

LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: Department of Financial Services

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 mission of the Department of Financial Services (DFS) is to reform the regulation of financial services in New York to keep pace with the rapid and dynamic evolution of these industries, to guard against financial crises, and to protect consumers and markets from fraud.

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 19,651,127 people – the population of New York State in 2013.

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:

- Other (describe)

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

As per an MOU between DFS and the Department of Taxation and Finance (DTF), all consumer and licensing calls to DFS are answered by the DTF Call Center.

DFS utilizes Language Line Solutions (LLS), to provide language assistance services to LEP individuals. DFS receives monthly reports from LLS that detail the number of calls serviced by an interpreter on behalf of DFS or other language assistance services utilized by DFS. The top six languages spoken by LEP individuals as described in Part 2 above are confirmed to be frequently provided by LLS.

Consumers may submit complaints related to our language access services in the top six languages spoken by LEP individuals. Complaint forms submitted in languages other than English will be translated by LLS.

PART 3 – PUBLIC OUTREACH & NOTICE OF AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES

We inform LEP individuals, in the languages indicated 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? Reception staff informs LEP individuals directly, if possible, about their right to free language assistance services with the assistance of bilingual staff members if available. Calls received from LEP individuals are connected to the vendor's interpreter for 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?

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

Telephonic voice menu providing information in non-English languages

In which languages: Currently provided in Spanish.

Other (describe)

PART 4 – PROVISION OF LANGUAGE ASSISTANCE SERVICES

We use the following resources to determine whether 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 whether 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:

Language needs of LEP individuals seeking services in-person are recorded in their case file. Vendor reports to DFS on frequency of translation/interpretation and languages spoken.

A. Oral Interpreting Services

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

For in-person encounters: In the event that a consumer does not appear to understand information provided or appears unable to communicate their needs clearly enough for staff to provide service, staff will contact the telephonic interpreting services vendor for interpreting assistance.

By telephone: Via telephonic recorded message on the DTF's Call Center.

At initial contact in the field: Staff uses their personal assessment skills to assess the needs of the individual. In the event that a consumer does not appear to understand information provided or appears unable to communicate their needs clearly enough for staff to provide service, staff will contact the telephonic interpreting services vendor for assistance.

For pre-planned appointments with LEP individuals: We do not currently offer pre-planned appointments to the public.

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 available with the assistance of bilingual staff if and where available. In the event that a consumer does not appear to understand information provided or appears unable to communicate their needs clearly enough for staff to provide service, staff will contact the telephonic interpreting services vendor for assistance.

By telephone: Via telephonic recorded message on the DTF's Call Center.

At initial contact in the field: Staff verbally informs LEP individuals of free interpreting services available with the assistance of bilingual staff if and where available. In the event that a consumer does not appear to understand information provided or appears unable to communicate their needs clearly enough for staff to provide service, staff will contact the telephonic interpreting services vendor for assistance.

For pre-planned appointments with LEP individuals: We do not currently offer pre-planned appointments to the public.

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 or hours of operation. Where the interaction with the LEP individual occurs at the agency's office, and the 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:

Vendor used for interpreting will ensure that DFS staff has access to interpreters in a timely manner. Frontline staff will be trained on how to access the vendor's interpreters and the DTF's Call Center.

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

Vendor records sent to DFS bi-annually includes frequency of use and languages spoken.

Competency and confidentiality

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

Where DFS utilizes independent interpreting services, that vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent.

Occasionally, DFS uses multilingual staff volunteers who are self-assessed in their own language competency.

The issue of confidentiality pertaining to the use of interpreters is addressed as follows:

The training provided to staff will address 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: Language Line Solutions, Inc. (LLS) 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:

DFS trains staff that has direct contact with the public on how to connect with the interpreting services vendor.

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:

DFS will convene the agency's Language Access Working Group as needed, but at least once a year, to identify any new or existing vital documents that should be translated pursuant to the Executive Order. The workgroup comprises of the LAC, an Administration Liaison, a Consumer Assistance Unit Liaison, a Mortgage Assistance Liaison, a Training Liaison, and a Liaison from our Office of General Counsel.

The workgroup will function to ensure DFS's compliance with its LAP. The Language Access Working Group's initial responsibility will be to: 1) identify and timely recommend translation of vital documents, 2) ensure that identified vital documents are written in plain language prior to translation, and 3) continue to ensure that vital documents are currently translated in the languages according to the LAP.

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

Any documents in need of translation will be sent directly to the 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:

All vital documents intended for public dissemination from DFS shall meet the plain language requirement. Readability assessment and Flesch-Kincaid readability test will be done by the LAC before translation.

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

The consumer complaint form is the primary vital document currently determined by DFS in need of translation into the top six languages. The consumer complaint form is available online through the DFS website in all six languages.

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

DFS 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. DFS 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. (LLS) 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 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: Language Access Coordinator with the assistance of the Training Liaison who is a member of the Language Access Working Group.

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 LAC will be responsible for making sure that mandatory training is provided to staff that deal directly with the public on an annual basis with the assistance of the Training Unit. Updated courses will be given to staff as required and new staff trained upon entrance.

PART 6 – ADMINISTRATION

Monitoring

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

The LAC will monitor LLS utilized services reports, and monitor receipt of language access complaints. The LAC will report, at least annually, to the Superintendent on the implementation of the LAP.

Complaints

We provide information to the public, including 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.

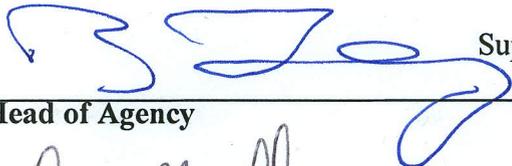
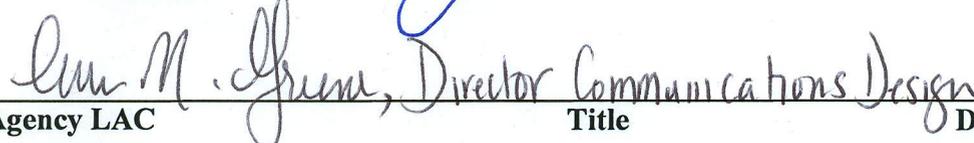
We display information on the right to file a complaint, and the procedures to file a complaint, in the following manner:

Standardized complaint forms are available to the public in all six languages upon request and through our website. While the DFS does not regularly engage in face-to-face interactions with the public in the course of its daily operations, information on the right to file a complaint will also be posted, in the top six languages, in any area to which the public has access.

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

Language access complaints received by DFS will be forwarded to the LAC, who will take necessary action.

PART 7 – SIGNATURES

	Superintendent	
Head of Agency	Title	Date
		3/19/15
	Agency LAC	3/19/15
	Title	Date
	Deputy Secretary for Civil Rights	3/4/15
		Date