coordinated System of Using Volunteers as Interpreters. Volunteer interpreters are also cited by the six jurisdictions as a valuable resource for providing language translation assistance to government services. One interesting approach to coordinating the use of volunteer interpreters is found in Oakland.

Oakland City's Equal Access Office designed a multilingual volunteer program that schedules volunteers to be present at City administration buildings on a regular basis. Oakland City staff from any department can call upon the volunteers to:

- Escort LEP individuals to the office responsible for handling the LEP person's needs;
- Stay with the LEP person and provides interpretation services throughout their interaction with the City;
- Serve as interpreters for City offices' appointments and meetings on an as needed basis;
- Retrieve multilingual voice messages from established multilingual hotlines and transcribe them into English for department staff use;
- Proofread translated documents, and/or
- Assist LEP persons in filling out documents.

The program covers language assistance services needs in Spanish, Cantonese, Mandarin, and Vietnamese. The volunteers work set shift hours and may be scheduled for appointments outside of the set hours.

Fairfax County also uses volunteers as interpreters as part of their Volunteer Interpreter Program. In 1994, the Fairfax County Juvenile and Domestic Relations District Court along with the Fairfax Bar Association created the Volunteer Interpreter Program (VIP). The program has one paid volunteer coordinator and thirty volunteers. Interpretation services are provided in Spanish, Korean, Vietnamese, Portuguese, French, Arabic, and Italian.

Volunteers are recruited from their communities to assist court staff in communicating with LEP individuals. Volunteers work alongside court service staff to identify the issues for each of the clients, determine the appropriate course of action, and then complete the paperwork for the court process. Much of the work is in services to the domestic relations and juvenile intake and probation offices, and at the juvenile detention and residential treatment facilities.

The award-winning program was cited as an effective tool in expediting the court services process by having interpreters available for court hearings and for scheduled and walk-in clients.² According to staff, the Program has also reduced the number of court hearings, which would normally have to be “continued” due to lack of interpreters. In addition, staff report that the Program reduces the need of court staff to rely on friends and relatives of defendants and even victims to provide interpretation services.

See Appendix T for further details about the Volunteer Interpreter Program.

Montgomery County’s Practice: Montgomery County operates a Volunteer Language Bank. (See Chapter V, page 38). Current proposed amendments to the County’s Personnel Regulations include the establishment of a process for inter-departmental sharing of certified multilingual employees. (See Chapter V, page 36).

Coordinated System for Telephone Interpretation by Multilingual Staff. The use of multilingual employees is frequently cited as the preferred strategy for communicating with LEP persons. Fairfax County is in the process of establishing formal procedures for linking employees who are interacting with LEP customers by telephone with a language-appropriate bilingual employee-interpreter, regardless of where the interpreter works.

The County intends to use this new approach to provide interpretation services for LEP clients, when the need for language interpretation can be met within a relatively short period of time and over the telephone. The County’s plan is to ask community volunteers to serve as the operator to connect the office that needs interpretation services with an appropriate bilingual employee-interpreter. Once connected, the bilingual employee will provide interpretation using the conference call capacity already available on the County’s telephone system.³

Montgomery County’s Practice: Montgomery County is in the process of developing personnel regulations that establish procedures for interpretation/translation by certified multilingual employees across departmental lines. (See Chapter V, page 36).

² Awards include:

- NACO “Act of Caring Award 2003”
- 2003 Governor’s Community Service and Volunteerism Award- “Outstanding Government Program”
- President Award 2004-“Daily Points of Light Award”
- 2004 Fairfax County Volunteer Service Award

³ Multilingual employees of Fairfax County do not receive a pay differential for having skills in languages other than English.

5. Provide employees with cellular phones for accessing telephone interpretation services in the field.

The New York City Police Department (NYPD) is currently operating a pilot program that expands access to telephone interpretation services in the field by providing officers with cellular phones that include a speaker phone capacity. This pilot program is funded by a federal grant from the federal Department of Justice, Office of Violence against Women. The City is monitoring the program to see whether it can be expanded to other precincts.

Cellular phones were provided to 250 police officers. Each phone was pre-programmed to link directly to the City's contractor for telephone interpretation services, which provide 24/7 interpretation service in 150 languages. Instant access to the language service has been cited as enhancing the ability of police officers to more accurately establish facts in domestic violence incidents involving LEP persons. It gives the victim the ability to communicate with police officers on the scene in their own language.

All officers involved in the pilot program received training on use of the telephone interpretation service and on culturally sensitive interview skills. In the first month of the project, the telephone interpretation service was used 32 times for eight different languages: Spanish, Bengali, Cantonese, Korean, Mandarin, Farsi, Sinhalese, and Russian.

As part of the pilot program, the NYPD is holding community forums in areas with large immigrant populations to educate residents about how the program works. The sessions provide critical information about local domestic violence resources and encourage residents to reach out to police and community based organizations for help regardless of their immigrant status and/or language capability.

Appendix G contains a press release from the Office of the Mayor and an article from the NY Times that describes the pilot program.

CHAPTER X. Summary of Findings

This chapter presents the Office of Legislative Oversight's findings. It is organized to parallel the sequence of chapters in the report.

The Legal Framework

As a recipient of federal funds, the County Government must take reasonable steps to ensure that persons with limited English proficiency (LEP) have meaningful access to County Government programs and services. Federal law and related guidelines establish the legal framework for the County's responsibilities to provide meaningful access to LEP persons.

- Title VI of the Civil Rights Act of 1964 prohibits recipients of federal funds from discrimination based on race, color, or national origin. The application of Title VI extends to providing meaningful access to individuals who are limited English proficient.
- In August 2000, President Clinton issued Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency to Federal Agencies. The Executive Order requires all federal agencies to prepare LEP plans, and issue guidelines to their funding recipients that clarify what it means to provide meaningful access to LEP persons.
- The federal Department of Justice (DOJ) has been assigned lead responsibility for coordinating and implementing Executive Order 13166. DOJ has issued guidance that establishes a four-factor analysis that defines what it means to provide meaningful access.
- Maryland law ("The Limited English Proficiency Act"), enacted in 2002, requires State agencies to take "reasonable steps to provide equal access to public services for individuals with limited English proficiency." The Act also established annual implementation deadlines for various State agencies between 2003 and 2006.

Languages Spoken and Limited English Proficient Population in Montgomery County

As of this writing, 2000 U.S. Census data remain the most comprehensive source of demographic information about the LEP population living in Montgomery County. It is generally acknowledged that the following data likely undercount the total number of persons living in the County who speak a language other than English at home as well as the number of LEP persons.

- There are 813,460 County residents aged five years and older. 32% (256,778) of these residents speak a language other than English at home. Within this cohort of 256,778 residents, 60% report that they speak English very well.
- There are almost 40 languages other than English spoken in the County. The top four languages spoken are: Spanish, Chinese, French, and Korean.
- An estimated 105,000 persons five years and older living in the County are limited English proficient. Of this group:
 - 43% (45,710 persons) speak Spanish;
 - 31% (32,109 persons) speak an Asian or Pacific Island language;
 - 21% (21,770 persons) speak an Indo-European language other than Spanish; and
 - 5% (5,412 persons) speak a language that falls into a different language category.
- In terms of education and annual income:
 - Although 44% of LEP persons in the County aged 25 years and older have attended at least some college, 36% have less than a high school education; and
 - Although 13% of LEP persons in the County aged 15 years and older earn above \$50K; 70% earn less than \$30K.
- The highest concentrations of LEP persons reside in parts of Silver Spring, Wheaton, Takoma Park, Rockville, and Gaithersburg.

The Executive Branch's Limited English Proficiency Policy and Plan

In May 2003, the County Executive established an Executive Branch limited English proficiency policy. In June 2004, the Chief Administrative Officer (CAO) issued an LEP Plan for implementing the policy across County Government.

- According to the Executive's statement of policy: "It is the policy of the Montgomery County Executive Branch that departments, agencies, and programs take reasonable steps to provide equal access to public services for persons with limited English proficiency. We are committed to eliminating any remaining barriers to services, programs and activities to eligible limited English proficient persons."
- The CAO's LEP Plan states that: "It is the position of Montgomery County's Executive Branch that federal and state guidelines serve as minimal baselines for assisting LEP customers. Montgomery County will go beyond federal and state guidelines to reasonably remove any remaining barrier to services for any identifiable LEP community."

- The Executive Branch's working definition of a limited English proficient person is that "any individual who is prevented from meaningful access to services because of his or her inability to read, write or understand the English language is deemed to be of limited English proficiency." This definition of an LEP person is not identical to the definition adopted by the federal Department of Justice. For the CAO's explanation of the difference, see page 111.
- To ensure access to LEP customers, the Executive Branch has created four LEP groups "to implement a coordinated policy across all departments and agencies." The four groups are: Departmental Representatives, Resource Team, Training Teams, and Stakeholders Committee.
- One of the assignments of the Stakeholders Committee, in conjunction with the Office of Human Rights, is to recruit a group of "mystery shoppers" to test the County Government's services. The intent is to train the mystery shoppers to play the role of LEP customers in order to evaluate and report on how well County programs can be accessed by LEP persons.

Language Assistance Services Current Used in County Government

County Government staff already use an array of language assistance services for communicating with LEP persons, including: direct communication or interpretation/translation by multilingual employees; telephone interpretation by paid "language line" service; and telephone or in-person interpretation/translation by volunteers. Although not sanctioned as a language assistance tool, in practice, there are situations where an LEP person's multilingual family member or friend provides interpretation services.

Multilingual Employees

- As of May 2004, the County employs 358 certified multilingual employees; this represents approximately 4.5% of the current County Government workforce. Three-fourths of the certified multilingual employees are certified in Spanish.
- The Department of Health and Human Services has 151 certified multilingual employees, more than twice the number of any other County Government department or office. The Department of Police has the second largest number of certified multilingual staff members (47 employees), followed by the Department of Libraries (23 employees), and the Department of Corrections and Rehabilitation (21 employees).
- Certified multilingual employees receive a flat per-hour pay differential. Under the County's current negotiated agreements, employees certified at the "basic level" receive an additional \$1 per hour; the per-hour rate for employees certified at the "advanced level" varies. In FY 03, the County Government's cost of paying employees a multilingual pay differential totaled approximately \$700K.

- On July 20, 2004, the County Executive transmitted Executive Regulation No. 9-04, *Amendments to Montgomery County Personnel Regulations on Multilingual Pay, Service Increment Dates, Annual and Sick Leave, and Promotion* to the Council President for the Council's review and approval. The Executive Regulation outlines a process of certifying multilingual employees, and the inter-departmental use of certified multilingual employees for interpretation/ translation.
- The Office of Human Resources is currently working to develop a partnership with an outside educational institute (e.g., Montgomery College, University of Maryland, John Hopkins University) to improve the County's testing and certification process.

Telephone Interpretation: the "Language Line"

- Following a competitive procurement, the Police Department entered into a multi-year contract with a vendor that provides telephone interpretation in 150 languages on a 24/7 basis. The Emergency Communications Center is the primary public safety user of the so-called "language line." Some DHHS staff also have use of the language line under a separate user code that bills directly to DHHS.¹
- The cost of the language line is \$1.60 per minute regardless of language. In CY 2003, the County (primarily the Emergency Communication Center and DHHS staff) called the language line 13,543 times for a total cost of approximately \$161K. On average, it took only 13.4 seconds to connect to the correct interpreter; the average length of call was eight minutes.
- 91% of the calls placed by Police Department and MCFRS staff and 75% of the calls made by DHHS staff were requests for Spanish interpreters. Following Spanish, the most frequently requested languages were: Mandarin, Vietnamese, Korean, Portuguese, French; Amharic, Russian, Farsi, and Cantonese.

Volunteer Language Bank

- Five years ago, the County's Volunteer Center established the Volunteer Language Bank which consists of volunteers willing to provide interpretation/translation services at no cost.
- The Volunteer Language Bank currently lists 94 volunteers available to interpret/translate in 31 languages. The largest numbers of volunteers are available to assist with Spanish, Chinese, and French. A survey conducted last year found that the Volunteer Language Bank is used, on average, 14 times each month.

¹ Department of Libraries staff also occasionally use the language line to communicate with LEP persons.

Interpretation by Family Members and Friends

- The federal Department of Justice LEP guidance discourages recipients of federal funds to rely on an LEP person's family or friends to act as interpreters. However, the guidance acknowledges that LEP persons may prefer to use family members or friends, and that family members or friends may need to be used in emergency situations.
- Using an LEP person's multilingual family member or friend to provide interpretation is not sanctioned by the County Government as an official language assistance tool.² In practice, however, there are interactions between County personnel and LEP persons where a family member or friend does serve as the interpreter. Further, it is not uncommon for an LEP person to bring a multilingual family member with him/her specifically for the purpose of providing interpretation.

Case Studies: Public Safety Emergency Services, Child Welfare, Adult Protective Services, and the Crisis Center

To more closely examine the County Government's practices of communicating with LEP persons, OLO selected a number of public safety and health and human program services case studies. OLO purposely selected high priority government services that require County personnel to communicate quickly and accurately with a broad cross-section of the public. Additionally, the consequence of a language miscommunication in each of the case study services could potentially be life threatening.

The public safety services selected for case study were: Emergency Communications Center's receipt and processing of 9-1-1 calls; the initial response provided by County patrol officers to 9-1-1 calls for emergency police service; and the initial response provided by MCFRS personnel to 9-1-1 calls for fire suppression, rescue, and/or emergency medical services (EMS).

The health and human services selected for case study were: the intake (either on the telephone or in-person) and initial counseling services provided by staff in the 24-hour Crisis Center; Child Welfare Services' screening and initial investigations of cases involving reports of alleged child abuse or neglect; and Adult Protective Services' screening and initial investigations of cases involving reports of alleged elder abuse or neglect.

The following list of summary findings is based upon OLO's interviews with management and front-line staff. OLO's interviews were supplemented with on-site observations and document reviews.

² See page 111 for the CAO's comments on the use of family members and friends.

General Findings

- Front-line staff interviewed by OLO consistently voiced that not being able to easily communicate with LEP persons can be extremely frustrating. County employees want to provide quality services to the public and the mutual exchange (oral and/or written) information is an essential component of service delivery. In some cases, employees find the available language assistance services work extremely well; in other cases, employees see opportunities for improvement.
- Consistent with the Census data, staff report that Spanish is the most frequent language spoken by LEP persons in the County. Other languages cited as being encountered most often are: Korean, Chinese, Vietnamese, and French.
- Front-line public safety and health and human service personnel report that the inability to speak a person's language is only one of many communication challenges that they encounter. For example, staff interact with people who have mental health disorders, or who (for various reasons) are not forthcoming with information, regardless of their English language proficiency.
- Interacting with LEP persons in emergency situations is especially challenging for patrol officers and can pose some serious safety issues. When someone does not immediately respond in a cooperative way to an officer's request or command, the officer does not immediately know whether the individual is not responding because he/she does not comprehend the officer's request or because he/she is choosing to be uncooperative.

Findings on Use of Different Language Assistance Services

- There is no one-size-fits-all language assistance service. The strategy that works "best" depends upon multiple factors, such as: whether the interaction occurs on the telephone or in person; whether the interaction occurs in a County office or in another location, e.g., on the street, in a private residence; the purpose of the interaction and whether it was initiated by the LEP person; and the language(s) spoken by the LEP person and County staff member.
- There is a general consensus that the preferred option for communicating with an LEP person is to have a readily available multilingual employee who can talk directly to the LEP person in his/her own language. Although the County employs an increasing number of multilingual employees, it is not realistic to expect that a multilingual employee will always be available, especially given the large number of different languages spoken by County residents.
- Front-line staff report that for telephone interactions between the County and LEP persons, using telephone interpreters (the "language line") works extremely well in most situations. Both the Emergency Communications Center and the Crisis Center have incorporated routine use of the language line into their regular business practices. The County's current contract for telephone interpreters provides access to almost immediate interpretation in 150 different languages.

Drawbacks cited to the language line are that: consecutive interpretation takes longer³; it can be perceived as impersonal; contract telephone interpreters are not generally available to testify in court; there is little way for the staff using the service to assess its accuracy; and it can be awkward to involve a third party when the subject being discussed is deeply personal.

- Compared to a telephone interaction, use of the language line for in-person interaction with an LEP person in the field is not as logistically practical. However, first responders to 9-1-1 calls believe that providing them with the option to access the language line is important. Readily available cell phones with a speaker phone capacity would make use of the language line in field setting more feasible.⁴
- Using an LEP's person family member or friend to provide interpretation is not sanctioned as a formal language assistance service. In practice, however, when a multilingual employee is not immediately available and use of the language line is not feasible, most first responders (police officers and firefighters) rely on multilingual family members or others on the scene of an incident to provide interpretation. While MCPD and MCFRS personnel acknowledge that this is not the preferred option, in many cases it is the only alternative in an emergency situation for communicating with LEP persons.

Multilingual Certification and Language Classes

- There is no universal understanding of the County Government's process for certifying employees as multilingual. Some staff raised questions about the perceived lack of testing standards, and confusion about what constitutes being certified at the basic vs. advanced level.⁵ In addition, some interviewees voiced that it seems "unfair" for multilingual employees who are called upon routinely to provide interpretation services receive the same pay differential as certified employees who are rarely asked to interpret.
- There is a keen interest among County staff, especially those assigned to parts of the County with large numbers of LEP persons, in learning Spanish. Interviewees expressed a special interest in taking Spanish-immersion language classes that are designed for their respective professions, e.g., language classes geared for law enforcement or emergency medical use.

³ See page 47 for the definition of consecutive interpretation.

⁴ Crisis Center staff already use cellular phones with speaker phone capacity to communicate with LEP persons in the field. Crisis Center staff report great success with this language assistance service.

⁵ The Office of Human Resources is currently working to develop a partnership with Montgomery College, University of Maryland, or John Hopkins University to improve the County's testing and certification process.

Feedback from the Community

To solicit feedback about how easy it is for LEP persons to access County Government services, OLO met with representatives from several of the County Executive's key advisory groups (African American Advisory Committee, Asian American Advisory Committee, Latin American Advisory Committee, and the Committee on Ethnic Affairs). OLO also attended a meeting of the Community Outreach Forum and conducted telephone interviews with 20 individuals who work directly with residents who do not speak English well. The most common observations offered by those interviewed are summarized below.

- Compared to five years ago, LEP persons can now more easily access County Government services. However, there is still room for improvement.
- There is a notable increase in the number of multilingual staff (especially Spanish-speaking), and an increase in the use of other language assistance services such as telephone interpreters.
- It is frustrating how relatively few of the County Government's telephone recordings have the option of being heard in Spanish. Also, there are occasional interactions with staff described as rude or impatient.
- The County is better positioned to communicate with Spanish-speaking LEP persons compared to LEP persons who speak any other language.
- Hiring more multilingual staff is cited as the preferred solution to eliminating language barriers for LEP persons. Consecutive interpretation, especially over the telephone, is perceived by some as time consuming and cumbersome.
- Many LEP persons do not know what County Government services are available to them. Additionally, some LEP persons are afraid to contact the government when services are needed.
- Specific recommendations for further reducing language barriers included: hire more multilingual employees; simplify access by establishing a single call center that provides information and referral in multiple languages; design an outreach campaign to inform LEP persons about available services; and make the County's voicemail system easier for non-English speaking individuals to use.

Comparative Research on Practices in Other Jurisdictions

OLO compiled information on the practices used by the following six local governments to improve LEP persons' access to services: City of Alexandria, VA; City of Oakland, CA; City of San Francisco, CA; District of Columbia; Fairfax County, VA; and New York City, NY.⁶ The jurisdictions studied each use one or more of the following practices.

- **Enact legislation that addresses service access for LEP persons.** Four of the jurisdictions have enacted local legislation that requires equal access to city/county services for LEP persons. The primary reasons cited for enacting legislation were to formally establish the jurisdiction's commitment to improving LEP person's access to services, and to place priority on implementing plans to reduce or eliminate remaining language barriers.
- **Designate an office to coordinate jurisdiction-wide LEP-related activities.** All six places designate an office to oversee and coordinate jurisdiction-wide efforts related to ensuring LEP person access to services. The benefits of centralized oversight include better coordination and improved accountability across the government.
- **Centralized competitive procurement of language assistance services.** In order to avoid a duplication of effort at the department level and benefit from potential economies of scale, Fairfax County centralized a competitive procurement of face-to-face and/or telephone interpretation services, translation services for County publications, and bilingual skills assessment of County job applicants for bilingual preferred or required positions.
- **Coordinating the use of multilingual employees and volunteers.** Oakland City's Equal Access Office designed a multilingual volunteer program that schedules volunteers to be present at City administration buildings on a regular basis. Fairfax is in the process of establishing formal procedures for linking employees who are interacting with LEP customers by telephone with a bilingual employee-interpreter, regardless of where the interpreter works.
- **Provide employees with cellular phones for accessing telephone interpretation services in the field.** The New York City Police Department (NYPD) is currently operating a pilot program that expands access to telephone interpretation services in the field by providing officers with cellular phones that include a speaker phone capacity.

⁶ OLO selected these jurisdictions primarily because each was cited in an article or recommended by staff in other local governments as places that have identified LEP persons' access to services as a priority, and as a result, have introduced new or interesting practices related to providing language assistance services. In addition, although the total population and numbers of LEP residents vary across the jurisdictions, all six have LEP populations in more than a single language category.

CHAPTER XI. Recommendations

As a recipient of federal funds, the Montgomery County Government must take reasonable steps to provide limited English proficient (LEP) persons with meaningful access to County Government programs and activities. Earlier chapters in this report reviewed the Executive Branch's LEP policy, current practices, and plans for further reducing language barriers for LEP persons. This chapter outlines the Office of Legislative Oversight's recommendations for Council action aimed at improving the County's ongoing efforts.

The issue of providing meaningful access to LEP persons is linked to a number of other important public policy issues. Specifically, it is a subset of the County's many activities aimed at:

- Informing all County residents about County programs and activities; and
- Providing quality service to all customers.

In addition, it is separate but integrally related to the offering of English as a Second Language (ESL) classes. Providing a sufficient number and easily available ESL classes is a critical piece of the County's overall strategy for integrating non-English speakers into the community. However, ESL classes will never eliminate the County's responsibilities to provide meaningful access to residents who still do not speak English.

OLO recommends that Councilmembers keep these connections in mind as they consider the following package of recommendations for Council action.

Recommendation #1: Request the Chief Administrative Officer to brief the Council on the Executive Branch's limited English proficiency policy and implementation plan.

During the past year, the County Executive established an Executive Branch limited English proficiency policy, and the Chief Administrative Officer completed a Limited English Proficiency Plan to implement the policy across the County Government.

Because of the Council's expressed interest in this subject as well as the related fiscal and service implications, OLO recommends that the Council request a comprehensive briefing from the Chief Administrative Officer (CAO) that addresses:

- The Executive Branch's formal statement of policy on limited English proficiency;
- The Executive Branch's Limited English Proficiency Plan; and
- The status of implementing the LEP plan across County Government departments and offices.

The Council should ask that the CAO's briefing include information about the estimated FY 05 and future years' fiscal impacts of implementing the LEP Plan across County Government.

Recommendation #2: Request the CAO to consider a number of specific ideas for improving how the County Government provides language assistance services to LEP persons.

In the course of conducting this study, OLO identified a number of promising practices used in other jurisdictions as well as potential opportunities for improving upon strategies already being used here in the County. OLO recommends that the Council ask the Chief Administrative Office (CAO) to examine these specific ideas (briefly described below), and to report back to the Council in the **Fall of 2004** with his recommendations on whether to incorporate some or all of them into the Executive Branch's LEP Plan. This schedule for review will allow initiatives that require funding to be incorporated into the County Executive's Recommended FY 06 Operating Budget.

A. Establish a priority order of County services for receiving attention and additional resources related to communicating with LEP persons.

It will take time and resources to implement the full array of language assistance services throughout all County Government programs and activities. In the immediate term, OLO recommends that the CAO identify a short list of the highest priority services for being the first to receive the attention and additional resources needed to enhance the capacity of front-line staff to communicate with LEP persons.

OLO further recommends that the CAO strongly consider placing emergency public safety services at the top of the priority list. The Department of Justice LEP guidance identifies "the nature and importance of the program, activity, or services provided by the program to people's lives" as one of the four key factors to consider. Without diminishing the importance of other County programs and services, there are potential life or death consequences if a patrol officer or firefighter/rescuer is not able to communicate quickly and accurately with an LEP person in an emergency situation.

B. Centralize procurement of language assistance services.

In order to avoid duplication of procurement efforts across departments and take full advantage of economies of scale, OLO recommends that the County centralize procurement of language assistance services. An example of this practice is found in Fairfax County.

In May of 2003, the Language Access Coordinator (structurally located in Fairfax County's Office of the County Executive) issued a Request for Proposals (RFP) for the following language assistance services on an "as needed" basis:

- Interpretation services - either by telephone or face-to-face;
- Translation services – for County publications; and
- Bilingual skills assessment of County job applicants for bilingual preferred or required positions.

Offerors were allowed to respond with bids to provide one or more of the services requested.

As a result of this competitive procurement process, Fairfax County selected seven vendors, who are now on a "short list" of qualified vendors. There are fixed pricing profiles on file for each vendor. Depending upon their specific needs for language assistance services, individual departments can go ahead and purchase services from any one of these seven vendors. The "short list" is good through November 2008.

C. Expand access to the County's contract for telephone interpretation services to all front-line employees who have regular contact with the public.

At present, the use of the County's contract for telephone interpretation services is limited to services in three departments: the Police Department, the Montgomery County Fire and Rescue Service, and the Department of Health and Human Services. OLO understands that other County departments (e.g., Department of Libraries) occasionally use the language line.

While recognizing that a telephone interpretation service is not necessarily the preferred or most efficient method of communicating with LEP persons, it is nonetheless a tool that can be extremely useful in many situations. OLO recommends that the County consider making the County's contract for telephone interpretation services available to all front-line employees who have regular contact with the public. The County should develop written procedures to guide employees when it is appropriate to use this service.

As part of expanding access to telephone interpretation services, OLO recommends the County look into the feasibility of the following two uses of technology for front-line public safety employees:

- (1) Taking the lead from the New York City Police Department (NYPD), the County should consider a pilot program that provides 9-1-1 first responders (police officers and firefighters) with cell phones that can be used as speaker phones for accessing the language line in the field. Appendix G contains an article that describes the NYPD's pilot program.
- (2) All police officers and firefighters are currently equipped with radios that connect back to the Emergency Communications Center (ECC). The County should explore whether use of these radios to connect back through ECC to the language line is an efficient and practical approach to use under certain conditions.

D. Explore whether changes are needed to improve the County's policies and practices related to recruiting, certifying, and compensating multilingual employees.

Employing multilingual staff is another essential component of the County's strategy for providing meaningful access to LEP persons. OLO recommends the whole issue of recruiting, certifying, and compensating multilingual employees is one that deserves some additional focused study with attention towards continuous improvement. Specific aspects of the County's recruitment, certifying, and compensating multilingual employees recommended for review are listed below.

- Approach to outreach and recruitment of multilingual employees. OLO recommends that the CAO examine the County's current efforts to recruit multilingual employees with the goal of attracting an increased number of applications from qualified multilingual employees.
- The process for certifying employees as multilingual. Staff from the Office of Human Resources indicate that the County is already in the process of reviewing the current process for certifying employees as multilingual. OLO recommends that priority be placed on implementing improvements to this process, with particular attention to ensuring that the testing process is standardized, well understood by all employees, and consistent with the County's labor agreements.
- The amount and approach to calculating the multilingual pay differential. Another aspect of the County's multilingual program that deserves critical review is the current structure that provides a flat amount of pay differential to certified multilingual employees, regardless of how frequently they are asked to provide interpretation. OLO recommends the County examine the feasibility of a change that recognizes the reality that some certified multilingual employees are called upon routinely to provide interpretation while others are rarely called upon to use their language skills. Any change in the differential pay rates for members of the FOP, IAFF, and MCGEO are subject to collective bargaining.

E. Assess whether the County Government's current offerings of Spanish language courses adequately meet the interests and needs of the workforce.

A recurring theme voiced by County employees interviewed by OLO is a keen interest in learning a second language, especially Spanish. Many front-line staff who work routinely with LEP persons expressed a willingness to invest the time and energy required to learn Spanish.

The County Government currently offers a conversational Spanish class and a 12-hour "survival Spanish" class. Appendix P contains an excerpt from the current Office of Human Resources course catalog that describes the specific Spanish language classes available during FY 04.

OLO recommends that the CAO assess whether the County Government's current offerings of Spanish language courses adequately meet the interests and needs of the workforce. Specific recommendations made by County employees that should be explored include:

- The County should offer Spanish immersion classes.
- Language classes should be scheduled for times and locations that are convenient to employees, with recognition that some employees do not work standard 40-hour Monday through Friday work weeks.
- Language classes should be tailored to the respective professions that County employees work in, e.g., police officers need Spanish geared toward law enforcement use; paramedics need Spanish for emergency health care providers.
- The County should ensure that employees who take language classes have follow-up opportunities on the job to continue to use their newly acquired language skills.

F. Expand the number of recorded telephone messages that include a Spanish language option, especially for recordings that are designed to provide specific program information to the public.

A recurring suggestion that OLO heard from members of the community interviewed about how well the County provides reasonable access to LEP persons was for the County to provide more recorded telephone messages in Spanish as well as English. Especially as the County makes greater use of recordings to provide substantive program information, attention should be paid to providing options for hearing the information in Spanish.

G. Develop a plan for ongoing monitoring and updating of the LEP Plan

The LEP guidance developed by the Department of Justice identifies ongoing monitoring and updating as one of the elements of an effective LEP plan. DOJ specifically recommends establishing an ongoing process for determining whether new documents, programs, services, or activities need to be made accessible for LEP persons.

Consistent with this guidance, OLO recommends the CAO consider developing a plan for conducting an ongoing evaluation of the County Government's compliance with the requirements of Title VI to provide meaningful access to LEP persons. Specifically, the evaluation should include:

- An approach for seeking feedback from the community;
- Assessing changes in the County's LEP populations;
- A fiscal analysis of the costs associated with providing language assistance services; and
- Whether existing resources are meeting the needs of LEP persons.

Recommendation #3: Consider the merits of proceeding with either a statement of Council policy guidance or a County law that outlines the County Council's expectations concerning how the County provides meaningful access to LEP persons.

There are both advantages and disadvantages to the Council enacting either a resolution or legislation that sets forth specific guidelines regarding providing meaningful access to LEP persons. OLO recommends the Council carefully weigh the pros and cons (summarized below) before proceeding.

A number of other local governments have gone ahead and enacted local laws concerning LEP access. The primary advantages cited to passing a law are that it provides:

- A forum for public discussion and focus on the issue of providing access for LEP persons;
- An opportunity for the elected officials to articulate their expectations on local government efforts to provide access for LEP persons;
- A vehicle for establishing legal guidelines on timing and priorities.

The disadvantages of passing a law or formal Council resolution on LEP access are that:

- Given the federal and state laws already enacted on the issue of LEP access, the County is not required to enact its own requirements;
- It could lead to the wrong impression that local government agencies do not need to adhere to the requirements already established in state and federal laws and regulations;
- Depending upon what the law requires, the potential fiscal impact of implementation could be substantial.

Recommendation #4: Request that the other agencies (outside of County Government) provide a report to the Council about their current and future plans for providing meaningful access to LEP persons.

The scope of OLO's assignment was limited to a study of how the County Government was positioned to serve persons of limited English proficiency. However all local government agencies face a similar challenge of providing meaningful access to LEP persons.

OLO recommends that the Council formally request that the other local government agencies prepare a written report back to the Council that includes their respective:

- Assessment of the frequency and nature of interactions with LEP persons;
- Current and future plans for providing meaningful access to LEP persons; and
- Current and future fiscal impact of providing meaningful access to LEP persons.

OLO recommends that such a report be requested (along with a target deadline for submission back to the Council) from: Montgomery College, Montgomery County Public Schools, the Office of the Sheriff, the Office of the State's Attorney, the District and Circuit Courts, M-NCPPC, WSSC, the Housing Opportunities Commission.

CHAPTER XII. Agency Comments on Final Draft of Report

The Office of Legislative Oversight circulated a final draft of this report to the Chief Administrative Officer (CAO) and relevant Executive Branch departments. The written comments received on the draft report from the CAO are included in their entirety, beginning on the following page.

OLO appreciates the time taken by Executive Branch staff to review and comment on the draft report and looks forward to further discussions on the issues identified in this study.

Summary of Changes to Draft Report

OLO's final report incorporates technical corrections provided by agency staff. In addition, OLO edited the report to:

- Clarify the Executive Branch's definition of an LEP person;
- Expand on the role and responsibilities of DHHS' newly established Office of Community Affairs;
- Incorporate recent DHHS efforts to ensure meaningful access to persons with limited English proficiency; and
- Incorporate various additional information contained on page 113 of the CAO's memo.



OFFICES OF THE COUNTY EXECUTIVE

Douglas M. Duncan
County Executive

Bruce Romer
Chief Administrative Officer

MEMORANDUM

July 14, 2004

To: Karen Orlansky, Director
Office of Legislative Oversight

From: Bruce Romer 
Chief Administrative Officer

Subject: Report on Limited English Proficiency

Thank you for the draft report on the County's policy addressing Limited English Proficiency (LEP). I have reviewed it and offer the following comments.

In general, we concur with the recommendations listed in the Executive Summary and the last section of the draft report. Certain items under Recommendation #2 have already been addressed, including a) establishing a priority of county services for receiving attention and additional resources for LEP persons, and b) developing a plan for ongoing monitoring and updating of the LEP plan.

As for Recommendation #3, the Executive Branch sees LEP as an essential part of good customer service that all County employees are to observe and provide. LEP is being integrated as part of the County's normal operating procedures. LEP policy should not be viewed as a separate, isolated phenomenon that receives occasional revisits. Part of the LEP training to employees is stressing the importance of LEP policy as an integral part of daily service delivery. In addition, performance evaluations for department heads and merit directors include LEP as part of the County's larger diversity initiative.

For these reasons and because both the federal and State government have already provided numerous and detailed guidelines for LEP policy, we believe that a new law or new guidelines from the Council is not needed at this time.



Following are additional comments on specific sections of the draft report:

- **Definition of who is a LEP person.** The Executive Branch uses the working definition that any individual who is prevented from meaningful access to services because of his or her inability to read, write or understand the English language is deemed to be of limited English proficiency. This definition does not look at a person's primary language under the rationale that the relevant issue is access to services, regardless of a resident's native or primary language.
- **Case Studies.** Since the report's conclusions and recommendations mentioned in the executive summary and elsewhere are based in part on case studies examining county service providers in five service areas, I believe mention of these case studies in the executive summary would help clarify the methodology and process on how the report's conclusions and recommendations were made.
- **Use of family members and friends as interpreters.** The executive summary and Chapter V, §D (on page 40 of the draft) discuss the use of family members and friends as interpreters for LEP customers. It is the policy of the Executive Branch to strongly discourage this practice, especially in circumstances where sensitive or confidential information is communicated. This policy is in accordance with the guidelines promulgated by the U.S. Department of Health and Human Services. Even after an LEP person has been offered and declines free interpreter services and still requests a family member or friend as an interpreter, the use of such a person may be used only if it "would not compromise the effectiveness of services or violate the LEP person's confidentiality" (65 *Federal Register*, No. 169 at p.52769, August 30, 2000). This policy on not using friends and family members as interpreters is emphasized in the training of county personnel.
- **Department of Health and Human Services.** Following are specific comments and changes to noted portions of the draft dealing with the Department of Health and Human Services (DHHS).

Page 58 (sentence beginning "Once it becomes operational...")

Once it becomes operational, DHHS' newly established Office of Community Affairs will be responsible for community outreach, as well as development, implementation and oversight of services to aid poor residents of the County through the Community Action Agency. Additionally, this Office will be responsible for ensuring compliance with LEP requirements; identifying and

coordinating training regarding LEP requirements and cultural competence among DHHS staff, and assuring that the Department's services are accessible to all residents regardless of their English speaking capabilities.

Page 61 (section beginning "According to DHHS staff...")

According to DHHS staff, the Department has engaged in the following activities and plans to further these efforts during FY 2005:

- The Department has conducted a survey of all service delivery telephone lines and directional voice mails, to determine the availability of multilingual assistance available by phone. This survey revealed limitations in the availability of language assistance, particularly in languages other than Spanish; and a lack of multilingual instructions available on voice mail messages. The Department has since included a bilingual language in Spanish on the after hours message associated with the Department's main information number. During FY 2005, the Department plans to implement a centralized information and referral system, with phones answered by live staff during the hours of 8:00 a.m. – 5:30 p.m. The centralized information and referral group will provide multilingual staff support in several languages, and allow residents to access information to the Department's services via a single point of contact.
- The Department completed a survey of all program literature and documents, which revealed some 600 brochures and other documents are in use by program areas. The survey also identified which documents are readily available in alternate languages. During FY 2005, the Department will engage in an intensive review to: modify the existing Community Guide to Services, to provide a comprehensive listing of available programs and resources to residents and ensure that the guide is available in multiple languages; and review the program guides to determine the efficacy of information and to pare down the number of publications and brochures which are in use.
- The Department has drafted a standard procedure, which provides written documentation of the process that is already widely used in the Department. During FY 2005, the procedure will be finalized and fully implemented. A copy of the procedure is attached.
- As previously stated, the Department coordinated training related to LEP requirements, in collaboration with the Maryland Department of Human Resources (DHR) for approximately 1300 staff. During FY 2005, the Department will identify and implement additional staff training,

including: cultural competency; tips for conducting assessments and interviews utilizing trained interpreters.

- The Department expects to continue to collaborate with the Offices of the County Executive to plan and implement countywide LEP standards during FY 2005.

Page 62 (section beginning “The Department of Health and Human Services does not maintain data on the frequency...”)

While the Department of Health and Human Services does not currently maintain data on the frequency of interactions with LEP persons, interviews with DHHS staff suggest that the number of LEP persons seeking services from DHHS has notably increased over the last five years. The Department is adding a module to its current data collection bundle, to track LEP contacts. This data collection will occur in several phases, with the first to collect information related to residents seeking the Department’s services for the first time.

Page 70 (# 4. Suggestions for improvement)

Re: recruitment of additional Spanish-speaking staff. Currently, nearly 80% of the Department’s staff with multilingual capacity is certified in Spanish. It would not appear beneficial to actively recruit more Spanish speaking employees. Rather, the Department should consider ways to optimally distribute staff with multilingual capacity.

Page 76 (#6. Community Grants)

- All of these organizations do not have as their sole purpose services to persons with limited English ability – these are mostly service organizations that service an identified population.
- Not all of these services/organizations are assigned to HHS.

Thank you for the opportunity to make comments on OLO Report 2004-07, LEP – Access to County Government Services. If you have any questions, please contact Joe Beach of my staff.

Department of Health and Human Services Limited English Proficiency (LEP) Procedures

Purpose

The purpose of the following procedure is to provide a coordinated response to delivery of services for persons with limited ability to speak and/or understand English. Ideally, the Department of Health and Human Services (DHHS) will use a combination of the following to meet the needs of LEP clients:

- Bilingual staff trained in interpretation
- Telephone interpreting (with trained interpreters)
- Trained volunteer interpreters.
- Trained interpreters via contract

Signage and Materials

Multilingual signs advising LEP clients of their rights must be posted in all DHHS program locations. "I Speak" Language cards and language assistance placards will be displayed in all reception areas where services are provided.

At Department of Health and Human Services Sites

1. Staff must first inform an LEP individual in their primary language of the right to free interpreter services.
2. When an LEP individual presents at a DHHS site, attempt to use the "I Speak" language cards and/or the language assistance placards to identify the interpreting support needed. If the individual is accompanied by another party who speaks English, ask what the primary language is.
3. Children under the age of 18 **MAY NOT** be used to translate information for purposes of eligibility determination and/or service delivery. You may ask these individuals what language is spoken or other information which may be used to determine appropriate interpretation services. Family members or friends may be used if requested by the LEP person. Staff should indicate in the LEP person's file that an offer of interpreter services was made and rejected and that the individual elected to use a family member or friend. The name of that person serving as an interpreter must be noted in the file.
4. Contact the Language Line Services , at (800) 874-9426, and give the following information:
 - Language needed;
 - Client ID number;
 - Organization name;
 - Personal code.

Department of Health and Human Services Limited English Proficiency (LEP) Procedures

Refer to your Language Line Services "Quick Reference Guide" for further instructions. Language Line Services is best used for an initial contact to inform the person of their rights under LEP and to schedule a follow up appointment when an interpreter can be present.

5. Use the Volunteer Language Bank listing to identify resources for interpretation support. Instructions for use are available on the County's webpage.
6. Use the HHS Multilingual staff listing to identify staff for interpretation support in the building.

In arranging appointments and follow up sessions with individuals seeking services

1. Use the HHS Multilingual staff listing to identify staff to schedule face to face or telephone interpreter services at the time of the appointment.
2. Use the Volunteer Language Bank listing to identify resources to schedule face to face or telephone interpreter services at the time of the appointment.
3. Contact Language Line Services, at (800) 874-9426, and provide the information referenced above. Please be reminded that this line is best used for brief contacts to inform the person of their rights under LEP and to schedule a follow up appointment when an interpreter can be present.

Data Management

1. Statistical information must be maintained In order to comply with requirements established by various funding sources (including but not limited to the Maryland Department of Human Resources [DHR] and the Maryland Department of Health and Mental Hygiene [DHMH]).
2. All staff serving LEP individuals must enter data using the Data Collection Feature.

Attachments:

- HHS Multilingual Staff Listing (by work location)
- Instructions for using the Volunteer Language Bank
- Language Line Services Fact Sheet, information to establish the individual ACCESS CODE.
- Instructions for hiring face to face interpreter services & written translation services.

**Department of Health and Human Services
Limited English Proficiency (LEP)
Procedures**

- Data Collection Sheet (modified from the information provided by DHMH)
- (“I Speak” Language Cards & Language Access Placards provided to each Service Area Chief for Distribution)