

P.O. Box 995
1550 Gadsden Street
Columbia, SC 29202
dew.sc.gov



Henry McMaster
Governor

William H. Floyd, III
Executive Director

STATE INSTRUCTION NUMBER 24-04, Change 1

To: DEW Area Directors
DEW Regional Managers

Subject: Language Access Services for Limited English Proficiency (LEP) Individuals

Issuance Date: September 22, 2025

Effective Date: September 22, 2025

Purpose: To establish the rules and procedures for providing language access services to customers of the Department of Employment and Workforce (DEW) with limited English proficiency (LEP) in SC Works centers. This guidance replaces State Instruction 24-04.

References:

- Workforce Innovation and Opportunity Act, Public Law 113-128, § 188
- Civil Rights Act of 1964, Title VI, 42 U.S.C. § 2000d *et seq.*
- Executive Order 14224, 90 FR 11363
- 29 CFR §§ 38.4(hh), 38.9

Revisions:

- The previously cited Executive Order 13166 has been rescinded and replaced by Executive Order 14224.
- This revision reorganizes Staff Action Steps to articulate expectations.
- The language has been revised for clarity and ease of use.

Background: Executive Order 14224 designates English as the official language of the United States. This establishment is meant to promote unity and cultivate a shared American culture for all citizens, as well as to ensure consistency in government operations and create a pathway to civic engagement.

Language access services ensure that all individuals, regardless of their language proficiency, have equal access to important government services and information. Without language access services, individuals who are not proficient in English may face significant barriers to accessing workforce services.

The Civil Rights Act of 1964 prohibits discrimination based on national origin, encompassing language barriers. Pursuant to the Civil Rights Act and the Workforce Innovation and Opportunity Act (WIOA), DEW must take reasonable steps to ensure meaningful access to programs and services by LEP individuals.

Staff Resources. Staff guides and resources can be found on DEWConnect under the Employment Services (ES) Division's page. As needed, other resources may be developed and included on the page. Staff may contact their Regional Manager and Area Director with requests for additional staff resources and/or training.

Policy: SC Works center staff must provide equal access to LEP individuals about information, services, and programs available through the SC Works system. DEW staff, as partners in the Local Workforce Development Areas (LWDAs), share in this responsibility.

An LEP individual is someone who:

- Does not speak English as their primary language,
- Has a limited ability to read, speak, write, and/or understand English, or
- Is competent in English for certain types of communication (e.g., speaking or understanding), but less so for other purposes (e.g., reading or writing)

NOTE: LEP individuals include those who are blind, deaf, hard-of-hearing, or speech impaired.

Identifying LEP Individuals

Upon identifying an LEP individual, staff will provide them with language assistance services. To make this determination, staff may notice identifiers that include, but are not limited to:

LEP Individual Self-Identifiers:

- Individual asks if staff speak another language.
- Individual asks for an interpreter.
- Individual points to an "I speak" card or other posters.
- Accompanying person requests an interpreter.

Staff Identifiers:

- Individual brought a family member to assist with interpretation.

- Individual does not understand what staff is saying.
- Individual's response does not match the question being asked.
- Individual is unable to read or write in English.

Staff Action Steps

Once staff have determined that the LEP individual requires language assistance services, they must take the following steps:

1. Use an "I Speak" card to identify what language a customer speaks.

NOTE: It is recommended that each SC Works center have laminated copies of "I Speak" cards at all entry points where customers are initially engaged.

2. Immediately offer free language assistance.
3. If needed or requested, coordinate with a qualified interpreter for interpretation services:
 - a. Third-Party Interpreter
 - i. By phone (on-demand remote)
 - ii. By video (on-demand remote)
 - iii. In-Person (appointment only)
 - b. Multilingual staff interpreter
 - c. Community Organization (pre-screened by LWDA)

Types of Interpretation Services

To ensure meaningful access to DEW programs and services for LEP individuals, staff must take action to offer whichever service, listed below, is most immediately available.

Third-Party Interpreter

DEW contracts language access services from third-party service providers to assist LEP individuals accessing workforce programs and services. The following resources, available on the ES DEWConnect page, provide guidance for accessing these services:

- Third-Party Language Access Services Purchasing Process
- Third-Party Language Access Service Providers and Instructions
- DEW Language Access Services Usage Form

NOTE: If a single interpretation engagement will exceed \$2,500 in costs, staff must acquire three quotes before placing the order.

Personal Relations as Interpreters. LEP individuals are never required to use an accompanying adult as their interpreter; however, it is allowed if the LEP individual initiates the request.

NOTE: Staff must **never** allow a minor (under the age of 18) to interpret or facilitate communication except in emergency situations while awaiting a qualified interpreter.

Before an accompanying adult can serve as the interpreter, staff must employ a DEW-provided interpreter to advise the LEP individual of their right to a free interpreter and ensure their informed consent to waive DEW interpretation services.

If the LEP individual maintains that they want their accompanying adult to interpret, they must sign a Waiver of Language Access Services, available on the ES DEWConnect page, which is only valid for that visit. The waiver indicates that the LEP individual acknowledges the following:

1. Free language access services are available through DEW.
2. The LEP individual chooses not to use the free language access services.
3. The LEP individual chooses their accompanying adult as an interpreter.
4. DEW cannot guarantee the quality of the language access services provided by the chosen interpreter.
5. Confidential information may be disclosed to their accompanying adult.
6. **The LEP individual may void the waiver at any time during the consulting process by requesting free language access services.**

The waiver is available in multiple languages; however, if the LEP individual requires a language that is not already available, staff must use the on-demand translation service to translate the waiver. The LEP individual must not sign a document in English if staff know they do not understand the language *without the waiver being translated*.

NOTE: The signed waiver is not required for low-stakes communication, such as scheduling appointments or providing directions.

If staff have concerns about the competency of the interpretation, confidentiality, privacy, and/or a conflict of interest from the accompanying adult interpreter, staff may override an LEP individual's request and instead implement the language access services provided by DEW. These services are listed in the **Staff Action Steps** section. Staff should emphasize that the LEP individual will be given an interpreter at no additional cost to them.

Multilingual Staff Interpreters

If available, staff may request support from an SC Works center staff member who speaks the same language as the LEP individuals. Some partner staff may have restrictions on whom they can serve based on their authorizing statutes and regulations. Staff should keep a list of multilingual staff with the language(s) they can interpret. Regional Managers should request assistance from the SC Works center operator, if needed, to develop this list.

Community Organizations

Some LWDAs receive assistance with interpretation services through community organizations. Staff may use these organizations if unable to meaningfully access interpreter services through the other interpretation services.

Prior to DEW staff using community organizations for interpretation services, the LWDA must have the following:

1. Agreement with the community organization for interpretation services
2. Verification that the interpreters provided are qualified interpreters under the Americans with Disabilities Act (ADA)

NOTE: The LWDA should be able to produce verification, upon request, of an interpreter's qualification credentials.

Regional Managers must maintain a list of allowed interpreters for distribution to ES staff within each center.

Intake Translation Tools (temporary solution)

When first speaking to LEP individuals, staff may use language translation tools (such as Google translate) to translate text or interpret phrases. Because these services use machine learning algorithms to translate text, the accuracy of the translation may vary. **Per DOL, no language translation tool, by itself, currently meets the standard of "qualified" interpreter.** These tools can only be used rarely, as needed, and until qualified interpretation services are available.

When using these tools, best practices include the following:

- Avoid jargon, idioms, acronyms, and legal language. Stick to clear and straightforward language to ensure effective communication.
- Organize text logically by starting with the most important information.
- Use the active voice to make text direct and concise. (For example, use "Staff provide services," instead of "The services are provided by staff.")
- Ensure the individual understands that this tool is for temporary, immediate support.

NOTE: Do NOT share personally identifiable information (PII) or other sensitive information about the customer with the language translation tool. Some online translation services or applications may store and analyze data.

Best Practices for Working with LEP Individuals and Interpreters

Working with LEP Individuals

- Conduct all interactions with respect and patience
- Accurately assess the language needs

- Speak slowly and clearly
- Avoid assumptions and ask for clarification, as needed
- **During emergencies only**, allow a minor child to act as an interpreter, while waiting for a qualified interpreter

Working with Interpreters

- Control the interaction. The interpreter is there to facilitate the communication
- Speak directly to the LEP individual, not the interpreter
- Speak at a clear, normal pace
- Ask one question at a time
- Allow the interpreter to take notes
- Allow the interpreter to interpret reasonable lengths of information, such as a short paragraph or three or four sentences at a time, to avoid losing important details

Working with Both LEP Individuals and Interpreters

- Do not leave the LEP individual and the interpreter alone
- Allow time for intermittent breaks
- Use plain language – avoid acronyms and jargon

NOTE: Many words and phrases in English do not have an equivalent in other languages. Competent language services prioritize “meaning for meaning” rather than “word for word” to achieve the best outcome.

Recognizing a Qualified Interpreter

A qualified interpreter can interpret effectively, accurately, and impartially. The interpreter must be able to interpret both receptively and expressively, using any necessary specialized vocabulary, either in-person, through an over-the-phone interpreting (OPI) service, a video-remote interpreting (VRI) service, or other technological methods. An interpreter is not required to be certified; however, certification can ensure a level of quality control.

An unqualified interpreter lacks the necessary skills to interpret effectively, accurately, and impartially. For example:

- If a fluent English speaker only has a basic understanding of Spanish, they will struggle to convey the meaning of complex, technical information to the LEP individual, which will lead to misunderstandings or miscommunication.
- Someone fluent in the language of the LEP individual may be asked to interpret during a legal proceeding, despite having no formal training in legal terminology or technicalities, which could lead to misunderstandings, inaccuracies, and potential legal consequences.

Translation of Written Materials

Staff must ensure LEP individuals have meaningful access to and understanding of information contained in written documents, including forms, publications, and specific program documents.

Online Documents. The interactive online platforms — [DEW website](#), [SCWorks.org](#), and [SC Works Online Services \(SCWOS\)](#) — provide users with convenient access to workforce system services without having to go to an SC Works center. For instructions on how to translate these websites with the built-in tool, see the document “Translation Instructions for DEW Websites” on the ES DEWConnect page.

Vital Documents. Vital documents (such as applications, consent forms, information regarding participation in a program, and outreach materials) are provided in the following manner:

- **Babel Notice:** Staff must include a “Babel Notice,” indicating in appropriate languages that language assistance is available, in all communication of vital information, such as hard copy letters or communication on the above listed websites. See <https://scworks.org/about-us/babel-notice>.


NOTE: Babel Notices must be posted at points of entry in all SC Works centers to inform LEP individuals that language access services are available.

- **Dew Forms:** Staff may obtain ES and law complaint forms in Spanish at <https://scworks.org/escomplaint>, and Equal Opportunity (EO) forms in multiple languages at <https://scworks.org/about-us/legal>.

For guidance on when and how to request other translated documents, staff must coordinate with their regional manager.

Action: Please ensure that all appropriate ES staff receive and understand this policy.

Inquiries: Questions may be directed to WorkforcePolicy@dew.sc.gov.



Diana Goldwire, Assistant Executive Director
Employment Services Division