MDE POLICY ON EQUAL ACCESS TO MDE SERVICES BY INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY (LEP)

I. EXECUTIVE SUMMARY

In accordance with applicable State and federal law, the Maryland Department of the Environment (MDE) prohibits unlawful discriminatory practices regarding its decisions that directly relate to or impact its programs. MDE does not condone, tolerate, practice or engage in unlawful discrimination against any external party or parties, nor does it condone retaliation against or intimidation of those alleging discrimination by MDE employees, or against those who have participated in an investigation, proceeding or hearing, or who have opposed unlawful discriminatory practices. MDE seeks to make programs and services accessible to eligible individuals who, as a result of natural origin, are limited in their English proficiency. The Department's ongoing efforts to make these programs and services accessible to persons with limited English proficiency (LEP) are consistent with the obligations imposed under Title VI of the Civil Rights Act of 1964, and the Annotated Code of Maryland, State Government Article,§§ 10-1101 -10-1104.

This policy applies to those programs and activities operated or funded by MDE that provide services directly to the public and to contractors and subcontractors that receive federal or State funds.

Limited-English Proficient (“LEP”) individual means an individual who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English and may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. In order to provide language assistance to LEP persons, MDE shall: 1) determine the reasonable steps necessary for providing meaningful access to MDE programs and activities for individuals with LEP; 2) assess the language needs of the population served; 3) provide language assistance, both oral interpretation and written translation, as necessary; and 4) train staff in the language assistance program requirements and available services.

II. BACKGROUND

In a Federal Register notice dated June 25, 2004, EPA published "Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons." 69 FR 35602. The purpose of this LEP guidance is to assist MDE in complying with Title VI and EPA's implementing regulations that prohibit discrimination against persons based on their national origin, and to provide LEP persons meaningful access to programs and activities. The LEP Guidance is consistent with the goals set forth in Executive Order 13166, DOJ's final LEP guidance and with the DOJ policy guidance document entitled "Enforcement of Title VI of the Civil Rights Action of 1964- National Origin Discrimination Against Persons with Limited English Proficiency."

III. POLICY

A. PURPOSE:

To provide meaningful access to MDE programs and activities for individuals with limited English proficiency (LEP).

B. GOAL:

No person will be denied meaningful access to MDE's programs and activities based on an inability to speak English as a primary language, or limited ability to read, speak, write or understand English.

C. RESPONSIBILITIES:

1. The Department is responsible for developing and making available the policies and procedures for assistance to LEP persons and for monitoring the ongoing compliance efforts of all MDE units.

2. Each Administration/Office Director shall be responsible for implementing the policy with respect to the programs operated by that unit.

D. LANGUAGE ASSISTANCE PROCEDURES:

1. The Department shall provide meaningful access to MDE programs and activities for LEP persons, and will take into consideration the:

a. Number or proportion of LEP persons eligible to be served or likely to be encountered by MDE program and activities;

b. Frequency with which LEP individuals come into contact with MDE programs and activities;

c. Nature and importance of the MDE programs and activities to people's lives; and

d. Resources available to provide language assistance services and costs.

2. Language assistance procedures shall be designed and implemented to allow MDE programs to effectively communicate with the LEP individual and to ensure that individuals are able to meaningfully access MDE programs and activities.

3. The Department shall post and, upon request, notify LEP individuals that they may request the services of an interpreter or have access to other language assistance services communication aids. In accordance with legal mandates, these services shall be supplied by MDE at no cost to the individual. Depending on the circumstances, notification may be given verbally by staff, posted at appropriate entry points throughout the facility, and/or printed on forms and brochures .

4. The Department shall secure access to community or contractual interpreter resources. These resources may be utilized in the event that the program does not have sufficient and/or competent in-house interpreter resources or in the event that in-house interpreter resources are not available for a specific language or at a specific time. All costs incurred through the use of a contractual interpreter will be paid by MDE .

5. The Department shall make procedures and information necessary for securing qualified language interpreters, including contact information for both live and telephone service interpreters, available to MDE employees, especially staff that are in direct contact with LEP persons.

6. If the program utilizes in-house staff interpreters, these staff members will be qualified and appropriately trained to provide needed services.

7. The Department shall maintain appropriate records of requests for communication assistance and the provision of that assistance.

8. Vital documents, such as permits notices and contracts, will be translated into appropriate languages and made available to LEP individuals in accord with need and available resource.

9. MDE shall use the US Census American Community Survey to identify LEP individuals within Maryland. MDE will review and update the LEP information annually.

E. COMPLIANCE :

The Office of Fair Practices, under the supervision and direction of the Office of the Secretary, shall monitor the Department's LEP Policy compliance efforts and will also, with the assistance of program designees from the Administrations, enforce this policy.