



# Language Access

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## WIOA Section 188, 29 CFR 38.9

*An individual must not be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any WIOA Title I-financially assisted program or activity based on national origin.*

# Why Language Access is Critical to Minnesota's Economy

- Between 2010 and 2020, Minnesota welcomed more than 100,000 new foreign-born residents, including nearly 55,000 new immigrants from Africa.
- Over the past decade, the state added just over 80,000 immigrant workers to the labor force .
- Between 2010-2018 immigrants and refugees accounted for nearly 60% of MN's labor force.
- According to DEED's most recent employment projections, Minnesota is expected to add about 150,000 new jobs through 2028.

# Minnesota is Becoming More Diverse

MN Demographic Changes (2020)	Percent Residents of Color	Percent Increase since 2010
Twin Cities	28%	30%
Southwest	15%	38%
Southern	14%	38%
Northwest	17%	24%
Central	10%	50%
West Central	10%	50%
Northland	9%	19%
Minnesota	21%	32%

Source: United States Census Bureau Population Estimates, Decennial Census

# Immigrant and Refugee Minnesotans

- Nearly half million immigrants (484,192 people) call Minnesota home.
- In 2018, 9% of Minnesotans were foreign-born. 18% of children in Minnesota are either a child of an immigrant or were themselves born in a different country.
- 51% of Minnesota's foreign-born population are naturalized U.S. citizens.
- Read more here: Minnesota's Black Labor Force: [\*An analysis of demographic, economic, and educational trends, and disparities\*](#)

# Challenges New Americans are Facing

- Employment discrimination
- Under employment
- Lack of knowledge about rights
- Lack of information on program and services and how to access them
- Language access issues
- Immigration and law enforcement
- Transportation

# National Origin & Language Access Discrimination

Recipients must not discriminate based on national origin against individuals who are LEP.

Doing so could result in a charge of discrimination

➤ **Helpful resource:** [Know Your Right to Fair Treatment brochures](#) available in 12 most common languages in MN available on DEED's website.

# National Origin Discrimination

Treating anyone adversely because they are from a particular country or part of the world, because of ethnicity or accent, or because the recipient perceives the individual to be of a certain national origin, even if they are not.





# Limited English Proficiency Data

29 CFR 38.41(2) Collection and maintenance of equal opportunity data and other information.

*...Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee...*

# Workforce One

The screenshot shows a web browser window with the following details:

- Browser Tab:** Demographics
- Address Bar:** mnworkforceone.com/General/DemographicInfoAddEdit.aspx?nc=14fdd336&
- Taskbar:** Training Programs..., Section VII- Proving..., EO Desk Review, Office of Accessibili..., WebAIM: Contrast..., Employment and Tr..., Jobseeker Services..., Equal Opportunity..., Ops Dash v1.xlsx, DIGITS

The main content area is a form with a left-hand navigation menu and a main data area:

Category	Field Name	Value
EDS	Participation Hours	
	Exit	
	Follow-Up	
	Case Assignment	
DHS-IX	Service Model	
	Document Summary	
Service	<b>Selective Service Registration</b>	
	<b>Selective Service Number</b>	
	<b>Alien Registration Card Number</b>	
Assessment	<b>Expiration Date</b>	
	<b>Permanent</b>	
	<b>Veteran Status</b>	Not a Veteran
	<b>Highest Level of Education</b>	
Form/Letter/Schedule	<b>Student Status</b>	
	<b>Primary Language</b>	
	<b>Is an immigrant or refugee</b>	No Answer
	<b>Country of Origin</b>	
Form/Letter/Schedule	<b>Ethnicity - Hispanic or Latino</b>	Person is Not Hispanic or Latino
	<b>Specific Hispanic or Latino Origin</b>	
	<b>Race</b>	Black or African American
	<b>Is youth seeking a sub-minimum</b>	

A yellow arrow points to the **Primary Language** field.

# Types of Language Assistance

- Interpretation is an ORAL language assistance service



- Translation is WRITTEN language assistance service



# What's required by recipients of federal funds?

Must take *reasonable steps* to ensure *meaningful access* to each limited English proficiency (LEP) individual served or encountered so that LEP individuals are effectively informed about and/or able to participate in the program or activity.

# Recommended Model for Providing Meaningful access to LEP individuals

1. Conduct a self-assessment to determine what types of contact your agency has with LEP populations.
2. Develop language access policy directives.
3. Develop a language access implementation plan.



# Reasonable Steps 1

1. An assessment of an LEP individual to determine language assistance needs
2. Providing oral interpretation or written translation of both hard copy and electronic materials in the appropriate non-English language to LEP individuals
3. Outreach to LEP communities to improve service delivery in needed languages.

## Reasonable Steps 2

- Any language assistance services must be accurate, provided in a timely manner and free of charge.
- A recipient must provide adequate notice to LEP individuals of the existence of interpretation and translation services and that these language assistance services are free of charge
- A recipient can not require an LEP individual to provide their own interpreter or to rely on a minor child or adult family or friend(s) to facilitate communication.

# Reasonable Steps - Vital Information

- Recipients must translate vital information in written materials into languages when a significant number or portion of the population eligible to be served or likely to be encountered in those languages.



# Reasonable Steps – Babel Notice

- Recipients must include a “Babel notice” indicating in appropriate languages that language assistance is available such as hard copy letters or decisions or communications posted on Web sites.

# Babel Notice

- Attention. If you need free help interpreting this document, call the above number.
- ያስተውሉ፡ ካለምንም ክፍያ ይህንን ዶኩመንት የሚተረጎም ለክስተር ለሌሎች ከላይ ወደተጻፈው የስልክ ቁጥር ይደውሉ። ملاحظة: إذا أردت مساعدة مجانية لترجمة هذه الوثيقة، اتصل على الرقم أعلاه.
- သတိ။ ကျွန်ုပ်တို့ကူညီပေးအားအခမဲ့ဘာသာပြန်ပေးပေးခြင်းအကူအညီလိုအပ်ပါက အထက်ဖော်ပြပါနံပါတ်ကို ခေါ်ဆိုပါ။ kMnT'sMKal' .
- ebIG~k"tUvkarCMnYyk~gkarbkE"bäksarenHeday²tKit«fÂ sUmehATUrs&Bítamelxxagell
- .請注意，如果您需要免費協助傳譯這份文件，請撥打上面的電話號碼。
- Attention. Si vous avez besoin d'une aide gratuite pour interpréter le présent document, veuillez appeler au numéro ci-dessus.
- Thov ua twb zoo nyeem. Yog hais tias koj xav tau kev pab txhais lus rau tsab ntaub ntawv no pub dawb, ces hu rau tus najnpawb xov tooj saum toj no.
- ENG 10-2018

# Language Access Terms in Section 188

- Babel Notice 29 CFR 38.4(i)
- Limited English proficient (LEP) individual 29 CFR 38.4(hh)
- Meaningful Access 29 CFR 38.9(b)
- Qualified interpreter for an individual who is limited English proficient 29 C.F.R. §38.4(xx)(2)
- Vital information-29 C.F.R. §38.4(ttt)
- Appendix to language access program §38.9 Guidance to Recipients
- Language assistance services 29 C.F.R. §38.9 Appendix (d)



# Thank You!

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