

# LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

**State Agency:** New York State Department of Motor Vehicles

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

**Language Access Coordinator (LAC):** Mary Bidell

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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 Department of Motor Vehicles (DMV) provides quality customer service, promotes traffic safety, protects consumers, verifies identities, issues secure documents, provides information services, protects the privacy of personal information, and collects revenues all for the benefit of the people of this State.

DMV issues licenses, non-driver identification cards, and vehicle registrations, conducts road tests, monitors driver training and performs enforcement activities. DMV conducts more than 20 million customer transactions annually.

DMV processes the following transactions in state operated issuing offices:

- Vehicle Registrations
- Boat Registrations
- Snowmobile Registrations
- License
- Permit
- ID Cards
- Payments
- Financial Security (Insurance)
- License Sanctions
- Misc (Title Duplicates & Sales Tax Only)
- Cancellations
- Facial Image Capture Only (no document issued)
- Driver License Abstract

**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 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:

We have identified our contacts with LEP individuals by applying U.S. Census data to transaction volumes. In the event other populations are identified in the future, we will expand offerings to other languages.

**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?** For in-person customer contact, DMV provides an information sheet translated into the top six languages to help determine the reason for the individual’s visit to DMV. The Department displays a statewide poster where the customer will be able to point to their language to determine the language assistance needed, and we offer “I Speak” cards, which are two-sided bilingual cards with printed information about Language Access Rights, as well as a statement that requests an interpreter.

- 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:** Spanish, Chinese, Russian, Italian, Korean and French (Haitian) Creole.

- 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) DMV provides an information sheet translated into the top six languages to help determine the reason for the individual's visit to DMV. Once this is determined, the LEP individual is provided with the translated application and instructions. DMV also displays signs that will enable a customer to point to the language they speak in the event language assistance is needed.

**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:**

DMV does not currently document an LEP individual's language assistance needs or maintain a paper file on all of our customers. However, DMV has and will continue to work with the Administration and ITS to address this issue.

#### **A. Oral Interpreting Services**

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

**For in-person encounters:** DMV displays signs that will allow customers to point to their language to determine language assistance needed, and provides "I Speak" cards, which are two-sided bilingual cards with printed information about Language Access Rights, as well as a statement that requests an interpreter.

**By telephone:** When an LEP individual calls DMV, they will hear a translated recording offering language assistance. The call is directed based on the language the caller selects.

**At initial contact in the field:** N/A

**For pre-planned appointments with LEP individuals: N/A**

**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:** DMV provides an information sheet translated into the top six languages to help determine the reason for the LEP individual's visit to DMV. The Department displays a statewide poster where the customer will be able to point to their language to determine the language assistance needed, and offers "I Speak" cards, which are two-sided bilingual cards with printed information about Language Access Rights, as well as a statement that requests an interpreter.

**By telephone:** Phone interpreters are provided based on the LEP individual's language selection from the main menu.

**At initial contact in the field: N/A**

**For pre-planned appointments with LEP individuals: N/A**

**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 are informed of the availability of free interpreting services. Generally, an LEP individual may not use a family member, friend, or a minor as his or her interpreter. However, upon request and where circumstances necessitate, an LEP individual may be permitted to use a minor, a family member or friend as an interpreter for routine transactions.

**Our protocol(s) for obtaining interpreter services in a timely manner is as follows:**

After determining that an individual requires an interpreter, a staff person will contact our vendor in a prompt manner. Language access services are available in all state operated DMV offices and by phone during normal business hours.

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

DMV does not maintain a paper file on all of our customers, however, moving forward DMV will rely on the vendor to monitor, track and report to DMV the services provided to LEP individuals.

### **Competency and confidentiality**

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

Civil Service rules require that staff hired from the Spanish-speaking Motor Vehicle Representatives list are competent in Spanish. They are required to explain and interpret agency rules, regulations, policies and/or procedures to interested parties. DMV may use multilingual staff volunteers who are self-assessed in their own language competency. DMV staff that volunteer to assist LEP individuals will be asked to certify that they are competent in the language for which they are offering assistance. Such staff will be instructed to only translate what LEP individual says.

Where DMV 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:**

DMV will continue to maintain the current level of confidentiality. In order to maintain confidentiality in the state operated issuing offices, only one individual is called to a work station at a time. 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:** The number of bilingual staff that work directly with LEP individuals varies from office to office.

- Bilingual staff members who provide oral interpreting when necessary

**Number of staff and languages spoken:** 52 Motor Vehicle Representatives (Spanish).

- 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) DMV will create and maintain a list of volunteer bilingual staff. Staff will be instructed on the protocol to contact and utilize bilingual staff. DMV will periodically issue call letters to DMV staff to seek new volunteer bilingual translators.

**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:**

DMV staff is trained on how to obtain oral interpreting services, maintain confidentiality and cultural sensitivity as part of the new employee and annual refresher training.

### **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 Language Access Working Group will identify and reassess the list of vital documents every two years based upon print volumes, transaction volumes, usage, and the purpose of the form.

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

The documents that are produced by DMV and the supporting documents issued by or relied upon by federal, state or local governments or financial institutions can only be issued in English; therefore DMV will continue to only accept applications and forms completed in English.

However, DMV reviews submitted applications and timely sends out for translation when needed. Instructions are provided in Spanish, French (Haitian) Creole, Italian, Russian, Chinese and Korean and DMV will provide an interpreter where necessary to explain instructions.

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

DMV has procured plain English software and training. Forms are simplified using plain English prior to translation.

The certified translators from the OGS Statewide Administrative Services Contract will be expected to translate DMV's forms in the format that is appropriate for the language, which is the procedure currently

used for translating applications and forms. Many of the forms DMV provides are instructional in nature and do not lend themselves to writing at a specific grade level. Where applicable, revisions to DMV publications will be geared toward the 6<sup>th</sup> to 8<sup>th</sup> grade reading level.

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

- The following forms are currently available in Spanish:

CDL-10S (New York State Commercial Driver's Manual)

FS-498 (Penalties for Driving Without Liability Insurance)

ID-44EDLS (Enhanced Driver License)

ID-44S (Proofs of Identity [Learner Permit, Driver License, Non-Driver ID Card])

ID-82S (Requirements for Identification [Registration and Title])

MV-14S (Tow Truck Manual)

MV-21MCS (NYS Motorcycle Operator Manual)

MV-21S (New York State Driver's Manual)

MV-44.1EDLS (How to Apply for an Enhanced Driver License, Permit or Non-Driver ID Card)

MV-44.1S (How to Apply for an NY Learner Permit, Driver License, or Non-Driver ID Card)

MV-44S (Application for Driver License or Non-Driver ID Card)

MV-45S (Statement of Identity by Parent/Guardian)

MV-82.1BS (Registering/Titling a Boat in New York State)

MV-82.1S (Instructions for Vehicle Registration/Title Application)

MV-902S (Application for Duplicate Certificate of Title)

MV-2000BS (Motorcycle License Written Exam)

MV-2000S (Driver License/Permit Knowledge Test)

MV-2000TS (Tow Truck Driver's Test)

- The following forms are currently available in Chinese:

MV-44CH (Application for Driver License or Non-Driver ID Card)

MV-2000.4 (Driver License/Permit Knowledge Test)

- The following written license tests are currently available in the languages indicated:

MV-2000.1 (Driver License/Permit Knowledge Test [Albanian])

MV-2000.2 (Driver License/Permit Knowledge Test [Arabic])

MV-2000.3 (Driver License/Permit Knowledge Test [Bosnian])

MV-2000.5 (Driver License/Permit Knowledge Test [French])

MV-2000.6 (Driver License/Permit Knowledge Test [Japanese])

MV-2000.7 (Driver License/Permit Knowledge Test [Korean])

MV-2000.8 (Driver License/Permit Knowledge Test [Polish])

MV-2000.9 (Driver License/Permit Knowledge Test [Russian])

MV-2000.11 (Driver License/Permit Knowledge Test [Greek])

MV-2000.12 (Driver License/Permit Knowledge Test [Italian])

*The following forms will be translated into the six languages required by Executive Order No. 26:*

C-162 (EDL - FREQUENTLY ASKED QUESTIONS)

CDL-10 (NYS Commercial Driver's Manual)

ID-44 (Proofs of Identity [Learner Permit, Driver License, Non-driver ID Card])

ID-44EDL (Enhanced Driver License, Proofs of Identity, U.S. Citizenship and NYS Residence)

ID-82 (Proofs of Identity for Registration and Title)

MV-2CDL (Requirements for Commercial Drivers)

MV-15C (Request for Driving Record Information)

MV-21 (Driver's Manual)

MV-44 (Application for Driver License or Non-Driver ID Card)

MV-44CR (Restricted Use or Conditional Driver License Application)

MV-44EDL (Application for Enhanced Driver License or Non-Driver ID Card)

MV-44.1 (How to Apply for a New York Learner Permit, Driver License or Non-Driver ID Card)

MV-44.1EDL (How to Apply for a New York Enhanced Learner Permit, Driver License, or Non-Driver ID Card)

MV-45 (Statement of Identity and/or Residence by Parent/Guardian)

- MV-82 (Vehicle Registration/Title Application)
- MV-82B (Boat Registration/Title Application)
- MV-82ITP (In-Transit Permit/Title Application)
- MV-82.1 (Registering/Titling a Vehicle in NYS - Instructions)
- MV-232 (Are You Moving?)
- MV-262 (Certification of Supervised Driving)
- MV-500H (Important Information About Learner's Permits)
- MV-664.1 (Application for License Plates or Parking Permits for People with Severe Disabilities)
- MV-902 (Application for Duplicate Title)
- RT-3 (Scheduling Your Road Test By Phone or Internet)

Any additional documents determined to be “vital” by DMV will be timely submitted for translation in the top six languages.

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

Certified translation services will be utilized to ensure accuracy and consistency and bilingual staff, when available, will review translated forms. DMV, 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. DMV 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)

**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: Sophia Hilton.**

**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:**

DMV front-line staff and their managers and supervisors receive mandatory language access training annually, which includes all the components listed above. Newly hired staff members are given the language access training soon after hire. Refresher courses are provided as needed.

#### **PART 6 – ADMINISTRATION**

**Monitoring**

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

- Annual monitoring of agency activities to ensure compliance with Executive Order No. 26;
- Convene Language Access Working Group, which includes the Language Access Coordinator, a staff member from Operations Management, Fiscal and Legal offices to ensure agency compliance with Executive Order No. 26;
- Review training plans and receive regular updates to ensure all staff has received the appropriate training;
- Monitor and review translated vital documents; and
- Maintain a list of bilingual staff and contact information by periodically sending out call letters seeking new volunteer translators.

**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.**

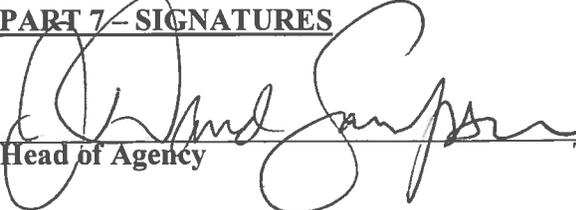
**We display information on the right to file a complaint, and the procedures to file a complaint, in the following manner:**

DMV posts signs in state operated issuing offices advising LEP individuals of their right to file a complaint and the process to do so in the top six languages. The standard complaint form is available to the public upon request in the top six languages identified in Part 2 and through our website.

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

The Language Access Coordinator convenes a Language Access Review Board to review all discrimination complaints and determine appropriate actions and training opportunities.

**PART 7 - SIGNATURES**

|   |                               |                |
|---|-------------------------------|----------------|
|  | <i>Executive Deputy Comm.</i> | <i>3/17/15</i> |
| Head of Agency  | Title                         | Date           |

Mary G. Bidell Director, Program Analysis 3/17/15  
Agency LAC Title Date

Patricia L. Gattney 3/4/15  
Deputy Secretary for Civil Rights Date