



## Administrative Policies and Procedures: 1.04

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**Subject** TDHS Limited English Proficiency (LEP) Guidelines

**Approved by** Jeffrey Blackshear, Assistant General Counsel

**Approval Date:** 12/09/2016

**Effective Date:** 01/15/2017

**Authority** Title VI of the Civil Rights Act of 1964

**Application** All TDHS Employees

### Policy Statement

The Tennessee Department of Human Services (TDHS) will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to inquire, apply for and participate in its services, activities, programs and other benefits. All interpreters, translators, and other aids needed to comply with this policy shall be provided without cost to the person being served.

### Purpose

The purpose of this policy is to ensure meaningful communication with persons that experience LEP and their authorized representatives. This policy also provides for communication of information contained in vital documents, including but not limited to, applications for benefits, client release forms, and civil rights complaint forms.

### Procedures

- A. Limited English Proficiency (LEP) Service Delivery**
1. Language assistance will be provided through use of competent bilingual staff, staff interpreters, contracts or formal arrangements with organizations providing interpretation or translation services, or technology and telephonic interpretation services.
  2. All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.
- B. Identifying LEP Persons and Their Language**
- TDHS will promptly identify the language and communication needs of the LEP person. If necessary, staff will use a language identification card (or "I speak cards") or posters to determine the language. In addition, when

records are kept of past interactions with individuals or their family members, the language used to communicate with the LEP person will be included as part of the record.

### C. Obtaining a Qualified Interpreter

1. The TDHS Civil Rights Compliance Officer is responsible for advising TDHS staff on how to obtain an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language. (see [collateral 01.09-15.00 Step-by-Step Guide to Accessing Avaza](#) for details).
2. Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and after the LEP person has understood that an offer of an interpreter at no charge to the person has been made by our Department.
3. Such an offer and the response will be documented in the person's file. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.
4. Children (e.g. persons under the age of 18) will not be used to interpret, unless requested by the client and there is another qualified interpreter available to assist.

### D. Providing Written Translation

1. When translation of vital documents is needed, each division or unit in TDHS will submit documents for translation into frequently-encountered languages via email to [CentralizedPolicy.DHS@tn.gov](mailto:CentralizedPolicy.DHS@tn.gov), utilizing HS-3087, the Local Forms Justification and Approval Request. These requests will be processed by the TDHS Forms Officer for submission to the Tennessee Foreign Language Institute, or other approved translator. Original documents submitted for translation will be in final, approved form.
2. TDHS will set benchmarks for translation of vital documents into additional languages over time.

### E. TDHS Foreign Language Resources

The following is a list of resources the Department is using at this time:

1. Interpreter Services – Telephone interpreters through AVAZA Language Services Corp., are available when a local interpreter is not available at the time and place needed. This service is available for all programs in the Department. All TDHS employees have been provided instructions on the use of telephone interpreting services.

AVAZA Language Services Corp.  
5209 Linbar Drive, Suite 603  
Nashville, Tennessee 37211

Translating notices into the desired requested language as needed – All system-generated notices in Family Assistance have been translated and

are available for use. The Tennessee Foreign Language Institute provides additional translation services as needed. In addition to translating documents, the Tennessee Foreign Language Institute also provides in-person interpreter services to LEP clients.

Tennessee Foreign Language Institute  
227 French Landing Drive, Suite 100  
Nashville, TN 37228

2. Bilingual staff – Some employees at the Department speak more than one language. The Department continues utilizing the assistance of bilingual staff members to assist LEP clients.
3. Contracting with an outside interpreter service – The Department contracts with outside interpreters in order to provide services when in-person interpretation is needed. These arrangements may only be negotiated through by the TDHS Civil Rights Compliance Officer and the office of procurement.
4. Staff needing assistance navigating these resources are to talk with their supervisors who may contact the TDHS Civil Rights Compliance Officer if additional support is needed.
5. The TDHS Civil Rights Compliance Officer can be contacted via email at [ComplianceOfficer.DHS@tn.gov](mailto:ComplianceOfficer.DHS@tn.gov)

#### **F. Monitoring Language Needs and Implementation**

1. TDHS will conduct a regular review of the language access needs of our service population, as well as update and monitor the implementation of this policy and these procedures, as necessary.
2. On an ongoing basis, TDHS will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures.
3. In addition, TDHS will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, equipment used for the delivery of language assistance, complaints filed by LEP persons, and feedback from the public and community organizations.

#### **Forms**

[HS-3087 - Local Forms Justification and Approval Request](#)

#### **Collateral Documents**

[Collateral 01.09-15.00 Step-by-Step Guide to Accessing Avaza](#)

**Additional  
Resources**

[Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons](#)  
[Avaza Language Identification Guide](#)

**Retention of  
Records**

Pending

**Glossary****Term/Acronym****Definition**

None