

# LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

**State Agency:** NYS Division of Homeland Security & Emergency Services

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

**Language Access Coordinator (LAC):** Kristin Devoe

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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 NYS Division of Homeland Security & Emergency Services (DHSES) is comprised of four offices dedicated to the protection of New Yorkers, their property, and the State’s economic well-being from acts of terrorism, and natural and man-made emergencies or disasters. The Division accomplishes this core mission through its offices – Counter Terrorism, Emergency Management, Fire Prevention and Control, and Interoperable and Emergency Communications. These offices coordinate the response of State agencies in support of local government.

Information is provided primarily to local governments and State agencies as part of DHSES’s mission to provide support to localities through regional offices who, in turn, work with local government to provide support to their constituents due to “home rule.” There are two program areas where DHSES interacts directly with the public on a regular basis: (1) alert and notifications of emergency events and severe weather via the NY-Alert website ([www.nyalert.gov](http://www.nyalert.gov)); and (2) the DHSES website ([www.dhses.ny.gov](http://www.dhses.ny.gov)), which provides personal preparedness information and access to local, state, and federal emergency services and programs.

On rare occasions, DHSES may interact directly with members of the public. For example, Disaster Recovery Centers may be established in affected areas with several local, federal and state agencies to provide information and services to members of the public. However, such interaction with the public is coordinated by local government, as per “home rule” requirements.

During large-scale emergencies and disasters, DHSES will work with the NYS Department of Taxation and Finance to activate their Contact Center, which receives inquiries for information from the public. The Tax and Finance Contact Center has access to interpreting services in a variety of languages for LEP individuals.

**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: 19,651,127.

The top six (6) 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 (6) 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:

Frequency of visits by LEP individuals to NY-Alert and the DHSES’s website is not currently tracked by an official process. Interaction with LEP individuals in the field (e.g. during disasters) is tracked in accordance with standard log procedures and in coordination with local government/community organizations.

**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?** If someone calls on the telephone, staff would verbally explain their right to free language assistance services.

- 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?** Anyone at risk (e.g. a potential disaster victim), which could include both LEP and non-LEP populations. The list of community organizations we work with includes, but is not limited to, the Red Cross, Community Emergency Response Teams (CERT), other non-profit organizations, and local religious organizations.

- 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)

**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) DHSES and its buildings are secure sites and are not open to the public. Work conducted by DHSES does not typically lend itself to in-person contacts. Most contact that occurs with the public is either conducted via telephone or through written correspondence.

**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:**

The Tax and Finance Contact Center, which is activated during large-scale emergencies, records and maintains documentation of LEP individuals' language assistance needs. The vendors utilized provide DHSES with an ongoing summary of frequency of use, type of language assistance services provided and usage 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:** "I Speak" cards and "If you need an interpreter" desk aid are utilized by staff. The selected vendor for interpreting assistance will be reached if bilingual staff is not available to interpret.

**By telephone:** If the caller does not appear to understand information provided or appears unable to communicate their needs clearly enough for staff to provide service, DHSES contacts the selected vendor for interpreting assistance.

**At initial contact in the field:** "I Speak" cards are utilized by staff to determine language spoken. The selected interpreting vendor will be used if needed.

**For pre-planned appointments:** "I Speak" cards and "If you need an interpreter" desk aid are utilized by staff. The selected vendor for interpreting assistance will be reached if bilingual staff is not available to interpret.

**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:** "I Speak" cards and "If you need an interpreter" desk aid are utilized by staff. Staff also verbally inform LEP individuals of free interpreting services.

**By telephone:** At point-of-contact with DHSES staff, LEP individuals are verbally notified of free interpreting services.

**At initial contact in the field:** "I Speak" cards are utilized by staff. The "I Speak" cards contain notice of free interpreting services.

**For pre-planned appointments:** At point-of-contact with DHSES staff, the LEP individual is notified of free interpreting services either verbally or with the use of the "I Speak" card/poster.

**Other (describe):** A phone number is provided for free language assistance services on the DHSES's website and "Google Translate" is available for website translation and a disclaimer of liability.

**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 may be permitted to use a minor, family member or friend as an interpreter. Upon request, an LEP individual may also be permitted to use a minor, 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:**

In emergencies or disasters, DHSES implements Tax and Finance Contact Center services which include interpreting services. Once implemented, services are available 24/7 for the duration of the

emergency/disaster. During non-emergencies, DHSES staff is trained to access the agency's interpreter services in a timely manner.

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

DHSES works with the Tax and Finance Contact Center and the public safety workgroup to make that determination. The selected vendor used by DHSES provides thorough records on frequency of interpretation use, languages spoken, and costs associated with service.

**Competency and confidentiality**

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

Where DHSES 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. Confidentiality is also addressed in the employee handbook as well as new employee orientation. Furthermore, independent interpreters will enforce standards of confidentiality in accordance with New York State 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. 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:**

During non-emergencies, staff are equipped with "I Speak" cards and have access to the interpreting vendor's telephone number. During emergencies/disasters, staff are equipped with the Tax and Finance Contact Center number. Staff are trained to contact the Language Access Coordinator to resolve issues encountered.

#### **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 public safety workgroup convenes regularly, but at least once every two years, to determine new or existing vital documents in need of translation. All documents deemed vital will be sent to the vendor for translation into the top six languages.

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

Documents that are deemed vital by our agency will be sent to the selected OGS vendor for immediate translation.

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

DHSES's deputies, managers, supervisors and staff are aware that, under the Executive Order, plain language is a requirement. All vital documents intended for public dissemination from all of DHSES's agencies, specifically where services and benefits are concerned, shall meet the plain language requirement. Prior to translation of documents, the Language Access Coordinator will be consulted and advised of the intended audience, which will set forth the process of evaluating the level in which translations shall be made.

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

- Safeguard New York ("See Something, Say Something"): Chinese, French, Korean, Spanish, Yiddish, French (Haitian) Creole, Hebrew, Arabic, Italian, and Russian.

- Safeguard – Agriculture (*currently under revision*).
- Safeguard Maritime (*currently under revision*).
- Fire Safety (*currently under revision*).
- NYS Citizen Preparedness Corps: Spanish, Arabic, Chinese, French (Haitian) Creole, Hebrew, Italian, Korean, Russian, and Yiddish.
- Home Fire Extinguishers: Spanish, Arabic, Chinese, Haitian Creole, Hebrew, Italian, Korean, Russian, and Yiddish.

Please note some vital documents are undergoing revision, and will be submitted for translation when finalized.

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

DHSES, 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. DHSES 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 bilingual staff members
- Oral translations of written documents by other individuals or community organizations
- Other (describe) Tax and Finance Contact Center.

**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:**

Kristin Devoe, 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:**

All staff who interact with the public are required to take an annual training regarding Executive Order No. 26, cultural competence in their interaction with limited English individuals, and what other are resources available to them. Training not only emphasizes existing resources, but clearly outlines procedures for when and how to call upon an interpreter and the criteria to have documents translated. The training also focuses on the prohibition of utilizing family members, children, and the potential for ethical implications. This mandatory training is given at least once every year and refresher courses are given as needed.

**PART 6 – ADMINISTRATION**

**Monitoring**

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

- Review DHSES's Language Access Plan
- Review language access complaints
- Assess provision of staff training

**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.

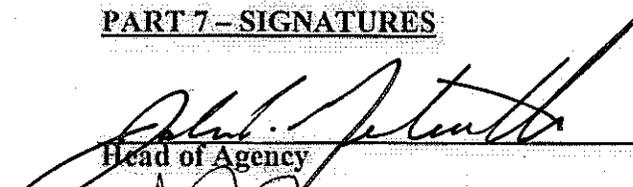
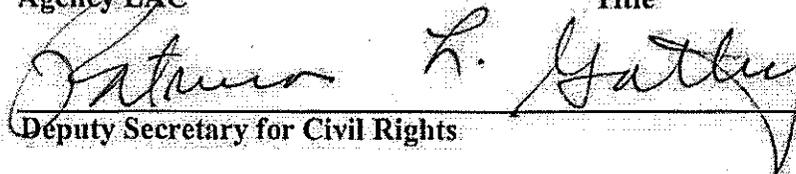
We display information on the right to file a complaint, and the procedures to file a complaint, in the following manner:

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

All complaints are routed to the Language Access Coordinator for action.

**PART 7 – SIGNATURES**

	Acting Commissioner	3/19/15
Head of Agency	Title	Date
	Director of Communications	3/19/15
Agency LAC	Title	Date
		3/5/15
Deputy Secretary for Civil Rights		Date