

# **LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS**

**State Agency:** NYS Department of Economic Development

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

**Language Access Coordinator (LAC):** Carol Mead

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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 mission of the Department of Economic Development (“DED”) is to promote economic development and increase job opportunities throughout the State of New York. This is accomplished by numerous programs that attract new businesses to New York State and support the expansion of existing businesses in the State. The only DED program that provides direct services to persons with LEP is the Division of Minority and Women Business Development (“DMWBD”). These services include the certification of businesses as women and/or minority owned and the inclusion of such businesses in State contracting opportunities. In connection with those services, DMWBD is expanding its language access capabilities to include Chinese, Russian, Italian, Korean and French (Haitian) Creole; online program information is already provided in Spanish and at least five employees of DMWBD are fluent in Spanish.

**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:** There is no source of data available to specifically determine how many businesses would benefit from certification or how many businesses in New York State are owned by limited English proficient individuals. However, our estimated service area includes any person that is interested in doing and/or creating business in New York State.

**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) Migration Policy Institute (MigrationPolicy.org).

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

According to the DMWBD's Director of Certification, less than 1% of applicants for certification as minority and women owned businesses required language support services in the past two years.

The LAC meets with various Chambers of Commerce and surveys community-based organizations to continually assess the needs of the LEP population.

**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?** The Empire State Development’s (“ESD”) website includes information on DED and DMWBD as well as others services. The ESD and DMWBD’s web pages include notification in the top six languages identified in Part 2, which directs LEP individuals to a 1-800 number. Individuals are verbally informed of their right to free language assistance services or directed to an “I Speak” poster that contains this information by staff.

- 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?** Minority and women owned businesses in the top six languages encountered, specifically within the business community.

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

- Telephonic voice menu providing information in non-English languages

**In which languages:** Information will be made available in the top six languages identified in Part 2.

- 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:**

It is included as part of the intake process and recorded in the applicant's business file by the certification analyst. The selected language services vendor also provides DED with an ongoing summary of frequency of use, type of interpreter services provided and costs.

#### **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 solicits assistance from bilingual staff when available. "I Speak" cards/posters or an Office of General Services ("OGS") interpreting service vendor are utilized as needed.

**By telephone:** Staff utilizes an OGS interpreting service vendor or solicits assistance from bilingual staff when available to determine language spoken.

**At initial contact in the field:** Staff utilizes "I Speak" cards/posters to determine language spoken by the individual. LEP individuals are either assisted by bilingual staff or referred to the 1-800 number in order to be connected with the selected vendor's interpreter.

**For pre-planned appointments with LEP individuals:** When appointments are scheduled, the certification analyst utilizes an OGS interpreting service vendor or solicits the assistance of bilingual staff.

**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 verbally informs LEP individuals of free interpreting services or directs them to an “I Speak” poster posted in public areas within the DED.

**By telephone:** Staff verbally informs LEP individuals of free interpreting services. The ESD and DMWBD hotlines will include a recorded message that contains this notice for the public.

**At initial contact in the field:** “I Speak” signs at marketing events and public announcements notify the public of our free interpreting service.

**For pre-planned appointments with LEP individuals:** At point of contact, staff verbally offers free interpreting services to applicants and makes arrangements for an interpreter if needed.

**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:**

Personnel that have direct contact with the public are trained to connect to the selected OGS vendor for interpretation in a timely manner or transfer to a bilingual staff when available.

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

Use of interpreting services is included in the certification file. A copy of the certification file is sent to the LAC. The interpreting vendor utilized provides DED with an ongoing summary of frequency of use, type of interpreter services provided and costs by program areas.

**Competency and confidentiality**

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

On a case-by-case basis, DED uses multilingual staff volunteers who are self-assessed in their own language competency. Where DED 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:** There are four (4) Certification and Reception staff and an additional eight (8) staff members who are fluent in Spanish. Bilingual staff members also include: one (1) Chinese (Mandarin); one (1) Polish; one (1) Armenian; and one (1) Japanese.

- 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:** Sergio Millian, President of the Russian American Chamber of Commerce.

- 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:**

1. Agency-wide emails from DED's Chief of Staff.
2. Meetings with the appropriate department heads.
3. Procedural memos circulated by the LAC.
4. Staff training.

#### **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 LAC holds quarterly meetings with Mehul Patel, Chief of Staff; Eileen Mason, Vice President of Human Resources; and the Executive Director or Acting Executive Director of DMWBD to determine any new or existing vital documents that should be translated pursuant to Executive Order No. 26, Statewide Language Access Policy.

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

Any documents in need of translation, including vital documents, are sent to the selected translation vendor within a reasonable time after being obtained.

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

As a standard, all documents are written in plain language, excluding the use of business terminology. DED will ensure that all materials intended for dissemination to the public meets the plain language requirement.

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

The Directory of Small Business Programs is currently available in Spanish online. However, this is not a vital document. Currently, DED does not have any documents deemed vital. If in the future, DED determines a document to be vital, the Department will send the document over to the translated vendor to be translated into the top six languages identified in Part 2.

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

DED, 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. DED 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:** Russian American Chamber of Commerce and other immigrant business organizations.

- 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:** Carol Mead, LAC and Eileen Mason, Vice President 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:**

Mandatory staff training occurs once every year at a minimum and also periodically as deemed necessary. All new DMWBD staff members meet with the LAC for an explanation of the Language Access Plan and the requirements set forth in the Executive Order No. 26, Statewide Language Access Policy.

## **PART 6 – ADMINISTRATION**

### **Monitoring**

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

The LAC holds quarterly meetings with Mehul Patel, Chief of Staff; Eileen Mason, Vice President of Human Resources; and the Executive Director or Acting Executive Director of DMWBD to ensure that the Language Access Plan is being followed and that DED is in compliance with the Executive Order No. 26, Statewide Language Access Policy. Feedback from our outreach efforts to immigrant business communities within the LEP community and volume of requests for language assistance are taken into consideration.

### **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.

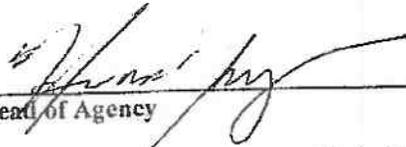
We display information on the right to file a complaint, and the procedures to file a complaint, in the following manner:

The standardized complaint forms are available to the public upon request in all six languages and are available through the ESD 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 shall handle complaints made to the agency regarding the provision of language assistance services in the following manner:

Complaints are filed with the LAC, who will investigate the complaint and submit a report with a recommendation to the CEO's Chief of Staff.

PART 7 - SIGNATURES

	President E.S.D.C.	3/12/15
Head of Agency	Title	Date

Carol Mead Marketing and Outreach Coordinator

		3/4/15
Agency LAC	Title	Date
Deputy Secretary for Civil Rights		