

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Division of Human Rights

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 Division of Human Rights ("Division") provides individuals in New York the opportunity to file complaints of discrimination in employment, housing, credit and places of public accommodations pursuant to the provisions of the New York State Human Rights Law. The Division is the State's Civil Rights Law enforcement agency. If after an investigation the Division concludes there is reason to believe State Human Rights laws were violated, the complaint will be prosecuted and parties afforded the opportunity to have a hearing before an administrative law judge.

In developing this plan, we understand 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: NY Immigration Coalition, Migration Policy Institute, Asian American Federation, Empire Justice Center – Language Access Resource Center.

- Information from other government agencies

Names of agencies: NYC Department of City Planning, NYC Office of Immigrant Affairs, NYS Office of Temporary and Disability Assistance, NYS Department of Labor.

- Other

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

Where vendor interpreting services are required to assist with communication with LEP individuals on telephone calls or office visits, a record is made, and this data is compiled and sent to DHR in periodic reports. When an individual who is a party in a complaint is identified as requiring language assistance, the Division employee assigned to the case inputs the information about the language needs in the agency’s case management system.¹ Frequency of contact with the individual can be tracked as the case moves along from investigation to conclusion.

On a quarterly basis, reception staff have been surveyed to provide best estimates of the frequency of contacts with LEP individuals calling and visiting the Division’s offices and/or units, and this information is provided to the Language Access Coordinator.

¹ The system has a box marked “Special Needs”. By marking this box, all subsequent employees who are assigned to the case and/or who are tasked with communicating with the individual are charged with checking the “Special Needs” box to see if language services are required.

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? All Division employees have received training on how to access an interpreter using the telephone. For LEP individuals that speak Spanish, Spanish language staff², where available, are responsible for communicating with the individual and informing her/him that free language assistance is available. When no Spanish language Division staff are available or when the language spoken is not Spanish, Division employees are authorized to access telephonic interpreting services. Each office has designated an area in the office where a confidential conversation with Division staff can be conducted. These areas are equipped with speaker telephones which enable employees to access interpreters using private vendors.

- 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? Spanish, Chinese, Russian, Haitian Creole, Bengali, Korean, Polish, Italian, French and Arabic.

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

- Telephonic voice menu providing information in non-English languages

² The Division has a number of bilingual employees with their language specialization added to their Civil Service title. These individuals are tested for basic language competency. In March 2019, the agency had 16 employees with Civil Service tested language skills: They are bilingual Spanish.

In which languages? The Division's toll-free number has a voice mail in English and Spanish. During working hours, the telephone is answered by bilingual staff. After hours, the voice mail is activated, and calls left in Spanish are followed up the next day by Spanish language staff.

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 Utilizing contracted vendors (conference call/speaker phone)

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

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

Individual parties identified as LEP are flagged in the Division's Case Management System (CMS). The Division's Language Access Coordinator and the Language Access Working Group have oversight over the documentation within the Division, of language assistance needs of LEP individuals.

A. Oral Interpreting Services

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

For in-person encounters: How to communicate and interact with LEP individuals is an important part of the Division's ongoing training of staff. Issues with language

communication may or may not be apparent to the Division employee from an initial brief conversation. In order to make that assessment we have the following protocols in place:

Spanish-speaking individuals- Many of the Division's offices have bilingual Spanish staff who are either at or near the reception area. These individuals are assigned to speak with Spanish-speaking visitors requesting language assistance. In offices with no Spanish-speaking staff (or when a Spanish-speaking employee is not available), telephonic interpreting services are used in offices or conference rooms designated for these purposes. Our protocol is to ask the LEP individuals: "Do you speak Spanish?" and "Do you want to speak with someone who speaks Spanish?" We also have "Interpretation Services Available" placards which have the following statement in Spanish (and 39 other languages): "Point to your language. An interpreter will be called. The interpreter is provided at no cost to you."

For guests speaking other languages- If the visitor is speaking a language other than Spanish or the Division employee cannot determine the language spoken, the first task is to identify which language is being spoken and communicate to the visitor that free interpreting services are available. The Division employee can show the "Interpretation Services Available" placard which has the following statement in 40 languages: "Point to your language. An interpreter will be called. The interpreter is provided at no cost to you." Once the language is identified, the Division employee will take the visitor to an area designated for accessing the interpreter using the telephone. All Division staff have been trained on how to access these services.

By telephone: The Division's receptionist is a Spanish bilingual employee³. All telephone calls from Spanish-speaking callers are answered by her and, if necessary, re-directed to appropriate bilingual Spanish language staff. Contracted vendors for over-the-phone interpreting are used in all other situations or in those offices which do not have Spanish bilingual staff.

At initial contact in the field: All investigators and those employees who need access to the vendors for over-the-phone interpreting in the field can do so using their personal access codes and the Division's code. Any telephone can be used for this purpose if it is equipped with conference call features and a speaker.

For pre-planned appointments with LEP individuals: Spanish language ("SL") staff or vendors for over-the-phone interpreting are available to communicate this information to the LEP individual, and all office reception areas also display placards which convey the information about free language services.

The Division employee asks the individual if he or she would feel more comfortable in communicating in her/his native language. If the individual answer in the affirmative, the Division employee enters information about the language services needed in the "Special

³ Whenever we refer to "Spanish language" Division staff, the reference is to bi-lingual Spanish employees who have been tested for basic Spanish language skills and have a language designation added to their regular Civil Service title. Our short-hand designation is "SL" for Spanish language and "CL" for Chinese language.

Needs” box of the Division’s computerized CMS – the agency’s case tracking system. An “LEP” label is also placed on the file folder to alert any Division employee handling the case file that language services are needed.

All staff have the responsibility to check both the CMS and the folder so that language services are arranged prior to a pre-planned appointment. LEP individuals are not always identified in the initial phase for any number of reasons. Once a Division employee becomes aware that language services are required, that employee has the responsibility to enter that information in the CMS and on the folder and make the appropriate arrangements for interpretation or translation services.

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: Information about free interpreting services is displayed in the public reception areas of the Division’s offices (posters and/or placards). In addition, as soon as the need is identified, LEP individuals are informed of free language services at the earliest point of contact with Division staff, usually by the Division’s receptionists.

By telephone: The information is conveyed by receptionists answering the Division’s telephones.

At initial contact in the field: This information is conveyed by any Division employee in the field who needs to communicate with an LEP individual.

For pre-planned appointments with LEP individuals: In most instances, the CMS and the case folder should alert the Division staff that language services are required (either by telephone or in person). In those instances where the need for language services has not been entered in the “Special Needs” box of the CMS or on the case folder, Division employees are responsible for making arrangements for interpreting or translation services as soon as it becomes apparent.

Other (describe): The Division’s website also informs the public that free interpreting services are provided.

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:

1) Spanish-speaking LEP individuals are by far the greatest percentage of LEP individuals using the Division's services. Our Central Office Receptionist is bilingual in Spanish and English, and refers all Spanish-speaking LEP individuals to available Spanish bilingual "SL" staff once the individual indicates that he/she prefers to speak in Spanish.

2) Most Regional Offices have one or more Spanish bilingual "SL" Civil Service employees who work directly with LEP individuals that speak Spanish.

3) In those offices without such staff or if the bilingual staff is unavailable, staff can access contracted vendors for over-the-phone interpreting, and specific areas and telephones are designated for these purposes.

4) For lengthier interviews, such as two-party conferences, we make arrangements for in-person interpreting using professional interpreters provided by our contracted vendors.

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

The Language Access Coordinator receives a log of contracted oral interpreting services provided to LEP individuals by the contracted vendors for over-the-phone interpreting. Calls made using the approved vendor require the entry of a personal code. This enables the Division to capture data on language use by employees.

Competency and confidentiality

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

Where the Division 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 Division has language parenthetic staff that have been tested by Civil Service. In addition, the Division integrates cultural competency into its training programs.

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: Approximately 16 Spanish bilingual staff members (three at the Central office and 12 in Regional offices).

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: The Division has created a chart of volunteer staff that speak several other languages. However, these staff members are not relied upon except in exigent circumstances. None of these staff are required to offer their language services. Service, when provided, is of a voluntary nature.

- Telephonic interpreting service

Names of vendors: Potentially any vendor under the NYS Office of General Services (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

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 Division staff are informed about how to obtain oral interpreting services via mandatory language access training and distribution of follow-up information. Follow-up information is communicated

via periodic agency e-mail bulletins and the distribution of hard-copy materials to the Regional Offices.

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:

A "Vital Document Working Group" consisting of Division professionals familiar with the law enforcement processes of the agency identified 15 form letters and 14 publications as "vital documents." These documents were translated into ten languages: Spanish, Russian, Chinese, Haitian Creole, Bengali, Italian, Korean, Arabic, and Polish and French. They are posted and available for use on the Division's website. This includes the Division's complaint form.

Periodically, and at least once a year, the Language Access Working Group reviews requests from the "Vital Document Working Group" as well as from others in the Division. A determination is made as to how best to provide this information to LEP individuals. In some instances, the Division will decide to translate several additional documents.

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

The Division's complaint form has been translated into ten languages. All complaints must be signed, dated and notarized. All complaints submitted by LEP individuals must be in the language they understand, and the contracted vendors for translation are utilized for this purpose. Most other documents submitted as part of the Division's administrative procedures (e.g. respondent's answer, complainant's rebuttal) will either be interpreted or translated by the contracted vendors for translation. Designated Division employees oversee these procedures in each unit where an investigation is being processed. This insures a professional level of timely translation and/or interpretation. After consultation and upon approval by the Language Coordinator and the appropriate Supervisory employee, Division SL staff may also serve this purpose in some circumstances where the documents are simply written and brief.

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

The Division's External Relations Unit reviews all Division materials to ensure that they are written in plain language.

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

Document Name	Top Six Languages						Additional Languages
	Spanish	Chinese	Russian	Haitian Creole	Korean	Bengali	
Basic Guide to the Human Rights Law (Publication)	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Age Discrimination (Publication)	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Guide to Employment Discrimination (Publication)	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Discrimination Based Upon Military Status (Publication)	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Domestic Violence & Employment (Publication)	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Employment Disability and Reasonable Accommodation (Publication)	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Fair Housing Guide (Publication)	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Housing Rights of Persons with Disabilities (Publication)	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Obligations of Business Owners & Operators of Places of Public Accommodations (Publication)	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Pregnancy Discrimination in the Workplace (Publication)	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Protections for People Convicted of Criminal Offenses (Publication)	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Rights of People with Disabilities in of Places of Public Accommodations (Publication)	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Sexual Harassment (Publication)	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Sexual Orientation Discrimination (Publication)	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Complaint Form	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish

35 day letter	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
21 day letter	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Determination of Probable Cause	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Determination of No Probable Cause	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Notice of Conference	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Notice of Final Order After Hearing	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Notice of Final Order Dismissal	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Notice of Hearing	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Withdrawal Letter	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Request for Rebuttal	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Continuation Letter	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Hearing Letter	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Stipulation of Settlement Cover Letter	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Recommended Order Cover Letter	✓	✓	✓	✓	✓	✓	Arabic, French, Italian, Polish
Lawful Source of Income Discrimination (Publication)*	In progress						
Protections Against Gender Identity Discrimination (Publication)*	In progress						
Gender Identity Discrimination at Hospitals (Publication)*	In progress						
Reasonable Accommodations for Religious Observance and	In progress						

Practices in Employment (Publication)*							
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*These publications have been recently released or updated based on changes in the law.

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 Division, 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. The Division will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.

The Division also has "Lexicons" in ten languages providing the translations of commonly used phrases and terms to ensure standardization of terms.

We use, or have available for translating, the following resources:

- Contracts with language service vendors

Names of vendors: Potentially 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:

- Oral translations of written documents by bilingual staff members
- Oral translations of written documents by other individuals or community organizations

- Other The Division has a diverse workforce, including many employees who are bilingual in Spanish and other languages. The Division taps these resources when needed in exigent circumstances, and only if these employees agree to provide their services voluntarily.

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: Rachelle Dickerson, 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:

The Division's staff is required to take an annual language access training via the Statewide Learning Management System. The mandatory training includes all the components listed in the previous question. Supplemental information regarding agency specific procedures and issues of cultural competence/sensitivity will also be provided. Refresher courses will be provided as needed.

PART 6 – ADMINISTRATION

Monitoring

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

The Language Access Coordinator (LAC) and the Language Access Working Group will evaluate the implementation of this Plan by instituting evaluation procedures, which will include an internal and external survey instrument and some testing. The LAC will also work one-on-one with Division receptionists, and also utilize the Language Access Working Group to ascertain best practices regarding implementation and compliance.

