

CRC engages in voluntary compliance efforts and provides technical assistance to recipients at all stages. During efforts to secure voluntary compliance, CRC will propose reasonable timetables for achieving compliance and will consult with and assist recipients in exploring cost effective ways of coming into compliance by increasing awareness of emerging technologies and by sharing information on how other recipients have addressed the language needs of diverse populations. In determining a recipient's compliance with Title VI and Section 188, CRC's primary concern is to ensure that the recipient's policies and procedures overcome barriers resulting from language differences that would deny LEP persons meaningful opportunities to participate in and access programs, services and benefits. A recipient's appropriate consideration of the methods and options discussed in this Guidance will be viewed by CRC as evidence of a recipient's willingness to comply with its Title VI and Section 188 obligations.

While all recipients must work toward building systems that will ensure access for LEP individuals, DOL acknowledges that the implementation of a comprehensive system to serve LEP individuals is a process and that a system will evolve over time as it is implemented and periodically reevaluated. As recipients take reasonable steps to provide meaningful access to federally assisted programs and activities for LEP persons, DOL will look favorably on intermediate steps recipients take that are consistent with this Guidance, and that, as part of a broader implementation plan or schedule, move their service delivery systems toward providing full access to LEP persons. This does not excuse noncompliance but instead recognizes that full compliance in all areas of a recipient's activities and for all potential language minority groups may reasonably require a series of implementing actions over a period of time. However, in developing any phased implementation schedule, DOL recipients should ensure that the provision of appropriate assistance for significant LEP populations or with respect to activities having a significant impact on the health, safety, legal rights, or livelihood of beneficiaries is addressed first. Recipients are encouraged to document their efforts to provide LEP persons with meaningful access to federally assisted programs and activities.

### Appendix—Application to Specific Types of Recipients

This Appendix provides examples of how the meaningful access requirement of the Title VI and Section 188 of WIA regulations applies to state workforce agencies and other recipients of DOL financial assistance. These examples highlight best practices and ideal approaches to serving LEP individuals in a variety of situations. It is important to note that not all recipients may find these approaches useful or necessary once they apply the four-factor analysis to their individual situation. This Appendix also suggests ways that DOL recipients can apply the four-factor analysis to a range of encounters with the public as the responsibility for providing language services differs depending on the program or activity. The four factors are:

- The number or proportion of LEP persons served or encountered in the eligible service population;
- The frequency with which LEP individuals come in contact with the program;
- The nature and importance of the program, activity, or service provided by the program; and
- The resources available to the recipient and costs.

This Appendix is also designed to help DOL recipients identify the population to be considered when assessing the types of language services to provide. It then offers guidance and examples on how to apply the four-factor analysis to specific requirements of DOL-assisted programs and services, such as:

- Receiving and responding to requests for information and services;
- Applications for benefits such as trade and Unemployment Insurance benefits;
- Adjudications;
- Notifications of decisions;
- Intake, orientation and assessment;
- Training services; and
- Community outreach.

### Appendix—Application of LEP Guidance for Specific Types of DOL Recipients

While a wide range of entities receive federal financial assistance through DOL, most of DOL's assistance is awarded to Governors or local chief elected officials in the form of formula or competitive grants for the provision of training, including job training, and income support programs. This Appendix provides examples to demonstrate how DOL recipients might apply the four-factor analysis. The examples in this Appendix are not meant to be exhaustive. The four-factor analysis requires a balancing, given all of the facts. Each different situation will present some unique aspects. The examples are intended only to show how the four-factor analysis may be applied in some situations.

The requirements of the Title VI and Section 188 regulations, as clarified by the LEP Guidance, supplement, but do not supplant, other statutory or regulatory provisions that may require LEP services. Rather, the LEP Guidance clarifies the

obligation under both the Title VI and Section 188 regulations to address, in appropriate circumstances and in a reasonable manner, the language assistance needs of LEP individuals.

For the vast majority of the public, exposure to federally-assisted job training or income support programs includes applying for and receiving Unemployment Insurance (UI) benefits or conducting job search activities through the One-Stop Career System. For a smaller number, exposure includes participation in a job training program under WIA or the Trade Act of 1974 including Trade Adjustment Assistance (TAA). The common thread running through these and other interactions with the federally-assisted workforce system is the exchange of information and services. LEP individuals' encounters with One-Stop Career Centers, including UI Call Centers, are covered by Title VI because they are funded wholly or in part by DOL. This Guidance focuses on the requirement that DOL recipients communicate effectively with persons who are LEP to ensure that they have meaningful access to the workforce investment system, including, for example, understanding how to apply for job training and/or UI benefits.

Many DOL recipients already provide language services in a wide variety of circumstances. For example, in areas where significant LEP populations reside, One-Stop Career Center staff may utilize forms and notices in languages other than English and/or they may employ bilingual front-line staff. Recipients' current practices can form a strong basis for applying the four-factor analysis and complying with Title VI and WIA Section 188 regulations.

In general, when providing language services, DOL recipients may: (1) Make available the staff and materials necessary to supply required language services; (2) choose to require an entity with which they have contracted to provide the services; or (3) contract with another entity to provide those services. Recipients have a wide variety of options for providing interpreter and translation services appropriate to the particular situation. Using bilingual staff competent to interpret in person or over the phone is one option. Additionally, particular recipients may enter into agreements with local colleges and universities, interpreter services, and/or community organizations to provide competent paid or volunteer translators.

#### 1. General Principles

The touchstone of the four-factor analysis is reasonableness based upon the specific purposes, needs, and capabilities of the DOL recipient and an appreciation of the nature and particular needs of the LEP population served. Accordingly, the four-factor analysis cannot provide a single uniform answer about how service to LEP persons must be provided in all programs or activities in all situations or to what extent such service need be provided.

Knowledge of local conditions and community needs is critical in determining the type and level of language services needed. The following general points should