

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: NYS Department of Agriculture and Markets

Effective Date of Plan: 5/30/2019

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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 a regulatory agency and 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 development programs 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 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 non-point 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 13-day NYS Fair as well as numerous other events throughout the year, hosting 2.3 million visitors last 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: Approximately 19,798,228, the New York State population in 2017.

The Department of Agriculture and Markets is a regulatory agency regulating over 60,000 businesses and individuals. The Department oversees the NYS Fair which attracts over 900,000 visitors over a 13-day period each year.

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

Language	Estimated Number of LEP Individuals Who Speak this Language
Spanish	1,249,541
Chinese	386,290
Russian	122,150
Haitian Creole	63,615
Bengali	62,219
Korean	60,405

Source: U.S. Census Bureau, 2013-2017 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

- Information from community organizations that serve LEP individuals

Names of organizations: Click here to enter text.

- Information from other government agencies

Names of agencies: Click here to enter text.

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

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

The Language Access Coordinator tracks LEP individuals' contacts and requests through the language interpretation/translation service contracted vendor.

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 use the "I Speak" tool whenever necessary.

- 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

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) Click here to enter text.

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
- 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*:

- Telephonic interpreting service
- 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 record and maintain documentation of each LEP individual’s language assistance needs as follows:

At the request of the Language Access Coordinator, reports are provided by 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 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 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 cannot speak English, staff will use an "I Speak" card. Staff will then contact OGS contracted telephonic interpreting vendor for assistance. Staff may also ask for a bilingual staff member to assist with interpretation if available.

Other (describe): Click here to enter text.

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 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 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 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 cannot speak English, staff will use an "I Speak" card advising interpreting services are provided free of charge. Staff will then contact OGS contracted telephonic interpreting vendor for assistance. Staff may also ask for a bilingual staff member to assist with interpretation if available.

Other (describe): Click here to enter text.

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 encounter 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 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 to use the interpreter/translation vendor as necessary. Employees assigned to field positions carry with them a palm card that provides the telephone number of the interpreting service and the Division's account number. Vendor information is also placed on a shared drive for employees' use. Employees may also print vendor resource materials for easy access.

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

The LAC tracks all interpreting/translation services and encounters via vendor reports.

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 the vendor will implement quality assurance standards to guarantee 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 1 and one Dairy Products Specialist 1.

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: We have 33 employees who fluently speak a language other than English. These include: 14 who speak Spanish, and 9 who speak

Russian. The remaining staff also speak one or more of the following languages: Bengali, Greek, Hindi, Marathi, Hungarian, Ukrainian, Japanese, Malayalam, Serbian, Sinhalese, and Turkish.

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 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 meets 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 includes a notice written in Spanish, Chinese, Russian, Bengali, 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 documents to our contracted translation vendor.

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 table contains a non-exhaustive list of translated documents by the agency in the languages indicated:

Form #	Name	Top Six Languages						Other Languages
		Spanish	Chinese	Russian	Haitian Creole	Korean	Bengali	
FSI - 890	Notice of Inspection	✓	✓	✓	✓	✓	✓	Italian
N/A	Milk Receivers Exam	✓	✓	✓	✓	✓	✓	Italian
N/A	Asian Long-horned Beetle (ALB) Homeowner notifications (letter)	✓	✓	✓	✓	✓	✓	Italian
	Landscaper Guides	✓	✓	✓	✓	✓	✓	Italian
	ALB Fact Sheets	✓	✓	✓	✓	✓	✓	Italian
AI-328	Division of Animal Industry	✓	✓	✓	✓	✓	✓	Italian

	(pertaining to NYCRR TITLE 1A, Chapter II, Part 52) Diseases of Domestic Animals							
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Any 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 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:

The Governor’s Office of Employee Relations annual mandatory training taken by 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 annual basis to determine whether they are vital documents. The LAC holds meetings with Division Directors to discuss

