

# **LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS**

**State Agency:** NYS Adirondack Park Agency (APA)

**Effective Date of Plan:** April 1, 2015

**Language Access Coordinator (LAC):** Elaine Caldwell

**LAC Phone / E-mail:** (518) 891-4050 / elaine.caldwell@apa.ny.gov

## **PART 1 – INTRODUCTION**

**Pursuant to Executive Order No. 26 (“Statewide Language Access Policy”), we have prepared this Language Access Plan (“Plan”) that sets forth the actions we will take to ensure that persons with limited English proficiency (“LEP”) have meaningful access to agency services, programs, and activities.**

### **Statement of Agency Services to the Public:**

The mission of the Adirondack Park Agency is to protect the public and private resources of the Adirondack Park through the exercise of the powers and duties of the Agency as provided by law. The Adirondack Park Agency was created in 1971 pursuant to Article 27 of the Executive Law (the Adirondack Park Agency Act) as an independent agency in the Executive Department. According to Section 801 thereof, the basic purpose of the Act is "to insure optimum overall conservation, protection, development and use of the unique scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Adirondack park."

The Regulatory Programs Division implements the statutory and regulatory provisions of the APA Act, the Freshwater Wetlands Act, and Wild, Scenic and Recreational Rivers System Act. Staff provides pre-application project guidance and assessment, determines application completeness, applies review standards and prepares permits, variance or denial orders. In 2013, the Regulatory Programs Division received 408 project applications and issued 340 permits. Staff processed 202 pre-application requests. Staff process permit applications by meeting face-to-face with the applicant in the Agency Offices, over the telephone and by making field visits to the actual application site to walk through the property with the applicant or the applicant’s representative.

The Agency’s Planning Division is responsible for local government services, Adirondack Park Land Use and Development Plan Map updates and map amendments, State lands coordination, Park policy, Geographic Information System (GIS), cartographic services and website management. The Local Government Services staff assists individual towns in the Park developing local planning and zoning laws as well as administering Agency-approved local land use programs. Staff attends community meetings, provides written advice, designs training workshops and provides plan and code review. The Planning Division reaches out to the public via the local government program. The LGP staff responded to 537 inquiries from local officials on land use issues and participated in 47 meetings with town officials providing information on Agency jurisdiction and land use law. In

March, Local Government Day attendance exceeded 325 people. Fifty-five Adirondack municipalities and 53 organizations were represented. In addition to general outreach, Agency staff provided a one-hour program on local and park-wide land use regulations. State Land staff work with NYS Department of Environmental Conservation (DEC) to prepare and review Unit Management Plans (UMPs) consistent with the Adirondack Park State Land Master Plan (SLMP); provide guidance and interpretation regarding the SLMP to DEC staff and the Agency's Board; consult with DEC on long-range plans for the future of State lands; review proposed DEC projects on State lands to ensure conformance with the SLMP; and work with the DEC to develop staff proposals for the classification or reclassification of State lands.

The Jurisdictional Inquiry Unit, part of the Legal Division interacts with the public on a daily basis by providing advice to landowners and potential project sponsors regarding Agency jurisdiction, including informal phone advice and written jurisdictional determinations. The Enforcement Unit seeks to resolve violations of the laws the Agency is charged to administer. The Enforcement Unit interacts with the public by telephone, written correspondence and site visits with the potential violator or his/her representative.

The public's first point of contact with the Agency is often a letter or a phone call handled by the Jurisdictional Inquiry Unit. Staff within this Unit provide advice to landowners and others regarding Agency jurisdiction. Staff helps citizens determine if an Agency permit or variance is required for proposed land use and development or the subdivision of land within the Park. Determinations often require a full deed history and other legal and factual research. This is the Agency's initial and most common point of contact with the public; hence, a high priority is placed on prompt responses.

The Resource Analysis and Scientific Services (RASS) Division provides scientific and technical analysis supporting all Agency transactions. The Agency's scientists provide expertise on engineering, soils analysis, forestry, invasive species, wildlife habitat, wetlands and other aquatic systems. Staff performs valuable field services including wetland delineations, mean high water mark determinations, structure height determinations, deep-hole test pit (DHTP) determinations, on-site waste water treatment (OSWT) system review and storm-water management analysis.

**In developing this plan, we have understood LEP individuals to be persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. We will reassess language needs periodically as needed, but at least every two years starting from the effective date of this plan.**

## **PART 2 – ASSESSING LEP POPULATION LANGUAGE NEEDS**

**The estimated total number of individuals in our service area is:** approximately 135,000 or less than 200,000 landowners within the six million acre Adirondack Park.

**The top six languages spoken by LEP individuals that our agency serves or could potentially serve are as follows:**

<b>Language</b>	<b>Estimated Number of LEP Individuals Who Speak this Language</b>
Spanish	1,230,302
Chinese	329,482
Russian	130,961
Italian	65,243
Korean	64,426
French (Haitian) Creole	64,046

Source: U.S. Census Bureau, 2008-2012 American Community Survey

**We use the following resources to determine the top six languages spoken by LEP individuals:**

- U.S. Census data (including American Community Survey data)
- Agency data on client contacts
- School system data
- Information from community organizations that serve LEP individuals

**Names of organizations:**

- Information from other government agencies

**Names of agencies:**

- Other (describe)

**We have determined the frequency of our contacts with LEP individuals as follows:**

The Agency utilizes the interpreting and translation vendors as a means to determine the frequency of contacts with LEP individuals. In addition, staff provides the Language Access Coordinator (LAC) with a monthly report regarding LEP encounters to determine the number of LEP individuals that had contact with Agency staff.

**PART 3 – PUBLIC OUTREACH AND NOTICE OF AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES**

**We inform LEP individuals, in the languages indicated in the chart in Part 2 of this plan, about their right to free language assistance services by using the following measures:**

- LEP individuals are informed directly by our staff

**In what ways?** Staff informs LEP individuals orally using an interpreter about their right to free language assistance services. There is also an “I Speak” poster in our common area to assist staff in identifying the language needed and simultaneously informs the LEP individual that an interpreter will be provided.

- Brochures or flyers about language assistance services

- In public areas of the agency

- Elsewhere in the agency's service areas

- Signs posted about language assistance services

- In public areas of the agency

- Elsewhere in the agency's service areas

- Outreach and presentations at schools, faith-based groups, and other community organizations

**What are the LEP populations targeted?**

- Local, non-English language media directed at LEP individuals in their languages

- Telephonic voice menu providing information in non-English languages

**In which languages:**

- Other (describe)

**PART 4 – PROVISION OF LANGUAGE ASSISTANCE SERVICES**

**We use the following resources to determine when an individual is LEP, and what the individual’s primary language is, when the encounter is *in person*:**

- "I Speak" posters or visual aids

- Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available

- Other (describe)

**We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *by telephone*:**

- Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available
  
- Telephonic interpreting service
  
- Other (describe)

**We record and maintain documentation of each LEP individual's language assistance needs as follows:**

A log is maintained by the LAC. The log contains information on the frequency and use of the vendors under contract for both interpreting and translation services, as reported to the LAC by staff members.

#### **A. Oral Interpreting Services**

**Our protocol(s) for assessing whether an LEP individual needs oral interpreting services is as follows:**

**For in-person encounters:** The Agency utilizes the "I Speak" poster to assist staff in identifying the language needed and provide oral interpreting services via the contracted vendor's interpreter.

**By telephone:** The receptionist provides the LEP individual with information using the contracted vendor's interpreter.

**At initial contact in the field:** The Agency will make contact with all individuals prior to a site visit to determine if any language assistance is required. In addition, staff will carry "I Speak" palm cards and utilize a cell phone to access interpreting services when in the field, if cell phone service is available.

**For pre-planned appointments with LEP individuals:** Individual language needs will be determined prior to the first meeting with an individual seeking a meeting/site visit with our Agency. Staff will carry "I Speak" palm cards and utilize a cell phone to access interpreting services in the field, if cell phone service is available.

**Other (describe):**

**Our protocol(s) for informing LEP individuals that they do not need to provide their own interpreters and that free interpreting services will be provided is as follows:**

**For in-person encounters:** The Agency utilizes the “I Speak” poster to inform the public that they do not need to provide their own interpreters and that free interpreting services will be provided.

**By telephone:** The receptionist provides the LEP individual with information using the contracted vendor’s interpreter.

**At initial contact in the field:** The Agency will make contact with all individuals prior to a site visit to determine if any language assistance is required. In addition, staff will carry “I Speak” palm cards with them to each site visit that will inform the individual of free interpreting services.

**For pre-planned appointments with LEP individuals:** Individual LEP needs will be determined prior to the first meeting with an individual seeking a meeting/site visit with our Agency. Staff will carry “I Speak” palm cards and utilize a cell phone to access interpreting services in the field, if cell phone coverage is available.

**Other (describe):**

**If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocol(s) for determining whether to accept or decline such an arrangement is as follows:**

LEP individuals that come in contact with the agency will be informed of the availability of free interpreting services. Generally, an LEP individual may not use a family member, friend, or a minor as an interpreter. However, during emergencies, a LEP individual will be permitted to use a minor, a family member or friend as an interpreter. Upon request, a LEP individual may also be permitted to use a minor, a family member or friend as an interpreter for routine matters, such as asking the location of the office, hours of operation or rescheduling an appointment. Where the interaction with the LEP individual occurs at the agency’s office, and an individual is permitted to use an interpreter of his or her choosing, he or she must fill out a written consent/waiver form.

Where an LEP individual is engaged in official business with the agency, the agency will provide an independent interpreter at all times. An LEP individual will not be permitted to use an independent interpreter of his or her choosing when filling out applications or when involved in other legal matters.

**Our protocol(s) for obtaining interpreter services in a timely manner is as follows:**

Staff members will immediately notify the LEP individual of free interpreting services and arrange for interpreter services in a timely manner. All staff members who have contact with the public have a palm card or an information sheet that explains how to connect to the telephonic interpreting service.

**We record and maintain documentation of oral interpreting services provided to LEP individuals at each encounter as follows:**

The Agency utilizes a spreadsheet by all Agency staff that tracks the individual's language, the services requested and the response to the request for services by the Agency. Each encounter, when completed, is forwarded to the LAC.

**Competency and confidentiality**

**The linguistic and cultural competence of interpreters is addressed as follows:**

Where the agency utilizes independent interpreting services, that vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent.

**The issue of confidentiality pertaining to the use of interpreters is addressed as follows:**

The training provided to staff will address the importance of confidentiality. Furthermore, independent interpreters will enforce standards of confidentiality in accordance with NYS Law.

**Maintaining a list of oral interpreting resources**

**We use, or have available for oral interpreting, the following resources:**

- Bilingual staff members who work directly with LEP individuals

**Number of staff and languages spoken:**

- Bilingual staff members who provide oral interpreting when necessary

**Number of staff and languages spoken:**

- Telephonic interpreting service

**Names of vendors:** Language Line Solutions, Inc. and potentially any other vendor under the OGS Statewide Administrative Services Contract.

- Contracts or other arrangements with community organizations or individuals for oral interpreting services

**Names of individuals/organizations and languages:**

- Other (describe)

**The agency's Language Access Coordinator maintains the list of oral interpreting resources that are available to staff, which includes:**

- Names and contact information for all resources
- Names and locations of staff members who are available to act as interpreters or provide services directly in the LEP individual's primary language
- Languages in which each interpreter or service is qualified
- Procedure for accessing each interpreter or service

**We inform all staff members who have contact with the public how to obtain oral interpreting services as follows:**

The Agency has provided training to all staff on how to assist LEP individuals. All staff members who have contact with the public have a palm card or an information sheet that explains how to connect to the telephonic interpreting service.

### **B. Translations of Written Documents**

**The process to determine and reassess, at least every two years starting from the effective date of this plan, those vital documents (including website content) which must be translated is as follows:**

The Agency's executive staff reviews each new document, as it is developed, to determine if the document is "vital" and therefore needs to be translated. The Agency only considers vital documents for translation. The Agency has translated its single vital document, the "Citizens Guide", into all six languages listed in Part 2 of this Plan.

**The process to timely translate documents that LEP individuals submit in their primary languages is as follows:**

All documents in need of translation will be sent to the selected vendor in a timely manner.

**The process for ensuring that documents are written in plain language before they are translated into other languages is as follows:**

The Agency utilizes its public information staff to review and put vital documents into plain language. The Agency will ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.

**The following documents are currently translated by the agency in the languages indicated:**

Currently, the Agency has determined the “Citizens’ Guide” to be the only vital document. It has been translated in the top six languages. In the future, any other documents deemed vital will be submitted for translation within a reasonable timeframe.

**The process for ensuring that translations are accurate and incorporate commonly used words is as follows:**

The Agency, through its vendor (where applicable), will ensure that proofing/editing for correctness and cultural sensitivity are a component of the translation services provided by any vendor under contract as part of the publication process. The Agency will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.

**We use, or have available for translating, the following resources:**

- Contracts with language service vendors

**Names of vendors:** Language Line Solutions, Inc. and potentially any other vendor under the OGS Statewide Administrative Services Contract.

- Contracts or other arrangements with community organizations or individuals for oral interpreting services

**Names of individuals/organizations and languages:**

- Oral translations of written documents by bilingual staff members
- Oral translations of written documents by other individuals or community organizations
- Other (describe)

**The agency’s Language Access Coordinator maintains the list of written translation resources that are available to staff, which includes:**

- Names and contact information for all resources
- Names and locations of staff members who are available to provide oral translations of written documents
- Languages in which each translation service is qualified
- Procedure for accessing each translation service

## **PART 5 – STAFF TRAINING**

**The person(s) in the agency who is responsible for the provision of training to staff in language access issues is:** the LAC.

**The staff training includes the following components:**

- The legal obligations to provide meaningful access to benefits and services to LEP individuals
- How to access language assistance services
- How to work with interpreters
- Cultural competence and cultural sensitivity
- Documenting the language needs of LEP individuals and the language services provided to them by the agency
- How to obtain written translation services

**The methods and frequency of training are as follows:**

Mandatory language access training is given to all staff annually via the Statewide Learning Management System. Refresher training will be provided as necessary.

## **PART 6 – ADMINISTRATION**

### **Monitoring**

**To ensure compliance with the Plan, the LAC will monitor its implementation as follows:**

The Agency's LAC checks the utilization of the interpreting and translation vendors on a weekly basis. The LAC meets on a monthly basis with all support staff that provide coverage for the reception area (which includes switchboard and walk-ins) and meets on a monthly basis with managers of each business unit to determine requests for language assistance services and arrangements made within each unit.

### **Complaints**

**We provide information to the public, including to LEP individuals in languages regularly encountered in this service area, advising them of the right to file a complaint if they feel that**

they have been the subject of discrimination. The information we provide describes how and/or where to file a complaint. We do not retaliate or take other adverse action because an individual has filed a complaint alleging discrimination based on LEP status or needs.

We display information on the right to file a complaint, and the procedures to file a complaint, in the following manner:

The standardized complaint forms are available to the public upon request in all six languages at our offices and through our website. Additionally, information on the right to file a complaint is posted in areas where it is easily seen by the public in the top six languages.

We handle complaints made to the agency regarding the provision of language assistance services in the following manner:

The Agency posts and provides the complaint form and complaint form procedure in public areas of the Agency. The complaint form must be completed by the LEP individual or his/her representative. Once the form is completed, it is provided to the Agency's LAC for review and to obtain additional information, if necessary. The completed form, any additional information collected by the LAC, and a recommended response to the LEP individual are provided to the Agency's Executive Director. The Executive Director will then review the packet and issue a written response to the LEP individual in a timely manner.

**PART 7 – SIGNATURES**

<i>Leilani Crafto Ulrich</i>	<i>Chair</i>	<i>3-11-15</i>
Head of Agency	Title	Date
<i>Elaine Caldwell</i>	<i>Adm. Officer</i>	<i>3/11/15</i>
Agency LAC	Title	Date
<i>Garrett L. Gately</i>		<i>3/4/15</i>
Deputy Secretary for Civil Rights		Date