



**U.S. Occupational Safety and Health Review Commission
(OSHRC 25)**

LANGUAGE ACCESS PLAN (LAP)

July 16, 2024

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U.S. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Language Access Plan (LAP)

I. BACKGROUND

The United States is home to millions of people who have limited English proficiency (LEP). Because of their limited proficiency in speaking, reading, or understanding English, otherwise eligible persons with LEP are often denied pertinent information or services, experience delays, or make decisions based on inaccurate or incomplete information. This potential barrier to the exchange of information is of particular importance to the Occupational Safety and Health Review Commission (OSHRC, Commission, or Agency). Members of the public, including persons with LEP, are the principal beneficiaries of the Agency's mission to provide administrative hearings and appellate review of citations or penalties resulting from Occupational Safety and Health Administration (OSHA) inspections of American workplaces.

Executive Order 13166, 65 Fed. Reg. 50, 121 (Aug. 16, 2000), directs all federal agencies to "examine the services [they] provide[] and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening the fundamental mission of the agency." The Executive Order further directs each agency to "prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons."¹ On December 7, 2000, OSHRC issued its original language access plan (LAP) in which the Agency noted the importance of providing the LEP community with meaningful access to administrative hearings and appellate review of citations issued by OSHA.² The initial plan also described the Agency's efforts to provide services to persons with LEP, and the steps the Agency planned to take to ensure that a proper level of service would continue to be available to persons with limited or no ability to communicate with the Agency in English.

On February 17, 2011, the United States Attorney General issued a Memorandum for Heads of Federal Agencies, among others, regarding the Federal Government's Renewed Commitment to Language Access Obligations Under Executive Order 13166 (AG Memo). The AG Memo requested that each agency join the Department of Justice (DOJ) in recommitting to the implementation of Executive Order 13166 by: 1) establishing a Language Access Working Group (LAWG) to be responsible for implementing the Executive Order; 2) evaluating and/or updating its language access plan; 3) establishing a schedule to periodically evaluate and update its LEP services, policies, plans, and protocols; 4) ensuring agency staff can competently identify LEP

¹ The Executive Order also directs each agency providing federal financial assistance to issue guidance to recipients of such assistance on their legal obligations to take reasonable steps to ensure meaningful access for persons with LEP under the national origin nondiscrimination provisions of Title VI of the Civil Rights Act of 1964, and its implementing regulations. The Commission is exempt from this requirement because it does not provide federal financial assistance.

contact situations and take the necessary steps to provide meaningful access; 5) notifying the public of its LEP policies, plans, and procedures; 6) assessing non-English language proficiency when considering hiring criteria; 7) collaborating with other agencies for written translations intended for mass distribution; and 8) including a statement that it does not provide federal financial assistance when transmitting its language access plan.³

II. PURPOSE

The LAP establishes guidelines for improving access to OSHRC services for persons with LEP in accordance with applicable authority. It is intended only to improve the internal management of OSHRC's Language Access Program and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, Administrative Law Judges, Commissioners, officers or employees, or any person. Administration of the cases, programs, and activities discussed herein is within the sole discretion of the Agency.

III. AUTHORITIES

- [Occupational Safety and Health Act of 1970, 29 U.S.C. §§ 651 – 678 \(OSH Act\)](#)
- [Commission Rules of Procedure, codified at 29 C.F.R. § 2200 et. seq.](#)
- [Administrative Procedure Act, 5 U.S.C. §§ 551-559 \(APA\)](#)
- [Section 508 of the Rehabilitation Act, 29 U.S.C. § 794d](#)
- [Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, 65 Fed. Reg. 159, 50121 \(Aug. 16, 2000\)](#)
- [Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, 86 Fed. Reg. 14, 7009 \(Jan. 20, 2021\)](#)
- [Executive Order 14031, *Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders*, 86 Fed. Reg. 105, 29675 \(June 3, 2021\)](#)
- [Executive Order 14091, *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, 88 Fed. Reg. 35, 10825 \(Feb. 16, 2023\)](#)
- [United States Attorney General's Memorandum to Heads of Federal Agencies, General Counsels, and Civil Rights Heads Regarding Federal Government's Renewed Commitment to Language Access Obligations Under Executive Order 13166 \(Feb. 17, 2011\)](#)
- [United States Attorney General's Memorandum for Heads of Federal Agencies, Heads of Civil Rights Offices and General Counsels Regarding Strengthening the Federal Government's Commitment to Language Access \(Nov. 21, 2022\)](#)
- [OSHRC's Equity Action Plan \(2022\)](#)⁴

³ OSHRC's LAP was updated in 2015, 2023, and again in 2024 to reflect internal changes in the roles and responsibilities for its development, implementation, and administration. Additionally, these updates have been responsive to feedback received from DOJ's Civil Rights Coordination and Compliance Section based on policy changes regarding language access.

⁴ Accessible to OSHRC employees through the Agency's internal SharePoint site.

IV. SCOPE

This LAP sets forth guidance for OSHRC staff to ensure that the Agency's language access policies and procedures are implemented consistently and appropriately across all Agency offices. Each OSHRC staff member who interacts with the public is required to ensure that persons with LEP have meaningful access to OSHRC's programs and activities.

V. POLICY

OSHRC is an independent federal agency that is responsible for the adjudication of work-related safety and health disputes arising under the Occupational Safety and Health Act of 1970, 29 U.S.C. §§ 651 - 678 (OSH Act). In carrying out its statutory mission, OSHRC functions as a federal administrative court at the hearing and appellate levels and acknowledges that English proficiency is valuable for meaningful participation in Agency proceedings.

OSHRC's goal is to reduce language as a barrier to accessing its programs and activities. Consequently, the Agency is committed to taking reasonable steps to ensure that persons with LEP have meaningful access to OSHRC's services, without unduly burdening the Agency's fundamental mission and existing law. Within the limits of funding available for LEP services and in accordance with the Commission's Rules of Procedure, set forth at 29 C.F.R. § 2200, an ALJ has the authority to provide resources to persons with LEP as needed in a proceeding before the ALJ. OSHRC will also provide LEP resources as needed and available prior to case docketing, and at the review level.

In accordance with Executive Order 13166, related Executive Orders, United States Attorney General Memoranda, and OSHRC's own Equity Action Plan, OSHRC will provide persons with LEP meaningful access to its programs and activities, provided that Agency resources are available, and accommodations are legally permissible. In particular, as set forth in the authorities listed in section III above, as well as the Federal Rules of Civil Procedure and Federal Rules of Evidence, accommodations granted to persons with LEP must not preclude an ALJ or the Review Commission from exercising independent judgment in a pending case.

VI. DEFINITIONS

Some terms used in the LAP are defined in section 3 of the OSH Act, 29 U.S.C. § 652, and Commission Rule of Procedure 1, 29 C.F.R. § 2200.1. Those definitions control for the purpose of the LAP. Other terms are set forth below.

Administrative Law Judge (ALJ) – An individual, appointed by the Review Commission, who presides over contested cases, including hearings, and makes determinations on the merits of the case, including any motions filed by the parties.

Assistant Language Access Coordinator (ALAC) – OSHRC legal assistants and other OSHRC staff designated to assist the LAC and LAP Administrator with administering the LAP by coordinating and directing the day-to-day provision of LEP services, as well as preparing the notices and request forms for LEP services as needed.

Commissioner – A member of the Review Commission appointed by the President with Senate confirmation.

Direct “In-Language” Communication – Monolingual communication in a language other than English between a multilingual OSHRC staff person and a person with LEP (*e.g.*, Spanish to Spanish).

Effectively Communicates – Communication sufficient to provide a person with LEP with substantially the same level of services received by those who do not have LEP.

Hearing – A proceeding conducted under the OSH Act that is presided over by an ALJ, where evidence is presented, such as documents and testimony.

Interpretation – The act of listening to a communication in one language (source language) and orally converting it to another language (target language), including sign language for the hearing impaired, while retaining the same meaning.

Interpreter – A person who is fluent in both English and another language, who listens to a communication in one language and orally, or by using sign language, converts it into another language while retaining the same meaning.

Language Access – The provision of the necessary services to persons with LEP to access the Agency service or program in a language they can understand and to substantially the same extent as those with English proficiency.

Language Access Plan (LAP) – The written plan used by OSHRC to implement its language access services consistent with applicable authority.

LAP Administrator – The Executive Secretary or their designee responsible for implementing and administering the LAP.

Language Access Services – Oral, sign, and written language services needed to assist persons with LEP to communicate effectively.

Language Access Working Group (LAWG) – An internal committee chaired by the LAP Administrator and comprised of the General Counsel, Executive Director, Executive Secretary, CALJ, First Judges, and/or their delegated representatives that advises on the implementation of the LAP and evaluates the LAP, policies, and protocols, as well as LEP services, every two years and recommends updates as needed.

Persons with Limited English Proficiency (LEP) – Persons who do not speak English as their primary language, and who have a limited ability to read, write, speak, or understand English. Persons with LEP may be deaf or hard of hearing, but persons who are deaf or hard of hearing (and use American Sign Language) are not considered to have LEP. Persons with LEP may be

competent in English for certain types of communication (*e.g.*, speaking or understanding), but still have LEP for other purposes (*e.g.*, reading or writing).⁵

Meaningful Access – Language assistance that results in accurate, timely, and effective communication at no cost to persons with LEP needing assistance. Meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English-proficient persons.

Primary Language – The language in which a person most effectively communicates.

Program(s) or Activity(ies) – Interactions between the public and OSHRC staff, including settlement or pre-hearing conferences, hearings, and associated services in the context of any proceeding before the Agency. During ALJ proceedings, at the ALJ’s discretion, it may or may not include matters that arise in discovery (*e.g.*, depositions).

Qualified Translator or Interpreter – A government employee or contractor who has demonstrated competence to interpret, translate, or use sign language through court certification and/or by a finding made by an ALJ.⁶

Review Commission – The three individuals (referred to as Commissioners) appointed by the President and subject to Senate confirmation who serve staggered six-year terms.

Sight Translation – Oral rendering of written text or a document into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.

Source Language – The language of the original speaker or document, which the interpreter or translator interprets or translates into a second language.

Target Language – The listener’s or reader’s language, into which the interpreter or translator renders the interpretation or translation from the source language.

Translation – The replacement of written text from one language (source language) into an equivalent written text in another language (target language). The source of the text being converted is always written language.

⁵ The DOJ has determined that EO 13166 applies only to persons who are located within the United States and its territories and does not apply extraterritorially.

⁶ See Ch. 10, Model Court Interpreter Act in Court Interpretation: Model Guides for Policy and Practice in the State Courts (National Center for State Courts, 1995) (Model Interpreter Act), for a discussion of the Model Interpreter Act’s intention to provide for certification, appointment, and use of interpreters to help secure any rights of non-English speaking persons in state legal and administrative proceedings, at: https://www.ncsc.org/_data/assets/pdf_file/0029/19694/court_interpretation_model_guides_for_policy_and_practice_in_the_state_courts.pdf. See also the National Association of Judiciary Interpreters and Translators, Code of Ethics and Professional Responsibility, at: <https://najit.org/wp-content/uploads/2016/09/NAJITCodeofEthicsFINAL.pdf>.

Translator – A person who is fluent in both English and another language, who reads a communication in one language and converts it into a written document in another language while retaining the same meaning.

Vital Document – Paper or electronic written material that contains information that is critical or legally required for accessing or participating in OSHRC’s programs or activities.⁷

VII. RESPONSIBILITIES AND ROLES

A. Administrative Law Judge (ALJ)

1. Handles all matters relating to interpretation and/or translation services during the course of a pending case.⁸
2. Decides any issue regarding the competency of an interpreter or translator in a pending case.⁹ A non-binding example of a script for an ALJ to consider using at a hearing when an interpreter is being used for witness testimony is attached as Appendix 1.
3. Makes inquiries, as appropriate, to the parties no later than the final pre-hearing conference concerning any need for interpreters at a hearing.

B. Assistant Language Access Coordinators (ALACs)

1. Assists the Language Access Coordinator (LAC) for the OCALJ, OSHRC staff, and the LAP Administrator in administering the LAP.
2. Coordinates the issuance of contracts and/or purchase orders for LEP services under the LAP with the Agency Contracting Officer (CO).
3. Directs the day-to-day performance of any interpreter or translator working at the direction of an ALJ, or other OSHRC staff member, who orders LEP services.
4. Prepares the Notice of, or Request to Arrange for, Approved LEP Services form included in Appendix 2 and submits the completed form to the CO, as described in Appendix 4, Language Access Services Process Management.

⁷ The Language Access Working Group (LAWG) will decide which Agency-wide documents will be designated as vital under the LAP, while ALJs decide which documents will be designated as vital in the context of assigned cases.

⁸ In determining whether LEP services should be paid for by the Commission or apportioned among the parties, an ALJ will consider the intent of Executive Order 13166 to provide meaningful access, this LAP, and other applicable laws and regulations, such as the Federal Rules of Civil Procedure. Ultimately, an ALJ will ensure that a party who requires LEP services receives them, from the time the need is discovered or upon request, without regard for the party’s ability to pay for such services.

⁹ In determining whether an interpreter or translator is competent to communicate effectively with a person with LEP in their preferred/primary language, an ALJ may consider guidance provided in the Interagency Working Group on Limited English Proficiency’s Foreign Language Services Ordering Guide found at: [https://www.gsa.gov/system/files/Foreign_Language_Services_\(1\).pdf](https://www.gsa.gov/system/files/Foreign_Language_Services_(1).pdf).

C. Chief Administrative Law Judge (CALJ)

1. Designates a staff member from the OCALJ in the National Office to serve as the OCALJ LAC.
2. Designates all OCALJ legal assistants in the Agency's National, Denver, and Atlanta offices, to serve as ALACs, with the exception of the LAC for the OCALJ.

D. Contracting Officer (CO)

When notified of a need for LEP services, promptly:

1. Negotiates, enters into, administers, modifies, and/or terminates any contract and/or purchase order for LEP services under the LAP, consistent with available funding and in consultation with the Executive Director, and taking into consideration specific needs and/or the statement of work as approved in the request for LEP services. The process for OSHRC employees to request and obtain approval for language access services is described in Appendix 4.
2. Ensures OSHRC maintains a contract with a company that provides interpretation services for telephone conference calls conducted by ALJs when a person with LEP participates.¹⁰

E. Office of the Executive Director (OEXD)

1. Manages funding allotted to implement and administer the LAP.
2. At the start of each fiscal year, or funding cycle in the event of a congressional continuing resolution, promptly informs the LAP Administrator of the amount of Agency funds that are available and allotted to the LAP Administrator for that fiscal year or funding cycle to provide the LEP services called for by the LAP.
3. Keeps the LAP Administrator apprised of the amount of funds remaining and provides notification when funds have been exhausted.
4. Designates the LAC for OSHRC staff, excluding OCALJ.

F. Office of the Executive Secretary (OEXS)

1. Handles LEP matters that arise in contested cases that have not yet been docketed, or are pending before the Review Commission, where review has been directed.

¹⁰ To access these interpretation services, Agency personnel need to call Language Inc. at 1-888-999-5074 and enter the OSHRC account and PIN numbers, which may be obtained from the LAC. These services are also available for use throughout the Agency.

2. Promptly informs the LAC for OSHRC staff of the circumstances of any instances where the Executive Secretary has provided LEP services.
3. Arranges for LEP services that require specific funding through the LAC for the OSHRC staff.

G. Office of the General Counsel (OGC)

1. Handles LEP matters concerning Freedom of Information Act (FOIA) requests.
2. Promptly informs the LAC for OSHRC staff of the circumstances of any instances where the OGC has provided LEP services; and
3. Arranges for LEP services that require specific funding through the LAC for OSHRC staff.
4. Coordinates with the ALJ for the production of any LEP materials necessary to process a FOIA request.

H. Hiring Officials

1. Assesses the extent to which non-English language proficiency would be necessary for particular positions or to fulfill OSHRC's mission when considering hiring criteria for Agency personnel. There is no requirement to provide applicants with any LEP services where English proficiency is a necessary qualification for the position.

I. Language Access Coordinator (LAC) for OSHRC Staff

1. Coordinates with the LAP Administrator in LEP matters and assists the LAP Administrator and the Language Access Working Group (LAWG) in fulfilling their LAP responsibilities.
2. Coordinates the issuance of contracts and/or purchase orders for LEP services under the LAP with the CO.
3. Directs the day-to-day performance of any interpreter or translator.
4. Collects data on the nature and frequency of the need for LEP services being provided by OSHRC staff, including the identification of:
 - a. the languages most frequently encountered;
 - b. the primary channels of contact with persons with LEP (e.g., whether telephonic, in person, or by correspondence);
 - c. the type of language assistance services provided; and

- d. the cost to the Agency for the provision of language assistance services.

J. Language Access Coordinator (LAC) for the OCALJ

1. Coordinates with the LAP Administrator in LEP matters and assists the LAP Administrator and the Language Access Working Group (LAWG) in fulfilling their LAP responsibilities.
2. Coordinates the issuance of contracts and/or purchase orders for LEP services under the LAP with the CO.
3. Directs the day-to-day performance of any interpreter or translator.
4. Collects data on the nature and frequency of the need for LEP services for cases, including the identification of:
 - a. the languages most frequently encountered;
 - b. the primary channels of contact with persons with LEP (e.g., whether telephonic, in person, or by correspondence);
 - c. the type of language assistance services provided; and
 - d. the cost to the Agency for the provision of language assistance services.

K. LAP Administrator

1. Implements and administers the LAP.
2. Promptly advises the OCALJ, the OEYS, and the OGC upon notification from the Executive Director whenever funds are not available to administer the LAP.

L. Language Access Working Group (LAWG)

1. Chaired by the LAP Administrator and comprised of the General Counsel, Executive Director, Executive Secretary, CALJ, First Judges, and the LAP Administrator, and/or their delegated representatives.
2. Advises the LAP Administrator on the implementation of Executive Order 13166 and the AG Memo, consistent with applicable authority and this plan.
3. Conducts an evaluation of the LAP, policies, and protocols, as well as LEP services, and recommends the updating of any of these as necessary every two years. The evaluation includes:
 - a. reviewing Agency data regarding LEP services;
 - b. identifying any critical insufficiencies;

- c. advising the LAP Administrator on the need to seek any additional LEP funding; and
- d. evaluating and prioritizing any suggested improvements. Improvements found to be of merit by the LAP Administrator shall be incorporated into updates of this LAP.

M. U.S. Department of Labor, Office of the Solicitor (DOL)

- 1. Bears the expense for the provision of interpreters for government witnesses providing testimony at OSHRC proceedings and the translation of documentary materials being used by the Secretary of Labor’s representatives during OSHRC proceedings.

VIII. PROCEDURES

A. Identification of LEP Contact Situations

OSHRC provides independent administrative hearings and appellate review of contested citations or penalties resulting from OSHA inspections of American workplaces. OSHRC serves two major groups of individuals that may require language assistance: parties and non-party witnesses, and these groups are generally comprised of employers and employees. Potential employee witnesses and, occasionally, small business owners, may have LEP, particularly in certain industries and geographic regions.

All LEP matters concerning a contested case before an ALJ shall be referred to the ALJ assigned to the case. All LEP matters concerning a case that has been docketed but has not yet been assigned to an ALJ shall be referred to the CALJ. Finally, all LEP matters in cases that have not yet been docketed or are pending before the Review Commission shall be referred to the OEXS.¹¹

Agency personnel shall promptly submit to the appropriate LAC a request for approval of LEP services form (See Appendix 2).¹² OSHRC staff are encouraged to review the mapping resources on LEP.gov.

¹¹ The Commission has no obligation to provide LEP services for cases where a final order has been issued. *See* 29 U.S.C. § 660(a) (“Any person adversely affected or aggrieved by an order of the Commission issued under subsection (c) of section 10 may obtain a review of such order in any United States court of appeals for the circuit in which the violation is alleged to have occurred or where the employer has its principal office, or in the Court of Appeals for the District of Columbia Circuit, by filing in such court within sixty days following the issuance of such order a written petition praying that the order be modified or set aside.”).

¹² Completed forms may be submitted to languageaccess@oshrc.gov.

B. Translation of Vital Documents

1. Vital documents in a proceeding before OSHRC

Prior to docketing, if a person with LEP requests translation or interpretation services regarding a case, staff members from the Office of the Executive Secretary, who docket the case, will request the LEP services needed.

While a case is pending before an ALJ, if a person with LEP raises a need for vital documents to be translated, the assigned ALJ shall decide what, if any, documents need to be translated, how they are to be translated, and at whose expense. Examples of case-related documents that an ALJ may consider “vital” include but are not limited to:¹³

- a. Pleadings
- b. Settlement Agreements
- c. Orders to Show Cause
- d. Dispositive motions and related orders
- e. Scheduling Orders
- f. Notices (e.g., Notice of Assignment)
- g. Hearing Exhibits
- h. Decisions
- i. Briefs

Finally, in a case on appeal pending before the Review Commission, Commissioners shall decide and designate what, if any, documents need to be translated, and at whose expense. Examples of case-related documents Commissioners may consider “vital” include but are not limited to:

- a. Motions
- b. Petitions
- c. Exhibits
- d. Notices (e.g., Notice of Direction for Review; Briefing Notices; etc.)
- e. Orders
- f. Briefs
- g. Decisions

2. Agency-wide translations of vital documents for the public

The LAWG shall identify any Agency-wide vital documents that are not case-specific that should be translated, and the LAP Administrator shall arrange for their translation. The translation of any such document for official Agency-wide use will be subjected to a two-tier

¹³ Under most circumstances, materials primarily directed to incorporated entities, attorneys, advocates, architects, police, or other professionals will not be considered “vital” under the LAP. When documents related to litigation matters are translated, ALJs and the Review Commission may wish to consider options for ensuring that the English-language version of the document controls the obligations of the parties.

process of initial translation and independent review. Translated documents will be subject to the quality control measures of ASTM F2575-06, Standard Guide for Quality Assurance in Translation and the Interagency Working Group on Limited English Proficiency's Foreign Language Services Ordering Guide.¹⁴

The LAWG will classify an Agency-wide document as "vital" based on the importance of the information or service involved, and the consequences to persons with LEP if the information in question is not provided accurately or in a timely manner. Agency-wide vital documents are documents primarily geared towards the public and are not case-specific. Examples of public documents that may be considered "vital" include:

- a. Commission Rules of Procedure
- b. Forms or written material related to individual rights
- c. Procedural guides

Subject to the availability of resources, OSHRC will take reasonable steps to translate additional public website content and electronic documents that contain vital information about Agency programs and language assistance services.¹⁵ Translation of web content may include webpages that contain important information intended for the public, such as information about the Agency's mission, information about how to contact ALJs and the Office of the Executive Secretary, and information designed to educate individuals about their rights under the law.¹⁶ Since written translations intended for mass distribution concerning OSHRC do not involve any other agency, it is unnecessary to collaborate with other federal agencies.

¹⁴ The *ASTM F2575-06 Standard Guide for Quality Assurance in Translation* is the American translation-services standard. It provides a framework for customers and translation service providers to develop the specific requirements of a translation project and identifies parameters that should be considered before beginning a translation project. It does *not* provide specific criteria for translation or project quality, as these requirements may be highly individual. The Foreign Language Services Ordering Guide provides more specific guidance and considerations for the procurement of quality translation and interpretation services.

¹⁵ See ¶9B (Maintain Accessibility): Office of Management and Budget; Executive Office of the President, Memorandum for the Heads of Executive Departments and Agencies: Policies for Federal Agency Public Websites (Dec. 17, 2004), https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/memoranda/2005/m05-04.pdf; Appendix 3. The Agency shall also consider using the National Virtual Translation Center to translate documents in instances where any such translation is not expected to cause a need for the translator to testify at a hearing. A complete list of Agency documents that are translated into Spanish is available at: www.oshrc.gov/publications/publications-spanish/.

¹⁶ Decisions regarding the translation of the website and electronic documents should consider the General Services Administration's guidance on multilingual websites available at: www.digital.gov/topics/multilingual/.

C. Outreach and Notice to Agency Personnel and the Public

A copy of the Language Access Plan will be posted in prominent locations throughout the Agency and made available to all OSHRC personnel through the Agency's SharePoint site, under Directives, and to the public via the Agency's website.

D. Language Access Guide and Training

1. Agency staff training on language assistance

All Agency staff will be provided annually with information and training on the implementation of the LAP, the scope of available language assistance services, and the procedures through which such language services resources may be accessed.

2. Where applicable, staff should be trained on:

- a. Identification of persons with LEP and specific language needs.
- b. Identification of persons who are deaf or hard of hearing and their preferred methods of communication.
- c. Language access legal requirements for persons with LEP.
- d. Effective communication legal requirements for persons who are deaf or hard of hearing.
- e. OSHRC language access policies and plans, including how and when to access language assistance services.
- f. Use of plain language.
- g. Best practices for working with interpreters in person, over the telephone, or via virtual meeting platforms.
- h. Best practices for working with translators.
- i. Interpreter ethics.
- j. Cultural competency.
- k. Best practices for tracking the use of language assistance services.
- l. Best practices for providing meaningful language assistance to persons with LEP.
- m. Best practices for effective communication with persons who are deaf or hard of hearing.

IX. APPROVAL

This directive sets forth the policies and procedures for the implementation and administration of the U.S. Occupational Safety and Health Review Commission's Language Access Plan. This directive supersedes OSHRC 25 dated May 1, 2023. It is effective immediately and will be placed in the Master File of Review Commission Directives.

OFFICIAL SEAL:



A handwritten signature in black ink, appearing to read "Cynthia L. Attwood". The signature is written in a cursive style and is positioned above a horizontal line.

Cynthia L. Attwood
Chairman

X. APPENDICES

Appendix 1 - Sample Hearing Script and Oath When Using an Interpreter

Appendix 2 - Sample Notice of, or Request to Arrange for, Approved LEP Services Form

Appendix 3 - List of Translated Agency Documents

Appendix 4 - Language Access Services Process Management

Appendix 1 - Sample Hearing Script and Oath When Using an Interpreter

[JUDGE] We have an interpreter to assist us in these proceedings. At this time, I will administer an oath to the interpreter.

In accordance with Rule 604, Federal Rules of Evidence, do you solemnly swear that you will make a true and impartial translation in this proceeding using your best skills and judgment in accordance with the standards and ethics of the interpreter profession?

[Interpreter response]

Do you also agree that you will not disclose to the public any confidential testimony or material that you become aware of during the course of performing your duties as an interpreter in this case that are ordered sealed by the Judge, or that are the subject of a Judge's protective order, unless otherwise ordered by the Judge?

[Interpreter response]

Please state your name and business address.

[Interpreter response]

Please state your qualifications and experience to serve as an interpreter.

[Interpreter response]

I will now provide each side with an opportunity to *voir dire* the interpreter as to the interpreter's qualifications and neutrality.

[*Voir Dire* of Interpreter by counsel]

Any objection to using [Name of Individual] as an interpreter in this case?

[Counsel response]

Without objection, the Judge finds [Name of Individual] qualified to serve as an interpreter in this case.

[After witness is seated]:

We have an interpreter to assist us through your testimony in these proceedings, and you should be aware of what the interpreter can and cannot do. The interpreter is here to help us communicate during your testimony. The interpreter is not a party to the case, has no interest in the case, and will be completely neutral. The interpreter is not working for either party, their sole responsibility is to enable us to communicate with each other.

The interpreter is not an attorney, a social worker, or an advocate; the interpreter's only job is to interpret what is said during your testimony. If you do not understand the interpreter at any time, please let me know.

Appendix 2 - Notice of, or Request to Arrange for, Approved LEP Services Form (Internal Use Only)¹⁷

Date of [Notice of or Request for] Approved LEP Services:

NAME/DOCKET NUMBER OF CASE:

Name of ALJ or Office Head Approving LEP Services:

Person with LEP's Primary Language:

LEP Services [Provided or Required]:

Time, Place, and Duration of Services [provided or required]:

Special Accommodation Requirements (if any) [provided or required]:

Notice/Request Submitted on behalf of: Judge OEXS OGC Other

Proceeding Type: Hearing Settlement Conference Other

Notifier's or Requestor's Name, telephone number and email address:

Signature of Notifier or Requestor Click to Save & Email

Internal Use Only

Date Notice/Request Received by LAC or Contracting Officer: Action Taken by LAC or Contracting Officer:

¹⁷ Form to be completed and submitted to the Contracting Officer via languageaccess@oshrc.gov only by OSHRC personnel. This document will be available on the Agency's internal SharePoint site as a fillable PDF.

Appendix 3 - List of Translated Agency Documents

The following documents are translated into Spanish and available electronically at: <https://www.oshrc.gov/publications/publications-spanish/>.

1. Rules of Procedure
2. Guide to Review Commission Procedures
3. Employee Guide to Review Commission Procedures
4. Guide to Simplified Procedures
5. OSHRC Electronic Filing Rules
6. OSHRC Instructions for Electronic Filing
7. OSHRC Language Access Plan

FOIA information is available in Spanish at: <https://www.oshrc.gov/foia/submit-foia-request/>.

1. Freedom of Information Act (FOIA) Request Form Instructions
2. FOIA Request Form

Electronic fillable subpoenas are available at:

<https://oshrc.sharepoint.com/sites/judges/SitePages/Home.aspx> (for internal access and use only).

Appendix 4 – Language Access Services Process Management¹⁸

¹⁸ This document will be available on the Agency’s internal SharePoint site as a separate PDF (for internal use only).