



City of Montclair Language Access Policies & Procedures

The City of Montclair recognizes the importance of being able to communicate effectively with individuals who are limited English proficient (LEP). A Language Access Plan for the City of Montclair:

- Supports the City's workforce;
- Protects the integrity of the City's programs and activities;
- Is centered on the experiences of the people it serves; and
- Advances civil rights and civil liberties.

1. Purpose

This Language Access Plan implements City of Montclair's language access policy and implements a system by which LEP persons have 'meaningful access' to those services without unduly burdening the fundamental mission of the City of Montclair.

2. Scope

The City of Montclair's Language Access Plan applies to all City employees and contractors who interact with members of the public via any medium, including, but not limited to, websites, email, phone, and in-person and online contact.

3. Key Terms

- Bilingual Persons:** Persons who are bilingual are fluent in two languages and are able to conduct the business of the workplace in either of those languages. This is to be distinguished from proficiency in more than one language. An individual who is proficient in a language may, for example, be able to greet an individual who is LEP in their language, but not conduct agency business in that language. Interpretation and translation require the interpreter to be bilingual, and also require additional specific skills.
- Direct in-Language Communication:** Monolingual communication in a language other than English between a bilingual or multilingual staff person and person who is LEP (e.g., Spanish to Spanish).
- Interpretation and Translation:** Interpretation involves oral communication whereas translation involves written communication. Interpretation involves the immediate communication of meaning from one language into another. An interpreter conveys meaning orally, as a result, interpretation requires skills different from those needed for translation. Interpreting is a complex task that combines several abilities beyond language competence in order to enable delivery of an effective professional interpretation in a given setting. From the standpoint of the user, a successful interpretation is one that faithfully and accurately conveys the meaning of the source language orally, reflecting the style, register, and cultural context of the source message, without omissions, additions, or embellishments on the part of the interpreter.

Professional interpreters are subject to specific codes of conduct and should be trained in interpretive skills, ethics, and subject-matter language. Translation also involves specific skills, experience, and training and may require official certification depending on the context and need of the request at hand.



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If bilingual staff are asked to interpret or translate, they should be qualified to do so. Assessment of language ability, training on interpreter ethics and standards, and clear policies that delineate appropriate use of bilingual staff will help ensure the quality of language services and the integrity of City of Montclair programs and services delivery.

- d. **Meaningful Access:** Meaningful access is the provision of language assistance services that results in accurate, timely, and effective communication at no cost to the person who is LEP. For individuals who are LEP, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English proficient individuals.
- e. **Persons who are Limited English Proficient:** Persons who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English. Individuals who are LEP may be competent in English for certain types of communication (e.g., speaking or understanding) but have limited proficiency in English in other areas (e.g., reading or writing). LEP designations are also context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other settings.
- f. **Primary Language:** An individual's primary language is the language in which an individual most effectively communicates.
- g. **Sight Translation:** Oral rendering of written text into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.
- h. **Tagline:** Taglines are short statements written in non-English languages that indicate the availability of language assistance services free of charge.
- i. **Vital Document:** A vital document is a document that contains information that is critical for obtaining any aid, benefit, or services or is required by law. Vital documents can include: applications, consent and other forms that require signatures; complaint forms, notices of rights; notices of the availability of free language assistance; and letters or notices that require a response from the beneficiary, customer, or noncitizen.

4. Policy

It is the policy of the City of Montclair to provide meaningful access for individuals with limited English proficiency to operations, services, activities, and programs that support each City Department by providing quality language assistance services in a timely manner. The City of Montclair shall strive to incorporate language access considerations into their routine strategic and business planning, identify and translate vital documents into the most frequently encountered language (Spanish), provide interpretive services where appropriate, and educate personnel about language access responsibilities and how to utilize available language access resources. Based on census data, a large population of the City's primary language is Spanish. No other statistically significant portion of the City's population represents another LEP component.

Federal agency guidance on language access for individuals who are LEP include a four-factor analysis that assists in assessing meaningful access. These factors are the:

- a. Number or proportion of individuals who are LEP encountered or likely to be encountered;
- b. Frequency of contact with individuals who are LEP;
- c. Nature and importance of the program, activity, or service provided; and
- d. Resources available and costs to provide the meaningful access.



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The provision of meaningful access often begins with this assessment but must be accomplished by taking proactive steps, including providing (1) the necessary language assistance services; (2) training to staff on policies and procedures; and (3) notice to external stakeholders, translated into languages reflecting the demographics of the City of Montclair, of no-cost language assistance services.

Regardless of the frequency or number of contacts with populations speaking Spanish, in matters related to rights, safety, and health, City Departments must translate corresponding vital documents, or vital information found in the document, into Spanish for a person who is LEP or obtain a qualified interpreter to communicate all of the vital information in the document. Further, minors may not be used for providing language services in Department programs and activities except in rare circumstances (e.g., exigent circumstances involving life and safety and only until such time as a qualified interpreter or translator can be secured).

The City of Montclair shall follow federal Section 508 [accessibility](#) and [plain language guidelines](#) when developing materials that are intended for the public. The use of plain language enhances accessibility and understanding for persons who speak English and helps to ensure that translated materials convey information in a clear and concise manner.

5. Language Access Roles and Assignments

The Director of Administrative Services is responsible for providing guidance and oversight for implementing the provisions of this Language Access Plan throughout the City of Montclair and among other things:

- a. Promotes the exchange of information about best practices and resources, and communicates the City's expectations.
- b. Monitors and oversees language access activities.
- c. Provides ongoing technical assistance to Departments in the development and implementation of their Language Access Plans.
- d. Reviews and investigates allegations of language access violations involving the City of Montclair's policies, activities, and personnel.
- e. Supports Department efforts to train their managerial and front-line employees on language access responsibilities and protocols.
- f. Ensures that notices are posted in public areas of City Departments indicating the availability of Spanish translation and how to obtain information on how to interact with City personnel in Spanish.

Other Components. Each department having contact with the public is required to understand and implement this Language Access Plan including following:

- a. **Training:** Where appropriate, include a plan with timelines for periodically training managerial and front-line staff on language access responsibilities, including on identifying LEP persons, accessing available language services, and working with interpreters.
- b. **Notice to the Public:** Provide for notice of free language assistance services and points of contact for additional information, translated into Spanish based on 2018-2022 Census information for the City of Montclair indicating that 71.2 of household speak Spanish as their primary language.



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- c. **Monitoring and Evaluation:** Provide for monitoring and evaluating and, if appropriate, updating the plan, policies, and procedures at a minimum every two years, including monitoring performance, quality assurance, and internal review processes as well as evaluating the impact, if any, of demographic shifts.

6. Contact Information

For more information about Spanish language services and to request assistance related to language access at the City of Montclair, members of the public may contact the Director of Administrative Services at dcrp@cityofmontclair.org.

To submit a complaint to the City of Montclair alleging a violation of civil rights or civil liberties related to language access in City programs and activities, please visit <https://www.dhs.gov/file-civil-rights-complaint> to learn more about the different ways to file a complaint, the complaint process, and the City's complaint authority. Complaints are accepted in Spanish as well as English.