

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: Department of Civil Service

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 New York State Department of Civil Service has two main functions: administration of the merit system and administration of the New York State Health Insurance Plan (NYSHIP) and related benefits. Services related to the administration of NYSHIP are provided to state agencies, participating agencies and employers and their employees, retirees, and their dependents. In administering the merit system, the Department provides services to state agencies and local governments and state employees. The public accesses Department services when seeking information on employment opportunities in New York State government and as candidates for competitive Civil Service examinations. In addition, the State employees, local government employees, retirees and their families enrolled in the NYSHIP program communicate with the Department regarding their benefits.

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 NYS population in 2017.

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:

- Information from other government agencies

Names of agencies:

- Other

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

An average of 30 individuals each year request interpreting services when contacting our Employee Benefits Call Center. Historically, over 80% of those individuals required interpretation to Spanish.

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? When individuals self-identify as in need of service, staff informs them that free language service is available. The vendor utilized will perform additional assessment as needed ensuring that LEP individuals understand that they do not need to provide their own interpreters and that the service is free of charge.

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?

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

Telephonic voice menu providing information in non-English languages

In which languages: Spanish and an additional prompt for all other languages.

Other (describe) The State has Health Benefit Administrators (HBAs) in each agency to provide information and support to State employees and retirees relative to health benefits. HBAs are equipped with "I Speak" cards and posters that are utilized to inform enrollees and other personnel about the availability of language assistance service. In addition, the Empire Plan and Health Maintenance Organizations' reports distributed to benefit recipients, contain information about the availability of language assistance services.

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 Individuals make a request for language assistance services when contacting the Employees Benefits Division (EBD) Call Center or when calling the Department's general number.

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 Individuals make a request for language assistance services when contacting the EBD Call Center or when calling the Department's general number.

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

Vendors track interpreting and translation use. Records received from vendors are then archived internally.

A. Oral Interpreting Services

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

For in-person encounters: N/A

By telephone: The Department responds to individual requests for language assistance services based on self-identification by the caller.

At initial contact in the field: N/A

For pre-planned appointments with LEP individuals: N/A

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: N/A

By telephone: Upon self-identification by the caller, the Department offers language assistance services. LEP individuals are informed through the NYS OGS approved vendor that they do not need to provide their own interpreters and that the service is free of charge.

At initial contact in the field: N/A

For pre-planned appointments with LEP individuals: N/A

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 are 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:

Once aware that an individual needs language assistance, the Department staff takes action to provide interpreting services through the use of the telephonic interpreting services.

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

Vendors utilized track call statistics. In addition, the Language Access Coordinator tracks calls for annual reporting purposes.

Competency and confidentiality

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

Where the Department utilizes independent interpreting services, that vendor has implemented 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:

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken:

- Telephonic interpreting service

Names of vendors: Any vendor under the NYS Office of General Services (OGS) statewide contract.

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

Names of individuals/organizations and languages:

- Other

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 staff and HBAs have been provided with instructions on how to access the NYS OGS approved telephonic interpreting vendor services. The information is also available on the Department's intranet and the EBD's public website for HBAs and staff.

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:

There are currently no vital documents requiring translation. However, the LAC will review the Department's publications at least once every two years to determine if any such publication is a vital document that must be translated.

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

Documents received from an LEP individual in his or her native language are reviewed by staff and submitted for translation in consultation with the staff's supervisor. Documents are forwarded within a reasonable timeframe.

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

The agency Language Access Coordinator and staff will review vital documents to ensure they are written in plain language before they are translated into other languages.

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

There are currently no vital documents requiring translation. 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:

DCS, through its vendor, 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. DVA will also ensure that plain language is used in materials produced before translation to ensure information is accessible.

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 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

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: Jeffrey Doring, Training Coordinator and Samuel Carey, Language Access Coordinator.

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:

Current Department employees take the Governor’s Office of Employee Relations (GOER) mandatory annual training, with refreshers provided as needed. New employees will receive handouts and/or trainings as part of their orientations.

PART 6 – ADMINISTRATION

Monitoring

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

The LAC will verify on an annual basis that the Plan is being followed. This will include verifying that information on accessing language services is available online and ensuring that staff participates in training appropriately.

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:

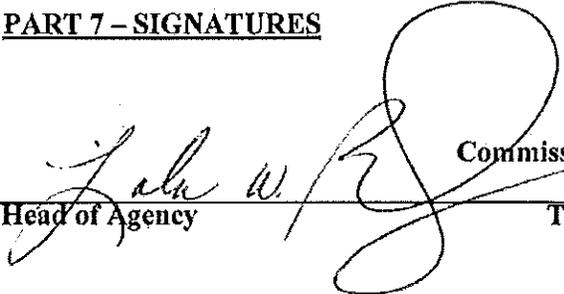
The Department's website includes language access links in the top six languages below as a standard footer. The links direct users to a page containing information relative to the availability of interpreter services (<http://www.cs.ny.gov/home/languageaccess.cfm>). It also provides links to a translated standard complaint form that can be filled out and sent to the Department if the constituent is not satisfied with services received. The information and complaint form is available in the top six languages.

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

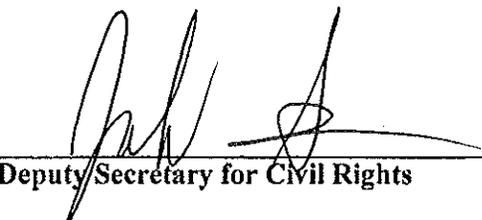
Civil Service provides a form for the intake of complaints to standardize the information received. The form is then sent to the LAC for review and resolution.

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

PART 7 – SIGNATURES

	Commissioner	5/10/2019
Head of Agency	Title	Date

	Director of Strategic Planning	5/10/2019
Agency LAC	Title	Date

		5/30/19
Deputy Secretary for Civil Rights		Date