

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT

To: All VESID VR Staff

Date: August 12, 2010

PRO-10-04

Subject: Procedure For Purchasing Language Interpreter
and Written Translation Services for Consumers
with Limited English Proficiency [LEP]

Background

Individuals who have a limited ability to read, write, speak, or understand English are considered Limited English Proficient [LEP]. Addressing the needs of vocational rehabilitation consumers with LEP ensures compliance with federal Executive Order 13166, entitled, "Improving Access to Services for Persons with Limited English Proficiency." Under this order, every agency receiving federal funds and subject to the requirements of Title VI of the Civil Rights Act of 1964 was instructed to develop guidelines to ensure meaningful access by persons with LEP to important services.

In 2008, VESID formed a work team to review our efforts to serve individuals with limited English proficiency. After thorough discussion regarding meeting the needs of these individuals, the work team determined that the following fundamental documents should be translated into four high demand languages – Spanish, Russian, Mandarin Chinese and Haitian-Creole - and made available to all district offices:

- *VESID: A Basic Guide*
- *Application for VR Services*
- *A Guide For Developing Your Individualized Plan for Employment IPE*
- *What Can I Do If I Disagree With VESID's Decisions About My Case?*
- *Hiring Good People is Good Business*

These brochures will be placed on the network for all VESID staff to access as needed.

When To Purchase Language Interpreter and Written Translation Services

VESID District staff are currently meeting consumers' interpretive language assistance needs by using bilingual staff and other community resources at no cost. These strategies, where available and appropriate, should continue to be the primary approaches used to provide language assistance. However, there may be gaps in service where such assistance is not readily available for all languages that might be encountered. When "no-cost" resources are not available, staff should consider purchasing language interpreting and written translation services through the following procedure.

This procedure is limited in its application to only those situations when necessary to ensure the consumer's understanding and/or consent at fundamental decision points in the vocational rehabilitation process, specifically at eligibility, plan development and closure. If appropriate, a copy of the IPE may be provided to the individual in their native language. Examples of such fundamental points include IPE development, an explanation of the rights and responsibilities of the consumer as part of the IPE, and any

discussion outlining the due process rights of the consumer. Not all interactions with the consumer will be deemed as requiring interpreter or translation services, and district offices should consult with VESID Central Office regarding any need for clarification.

NOTE: Language interpreter and written translation services are limited to only those direct interactions between VESID and the individual. VESID will not provide language interpreter or written translation services for any purchased or otherwise available assessment, training or other vocational rehabilitation services provided through approved vendors, community rehabilitation programs, colleges, vocational schools or any other service provider. In those circumstances, VESID is not responsible for the provision of language interpreter or written translation services. However, VESID should take advantage of opportunities where programs offer services that provide greater access to individuals with LEP.

Procedure For Purchasing Language Interpreter and Written Translation Services for Consumers with Limited English Proficiency [LEP]

Definitions

This procedural guideline applies to the procurement of language interpretation and written translation services for spoken and written forms of communication. For purposes of this instruction, the following distinctions should be kept in mind.

Language Interpretation

“Language Interpretation” is the real time, spoken communication from English into non-English and vice versa. This service is typically provided by a qualified interpreter who sits in with the parties needing this service (although in some instances it can also be provided remotely by phone). The service can be that provided to a VRC and a consumer with LEP.

Written Translation

“Written Translation” is the process whereby a written English text is converted into a non-English equivalent text and vice versa. This service is typically procured by submitting the text to be translated to a contractor that provides this service. Once the text is translated, the contractor returns it to the requester. This service can range from the translation of consumer-specific documents, such as the IPE, to hand-outs for a general orientation session.

Non-Case Service

All purchase of language interpreter and written translation services are paid with non-case service dollars. This includes interpreter services needed to facilitate the communication of VESID staff with consumers and the translation of consumer specific

forms, such as the completed IPE or standard VESID forms and information in a format that LEP consumers can access.

Please note: District Office staff should coordinate efforts to translate VESID-wide documents and forms (like those above) with Central Office in order to insure that standard texts are not unilaterally changed and to facilitate the broadest possible dissemination of the translations throughout VESID.

Proper Method of Purchase

Counseling staff should arrange with DO fiscal staff to purchase these services by one of the two following methods (providing all documentation requested by said staff). Staff ordering these services must obtain all approvals needed to process a PR-10 Purchase Request. DO fiscal staff should be able to assist in this process.

For Purchases Less than \$500

Provide all documentation requested by DO fiscal staff for the placement of the order by P-Card.

Payment Process: P-card holder will place the order with the service provider. The service provider will charge the P-card upon completion of service and receipt of appropriate documentation.

For Purchases of \$500 or More

Provide all documentation requested by DO fiscal staff for the completion of a PR-10 Purchase Request. DO fiscal staff will forward the PR-10 request to Central Office. The Central Office Operations Office will prepare an Attachment B for the purchase and will forward the PR-10 and signed Attachment B to the Fiscal & Administrative Services Team (FAST) for Deputy-level approval and submission to the CFO. Upon approval by the CFO, the paperwork will be forwarded to the SED Purchase Unit which will issue a Purchase Order to the provider for the service requested.

Payment Process

Once the provider's invoice and signed timesheet (i.e. proof of receipt of service) have been received and verified, DO fiscal staff should forward them to central office using non-case service payment procedures now in place.

Observe All Applicable Purchasing and Payment Guidelines

All regulations, guidelines, policies and procedures now in place for the purchase of, and payment for, goods and services must be observed when procuring language interpretation and written translation services and paying for them. Consult DO Fiscal Staff if you have any questions regarding these procedures.

Determine Product, Vendor, and Price of Purchase

OGS Contracts

There are no Preferred Source providers of written/spoken language interpreters and translators currently available. However, the NYS Office of General Services (OGS) has several contracts in place for these services that can be accessed at the following link: <http://www.ogs.state.ny.us/purchase/snt/awardnotes/7300520487can.pdf>

According to NYS fiscal guidelines, these OGS contractors should be given an opportunity to provide these services before any non-contract provider is considered. Contract rates and method of payment (i.e. per hour or per word) are described in the award document linked above. DO Fiscal Staff must insure that the OGS Contract number appears on the PR-10.

Please Note: The above OGS contracts for interpreting and translation services are for written and spoken languages only. They do not include sign language, Braille, C-Print, CART or any other service for individuals with hearing or visual impairments.

“Open Market” (i.e. Non-Contract)

The purchase of these services from non-contract providers should only be considered if OGS contract providers are unable to provide the services needed (e.g. emergency meeting for which an interpreter is needed instantly and the OGS contractors are unable to provide one).

EFFECITVE DATE: Immediately



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