

## Operational Policy

<b>Policy title:</b>	Auxiliary Aids, Alternate Formats and Language Access Services Policy (AAAFLAS)		
<b>Policy number:</b>	ODHS OHA-010-013		
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<b>Approved:</b>	Don Erickson, ODHS Chief Administrative Officer Kris Kautz, OHA Deputy Director		

### Purpose

The Oregon Department of Human Services (ODHS) and the Oregon Health Authority (OHA) are committed to providing effective culturally and linguistically appropriate communication services to people who have different communication needs. This means providing communication services to a wide spectrum of people including but not limited to people who primarily communicate in a language other than English, people who are Deaf, DeafBlind, Hard of Hearing, people who experience neurodiversity, and people with communication, intellectual, cognitive, developmental or learning disabilities.

### Description

This policy provides specific steps for staff and agency programs to include in their plans to fully implement ODHS and OHA Auxiliary Aids, Alternate Formats and Language Access Services (AAAFLAS) requirements. ODHS and OHA recognize that provision of these services is a requirement under both state and federal laws as well as each agency's strategic goals.

### Applicability

This policy applies to all ODHS and OHA staff, volunteers, board and commission members, trainees, and interns, as well as grantees and contractors.

ODHS and OHA are responsible for ensuring staff, volunteers, board and commission members, trainees, interns, grantees and contractors are notified of this policy, and provided appropriate tools and resources to follow this policy. All contracts and grantee agreements shall reference this policy.

As keepers of the public trust, ODHS and OHA employees have a responsibility to comply with state and agency policies, administrative rule, and state and federal law. ODHS and OHA employees who fail to comply with state or agency policy, administrative rule, or state and federal law may face discipline, up to and including dismissal from state service. Volunteers, board and commission members, trainees, interns, grantees and contractors will be subject to the same standards up to and including termination of service.

## **Policy**

1. ODHS and OHA shall ensure that people with different communication needs receive effective communication by providing supports such as interpreters, translations, virtual meeting access, Communication Access Real-time Translation (CART) captioning, large print, braille materials, video, audio recordings, accessible documents, accessible webpages, and any other method of ensuring effective communication for the person who needs it.
2. ODHS and OHA staff shall inform people seeking auxiliary aids, alternate formats, interpreters, and language access services that these services are free.
3. ODHS and OHA shall ensure communications are accessible, culturally, and linguistically appropriate, intentionally inclusive, and easy to understand. This shall be accomplished through:
  - a. Establishment of a joint workgroup to establish implementation plans to put this policy into operation, including work with the Office of Contract Procurement and staff that support boards and commissions.
  - b. A collaborative co-development process of the ODHS and OHA language access plans.
  - c. Collaborative development of the ODHS and OHA Writing Style Guide that engages ODHS and OHA community partners and ODHS and OHA staff through a process outlined in each agency's language access plan.
4. ODHS and OHA shall take timely and responsive action when a communication barrier is identified to reduce or eliminate the communication barrier for the person and take actions to reduce or eliminate any systemic barriers.
5. Each ODHS and OHA program shall plan and budget to include in their delivery of services, free access to resources to improve communication with people who speak languages other than English and people with communication, intellectual, cognitive, developmental, or learning disabilities.
6. ODHS and OHA shall provide timely spoken or sign language interpreter services for anyone who requests them to access OHA and ODHS programs and services.
7. ODHS and OHA shall provide timely and responsive services to people who request documents in alternate formats or languages.

- a. It is critical to review each request and determine how to provide the best service possible, for example with the support of a bilingual staff person, interpreter, or other person-centered accommodation.
  - b. When translation or alternate format is the best way to meet the request, these services shall be provided timely in the person's requested format including video, sign language video, translation and font change, braille, contrast, and audio files.
8. Staff shall be flexible when engaging with a person with communication support needs and shall access appropriate communication support options, which may include:
- a. Accessing the services of staff receiving bilingual or multilingual differentials.
  - b. Telephonic interpreters.
  - c. Onsite or scheduled virtual spoken language interpreters.
  - d. Onsite or scheduled virtual sign language interpreters.
  - e. Certified Deaf Interpreters (CDI) for Deaf, DeafBlind, and Deaf with additional barriers.
  - f. Relay interpreters for languages of lesser diffusion.
  - g. Communication access real-time translation (CART).
  - h. On demand video remote interpreters.
  - i. Translation and alternate formats.
  - j. Any other communication support that provides effective communication.
9. ODHS and OHA staff who use on demand video remote interpreters or scheduled virtual interpreters shall ensure that:
- a. There is real-time video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers clear video and audio without lags, blurry video, or irregular pauses.
  - b. Video remote or virtual interpreter images are sharply delineated and large enough to display the interpreter's face.
10. To ensure that the ODHS and OHA workforce reflect the diversity of people living in Oregon, ODHS and OHA shall prioritize the hiring and retention of people with lived experience, people skilled or trained in communicating with those who have disabilities, and people who are bilingual and multilingual.
- a. ODHS and OHA shall ensure that job announcements and online application systems are accessible to jobseekers with disabilities.
  - b. ODHS and OHA shall ensure staff are appropriately compensated for language skills with a pay differential.
  - c. When appropriate, ODHS and OHA shall prioritize connecting people who need language supports with the appropriate bilingual or multilingual staff receiving a pay differential.
11. All ODHS and OHA meetings and events notices, surveys, external websites, and publicly available documents shall contain an access statement. All statements shall include:

- a. A statement that the agency provides assistance to people with disabilities, people who speak or read languages other than English, and people who may need additional support.
  - b. At least two ways to contact someone to request assistance.
  - c. A contact or program name that is up to date and is responsive to requests.
  - d. The statement "We accepts all relay calls".
  - e. A statement that access services are free of charge.
  - f. The contact or program listed shall be familiar with resources to fulfill the requests and shall act timely to provide the necessary resources to the requestor.
12. Access statements shall be substantially similar to the examples provided on the ODHS and OHA OWL site.
  13. ODHS and OHA shall post a notice of nondiscrimination in English and at least five additional languages in clear and prominent physical locations where it is reasonable to expect people seeking services from ODHS or OHA to access the information and on each agency's main website.
  14. ODHS and OHA shall post a notice of the availability of auxiliary aids, alternate format and language access services.
    - a. The notice shall be in English and at least 15 additional languages.
    - b. The notice shall be posted on each agency's main website and in clear and prominent physical locations where it is reasonable to expect people seeking services from ODHS or OHA to be able to access the information.
  15. Within one year of the revision date of this AAFLAS policy, each agency shall begin the process of creating a language access plan that includes processes for how each agency will provide auxiliary aids, alternate formats and language access services.
    - a. The plan shall be created through a collaborative co-development process led by the OHA Office of Equity and Inclusion (OEI) or the ODHS Office of Equity and Multicultural Services (OEMS), as appropriate.
    - b. The co-development process shall include representatives from each agency's community partners, human resources, communications, office of information services (OIS), facilities, REALD-SOGI(E) data analysts, subject matter experts in equity, staff who provide direct service, subject matter experts on community engagement, and any other staff designated by division or program directors.
    - c. As the sections of the language access plan are completed, they will be posted to the ODHS and OHA OWL site.
  16. To complete the language access plan, the co-development team shall:
    - a. Identify communication barriers that prevent people from accessing services provided by ODHS and OHA.
    - b. Identify current gaps in how the agencies provide auxiliary aids, alternate formats and language access.
    - c. Research best practice on eliminating barriers to communication.
    - d. Review on a biennial basis:

- A. Quantitative and qualitative data and research from at least three sources on the people who the agency is serving and people who may be excluded from services or experience barriers to ODHS and OHA services because of communication barriers.
  - B. Existing state and federal regulations on translation and interpretation requirements.
  - e. Create a plan that at minimum includes the access plan components identified in this policy.
  - f. Develop and implement contractor and grantee cooperation practices and guidelines to ensure compliance with AAFLAS and each agency's language access plan.
17. The language access plan shall include at least the following components:
- a. An implementation plan.
  - b. Identification of the roles responsible for implementing the language access plan.
  - c. Recommendations and resources for ODHS and OHA trainers and training units to develop and provide staff training and instruction on:
    - A. The AAFLAS policy and each agency's corresponding language access plan.
    - B. How to provide auxiliary aids, alternate formats and language access services.
  - d. Recommendations on how ODHS and OHA staff can proactively reduce identified communications barriers that prevent people from accessing services provided by ODHS and OHA.
  - e. Resources that support staff in identifying the language a person communicates in.
  - f. Criteria to determine which languages in Oregon require proactive translation when creating significant or vital public facing materials.
    - A. This may be done through a tiered approach and may be tailored for the individual program or division and the program's service recipients.
    - B. This may include a "current recommended languages" list.
    - C. This should include a recommendation for frequency of review to add or remove languages from the list.
  - g. A review process for translated materials that includes plain language review and post translation quality assurance audit by ODHS and OHA bilingual and multilingual staff receiving a pay differential.
  - h. Example notices for notices of non-discrimination and the availability of auxiliary aids, alternate formats, and language access services for the public in multiple formats including audio, visual and written.

- i. Criteria for communications that are required to include notices of non-discrimination and the availability of auxiliary aids, alternate formats, and language access services.
- j. A process for documenting complaints and concerns about auxiliary aids, interpreter services, translation services, alternate formats and other language access barriers.
- k. Identification of the roles responsible for:
  - A. Receiving, documenting, investigating, and responding to complaints and concerns about auxiliary aids, interpreter services, translation services, alternate formats and other language access barriers.
  - B. Creating a biennial report for executive leadership regarding the complaints and concerns received and data on use or under use of auxiliary aids, interpreter services, translation services, alternate formats and other language access barriers.
- l. A plan and process for each agency to maintain lists of staff currently receiving language pay differentials and the languages for which they are receiving the differential to support state and agency initiatives including emergency notifications.
- m. A plan and process for each agency to be able to maintain lists of staff who are native users of auxiliary aids such screen readers, assistive listening systems, CART, braille, and amplifying systems to support state and agency initiatives including emergency notifications.
- n. A timeline for updating this AAAFLAS policy and the language access plans.

## References

[Title VI of the Civil Rights Act](#)

[Title II of the Americans with Disabilities Act of 1990](#)

[Section 504 of the Rehabilitation Act of 1973](#)

[LEP Policy Guidance for HHS Recipients](#)

[ORS 659A.103 Prohibiting Discrimination Against Individuals with Disabilities](#)

[ORS 411.970 When Bilingual Services Required](#)

[ODHS Administrative Rules Chapter 407, Division 005](#)

[OHA Administrative Rules Chapter 943, Division 005](#)

[Section 1557 of the Patient Protection and Affordable Care Act](#)

[OHA Language Access Policy Page](#)

[ODHS Language Services Page](#)

## Related Publications

ODHS 0170, Client Complaint or Report of Discrimination: (PDF: [English](#), [Spanish](#), [Russian](#), [Vietnamese](#), [Somali](#), [Arabic](#))

ODHS 0170A, Review of Client Complaint:([PDF](#))



[OHA 2993, OHA Nondiscrimination Policy and Language Access Insert](#)  
[OHA 2996 Nondiscrimination Policy for the Public](#)  
OHA 2997, OHA Report of Discrimination: (PDF: [English](#), [Spanish](#), [Russian](#),  
[Vietnamese](#), [Somali](#), [Simplified Chinese](#))  
ODHS 0177 DHS Notice and Practice of Civil Rights (PDF: [English](#) and [Spanish](#))

## **Related Policies and Guidelines**

[ODHS and OHA AAFLAS OWL Site](#)  
[ODHS\OHA 010-015 Bilingual Proficiency Certification](#)  
[ODHS Bilingual and Multilingual Roles](#)  
[Accessibility Manual: Design documents and forms for all in Word and InDesign](#)  
[ODHS and OHA Writing Style Guide](#)

## **Contact Information**

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[OHA Office of Equity and Inclusion](#)  
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## **Policy history**

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