

EXECUTIVE ORDER NO. 150

TO: All Departments and Agencies Under the Mayor

FROM: Michael B. Hancock, Mayor

DATE: December 22, 2022

SUBJECT: Citywide Language Access Program

PURPOSE: This Executive Order establishes the City and County of Denver (“City”) citywide Language Access program to ensure that the City communicates effectively and equitably with Limited English Proficient (LEP) residents through the reasonable provision of language access services. This Executive Order applies to all City agencies under the Mayor providing public facing services or information, regardless of receipt of federal funding. It is the expectation that independent agencies and cultural facilities adopt this program and develop an internal language access program that best fits their respective mission to comply with Title VI of the Civil Rights Act of 1964.

- 1.0 Applicable Authority:** The applicable authority relevant to the provisions and requirements of this Executive Order No. 150, are found in Sections 2.2.8 and 2.2.10 of the Charter of the City and County of Denver, (Charter”)
- 2.0 Mission:** The Language Access program will develop and implement policies and procedures to ensure Denver’s commitment to equitable communication, dissemination, and distribution of information about programs, services, and activities offered by city agencies under the Mayor’s purview to all residents regardless of English proficiency, in accordance with [Title VI of the Civil Rights Act of 1964](#) and the [City’s Comprehensive Plan for 2040](#).
- 3.0 Background:** Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin, to include individuals who are LEP, in any program, service, or activity that receives Federal funds or other Federal financial assistance. This prohibition also extends to the agency, department, or other instrumentality of a local government facilitating the program, service, or activity pursuant to the Civil Rights Restoration Act of 1987 (CRRA).

The Department of Justice (DOJ) defines the term federal financial assistance to include, but is not limited to, grants and loans of federal funds; grants or donations of federal property; training; details of federal personnel; or any agreement, arrangement, or other contract which has as one of its purposes the provision of assistance. Agencies that receive Federal financial assistance cannot distinguish among individuals based on race, color, or national origin to include individuals who are LEP, either directly or indirectly, in the types, quantity, quality, or timeliness of program services, aids or benefits that they provide or the way they provide them.

Title VI requires recipients of Federal financial assistance to take reasonable steps to provide LEP persons meaningful access to an agency’s vital information about their programs,

services, and activities. DOJ Guidance explains that the obligation to provide meaningful access is fact-dependent and starts with an individualized assessment that balances four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP individuals come into contact with the program; (3) the nature and importance of the program, activity or service provided by the recipient to its beneficiaries; and (4) the resources available to the grantee/recipient and the costs of interpretation/translation services. There is no "one size fits all" solution for Title VI compliance with respect to LEP persons, and what constitutes "reasonable steps" for large providers may not be reasonable where small providers are concerned. The recommended model for providing meaningful access to LEP individuals, pursuant to Federal guidance by the DOJ, may include developing language access policy directives, implementation plan, and procedures. A language access plan is a management document that outlines how the agency defines tasks, sets deadlines and priorities, assigns responsibility, and allocates the resources necessary to come into or maintain compliance with federal law requirements.

Denver is home to an LEP population of ~9.5% and therefore is strongly committed to the reasonable provision of language services needed to make City services and information about those services available to everyone, regardless of English proficiency. This commitment and responsibility stems from overall City goals of efficient and effective government, community engagement, and customer service pursuant to the [City's Comprehensive Plan for 2040](#) for all City agencies, not only those federally funded. As such, the requirements in this Executive Order expand on Federal requirements. It is the policy of Denver to implement further access to LEP individuals.

4.0 Functional Cooperation: Agencies engaged in public services including, but not limited to, workforce development, public safety, health, emergency management, community engagement, human services, technology services, social support services, public participation, finance and contracts, environment, land use, land development, community planning, and transportation will be given priority, in consultation with the Administration, in matters related to language access policy and implementation.

5.0 Responsibilities:

5.1 Denver Office of Immigrant and Refugee Affairs (DOIRA) is responsible for Developing a Citywide Language Access program to include:

5.1.1 Providing Citywide technical assistance and tools related to Language Access planning, implementation, monitoring, evaluation and updating LA plans to agency LA liaisons and other agency personnel. Language access technical assistance includes providing tools and training based on best practices to develop, implement, monitor, and conduct evaluation of compliance with Title VI and this executive order. Areas will include conducting self-assessments, demographic and geographic analysis for respective agency programs, services and/or activities, assessing resources and risk mitigation, and for the provision of language access services. Technical assistance will be prioritized for agencies engaged in public services as referenced in section 4.0.

- 5.1.2** Developing a formalized and mandatory LA training module for all City employees that encompasses, but is not limited to, City LA program policies and procedures and resident complaint procedures, LA planning best practices in utilizing the provision of interpretation and translation services, basics of working with a spoken language interpreter; using plain language to aid in document translation, and customer service practices for LEP residents. The formalized modules will be completed by the end of Q3 of 2023.
- 5.1.3** Engaging with the public by providing a visible tracking system for the following data, but not limited to, federally funded public facing programming, number of LA plans per agency required based on public facing programs, activities, and/or services; completion of LA plans by agency; agency employee LA training statistics; number of bilingual employees by agency; and other pertinent language data mentioned in paragraph 7 of attached Memorandum. The tracking system will be in operation by the end of Q2 of 2023.
- 5.1.4** Developing policies and procedures to guide agencies in developing and implementing LA plan(s) and an annual review of the LA plan(s).
- 5.1.5** Working with agencies to increase participation and engagement by LEP residents, not only in public facing programming, but as business owners in the provision of interpretation and translation services.
- 5.1.6** Coordinate monthly LA liaison meetings to provide technical assistance in the developing, implementing, monitoring, and evaluation of LA plan(s) and share best practices related to language access.

5.2 Agency Partnerships with DOIRA:

- 5.2.1** Work with the Office of Human Resources (OHR) to ensure that current and future forward policies and procedures related to bilingual skilled employees are equitable and congruent with the Citywide LA program policies and recommendations.
- 5.2.2** Work with Department of Finance (DOF) and other applicable City agencies to develop LA guidance policies and procedures for budget and grant processes and budget management practices that are congruent with the citywide LA program. And to develop best practices to facilitate, track, and support both citywide and agency specific procurement of services and related systems for language service vendors and expenditures.
- 5.2.3** Work with the Department of Technology Services to research and inform, in accordance with executive order 18 and related policies therein, agencies on Citywide website accessibility standards and national best practices to ensure their agency information and resources can be accessed in multiple

communication mediums by LEP, non-English, and persons with limited communication skills due to education.

5.3 City Agency is responsible for the following:

5.3.1 Participation: Executive Directors will direct staff in prioritizing LA planning for all programs, activities and services that receive federal financial assistance; continuing LA planning for all public facing programs, activities, and services that are otherwise funded; and incorporating LA data collection into agency procedures.

5.3.2 Each city agency will designate an existing City staff member as a LA liaison and submit this designation to the LA program in DOIRA, within 30 days following the execution of this order.

5.3.3 LA planning activities:

5.3.3.1 Developing, making modifications, finalizing, and implementing initial and subsequent agency LA plan(s) for all public facing programs, activities, and services per section 7.0.

5.3.3.2 Ensuring agency collaboration with the LA liaison to plan, implement, monitor, conduct subsequent year reviews, and annual evaluation reviews of language access plan(s) pursuant to section 7.0.

5.3.3.3 Ensuring the LA liaison and the specific agency LA plan point of contact, with technical assistance from DOIRA, monitor the LA plan periodically throughout the year, to determine effectiveness and implement immediate changes if needed and provide findings to the LA liaison for the execution of the agency's subsequent and annual evaluation LA plan(s) review.

5.3.3.4 Actively managing their annual budget to address language services requirements as identified with specificity in their LA plan(s) to allocate funds for language services, including but not limited to, internal review of existing budget to include federal funds, delineation of use of federal and general funds to procure language services, identification and allocation of appropriate funds for language services to sub-recipients, and justification when requesting a budget expansion for translation and/or interpretation needs.

5.3.3.5 Ensuring that recipients of federal financial assistance acknowledge and agree that they will comply with applicable provisions of federal civil rights laws and policies prohibiting discrimination, including but not limited to Title VI of the Civil Rights Act of 1964, which prohibits recipients from discriminating on the basis of race, color, or national origin, including LEP. Agencies must require and obtain

written and signed assurances during the contract process from their sub-recipients, such as sub-grantees, contractors, successors, transferees, and assignees, and must maintain systems that can record and track the recipient's agreement with these assurances.

- 5.3.4** In the event of an all-natural, technological, intentional or terrorism threat or act as deemed by the Office of Emergency management, all affected agencies, time, and agency feasibility permitting, will prioritize alerting and notifying LEP residents by offering all available language services, albeit any state and federal technological limitations in alert systems. If an all-natural, technological, intentional or terrorism threat or act requires posting of warning signs, the relevant agency must translate those signs into the appropriate citywide languages listed in Memorandum Attachment 1 if time and agency feasibility permit such posting.
- 5.3.5** Based on an agency LA plan(s), visible notices must be displayed for language services provided to the public that indicate the availability of interpretation and translation with a list of languages available for interpretation and translation.

5.4 Agency LA Liaison duties include:

- 5.4.1** The LA liaison must have familiarization and access to data and information about, but not limited to, an agency's public facing programs, activities and/or services; internal agency leads of the public facing programs, activities and/or services; language service vendors and expenditures; federal assistance received by the agency; number of bilingual employees and languages used by these employees; ability to request and receive all data collection requirements in section 7 of attached Memorandum.
- 5.4.2** Coordinate with DOIRA to receive training and education to understand and explain LA program policies and processes and responsibilities established in this executive order to agency leadership and employees.
- 5.4.3** Ensuring agency planning, implementation, monitoring, subsequent year reviews, and annual evaluation reviews of language access plan(s) pursuant to section 7.0.
- 5.4.4** Work with agency contract and grant managers, program managers, and other agency assigned employees responsible for LA and agency employees to comply with Title VI and this executive order.
- 5.4.5** Working with DOIRA to implement and monitor data collection for citywide reporting related to language access resident usage, agency personnel completed trainings, and agency language access plan implementation required for agency programs, services, or activities. See memorandum 1 below for data collection requirements in Section 7.

6.0 No agency or its employees shall recommend, suggest, or utilize the translation or interpretation services of a family member or friend under the age of 18 years for an LEP, non-English, or person with communication disabilities unless explicitly requested by the resident or in an urgent last resort situation when no other language services are readily available.

7.0 Timeline of LA plans:

7.1 Initial LA plan(s): Agencies have through December 31, 2023, to develop LA plans for public facing programs, services and/or activities to start implementation on January 1, 2024. DOIRA will provide continuous technical assistance to LA liaisons and/or agency assigned employees responsible for LA planning to develop, make modifications, and finalize LA plans by December 31, 2023. DOIRA staff requires a maximum of 45 days for review of initial LA plan(s) and will prioritize initial review per Section 4.0. and first received.

7.2 Subsequent LA Plan(s) Review: LA liaisons, with agency collaboration and technical assistance from DOIRA will provide updated LA plan(s) by the last working day of January for DOIRA review. DOIRA's review ensures that each LA plan(s) contain(s) the key components of an LA plan detailed in the LA plan template found in the LA Toolkit. DOIRA staff requires a maximum of 90 days for review of the updated plan(s) and will prioritize reviews per Section 4.0 and first received. This ensures agencies have language service costs identified prior to the annual budget process. DOIRA has discretion to determine if LA plan(s) do not need subsequent year reviews based on date of implementation.

7.3 Annual Evaluation Review: The agency's annual review will be based on the actual date of implementation. LA liaisons, with agency collaboration and technical assistance from DOIRA will conduct an annual review of LA plan(s) beginning in 2024 and annually thereafter to evaluate effectiveness, collect best practices and/or lessons learned and update the LA plan(s) to better serve LEP residents and assist the agency in efficiently providing meaningful access to LEP residents. DOIRA has discretion to determine if LA plan(s) do not need an annual evaluation review in 2024 based on date of implementation. The annual review is an in-depth review focusing on, but not limited to, the effectiveness of the LA plan, community outreach (if any), review of demographic analysis and LEP residents served, community and staff surveys, types of language services provided, and languages encountered. Annual reviews will naturally be staggered throughout the year, prioritized by Section 4.0 and subject to the staffing limitations of DOIRA's LA program.

7.4 DOIRA will transmit agency LA plan(s) to the Mayor's Office annually and post publicly.

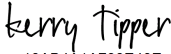
8.0 Duration: The DOIRA Language Access program will continue until the rescission of this Executive Order.

9.0 Cooperation: All City agencies under the Mayor, regardless of whether they are recipients of federal financial support, shall cooperate with DOIRA in accomplishing the goals and


responsibilities outlined in this Executive Order.

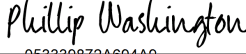
10.0 Memorandum Attachments: The procedures for implementing this Executive Order may be defined by Memorandum Attachments to the Executive Order, which shall become part of the Executive Order.


Approved for Legality:


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Kerry Tipper
City Attorney

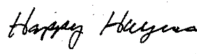
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MEMORANDUM NO. 150A

TO: All Departments and Agencies Under the Mayor

FROM: Mayor Michael B. Hancock, Mayor

DATE: December 22, 2022

SUBJECT: Agency Language Access Guidelines

This Memorandum No. 150A shall be attached to and become a part of Executive Order No. 150, dated December 22, 2022, subject “Citywide Language Access Program”. This Executive Order establishes the Language Access (LA) program within the Office of Immigrant and Refugee Affairs (DOIRA), an office within the agency of Human Rights and Community Partnerships (HRCP). This program will develop citywide LA framework, including guidelines related to the implementation of LA plans.

1. **Definition - Vital Document:** - A *vital document* is paper or electronic written material that contains information that is critical for understanding, accessing, applying, and obtaining an agency’s program, services, and/or activities, or are essential to alert the public to critical safety information and/or medical emergency information. Vital documents also contain procedures, processes or information including rejection letters and the appeal process mandated by law to be furnished to residents of Denver. The paper or electronic materials need to be accurately translated for LEP individuals in a timely manner to provide equal opportunity for LEPs to participate fully in, the programs, services, and/or activities administered by the Agency. For a more comprehensive list of a vital document and the process to determine if your document is vital, see the [Language Access Toolkit](#) located on the [LA DenverHub site](#).
2. **Limited English Proficient (LEP) Language Thresholds**
 - a. **Citywide:** Comprises City and County of Denver populations of at least 1,000 LEP persons and LEP populations most encountered by CCD agencies:

Languages spoken by 1,000 or more LEP Denver Residents (ACS, 2019)	Languages most encountered by CCD agencies
Vietnamese	ASL
Russian	Burmese
Chinese (incl. Mandarin, Cantonese)	Farsi
Amharic*	Karen
Spanish	Nepali
Arabic	Somali
French (incl. Cajun)	* Based on 2019 ACS microdata (includes Somali and other Afro-Asiatic

	languages) and as a top encountered language by city agency and language line
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- b. **Geographics area:** Using the four-factor analysis (included in the [Language Access toolkit](#)), an agency must determine all languages needed to be translated based on city geographic area served.
3. **Citywide written translation requirements of vital documents:**
- a. Vital documents must be translated into all top 12 City and County of Denver LEP languages. Agency LA plan(s) must outline any mitigating reasons if all 12 languages cannot be translated. And the vital document must include the access statement for free oral interpretation (included in the [Language Access toolkit](#)) for the remaining languages not translated. The access statement for free oral interpretation must also be included for the six additional languages with at least 35% LEP populations (included in the [Language Access toolkit](#)).

IF	THEN
Your program is city wide	Vital documents must be translated into all top 12 City and County of Denver LEP languages AND
	The access statement for free oral interpretation must also be included for the six additional languages with at least 35% LEP populations (included in the Language Access toolkit).
If all 12 languages cannot be translated	The vital document must include the access statement for free oral interpretation (included in the Language Access toolkit) for the remaining languages not translated AND
	Agency language access plans must include a plan to translate vital documents into all 12 top languages if an agency has not met this requirement.

4. **Geographic area written translation requirements of vital documents:**
- a. Using the four-factor analysis (included in the [Language Access toolkit](#)), an agency must determine all languages needed to be translated based on city geographic area served. Agency LA plan(s) must outline any mitigating reasons if all 12 languages cannot be translated. And the vital document must include the access statement for free oral interpretation (included in the [Language Access toolkit](#)) for the remaining languages not translated. Agency language access plans must include a plan to translate vital documents into the remaining languages identified if an agency has not met this requirement.

IF	THEN
Your program is in a specific geographic area	Vital documents must be translated into all identified languages based on city geographic area served AND
	The access statement for free oral interpretation must also be included for the six additional languages with at least 35% LEP populations (included in the Language Access toolkit).
If all identified languages cannot be translated	The vital document must include the access statement for free oral interpretation (included in the Language Access toolkit) for the remaining languages not translated AND
	Agency language access plans must include a plan to translate vital documents into all identified languages if an agency has not met this requirement.

5. Oral Interpretation of written vital documents:

- a. All city agencies are required to maintain access to an account with a service offering telephonic interpretation with a vendor in at least 100 languages. This will ensure that LEP residents who are not in the top Denver language thresholds have access to interpretation of vital documents not translated in their preferred language.
- b. The [access statement for free oral interpretation](#) must be included in all vital documents, including on website forms and webpages (included in the [Language Access toolkit](#), folder 1, Appendix A located in the [LA program DenverHub site](#)). Languages to be included are the following with at least 35% LEP speakers: Korean, Urdu, Haitian, Khmer, Armenian, and Swahili. Additional visible signage of the access statements in multiple languages may be necessary in spaces frequented by the public.

6. Interpretation and Translation Vendor Guidelines - Agencies should confirm in writing the following regarding vendor standards:

- i. Translators and/or interpreters hired by vendor are locally based or have a working knowledge of the Denver metro area language populations to ensure an accurate level of localization in the services being provided.
- ii. Translators and/or interpreters have a certain level of training and experience to ensure the quality of services provided.
- iii. Vendor provides professional development and supportive processes to ensure quality interpretation (including, additional training, coaching, and monitoring up to dismissal, depending on the type and frequency of

occurrence) for translators and/or interpreter utilized.

- iv. Vendor has quality assurance controls to ensure accurate translations and monitor interpreter performance, including but not limited to second and third review processes and/or program manager review processes. And procedures for an effective complain resolution when an error in translation and/or interpretation occurs.
 - v. Vendor provides assurance to meet the agency request for the identified language for either interpretation and/or written translations.
 - vi. Vendor expressly outlines their service delivery procedures to ensure transparent response times to agency interpretation and/or translation requests.
 - vii. Vendor has a client feedback mechanism for translation and interpretation services that is utilized to ensure client satisfaction in services.
7. **Data Collection:** Data collection applies to all agencies, including subrecipients, such as contractors, sub-contractors, consultants, sub-recipients, and/or grantees (any third-party participant) that use federal funds and all entities that manage a program, service, and/or activity for residents of CCD, or publish public essential alerts to critical safety, transportation and/or land usage information and/or medical emergency information to residents of CCD.
- a. The following data points will be included in DOIRA's citywide annual evaluation report to the Mayor, city leadership and the City Council:
 - i. A comprehensive list of all federal and non-federal programs, services, activities by agency
 - ii. Status of LA plan(s) by agency
 - iii. LEP languages identified for written translation of vital documents based on the LA plan(s)
 - iv. Number of LEP persons served by language and number of additional LEP persons by language to be served, including funding required to serve additional persons.
 - v. Language services expenditures from contracts, purchase orders, blanket orders, and/or individual vendors, to funding source and vendor utilization for each program, service, activity by agency
 - vi. Resident feedback on the provision of LEP language services
 - vii. Number of vital documents translated, and which language was translated

- viii. In-person or phone interpretations and language interpreted
- ix. Number of bilingual city employees receiving the bilingual stipend with the associated language and which language(s) were used to assist LEP residents
- x. Language Access program and agency specific recommendations related to citywide language access implementation