

# **LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS**

**State Agency:** NYS Department of Agriculture & Markets

**Effective Date of Plan:** 5/30/2017

**Language Access Coordinator (LAC):** Mark Vanderpoel

**LAC Phone / E-mail:** (518) 457-3216/ mark.vanderpoel@agriculture.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 limited English proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.**

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

The Department of Agriculture and Markets is dedicated to ensuring the continued success of New York State agriculture. The Department, as a regulatory agency, has contact with individuals, businesses and organizations for regulatory enforcement, inspections, reporting, penalties, applications, licensing, permitting, renewals and certifications.

The Division of Agricultural Development works to protect and strengthen the viability of New York’s food and agricultural industry by overseeing numerous economic developments and marketing responsibilities.

The Division of Animal Industry helps control and eradicate infectious and contagious livestock and poultry diseases in New York State, and implements food safety measures at the production level.

The NYS Food Laboratory provides extensive and essential food safety and consumer protection services by testing foods for purity, wholesomeness and accurate labeling.

The Division of Food Safety and Inspection works to ensure a safe and properly labeled food supply and contributes to the orderly marketing of food and farm products in New York State.

The Division of Kosher Law Enforcement ensures that kosher food is properly processed, manufactured, sold, advertised or otherwise represented as kosher to insure proper labeling of products.

The Division of Milk Control and Dairy Services regulates the State’s dairy industry, protecting the public health and welfare while promoting an economic marketing environment that allows all segments of the dairy industry to prosper.

The Division of Plant Industry protects against the introduction of invasive plant species and facilitates the marketability of New York agricultural products within the State and for export purposes.

The Division of Land and Water Resources implements programs to protect New York’s water resources from nonpoint source pollution through technical assistance, grant administration and assistance to county soil and water conservation districts.

The Division of Weights and Measures helps assure measurement accuracy and uniformity in commerce throughout New York State in accordance with Article 16 of the Agriculture and Markets Law.

The Division of the State Fair hosts the annual 12-day NYS Fair as well as numerous other events throughout the year.

**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:** The Department of Agriculture and Markets is a regulatory agency that regulates over 60,000 businesses and individuals. The Department oversees the NYS Fair which attracts 900,000+ visitors over a 12-day period each year

**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	1,240,490
Chinese	350,976
Russian	130,296
Haitian Creole	68,509
Korean	61,833
Italian	58,200

Source: U.S. Census Bureau, 2010-2014 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
- Agency data on client contacts
- School system data



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

**What are the LEP populations targeted?** The "I speak" tool is used when any event or outreach is conducted. No specific population is 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:** [Click here to enter text.](#)

- Other (describe) The Department website includes information about Language Access.

#### **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 Program/inspection staff make those determinations based on experience, with the assistance of bilingual staff members where available or through contracted interpretation 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 *by telephone*:**

- Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available
- Telephonic interpreting service
- Other Program/inspection staff makes those determinations based on experience, with the assistance of bilingual staff members where available or through contracted interpretation services.

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

The Department of Agriculture and Markets tracks assistance for LEP individuals through the selected interpreting/translation vendor.

## **A. Oral Interpreting Services**

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

**For in-person encounters:** If the person cannot speak English, staff will use an “I Speak” card. Staff will then contact the NYS Office of General Services (OGS) contracted telephonic interpreting vendor for assistance. Staff may also ask for a bilingual staff member to assist with interpretation if available.

**By telephone:** If the person cannot speak English, staff will contact the NYS OGS contracted telephonic interpreting vendor for assistance. Staff may also ask for a bilingual staff member to assist with interpretation if available.

**At initial contact in the field:** If the person cannot speak English, staff will use an “I Speak” card. Staff will then contact the NYS OGS contracted telephonic interpreting vendor for assistance. Staff may also ask for a bilingual staff member to assist with interpretation if available.

**For pre-planned appointments with LEP individuals:** If the person requesting an appointment does not speak English, staff will contact the NYS OGS contracted telephonic interpreting vendor for assistance. Staff may also ask for a bilingual staff member to assist with interpretation if 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:** If the person cannot speak English, staff will use an “I Speak” card advising interpreting services are provided free of charge. Staff will then contact the NYS OGS contracted telephonic interpreting vendor for assistance. Staff may also ask for a bilingual staff member to assist with interpretation if available. I Speak posters are posted in all Department office buildings.

**By telephone:** If the person cannot speak English, staff will contact the NYS OGS contracted telephonic interpreting vendor for assistance and will inform the LEP individual that interpreting services are provided free of charge. Staff may also ask for a bilingual staff member to assist with interpretation if available.

**At initial contact in the field:** If the person cannot speak English, staff will use an “I Speak” card advising interpreting services are provided free of charge. Staff will then contact the NYS OGS contracted telephonic interpreting vendor for assistance. Staff may also ask for a bilingual staff member to assist with interpretation if available. I Speak signs are posted in all Department office buildings.

**For pre-planned appointments with LEP individuals:** If the person requesting an appointment does not speak English, staff will contact NYS OGS contracted

telephonic interpreting vendor for assistance and will inform the LEP individual that interpreting services are provided free of charge. Staff may also ask for a bilingual staff member to assist with interpretation if 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 into contact with our 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** an LEP individual will be permitted to use a minor, a family member or friend as an interpreter. Upon request, an 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:**

Employees are trained in connecting to a telephonic interpreter line and those employees assigned to field positions will carry with them a palm card that provides the telephone number of the interpreting service and the Division's account number. All staff members are also provided with a list of Department employees and the language(s) they fluently speak.

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

The Language Access Coordinator tracks encounters via the monthly billing of the contracted vendor for interpretation services.

**Competency and confidentiality**

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

On a case-by-case basis, the Department uses multilingual staff volunteers who are self-assessed in their own language competency. Where the Department 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 addresses 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:** We have five positions that have been designated with a Spanish parenthesis, which includes four Food Inspector 1s and one Dairy Products Specialist 1. All five are assigned to New York City.

- Bilingual staff members who provide oral interpreting when necessary

**Number of staff and languages spoken:** The Department employs 53 employees who fluently speak a language other than English. These include: 23 employees who speak Spanish; nine who speak Russian; five who speak Chinese dialects; four who speak Bengali; three who speak African dialects; two who speak Arabic; two who speak Indo-Aryan; two who speak Hindi; one who speaks Hebrew; one who speaks Yiddish; one who speaks French; one who speaks Greek; one who speaks Ibo; one who speaks Japanese; one who speaks Wolof; one who speaks Urdu; and one who speaks Malayalam.

- Telephonic interpreting service

**Names of vendors:** Any vendor under the NYS OGS Statewide Administrative Services Contract.

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

**Names of individuals/organizations and languages:** [Click here to enter text.](#)

- Other [Click here to enter text.](#)

**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:**

All Department employees are trained and provided with proper procedures they should follow when encountering an individual who does not speak English as his/her primary language and has a limited ability to read, speak, write or understand English.

**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 Language Access Coordinator meet with Division Directors on a yearly basis to review all Department documents and assess those determined to be a vital document. All important documents sent to establishments will include a notice written in Spanish, Chinese, Russian, Italian, Haitian Creole and Korean advising of free translation/interpretation services. Based on the feedback from Division Directors, assessments will be made annually where translations may be required and those documents will be prioritized.

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

For documents submitted in another language, the Department will submit the document to our contracted translation vendor or, if possible, have a Department employee who is fluent in that particular language, translate the document.

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

Department documents are reviewed by Division program staff before being translated. The Department will ensure that documents can be clearly and easily understood by the public.

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

Form #	Name	Top Six Languages					
		Spanish	Chinese	Russian	Haitian Creole	Korean	Italian
N/A	Milk Receivers Exam	✓	✓	✓	✓	✓	✓

FSI-865	Seizure Notice	✓	✓	✓	✓	✓	✓
N/A	Asian Long horned Beetle (ALB) Homeowner notifications (letter)	✓	✓	✓	✓	✓	✓
N/A	Landscaper Guides	✓	✓	✓	✓	✓	✓
N/A	ALB Fact Sheets	✓	✓	✓	✓	✓	✓
AI-328	Division of Animal Industry (pertaining to NYCRR TITLE 1A, Chapter II, Part 52) Diseases of Domestic Animals	✓	✓	✓	✓	✓	✓

Any additional documents determined to be vital during the course of this plan will be timely translated.

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

The Department, 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 Department 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:** Any vendor under the NYS OGS Statewide Administrative Services Contract.

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

**Names of individuals/organizations and languages:** [Click here to enter text.](#)

- Oral translations of written documents by bilingual staff members
- Oral translations of written documents by other individuals or community organizations
- Other [Click here to enter text.](#)

**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:** Mark Vanderpoel, Director of Human Resources.

**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:**

Annual mandatory training for all Department employees includes the legal obligations; how to access language assistance services; how to work with interpreters; cultural competence and cultural sensitivity; documenting the language needs of limited English proficient individuals; and how to obtain written translation services. New employees will receive information and instructions at the time of employment processing.

**PART 6 – ADMINISTRATION**

**Monitoring**

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

The LAC annually reviews collected data, availability of translated materials, and proper posting of signage to ensure compliance with the Plan. Forms are reviewed on an ongoing basis to determine whether they are vital documents. The LAC holds meetings with Division Directors to discuss language services and whether current services are meeting the needs of LEP individuals pursuant to the Executive Order.

**Complaints**

**We provide information to the public in at least the top six languages, 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 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:**

All complaints received by Department personnel and the public are forwarded to the Agency Language Access Coordinator, Mark Vanderpoel, for review and resolution.

All complaints must be timely forwarded to the Statewide Language Access Coordinator.

PART 7 - SIGNATURES

Richard A. Bell Commissioner 4/24/17  
Head of Agency Title Date

Mary Vanezal Director H.R. 4-19-17  
Agency LAC Title Date

Norma Ramos 5/25/17  
Deputy Secretary for Civil Rights Date