

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: Division of Homeland Security and Emergency Services

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 Homeland Security and Emergency Services (DHSES) provides leadership, coordination, and support to prevent, protect against, prepare for, respond to, recover from, and mitigate man-made and natural disasters and other emergencies. The Division accomplishes this core mission through its offices – Counter Terrorism, Emergency Management, Fire Prevention and Control, Interoperable and Emergency Communications; and Disaster Recovery. Agency responsibility includes coordinating the response of state agencies in support of local government. Information is provided to local governments and state agencies as part of DHSES’s mission.

There are three 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) which is owned and maintained by the Office of Technology Services; (2) the DHSES website (www.dhses.ny.gov) which provides personal preparedness information and access to local, state and federal emergency services and programs; and (3) emergency preparedness outreach to groups and individuals through the Citizen Preparedness Corps Training Program, conducted in conjunction with the Division of Military and Naval Affairs.

DHSES staff may interact with members of the public when phone lines from other agencies are forwarded to the State Watch Center, when not-for-profit organizations apply for grant monies, or during a disaster or emergency. For example, Disaster Recovery Centers may be established in affected areas with several local, federal and state agencies to provide information and services to the public. However, such interaction with the public is coordinated by local government.

During large scale disasters and emergencies, 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: 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:

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: 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:

Frequency of visits by LEP individuals to the DHSES website is not currently tracked by an official process. Interaction with LEP individuals in the field (e.g. during disasters) is recorded 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? When staff encounter an individual in need of language assistance, they are directed to make the individual aware of services available. This may occur in the field or by telephone and may include the use of the Language Identification Tool.

- 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 American Red Cross, Community Emergency Response Teams (CERT), and other non-profit organizations and local faith-based 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? Click here to enter text.

Other (describe) Information about free language assistance services is posted on the DHSES website and Google Translate is available for website translation with a disclaimer of liability.

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 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 conducted via telephone or through written correspondence. However, the Language Identification Tool (poster) is available to staff for encounters *in person*.

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 An LEP individual will very often express his or her preferred language in English, or a third party will communicate the preferred language on the individual's behalf.

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

Language assistance needs are primarily requested for Citizen Preparedness Corps Trainings via email, website or phone for classes in the individual's language. DHSES will conduct classes in languages requested, beyond the top six languages required by Executive Order 26.

The Tax and Finance Contact Center, which is activated during large scale disasters, records and maintains documentation of LEP individuals' assistance needs. Additionally, the vendor(s) used by

DHSES for interpretation services (“vendor”) will provide an ongoing summary of frequency of use, type of language assistance services utilized 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: An LEP individual may ask for an interpreter, or a staff member offers interpretive services if the individual is (i) not able to answer basic questions, or (ii) appears more comfortable speaking in another language. The NYS Language Identification Tool is utilized by staff to determine the language the individual speaks. The vendor will be contacted for interpretation services if needed.

By telephone: An LEP individual may ask for an interpreter, or a staff member offers interpretive services if the individual is (i) not able to answer basic questions, or (ii) appears more comfortable speaking in another language. DHSES contacts telephonic vendor if interpretation services are needed.

At initial contact in the field: An LEP individual may ask for an interpreter, or a staff member offers interpretive services if the individual is (i) not able to answer basic questions, or (ii) appears more comfortable speaking in another language. The NYS Language Identification Tool is utilized by staff.

For pre-planned appointments with LEP individuals: For pre-planned appointments, the LEP individual is notified of free interpreting services either verbally or with the use of the NYS Language Identification Tool at the point of contact.

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

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 use the New York State Language Identification Tool which informs of free interpretation services.

By telephone: At the point of contact, LEP individuals are verbally notified of free interpreting services.

At initial contact in the field: At the point of contact with DHSES staff, LEP individuals are notified of free interpreting services. Staff in the field have access to the Language Identification Tool which informs of free interpretation services.

For pre-planned appointments with LEP individuals: At the point of contact, LEP individuals are notified of free interpreting services either verbally or with the use of the NYS Language Identification Tool.

Other (describe): A phone number, listed as free of charge, is provided for free language assistance services on the DHSES website and Google Translate is available for website translation with 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 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:

In emergencies, DHSES utilizes Tax and Finance Contact Center services which include interpreting services. Once implemented, services are available for extended hours during the duration of the emergency/disaster. During non-emergencies, DHSES staff are 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:

Vendors used by DHSES provide records on frequency of interpretation use, duration, languages spoken and all costs. Records are also maintained by the Tax and Finance Call Center. Additionally, DHSES has worked with the current vendor to require DHSES staff to identify themselves, their Office within DHSES and their phone number when using telephonic interpretation services, then the LAC will call to verify with the employee that services were used.

Competency and confidentiality

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

Where DHSES uses 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: 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 on the NYS Office of General Services (OGS) Statewide Administrative Services Contact.

- 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:

During non-emergencies, staff are equipped with the NYS Language Identification Tool and have access to the interpreting vendor's telephone number and the Division's account 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:

Documents that are disbursed to the public are reviewed by the Public Information Officer (“PIO”). When appropriate, the PIO will schedule a meeting with the LAC and Counsel’s Office to discuss whether a document should be deemed vital and/or to reassess any documents previously deemed vital. 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 NYS 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 Executive Order 26, plain language is a requirement. All vital documents intended for public dissemination from all the DHSES offices, 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 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	
	Safeguard New York “See Something, Say Something”	✓	✓	✓	✓	✓	✓	Italian, Yiddish, Hebrew, Arabic, French
	Safeguard – Agriculture	✓	✓	✓	✓	✓	✓	Italian, Yiddish, Hebrew,

								Arabic, French
	Safeguard - Maritime	✓	✓	✓	✓	✓	✓	Italian, Yiddish, Hebrew, Arabic, French
	Safeguard - Aviation	✓	✓	✓	✓	✓	✓	Italian, Yiddish, Hebrew, Arabic, French
	Safeguard – Fire/EMS	✓	✓	✓	✓	✓	✓	Italian, Yiddish, Hebrew, Arabic, French
	Safeguard – Mass Transit	✓	✓	✓	✓	✓	✓	Italian, Yiddish, Hebrew, Arabic, French
	Home Fire Extinguishers	✓	✓	✓	✓	✓	✓	Italian, Yiddish, Hebrew, Arabic, French
	Citizen Preparedness Corps Training	✓	✓	✓	✓	✓	✓	Italian, Yiddish, Hebrew, Arabic, French, Karen
	Run, Hide, Fight card	✓	✓	✓	✓	✓	✓	

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:

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: 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.

- Oral translations of written documents by bilingual staff members

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

- Other Tax and Finance Call 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: Barbara Lee Steigerwald, 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 are required to take the Governor’s Office of Employee Relations annual training regarding Executive Order No. 26, cultural competence in their interaction with limited English proficiency individuals, and what other resources are 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 per 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 Language Access Plan
- Review language access complaints
- Assess provision of staff training

Complaints

We provide information to the public in at least the top six languages, 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:

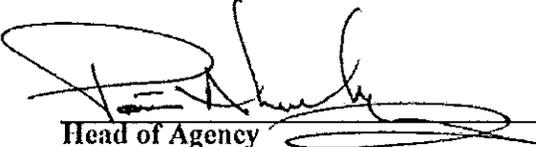
The procedures to file a complaint, and the standard complaint forms are available to the public upon request in all six languages through our website.

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

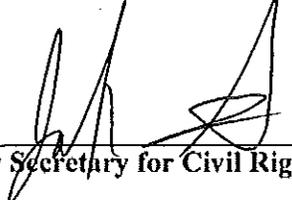
All complaints are forwarded to and handled by the DHSES Language Access Coordinator.

All complaints must be timely forwarded to the Statewide Language Access Coordinator.

PART 7 – SIGNATURES


Head of Agency Commissioner 21 May 19
Title Date


Agency LAC DEPUTY COMMISSIONER 5/21/19
Title Date


Deputy Secretary for Civil Rights 5/30/19
Date