

LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: Department of Environmental Conservation

Effective Date of Plan: April 1, 2015

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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 persons with limited English proficiency (“LEP”) have meaningful access to agency services, programs, and activities.

Statement of Agency Services to the Public:

The Department of Environmental Conservation's (“the Department”) mission is to conserve, improve and protect New York's natural resources and environment and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the State and their overall economic and social well-being.

The Department is organized into twenty program areas and nine regional offices which manage natural resource conservation and stewardship; environmental quality monitoring, enforcement and remediation; and, promotion of outdoor recreation through public access to State lands, campgrounds and education facilities and through the sale of hunting and/or fishing licenses statewide. Additionally, the Department performs regulatory, permitting and enforcement functions that generally include public involvement, such as environmental reviews required under SEQRA, and, in some cases, administrative hearings. The Department also conducts public education and outreach programs, including engaging environmental justice communities, in respect to cleanups of contaminated sites.

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: potentially, all of New York State.

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	1,230,302
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:

- NYS Governor's Office
- NYS Department of Labor
- NYS Department of Criminal Justice Services
- NYS Education Department
- NYS Office of Children and Family Services
- NYS Department of Health

- Other (describe)

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

Staff maintains a record of encounters with LEP individuals. These records are available as needed. The Department has conducted other informal surveys of programs. A review of requests for interpretation assistance and/or translation of specific documents are also conducted.

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?

- “I SPEAK” posters displayed in public areas of the Department’s operated buildings and campgrounds, at events, and public meetings contain information regarding the availability of free language assistance;
- All staff are provided a “Quick Reference Guide” to access an interpreter and verbally inform the public of free language assistance; and
- All vehicles have a “Quick Reference Guide” in the glove compartment so that staff on the field can access an interpreter and verbally inform the public of free language assistance.

- 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? Spanish, Chinese, Korean, Italian, French (Haitian) Creole, Russian, and other languages upon request.

- 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) In accordance with the Department's Environmental Justice and Permitting Policy (Commissioner's Policy #29), the Department conducts outreach events to LEP permit applicants using oral interpreting services and translated public notices. The locations of these events are determined based on an assessment of affected communities across the state.

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) Staff who interact with the public use palm cards to identify an LEP individual's primary language (e.g., Environmental Conservation Officers and Forest Rangers).

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:

Monitoring and reporting system that tracks interactions with LEP individuals based on type of program requested and/or activities held and, review of requests for interpretation assistance and/or translation of specific documents.

A. Oral Interpreting Services

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

For in-person encounters: Staff assesses the ability of individuals to communicate in English and, when appropriate, direct persons to “I SPEAK” posters or use palm cards to facilitate access to telephonic interpreting services.

By telephone: Staff assesses ability of individuals to communicate in English and, when appropriate, use a telephonic interpreting service.

At initial contact in the field: Staff assesses ability of individuals to communicate in English and, when necessary, use palm cards to facilitate access to telephonic interpreting services.

For pre-planned appointments with LEP individuals: Staff assesses ability of individuals to communicate in English and, where appropriate, confirmation of appointments will include an insert (or email text) stating interpreting services are available upon request.

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: Staff assesses the ability of individuals to communicate in English and, when appropriate, direct persons to “I SPEAK” posters that inform the public of free interpreting services or use palm cards to facilitate access to telephonic interpretation services and verbally inform them of free interpreting services.

By telephone: Staff assesses the ability of individuals to communicate in English and, when appropriate, use a telephonic interpreting service to verbally inform callers of free interpreting services.

At initial contact in the field: Staff assesses the ability of individuals to communicate in English and, when necessary, use palm cards to facilitate access to telephonic interpreting services to verbally inform callers of free interpreting services.

For pre-planned appointments with LEP individuals: Staff assesses ability of individuals to communicate in English and, where appropriate, confirmation of appointments will include an insert (or email text) stating interpreting services are available upon request.

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:

The Department's staff is trained to connect to the selected interpreting vendor in a timely manner. Upon request by an LEP individual or determination by staff of the need for interpreting services, staff may contact "staff interpreters" and service provider(s) selected through OGS procurement. All staff have been provided guidance and/or palm cards with instructions on how to access interpreting services.

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

The Department has a reporting system for all programs to report encounters with LEP individuals. The telephonic interpreting service provider also provides the Department with an ongoing summary of frequency of use, type of interpreter service provided and usage costs.

Competency and confidentiality

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

The Department's Office of Affirmative Action has established procedures for assessment of volunteer staff interpreters. 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:

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: The Department has approximately 25 staff in total in regional and central offices that are proficient in over 50 languages.

- 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:

Information on how to obtain oral interpreting services is provided through annual language access training to all staff. Training materials are available in our internal website.

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 Department has reviewed its published documents and determined that currently there are no “vital” documents. However, the Department will review documents published, at least every two years, to determine if the documents are “vital” and must therefore be translated. Any documents later identified as “vital” will be translated within a reasonable time to the languages identified in part 2.

The Language Access Coordinator manages the tracking system for requested documents by specific language/frequency to determine which would be (1) appropriate for posting on website; and, (2) retained in the central archive for subsequent use.

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 Department has a Plain Language workgroup in place that reviews documents prior to translation. The Department 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:

The Department has reviewed its published documents and determined that currently there are no “vital” documents. However, the Department will review documents published, at least every two years, to determine if the documents are “vital” and must therefore be translated. Any documents later identified as “vital” will be translated within a reasonable time to the languages identified in Part 2.

A number of informational bulletins are currently available in Spanish. Additionally, the Department has posted a notice on the agency’s website in all six languages specified which advises LEP individuals on how to request translation of documents for specific programs.

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

The Department, 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. 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: 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 other individuals or community organizations
- Other (describe) Google Translate can be found on the agency's website, which translates the page to the desired language. A disclaimer of use can also be found.

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: Laurel Remus, 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:

The Department distributes an annual agency-wide notice outlining the Department’s policy (per Governor’s Executive Order) and availability of language access resources (i.e., posters, palm cards, telephonic services) and related procedures and training requirements (including mandatory annual trainings and self-guided modules). A guidance memo is also included in the employee’s orientation bulletins.

All new employees are introduced to the Executive Order No. 26 (“Statewide Language Access Policy”), the Department’s Language Access Plan, and given a Quick Reference Guide to ensure LEP have meaningful access to agency services, programs, and activities.

All front-line employees and other appropriate Department staff (those who interact directly with the public by phone and in-person) and their supervisors must complete a mandatory training via the Statewide Learning Management System.

PART 6 – ADMINISTRATION

Monitoring

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

Semi-annual discussions are held by the LAC with Division Directors and program staff to assess frequency and type of requests for interpreting and/or translation services.

Regional and central office supervisors must identify and maintain a list of designated staff for training, ensure training is completed and, upon completion of training, submit a copy of the training list to Central Office LAC by the determined deadline.

Spot checks are conducted periodically to ensure the Department is in compliance with the Plan.

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.

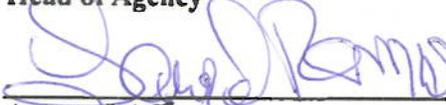
We display information on the right to file a complaint, and the procedures to file a complaint, in the following manner:

The Department makes the standard complaint form available in all specified languages at each office and on the public website. Notices of the availability of a complaint form are placed in public areas in close proximity to language identification posters.

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

Reports of complaints from the public are referred to the LAC for evaluation and corrective action as required and also included in periodic evaluations to determine training needs and changes to procedures as necessary.

PART 7 – SIGNATURES

	Executive Deputy Commissioner	3/17/15
Head of Agency	Title	Date
	Director of Public Affairs	3/11/15
Agency LAC	Title	Date
	Deputy Secretary for Civil Rights	3/4/15
		Date