

EMPLOY MILWAUKEE



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An Introduction to ***Limited English*** ***Proficiency***

Limited English Proficiency (LEP)

Training Concepts

- Definition of Limited English Proficiency
- Federal Requirements
- Interpretation vs. Translation
- Required Notices
- Timing
- Accessing Language Services
- Engagement Etiquette
- Accessing Language Services
- Documentation
- LEP Refusal Form
- A Word on Written Words
- Apply Your Knowledge - Case Scenarios

Limited English Proficiency (LEP)

Definition

An individual with limited English proficiency (LEP) is a person whose primary language for communication is not English and who has a limited ability to read, write, speak, or understand English.

Limited English Proficiency (LEP) Knowledge Check



TRUE OR FALSE: A person with limited English proficiency (LEP) is not able to effectively read the English language.

ANSWER: BOTH! A person who has LEP may not be English well but may not be able to speak it proficiently.

Limited English Proficiency (LEP)

Federal Requirements

Agencies receiving federal funds are required to establish a language policy and a plan indicating how they will serve individuals of limited English proficiency and meet the requirements of:

- Title VI of the Civil Rights Act - Which prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.
- 2CFR § 38.9 - Which prohibits discrimination based on national origin, including limited English proficiency.
- Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency”.



Limited English Proficiency (LEP)

Federal Requirements

EMI and its partners must take reasonable steps to provide meaningful access to each individual with limited English proficiency who is likely to be encountered or is eligible to be served.

Provision of free, language assistance services is one source of language access.



Limited English Proficiency (LEP) Knowledge Check



TRUE OR FALSE: Because MY agency is getting funded through EMI and not directly by the Department of Labor, LEP does not apply to my job.

ANSWER: False. EMI is federally funded and must ensure that its partners are compliant with the federal Civil Rights Act.

Limited English Proficiency (LEP)

Interpretation vs. Translation



A **translator** is a linguist who 'transfers' written content from one language to another language while preserving the meaning.

An **interpreter** is a linguist who 'transfers' verbal content from one language to another language while preserving the meaning.



Limited English Proficiency (LEP) Knowledge Check



TRUE OR FALSE: A translator is a linguist who ‘transfers’ verbal content from one language to another language.

ANSWER: False. An **interpreter** is a linguist who ‘transfers’ verbal content from one language to another language. A **translator** is a linguist who transfers written content from one language to another language.

It’s important to know the difference, particularly if you need to purchase language services.

Limited English Proficiency (LEP) Required Notices

- I Speak Cards (recommended)



I Speak Statements

- | | |
|--|--|
| ☐ Unë flas shqip (Albanian) | ☐ N' a po Klào Win. (Kru) |
| ☐ አማርኛ እናገራለሁ (Amharic) | ☐ ຂ້າພະເຈົ້າເວົ້າ ພາສາລາວ. (Lao) |
| ☐ أنا اتكلم اللغة العربية. (Arabic) | ☐ Yie gorngv Mienh waac. (Mien) |
| ☐ Ես խոսում եմ հայերեն (Armenian) | ☐ म नेपाली बोल्छु (Nepali) |
| ☐ আমি বাংলা ভাষী। (Bengali) | ☐ Mówię po polsku. (Polish) |
| ☐ Ja govorim bosanski jezik (Bosnian) | ☐ Eu falo Português. (Portuguese) |
| ☐ ကျွန်တော်မြန်မာစကားပြောသည်။ (Burmese) | ☐ ਇ ਸ੍ਰਪੇਅਵ ਪੰਜਾਬੀ (Punjabi) |
| ☐ 我说中文 (Chinese Simplified) | ☐ Cunosc limba Română. (Romanian) |
| ☐ 我說中文 (Chinese Traditional) | ☐ Я говорю по-русски. (Russian) |
| ☐ Ja govorim hrvatski. (Croatian) | ☐ Ou te tautala faaSamoa. (Samoan) |
| ☐ اینجانب به زبان فارسی صحبت می کنم (Farsi) | ☐ Govorim srpski. (Serbian) |
| ☐ Je parle français. (French) | ☐ Waxaan ku hadlaa Somali. (Somali) |
| ☐ Je parle le Français haïtien(French Creole) | ☐ Yo hablo español. (Spanish) |
| ☐ Μιλάω ελληνικά. (Greek) | ☐ أتحدث السودانية (لغوي سوداني) (Sudanese) |
| ☐ હું ગુજરાતી બોલું છું (Gujarati) | ☐ Marunong po akong magsalita ng Tagalog. (Tagalog) |
| ☐ Mwen pale Kreyòl. (Haitian Creole) | ☐ ข้าพเจ้าพูด ภาษาไทย (Thai) |
| ☐ मैं हिंदी बोलता हूँ (Hindi) | ☐ እነ ትግርኛ ይዘረብ እየ. (Tigrinya) |
| ☐ Kuv hais lus hmoob. (Hmong) | ☐ Я розмовляю українською. (Ukrainian) |
| ☐ Ana m a sụ Igbo (Igbo) | ☐ میں اردو بولتا/ بولتی ہوں۔ (Urdu) |
| ☐ Parlo Italiano (Italian) | ☐ Tôi nói tiếng Việt. (Vietnamese) |
| ☐ 私は日本語を話します (Japanese) | ☐ יידיש טוען און (Yiddish) |
| ☐ Mi chat Jamiekan langwiji (Jamaican Creole) | ☐ Mo gbọ Yoruba (Yoruba) |
| ☐ ខ្ញុំនិយាយភាសាខ្មែរ (Khmer) | |
| ☐ 본인의 모국어는 한국어입니다 (Korean) | |
| ☐ ھە ز زمانێ گوردی ده ناخفم. (Kurdish) | |

Limited English Proficiency (LEP)

Required Notices

- Babel notices on vital documents

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TSEEM CEEB! Daim ntawv no muaj ib cov lus tseem ceeb qhia paub txog koj cov cai, cov luag hauj lwm thiab/los yog cov kev pab. Nws yog ib qho tseem ceeb uas koj yuav tau to taub cov lus nyob hauv daim ntawv no, thiab peb yuav muab tau cov lus no txhais ua koj hom lus yam koj tsis tau them nyiaj dab tsi. **Hu rau (414)-270-1726** yog xav tau kev pab kom muab cov lus nyob hauv daim ntawv no txhais rau koj kom koj to taub.

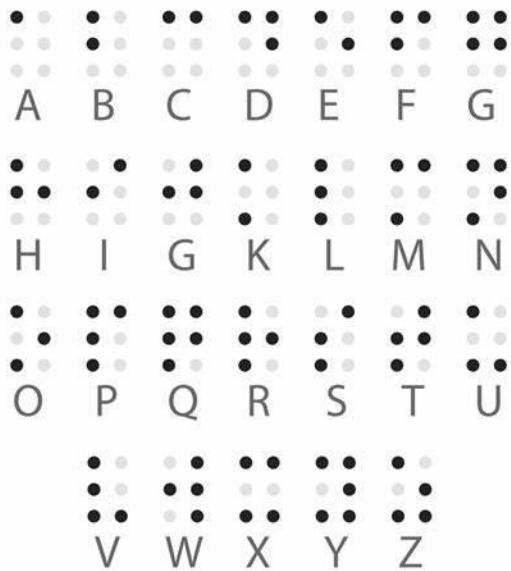
Limited English Proficiency (LEP)

Required Notices

- Equal Opportunity Taglines on forms

Employ Milwaukee is an Equal Opportunity employer and service provider. If you need this information or printed material in an alternate format, or in different language, at no cost to you, please contact us at (414)-270-1700. Deaf, hard of hearing, or speech impaired callers can contact us through Wisconsin Relay Service at 7-1-1.

- An explanation of these rights have been made available in braille as well.
- **MOST IMPORTANTLY:** LEP Participants must understand these services are available at no cost.





Limited English Proficiency (LEP)

Knowledge Check

TRUE OR FALSE: A person with LEP should be encouraged to use a family member or friend to translate and interpret because they will not cost the person with LEP extra fees.

ANSWER: False. The use of professional translation and interpretation services must be provided at **no cost** to person who is LEP.

Limited English Proficiency (LEP)

Timing



Translation and interpretation services need to be provided anytime a person is likely to be encountered or is eligible to be served.

During outreach, intake, and eligibility activity staff must be prepared to provide language services. **The moment** staff observe that a person might be LEP or a person discloses their LEP status, free language services **must** be offered.

Limited English Proficiency (LEP) Knowledge Check



TRUE OR FALSE: Our bilingual staff are on vacation this week. It is O.K. to ask my participant to reschedule tomorrow's meeting for next week when our bilingual staff is here.

ANSWER: False. You may not create additional barriers for a person with LEP to receive services. Know your agency's plan for continuity of services when bilingual staff are unavailable.

Limited English Proficiency (LEP)

Accessing Language Services

EMI and each of our partners are required to follow the local plan and have their own resources to access language services. Resources:

May
Allow staff to interpret themselves if they are proficient in the participant’s preferred language.
Utilize bilingual staff.
Hire professional qualified others.
Utilize family members*.



Limited English Proficiency (LEP)

Accessing Language Services

EMI and each of our partners are required to follow the local plan and have their own resources to access language services. Resources:

May Not
Cause more than a few minutes delay.
Create extra barriers: reschedule a meeting, require the person with LEP to take special steps that would not be asked of a Non-LEP person.
Require the person with LEP to provide their own resources (e.g. family member).
Charge the person with LEP a fee to access language services.

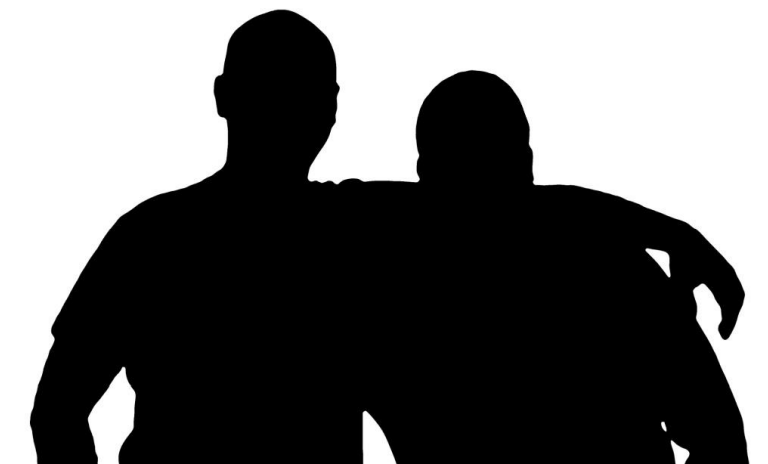


Limited English Proficiency (LEP)

Accessing Language Services

When using family or friends for translation and /or interpretation:

- The request to have the accompanying adult provide language services should be initiated by the LEP individual.
- If the LEP individual has asked that the adult accompanying them provide language assistance complete the “Limited English Proficiency (LEP) Acknowledgement and Refusal of Free Interpretation Services Form”



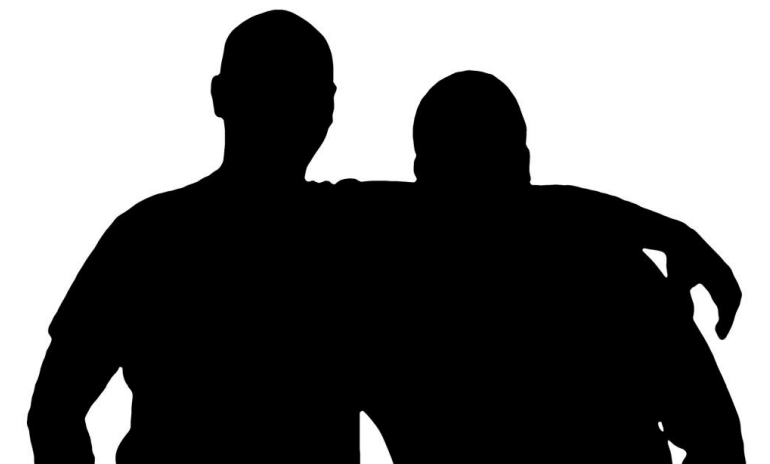
Limited English Proficiency (LEP)

Accessing Language Services

When using family or friends for translation and /or interpretation cont.

Be cautious! In addition to possible differences from your cultural norms, the family or friend:

- May not have the knowledge or understanding of more technical aspects of service and may not be able to accurately communicate concepts.
- May require sensitive information to be divulged that a parent prefers remain confidential (e.g.: older children translating for parents may be considered inappropriate to become knowledgeable about pertinent medical, disability, or traumatic history information).



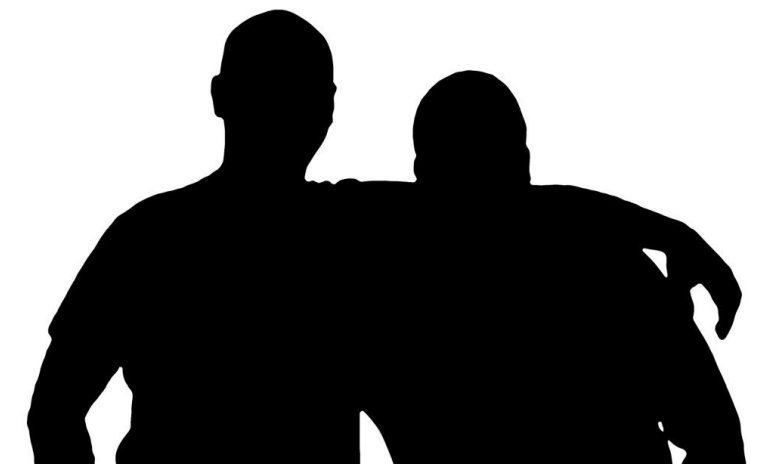
Limited English Proficiency (LEP)

Accessing Language Services

Staff may require language assistance to ensure effective and accurate communication. The reason for staff's choice must be clearly documented in case notes.

“An LEP individual has no authority to waive the application of the law and a recipient is prohibited from seeking to obtain such a waiver, via policy or otherwise “ (emphasis in original). Civil Rights Center's response regarding the Limited English Proficiency (LEP)

Acknowledgement and Refusal of Free Interpretation Services Form (June 4, 2021)



Limited English Proficiency (LEP) Knowledge Check



TRUE OR FALSE: As a staff person, I can refuse to rely on the participant's family member to act as an interpreter or translator, even if that is the participant's preference.

ANSWER: True. Although our services are person centered and guided by the participant's choice, staff may choose to have a qualified individual interpret verbal interactions. The reason for staff's choice to use a qualified individual instead of a family member must be clearly documented in case notes.

Limited English Proficiency (LEP)

Engagement Etiquette

Do	
Use short, simple words and sentences	
If in-person, use hands, gestures, images	
Install universal signage for key locations (e.g., accessibility, restrooms, exits)	
Use “Google Translate” or similar apps (e.g., Say Hi) to help with basic communication until a qualified interpreter (e.g., language line provider) is available.	
Speak slowly and repeat information as needed	
Smile and remain calm	

Limited English Proficiency (LEP)

Engagement Etiquette

Do Not

Use acronyms

Speak in technical terms or use complicated words or phrases

Use idioms or slang

Shout or speak loudly

Use humor or laugh at the individual



Limited English Proficiency (LEP)

Documentation

Documentation is proof of compliance. Fully document the course of events.

1. Case note

- How staff determined LEP needs were applicable
- That LEP services were offered at no cost to the individual
- The acceptance or refusal of LEP services.
- If accepted, document the speed at which services were made available and pertinent service delivery information.

2. LEP Refusal form

- Used when an interpreter is present (by phone, virtually, or in person) or simply offered, but services are refused.

Limited English Proficiency (LEP) LEP Refusal Form

Identifying information

The name of the qualified person providing language assistance (bilingual staff or certified professional)

Review the above information with the individual refusing language assistance and check this box.



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LIMITED ENGLISH PROFICIENCY (LEP) ACKNOWLEDGEMENT
AND REFUSAL OF FREE INTERPRETATION SERVICES FORM

Name	Date of Birth
WIOA Program (if applicable) ☐ Adult ☐ Dislocated Worker ☐ Out-of-School Youth ☐ In-School Youth	ASSET PIN (if applicable)

(Provider Name) _____ has offered you free interpretation and translation services provided by a skilled and qualified interpreter who is trained to protect your privacy. That person understands your language and technical/legal words related to the program or service you are seeking or receiving.

You have the right to the free interpreter services described above. You also have the right to refuse that service and proceed with your own interpreter. **YOU ARE NOT REQUIRED TO PROVIDE YOUR OWN INTERPRETER.**

If you choose to utilize your own interpreter, whether a family member or another person, that person may not have formal training and may commit, among others, the following errors:

- Give you or your service provider incorrect information;
- Add or leave out information;
- Learn information about you that you may not wish to be known;
- Tell other people information about you that would otherwise be private; or
- Misunderstand your Career Planner, case worker, service or training provider, or other professional.

☐ The above-named provider has explained to me, in my own language, the risks of refusing the offered trained interpreter. I understand these risks and choose to decline the interpretation services offered at no cost.

Applicant Signature	Date Signed
Interpreter Signature OR Name and # (if interpreted by phone)	Date Signed
Staff Signature	Date Signed

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Form Date: 03.01.21

Page 1 of 1

Limited English Proficiency (LEP)

LEP Refusal Form

Obtain all three signatures and dates.

If the interpreter is not physically present (e.g. virtual or by phone) staff will indicate that in place of the signature.

WAIT, THERE’S MORE! In addition to form completion staff must also document the exchange, including why services were refused in a case note.



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LIMITED ENGLISH PROFICIENCY (LEP) ACKNOWLEDGEMENT
AND REFUSAL OF FREE INTERPRETATION SERVICES FORM

Name		Date of Birth	
WIOA Program (if applicable)	☐ Adult ☐ Dislocated Worker ☐ Out-of-School Youth ☐ In-School Youth	ASSET PIN (if applicable)	

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Applicant Signature	Date Signed
Interpreter Signature OR Name and # (if interpreted by phone)	Date Signed
Staff Signature	Date Signed

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Limited English Proficiency (LEP) Knowledge Check



TRUE OR FALSE: The LEP Refusal form is only used when a language services are present (by phone, virtually, or in person) but services are refused.

ANSWER: True. The LEP Refusal form is used **only** when language services are present (by phone, virtually, or in person) but services are refused.

Limited English Proficiency (LEP)

A Word on Written Words

Vital documents are written documents that are critical for ensuring meaningful access to the recipients' major activities and programs.

Examples of vital documents include, but are not limited to:

- Applications/Intake forms
- Consent forms
- Complaint forms
- Intake forms with potential for important health consequences
- Letters or notices pertaining to eligibility for benefits
- Letters or notices pertaining to rights, denial or termination of services that require a response from the person with LEP

Limited English Proficiency (LEP)

A Word on Written Words

Vital Documents are documents that affect access to retention in, and termination or exclusion from a participant's program services or benefits.

EMI determines what documents are designated vital forms. Examples include, but are not limited to:

- Program applications/ intake forms
- Consent forms
- Complaint forms
- Letters or notices pertaining to
 - eligibility
 - Rights
 - the reduction, denial or termination of services or benefits or that require a response from the LEP person
- Documents that must be provided by law; and
- Notices regarding the availability of free language assistance services for LEP individuals

Limited English Proficiency (LEP)

A Word on Written Words

Vital Documents created or used by Employ Milwaukee and our partners, are available in on the website: <https://www.employmilwaukee.org/AgencyForms.htm> agency Forms in:

- English
- Spanish
- Hmong

If you need translations of these forms in different languages, contact Carrie Hersh, EO Officer, 414-270-1726, Carrie.Hersh@employmilwaukee.org

around for it and ask your supervisor!

Apply Your Knowledge

Scenario 1

While speaking with an individual for the first time about their interest in your program and you realize that they have an accent and sometimes pause to think of the next word they want to speak. Do you:

- A. Continue speaking to them in English, there is a lot of information to share!
- B. Pause, mention your observation about their speech and ask if they would like a free interpreter.
- C. Pause and let them know you're getting an interpreter for them before you continue.

Apply Your Knowledge

Scenario 1 Answer

B. Pause, mention your observation about their speech and ask if they would like a free interpreter.

While bringing attention to someone's speech patterns may be difficult, it can be done in a polite and concerned manner. It is important to ensure the individual understands this option. Express your commitment to serving them the best way possible.

***Complete the LEP refusal form *only* if the participant refuses an interpreter.**

****DO carefully document in case notes how quickly after you learned of the participant's preference that verbal and written communication was changed to meet that preference.**

Apply Your Knowledge

Scenario 2

While speaking with an individual for the first time you discover they are not English proficient. The participant prefers to speak in Spanish and your agency recognizes you as a person who is fluent in Spanish, you:

- A. Speak in Spanish and provide all vital documents to them in Spanish.
- B. Speak in Spanish and describe what the English vital documents say.
- C. Pause and let them know you're getting an outside interpreter for them before you continue.

Apply Your Knowledge

Scenario 2 Answer

- A. If your agency recognizes you as a person fluent in the language the participant speaks, you may proceed as the participant's interpreter. (If not, arrange for interpreter services).

***Do NOT complete the LEP refusal form.**

****DO carefully document in case notes how quickly after you learned of the participant's preference that verbal and written communication was changed to meet that preference.**

Apply Your Knowledge

Scenario 3

Your participant has been engaged in services for a while calls you unexpectedly. You know they prefer to have an interpreter. Your colleague usually interprets for you, but they are not in the office. What do you do?

- A. Ask the participant to call you back in an hour when your colleague is free.
- B. Hang up and call them back on the day and time that was originally scheduled.
- C. Ask them to please hold while you arrange for interpretation services per your agency's plan.

Apply Your Knowledge

Scenario 3 Answer

C. Ask them to please hold while you arrange for interpretation services per your agency's plan.

Your agency is required to have a plan. Know what it is so you can act on it in a moment's notice. Many agencies utilize a 3-way call language line service that could be used seamlessly and without additional barriers for service. If you wouldn't ask someone who is proficient in English to delay, you cannot ask a person with LEP to do so.

Apply Your Knowledge

Scenario 4

Your participant usually has a family member translate but that family member is unexpectedly not available for your meeting with them. You make arrangements for an interpreter, but your participant refuses the interpretation services. What do you do?

- A. Cancel the meeting and reschedule for when their family member is available.
- B. Proceed with the meeting but complete the LEP Refusal Form.
- C. Proceed with the meeting but require the translator to attend.

Apply Your Knowledge

Scenario 4 Answer

If based on your experience with the participant, they can adequately understand and participate in the meeting you may proceed with caution.



This is a gray area. Due diligence is required to ensure the participant understands what is being communicated. This is a gray area. Compliance with the law will be determined based on the details in your documentation. Case note in detail what went into your decision to proceed without a translator and how you confirmed comprehension.

B. Proceed with the meeting but complete the LEP Refusal Form may be the best answer. **BUT.....**

Apply Your Knowledge

Scenario 3

If, based on your experience with the participant, they cannot they can adequately understand and participate in the meeting you may require that the interpreter helps you communicate effectively. Have the interpreter help you explain why you are requiring their services and document it, in detail, in your case notes.

C. Proceed with the meeting but require the translator to attend may be the best answer. **BUT...**

Apply Your Knowledge

Scenario 3

The participant gets angry and refuses to proceed with an interpreter. Shouldn't I just cancel the meeting like option A?

A. Cancel the meeting and reschedule for when their family member is available.

No. You cannot require a participant to stay for a meeting if you need an interpreter. The participant can choose to cancel and re-schedule the meeting. Because that is their choice you as the staff are not placing additional barriers to services. However, this is a gray area. Compliance with the law will be determined based on the details in your documentation.



LEP Resources

- [Welcome to LEP.gov](#)
- [Civil Rights Statutes and Codes](#)

You may also direct your questions to EMI's EO Officer, Carrie Hersh, 414-270-1726,
Carrie.Hersh@employmilwaukee.org

EMPLOY MILWAUKEE



THANK YOU

Employ Milwaukee



414-270-1700



www.employmilwaukee.org



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