

WASHINGTON STATE – UNEMPLOYMENT INSURANCE SPANISH HEARINGS PILOT PROJECT

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Background: In 2021, the Washington (WA) Office of Administrative Hearings (OAH) participated in the Governor’s Agency Design Challenge, “Results WA”, for public sector continuous improvement. Through customer feedback, OAH identified that limited English proficiency (LEP) individuals who participated in legal matters faced communication challenges, such as feeling interrupted instead of heard when communicating through an interpreter. They found the proceedings confusing and often felt the conversations happened about them, rather than with them. To address this challenge and decrease communication barriers, OAH developed a pilot program to hold lower authority appeals hearings in Spanish.

Design and Development: OAH identified a project team made up of several stakeholders throughout OAH, the WA Employment Security Department (ESD) Commissioner’s Review Office, and a state business resource group, Washington Immigrant Network. The project team found that outside of Puerto Rico, there were no other existing U.S. jurisdictions with processes for holding UI administrative hearings in Spanish, so they worked to develop the pilot project approach through three workgroups:

- **Communication:** Develop ideas to reduce language barriers, draft communications, and include necessary stakeholders.
- **Quality:** Identify the Spanish dialects in WA, create an Administrative Law Judge (ALJ) Spanish language proficiency certification process, develop scripts, evaluate ALJ vocabulary through a quality check process, and develop customer surveys.
- **Process:** Document the claimant experience, define what cases to include in the pilot, and create a process for contingencies.



“This pilot supports OAH’s strategic DEI objective of expanding language access. Results indicate improvements in claimants’ participation, access, and understanding of the hearing process when the Administrative Law Judge communicated directly with them in Spanish...”

- CHIEF ADMINISTRATIVE LAW JUDGE, OAH

“I was completely understood by the judge. It was helpful to have the hearing in Spanish. I felt important during the hearing because the judge listened to what I had to say.”

- CLAIMANT QUOTE

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Español

Together, the workgroups and stakeholders developed the project plan and scope to standardize terminology, developed an ALJ certification process and scripts to create consistency, established a process for mock hearings, and identified metrics to measure project success, among other deliverables. OAH leveraged bilingual staff in the call center to assist with the evaluation of the ALJ Spanish proficiency. Additional considerations included:

- Requesting ALJ volunteers for the pilot; none were forced to participate.
- ALJ Spanish hearing scheduling preferences (e.g., mornings) to mitigate language fatigue.
- OAH bandwidth for Spanish hearings based on availability of staff.
- Identifying which types of cases to pilot: single party issues, claimant unrepresented, claimant is LEP where primary language is Spanish, and claimants who opt in to OAH electronic participant portal for communications.

“...the challenge of providing meaningful language access in state courts demands that we continue to modernize, innovate, and keep pace with the evolving demographics of our country.”

- HEAD OF CIVIL RIGHTS DIVISION U.S. DEPARTMENT OF JUSTICE.

OAH Spanish Hearing Process: The OAH Spanish hearing process starts when a determination letter with appeal rights is mailed in both English and Spanish to the claimant and they request an appeal. When the hearing is scheduled, the claimant is mailed a Notice of Hearing with a language access instruction box to indicate if they need an interpreter service. If the claimant elects to use the interpreter service and if they are selected for a Spanish hearing (based on Spanish speaking ALJ bandwidth and if the issue meets the qualifications for a Spanish hearing), they are notified that the hearing will be held in Spanish through an electronic hearing reminder.

During the hearing, the ALJ begins by starting the recording and reading a script explaining that Spanish is not the ALJ's first language and asks if the claimant would prefer interpreter services. As an additional quality measure and to be sure the ALJ and the claimant understand each other, they first have a conversation about unrelated topics like the weather, favorite foods, and pets before swearing the claimant in and discussing the UI issue. Once the hearing is complete, the ALJ writes the order in English and the decision is mailed to the claimant in English with language access instruction should the claimant need the decision translated. Should the claimant appeal to the higher authority, the audio recording from the hearing is interpreted from Spanish to English for the higher authority review by the ESD Commissioner's Review Office.

“I appreciate the support to the Hispanic community. This experience gave me a variety of options and for someone like me that speaks a little English, it helped me express with more assurance and understand without doubt.”

- CLAIMANT QUOTE

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Project Implementation Timeframe: WA OAH developed the Spanish hearing process in one year with strategic milestones throughout that time frame.

- **Month 1:** Determined project feasibility, stakeholders, and developed a project charter outlining objectives and metrics for evaluation.
- **Months 2-4:** Established three internal workgroups, developed value stream maps of language access, and hearing processes.
- **Months 5-6:** Combined three workgroups, evaluated participating ALJ Spanish proficiency, held mock hearings, and made recommendations to leadership.
- **Month 6:** Began holding hearings in Spanish, tracked hearing data, and claimant surveys.
- **Months 7-9:** Focused on reviewing data and quality assurance. Continued data tracking, Spanish hearing process reviews, developed communications and presentations for stakeholders, and incorporated change management strategies.
- **Months 10-11:** Evaluated the data, determined costs savings, time savings, reviewed claimant survey feedback, and shared results with leadership.
- **Month 12:** Final assessment period included memorializing data from the first year with a memorandum and presenting the data to leadership and highest stakeholders, developed a one-pager for communication to external stakeholders, and held a recognition celebration to honor all project members.



Success Metrics: Through Spanish hearings, WA identified the following return on investments:

- **Cost savings:** Money was saved on interpreter costs. Interpreters bill OAH when they show for a hearing, whether the claimant shows up to the hearing or not.
 - WA OAH reported that interpreter service costs are going up, providing additional savings.
- **Time savings:** Hearings were shorter without an interpreter. The time savings included removal of the time it takes to swear in an interpreter, asking qualifying questions if the interpreter is not court certified, and the back-and-forth dialogue that must happen when an interpreter is present. OAH found that Spanish held hearings averaged 44 minutes, resulting in an average 50% reduction in hearing time. For the 142 hearings held during the pilot, this saved about 104 hours of ALJ time.
- **Improved customer experience and equitable access:** Claimants reported positive feedback in a post-hearing survey, such as feeling understood instead of interrupted by an interpreter.

"The Administrative Law Judge (ALJ) heard and understood my reasons. I am very excited and satisfied to receive the decision. I am satisfied because the ALJ heard me. I was able to express what I wanted. Even if the decision does not go my way, I feel satisfied with the hearing."

- CLAIMANT QUOTE

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Success Metrics (Continued):

- Decreased cases appealed to higher authority: OAH has seen a smaller percentage of cases (3%) being appealed to the higher authority in this set of cases compared to the universe of cases (13-18%). This reduction in cases being appealed may be due to claimants reporting (after the hearing) they were more likely to accept the decision because they knew the ALJ considered and understood all the claimant's information.
- Staff satisfaction: Spanish speaking ALJ's found increased satisfaction with being able to conduct the hearings in Spanish, rather than dealing with an interpreter and, as a result of the pilot, are now being compensated for their bilingual skills leading to additional job satisfaction.

"I felt that I was participating because there were points that were covered and information in the documents that I did not understand. The judge was able to help me understand what I could not."

- CLAIMANT QUOTE

Looking ahead: Through the success of this pilot, OAH will seek to add a third Spanish speaking ALJ and has recently implemented a pay differential for this skill. OAH will continue to document lessons learned and outcomes and is available as a resource to other states looking to implement Spanish *hearings*.

For more information on this pilot or to get in contact with WA OAH for more details, please reach out to your USDOL Regional Office.



"When I have to use interpreters, it feels like I do not know who to listen to – the judge or the interpreter. It is so hard to track and to feel understood. That day I was able to express myself and that was a great feeling."

- CLAIMANT QUOTE