

# LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** Department of Financial Services

**Effective Date of Plan:** 5/30/2019

**Language Access Coordinator (LAC):** Eileen N. Greene

**LAC Phone / E-mail:** (212) 709-1692 | [eileen.greene@dfs.ny.gov](mailto:eileen.greene@dfs.ny.gov)

## **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 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 19,798,228, the New York State population in 2017.

**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	1,249,541
Chinese	386,290
Russian	122,150
Bengali	63,615
Haitian Creole	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:**

DFS utilizes a NYS Office of General Services (OGS) approved vendor to provide language assistance services to LEP individuals. DFS receives monthly reports from the vendor that detail the number of calls serviced by an interpreter on behalf of DFS. The top six languages spoken by LEP individuals as described in Part 2 above are confirmed to be provided by the 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 informs LEP individuals directly, if possible, about their right to free language assistance services with the assistance of bilingual staff members if available or OGS approved vendor. 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

**What are the LEP populations targeted?** [Click here to enter text.](#)

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

Other (describe) Our website ([www.dfs.ny.gov/](http://www.dfs.ny.gov/)) displays information in the top six languages about the availability of free language assistance services and right to file a complaint.

#### **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 [Click here to enter text.](#)

**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 [Click here to enter text.](#)

**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. Staff report LEP interactions via email to the LAC.

#### **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 Division of Taxation and Finance's (DTF) Call Center who handles the agency's first level of calls. DFS staff who receive a direct telephone call from an LEP are instructed to call an interpreter and conference in the LEP individual.

**At initial contact in the field:** Staff uses personal assessment skills to assess needs of the individual. If a consumer does not appear to understand information provided or appears unable to communicate their needs clearly enough for staff to provide service, staff contacts 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):** [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:** Staff verbally inform LEP individuals of free interpreting services available with the assistance of "I Speak" posters or bilingual staff if and where available. If 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 Call Center. Staff who receive a direct telephone call from an LEP are instructed to call an interpreter and conference in the individual.

**At initial contact in the field:** Staff verbally inform LEP individuals of free interpreting services available with the assistance of "I Speak" cards or bilingual staff if and where available. If 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 is 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 provides 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 is trained on how to access the vendor's interpreters and the DTF 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 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 and for routine matters, 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:**

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:** [Click here to enter text.](#)

- Bilingual staff members who provide oral interpreting when necessary

**Number of staff and languages spoken:** [Click here to enter text.](#)

- 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:**

DFS trains all staff who have direct contact with the public on how to connect with the oral 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 convenes 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 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 group functions are to ensure DFS compliance with its LAP by: 1) identifying and timely recommend translation of vital documents, 2) ensuring that identified vital documents are written in plain language prior to translation, and 3) continuing to ensure that vital documents are currently translated in the languages according to the LAP.

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

Any documents in need of translation are 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 are done by the LAC before translation.

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

Form #	Name	Top Six Languages						Additional Languages
		Spanish	Chinese	Russian	Haitian Creole	Korean	Bengali	
1.	Consumer Complaint Form	✓	✓	✓	✓	✓	✓	Italian
2.	External Appeal	✓	✓	✓	✓	✓	✓	Italian
3.	Foreclosure Notice	✓	✓	✓	✓	✓	✓	Italian

4.	Foreclosure Bill of Rights	✓	✓	✓	✓	✓	✓	Italian
5.	Assignment of Benefits Form	✓	✓	✓	✓	✓	✓	Italian
6.	Independent Dispute Resolution	✓	✓	✓	✓	✓	✓	Italian
7.	Report Fraud Form	✓	✓	✓	✓	✓	In progress	

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 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:** Any 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:** [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:** Anna Lukachik, Training Director.

**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:**

Yearly Online Training via Statewide Learning Management System. Additional DFS-Specific Training on DFS procedures and processes has been posted to SLMS as an additional part of the required mandatory language assistance training. Refresher courses will be given to staff as required and new staff will be 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 utilized service 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**

