

LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: Department of State (DOS)

Effective Date of Plan: April 15, 2016

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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 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 State (DOS), one of the oldest and most diverse agencies in state government, works to make New York State a more welcoming, equitable, and prosperous place for all who call it home. By the broad nature of its work, the agency touches the lives of nearly every person living and working in the Empire State.

The DOS has been re-invented as a vehicle to help reinvigorate the State’s economy and spur business growth. The DOS’s services benefit and assist communities across the State, and protect the State’s environment. DOS regulates more than 30 professional occupations, such as real estate professionals, security guards, and home inspectors; making it easier to enable more of our New Yorkers to engage in these occupations; as well as handling corporate filings, and regulating professional boxing/wrestling contests and the State’s not-for-profit cemeteries.

From educating the public on marketplace scams prevention to advocating consumer’s interest before legislative and regulatory bodies, the Division of Consumer Protection of the DOS protects the interest of New York State consumers by overseeing a wide range of consumer issues, from investigating questionable business practices, to product recalls, to helping residents mitigate the consequences of identity theft. The Department also resolves thousands of consumer complaints through voluntary mediation between the public and businesses. Strategic investments are also made to create opportunities for all New Yorkers; the Department oversees the State’s Community Action Agencies that provide services to address the causes of poverty.

The DOS also houses, by reason of legislative appropriation, three independent commissions that perform diverse governmental functions. These are the Committee on Open Government, Authorities Budget Office and New York State Athletic Commission.

More recently, at Governor Cuomo’s request, the Department created the Empire State Fellows Program, which is a full-time leadership training program that prepares the next generation of talented professionals for careers as New York State policy-makers. The Department also hosts the New York State Office for New Americans, which helps immigrants fully participate in the State’s civic and economic life.

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 continue to reassess language needs periodically as needed and respond accordingly, 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 two to three million individuals are served by DOS statewide.

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:

The DOS based its frequency of contacts with LEP individuals using information gathered from contact with LEP individuals/requests.

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? DOS's website announces the "Free Language Assistance" in six different languages. Individuals are informed by DOS staff about their right to free language assistance services either verbally or in writing. Materials such as "I Speak" cards are also used.

- 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? Individuals who speak Spanish, Chinese, Russian, French (Haitian) Creole, Italian and Korean.

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

- Telephonic voice menu providing information in non-English languages

In which languages: We currently provide our telephonic prompt voice menu in the six top languages. The DOS website guide to telephone access is available in the six top languages.

Other (describe) The Department uses its Twitter feed and public website to highlight and inform individuals of its Language Access Plan. The DOS website guide to telephone access is available in the six top languages. DOS reaches out to community-based organizations that provide information or services to LEP individuals to make them aware of the language services provided at the Department.

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 make those determinations based on experience, with the assistance of bilingual staff members where available

Other (describe)

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 make 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:

Division representatives who provide services for an LEP individual in the person's preferred non-English language keep a record of the service provided each month. The Division Director presents these numbers/cases to the DOS Office of Affirmative Action. The use of an interpreter is recorded in the clients' files to assure consistent communication in the appropriate language. The telephonic interpreting service provider also provides DOS with an ongoing summary of frequency of use, type of interpreter service provided and usage cost.

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" signs are placed in areas in and around our customer service counters in our eight offices. Our customer service staff are trained to direct all customers to a smaller "I Speak" sign at the counter. Upon a customer pointing to a non-English Language, the customer service representative directs the customer to a staff member who speaks the language chosen. If a staff member is unavailable, a telephonic interpreting service will be engaged to provide interpreting services.

By telephone: Staff ask the individual's preferred language and connect the individual with a DOS staffer who speaks the language requested. If there is no DOS staffer available who speaks the language, staff then access a telephonic interpreter to assist with the call.

At initial contact in the field: Field inspectors carry "I Speak" cards to allow individuals to point to the language they speak. The "I Speak" cards describe that the interpreting services are provided for free. The field inspectors then use a telephonic interpreter or in-person interpreter to communicate with the customer.

For pre-planned appointments with LEP individuals: As an appointment is being scheduled, DOS staff correspond in writing or, if scheduling by telephone, ask whether the LEP individual will need a free interpreter. If the LEP individual does not indicate whether they would like to access the free interpreting services prior to the appointment, the LEP individual has the option to access a telephonic interpreting service on the day of the appointment.

Other (describe): N/A

Our protocol(s) for informing LEP individuals that they do not need to provide their own interpreters and that free interpreting services is provided is as follows:

For in-person encounters: "I speak" signs are placed in areas in and around our customer service counters in our eight offices. The signs, posters and video screens in the customer service areas inform LEP individuals that they do not need to provide their own interpreters and that free interpreting services are provided. Staff also verbally inform individuals at first contact.

By telephone: The individual is verbally informed by staff that free interpreter services are available. If there is no DOS staffer available who speaks the language, staff access a telephonic interpreter to assist with the call.

At initial contact in the field: Field inspectors carry "I Speak" cards to allow the individual to point to the language they speak. The "I Speak" cards describe that interpreting services are provided for free. The field inspectors then use a telephonic interpreter or an in-person interpreter to communicate with the customer.

For pre-planned appointments with LEP individuals: As an appointment is being scheduled, DOS staff correspond in writing or, if scheduling by telephone, ask whether the LEP individual will need a free interpreter. If the LEP individual does not indicate whether they would like to access the free interpreting services prior to the appointment, the LEP individual has the option to access a telephonic interpreting service on the day of the appointment.

Other (describe): N/A

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 an interpreter. However, during emergencies an LEP individual will be permitted to use a minor, a family member or a friend as an interpreter. Upon request, an LEP individual may also be permitted to use a minor, a family member or friend as an interpreter for routine matters, such as asking the location of the office, hours of operation or rescheduling an appointment. Where the interaction with the LEP individual occurs at the agency's office, and an individual is permitted to use an interpreter of his or her choosing, he or she must fill out a written consent/waiver form.

Where an LEP individual is engaged in official business with the agency, the agency provides an independent interpreter at all times. An LEP individual is not 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:

DOS staff are trained to connect to the selected interpreting vendor in a timely manner.

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

Division representatives who provide services for an LEP individual in the person's preferred language keep a record of the service provided each month. The Division Director presents these numbers/cases to the DOS Office of Affirmative Action/Language Access Coordinator. The use of an interpreter is recorded in the clients' files to assure consistent communication in the appropriate language. The telephonic interpreting service provider also provided DOS with an ongoing summary of frequency of use, type of interpreter service provided and usage costs.

Competency and confidentiality

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

On a case-by-case basis, DOS uses multilingual staff volunteers who are self-assessed in their own language competency. Where DOS utilizes independent services, the vendor implements 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. Furthermore, independent interpreters 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:

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken:

LANGUAGE SKILLS ROSTER (Language & Employees)	
Language	No. DOS Staff
French	1
French (Haitian) Creole	1
Italian	1
Korean	1
Chinese Mandarin	2
Polish	1
Portuguese (Brazil)	2
Russian	1
Spanish	5
Total	9 languages
	15

- Telephonic interpreting service

Names of vendors: Language Line Solutions, Inc. and/or potentially any other vendors under the Office of General Service 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:

All employees who routinely come in contact with LEP individuals attend training at least once a year. The training educates the employee on how to access the telephonic interpreting services, as well as direct employees to the DOS intranet and internet domains where vital documents can be accessed in the six designated languages.

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 DOS's internal Language Access working group meets once a month to discuss needs and issues related to the Department's Language Access Plan. During these sessions a determination and reassessment of the DOS's vital documents are made. The determining factors include, but are not limited to, core statutory functions of the DOS and frequently accessed services by LEP individuals.

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

All documents in need of translation are sent to the selected vendor in a timely manner or to bilingual staff where applicable.

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

The DOS's internal review looks for and ensures all materials are written in plain language prior to translation.

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

The vital documents listed below have been translated into the top six languages pursuant to the Executive Order.

Division of Corporations, State Records and Uniform Commercial Code

- Authentication/Apostille request
- Form and fees

Division of Licensing

- Preliminary statement of complaint
- Real Estate Salesperson Application
- Barber Operator Application

- Cosmetology Application
- Appearance Enhancement Business or Area Renter Application
- Request for Certification/Certified Copies of Records
- Employee Statement and Security Guard Application
- Natural Hair Specialist Application
- Nail Specialty Application
- Esthetics Applications
- Armored Car Guard Application
- Examination Review Request
- Request for Photo ID
- Waxing Application
- DMV Consent Form
- State Licensed/Certified Real Estate Appraiser Application
- Hearing Aid Dispenser Application – Individual Registrant
- Barber Apprentice Application
- Credit Card Authorization
- Change Notice
- Preliminary Statement of Complaint
- Duplicate License/Registration Request
- Experience Statement
- Apprentice Barber Time Record
- Special Testing Arrangements Request
- Security Guard Change of Status
- Athlete Agent Application
- Home Inspector Application
- Real Estate Appraiser Examination Application/Re-Application
- Apostille/Certificate of Authentication Request
- Appearance Enhancement Temporary License Renewal Application
- Health Certification Form
- Change of Supervising Barber for Barber Apprentice Form
- Credit Card Authorization Form
- Military Spouse Waiver Application
- Wage Payment Surety Bond
- Nail Specialty Trainee Application
- Change of Supervising Nail Specialist and Or Employer Nail for Specialty Trainee
- Nail Specialty Trainee Time Record
- Nail Specialty Business Inspection Process Check List

Committee on Open Government

- Your Right to Know brochure

DOS Executive

- Access to Services in Your Language Complaint Form

The vital documents listed below are currently under revision or in the process of translation and are expected to be completed by June 30 2015 into the top 6 languages pursuant Executive Order.

Division of Consumer Protection

- Avoiding Scams
- Safe Guard Your Child Identity
- ID Theft Brochure
- Looking to Buy or Rent Property in New York State

Division of Cemeteries

- Cemetery Complaint
- Instruction for Cemetery Complaint

New York State Athletic Commission

- Professional Boxer License Application
- Application for Professional Second License
- Application for Professional Boxing Manager License
- Application for Professional Boxer License Renewal
- Authorization for Release of Health Information Pursuant to HIPPA
- Application for Renewal of Seconds, Trainers, Managers, Matchmakers, Announcers, and Timekeepers
- Preliminary Statement of Complaint
- Medical Information Release Form
- Electronic Fingerprint/ Applicant Instructions

Office for New Americans

- Office For New Americans Brochure

Affirmative Action Programs

- Access to Services in your languages: Complaint Form

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

DOS through its vendor (where applicable), ensures 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. DOS also ensures 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/or potentially any other vendor under the Office of General Services 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:

Laura Gonzalez-Murphy

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 employees who routinely come in contact with LEP individuals attend an in-person, webinar or video conference/telephonic training at least once a year. Currently, DOS provides the annual mandatory language access training through the Statewide Learning Management System (SLMS). The training includes and addresses all components listed above. Refresher courses are given periodically as needed and new employees are given training upon hire. Training materials are also available through the DOS intranet and internet domains as well. In addition, DOS maintains a “training registry” that records the names, dates and type of LEP program-related employee training received.

PART 6 – ADMINISTRATION

Monitoring

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

The Department conducts an annual needs assessment to determine whether changes to the LEP Plan are required.

The LAC monitors as follows:

- Ensure that all staff members are trained on the Language Access Plan;
- Ensure proper posting of “I Speak” posters;
- Require periodic reports from all program areas on language assistance provided;
- Review and evaluate all the LAP-related complaints; and
- Review and evaluate data acquired from the DOS’s website.

Any revisions made to the Plan are communicated to the Secretary of State and an updated version of the plan will be posted on the DOS intranet site and its public website.

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.

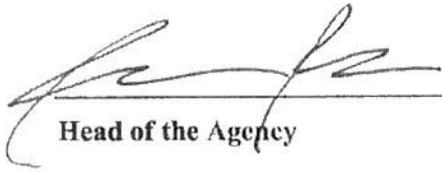
We display information on the right to file a complaint, and the procedures to file a complaint, in the following manner:

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 received on language access are forwarded to and handled by the DOS’s Office of Affirmative Action Programs.

PART 7 – SIGNATURES



Head of the Agency

New York Secretary of State

Title

4/12/16

Date



Agency LAC

Language Access Coordinator

Title

4/13/16

Date



Deputy Secretary for Civil Rights

4/15/16

Date