

# **LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS**

**State Agency:** Department of Taxation and Finance

**Effective Date of Plan:** 5/30/2017

**Language Access Coordinator (LAC):** Jacqueline E. King

**LAC Phone / E-mail:** (518) 530-4123/ jacqueline.king@tax.ny.gov

## **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 Department of Taxation and Finance (DTF) collects and distributes more than \$100 billion annually in State and local taxes and fees that support government services and programs. The Department strives to administer the tax laws of New York State with integrity and fairness. The Department’s core functions are:

- 1) Supporting the voluntary collection of State taxes (providing guidance, instructions, and telephone assistance for taxpayers; administering tax filing processes; collecting, accounting for and distributing State revenue; paying refunds; and administering programs that deliver social and economic benefits through the tax system, such as the Earned Income Tax Credit);
- 2) Supporting the collection of local taxes (overseeing local real property tax administration, establishing equalization rates and special property assessments, supporting local governments in performing their assessment responsibilities; and collecting, accounting for and distributing local sales, income and other taxes); and
- 3) Enforcing compliance with the tax laws (conducting audits for accuracy and compliance; identifying and investigating alleged evasion of the State tax code; and collecting delinquent taxes and other liabilities).

**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:** The total population that files returns with New York State, either as an individual, household, or business. That includes 10.3 million personal income taxpayers; 585,000 sales and use taxpayers; 409,000 real estate transfer taxpayers; over 500,000 corporations; 300,000 LLCs or partnerships; and thousands of businesses paying cigarette, motor fuel, and other miscellaneous taxes.

**The top six languages spoken by LEP individuals that our agency serves or could potentially serve are as follows:**

<b>Language</b>	<b>Estimated Number of LEP Individuals Who Speak this Language</b>
Spanish	1,240,490
Chinese	350,976
Russian	130,296
Haitian Creole	68,509
Korean	61,833
Italian	58,200

Source: U.S. Census Bureau, 2010-2014 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:** [Click here to enter text.](#)

- Information from other government agencies

**Names of agencies:** [Click here to enter text.](#)

- Other (describe) [Click here to enter text.](#)

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

We track the number of Spanish language phone calls handled by DTF's representatives as well as the number of phone calls using the telephone interpreting service. In State Fiscal Year 2015-16, the Department handled more than 151,917 calls from individuals with limited English proficiency. Spanish speakers accounted for 93% of the calls, followed by Chinese (Mandarin) 3%, and Russian 1%. We also track the number of other contacts with individuals with limited English proficiency. Additional data will help us to better identify the populations that we serve.

### **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?** Staff gives individuals a brochure describing their right to free language assistance services. Where the encounter is made over the phone, staff will verbally inform individuals of 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?** DTF assists community groups that work with the Internal Revenue Service to provide free income tax assistance to the elderly or low-to-moderate income people who cannot prepare their own returns. Some groups focus their outreach to Spanish or Chinese-speaking populations. DTF provides information and brochures for volunteers to use in assisting taxpayers in the top six languages.

- 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 provide telephonic voice menu option in the top six languages.

- Other (describe) We provide notice of free language assistance services on the homepage of DTF's website.

#### **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) Field staff makes those determinations based on experience, with the assistance of bilingual staff members where available.

**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) Contact Center staff makes those determinations based on experience, with the assistance of bilingual staff members where available.

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

Staff records language assistance needs in case-contact notes, or the equivalent. The selected language assistance service vendors provide DTF with an ongoing summary of frequency of use, type of interpreter services utilized and costs by program area.

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

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

**For in-person encounters:** Staff offers a brochure about language assistance services and uses an “I Speak” poster to determine what type of assistance is needed. If bilingual staff is not available, a telephonic interpreting service is used.

**By telephone:** If bilingual staff is not available, a telephonic interpreting service is used to determine the language assistance needed.

**At initial contact in the field:** Staff offers a brochure about language assistance services and uses an “I Speak” poster or card to determine what type of assistance is needed. If bilingual staff is not available, a telephonic interpreting service is used.

**For pre-planned appointments with LEP individuals:** Information about DTF’s language assistance services is offered when the appointment is made, either by phone or by mail.

**Other (describe):** Click here to enter text.

**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:** A brochure is offered that explains that LEP individuals do not need to bring their own interpreters and that free interpreting services will be provided. Staff will also verbally inform individuals of free interpreting services.

**By telephone:** A telephonic interpreting service is utilized to verbally explain that LEP individuals do not need to bring their own interpreters and that free interpreting services will be provided.

**At initial contact in the field:** A brochure is offered that explains that LEP individuals do not need to bring their own interpreters and that free interpreting services will be provided.

**For pre-planned appointments with LEP individuals:** A brochure is offered that explains that LEP individuals do not need to bring their own interpreters and that free interpreting services will be provided. Information about DTF’s language assistance services is offered when the appointment is made, either by phone or by mail.

**Other (describe):** Click here to enter text.

**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:**

DTF's staff obtains interpreter services in a timely manner by calling the vendor's toll-free number, providing the respective agency account code, and requesting the language needed (or assistance in identifying the language). When the interpreter is on the line with both DTF's staff and the taxpayer, DTF's staff explains the objective of the call to the interpreter and proceeds by speaking directly to the taxpayer. Procedures for the Department's staff to access interpreter services are published on the DTF's employee intranet.

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

DTF's staff documents services in case-contact notes or the equivalent. The selected interpreting service vendor provides the Department with an ongoing summary of frequency of use, type of interpreter services utilized and costs by program area.

**Competency and confidentiality**

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

On a case-by-case basis, DTF uses multilingual staff volunteers who are self-assessed in their own language competency. Where DTF 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 work of contract interpreters is periodically sampled and reviewed by DTF's bilingual employees.

**The issue of confidentiality pertaining to the use of interpreters is addressed as follows:**

The training provided to staff addresses the importance of confidentiality. Under DTF's Code of Conduct, employees are prohibited from divulging any tax-related information they might obtain during their employment. 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:** We currently employ more than 40 staff members who provide Spanish language assistance by telephone.

Bilingual staff members who provide oral interpreting when necessary

**Number of staff and languages spoken:** We maintain a Department-wide list of bilingual staff and languages spoken. As of February, 2017, DTF has the following bilingual staff available:

Language	Number of Employees
Arabic	7
Bangla	7
Bengali	7
Berber	1
Cantonese	15
Creole	1
Danish	1
Farsi	3
French	21
French-Creole	1
Fuzhou	1
German	5
Greek	1
Gujarati	6
Haitian	2
Hebrew	6
Hindi	30
Hungarian	1
Italian	9
Kirundi	1
Korean	5
Lingala	1
Malayalam	6
Mandarin	24
Norwegian	1
Polish	4
Portuguese	1
Punjabi	7
Romanian	2
Russian	24
Serbo-Croatian	1
Sinhalese	1

Spanish	46
Swahili	2
Swedish	2
Tagalog	3
Taiwanese	1
Teluga	4
Thai	4
Toisan	1
Twi	1
Urdu	9
Vietnamese	2
Yoruba	2
Grand Total - 44 languages	280

- Telephonic interpreting service

**Names of vendors:** 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 (describe) [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:**

We provide this information through online training, a resource page on the DTF's employee intranet, a brochure about language access services that is given to taxpayers, and a palm card designed for DTF's employees as a summary of available resources and procedures.

**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 DTF’s Language Access Workgroup, which represents the Department’s business units that work with the public, convenes at least annually to identify any new or existing vital documents that should be translated pursuant to the Executive Order.

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

DTF employees first seek out bilingual employees for prompt assistance with translation. If this assistance is unavailable, then they submit documents to a DTF employee designated as the liaison to the vendor for translation services. The liaison will work with the appropriate vendor on State contract to ensure the translation work is completed in a timely manner.

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

DTF has a well-established Clear Language process for review of documents and web pages to ensure they are written in direct and easy-to-understand language. Documents are submitted to the DTF’s Clear Language unit for review and editing.

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

Documents listed below are vital and are translated in Spanish, Chinese, Russian, Korean, Italian and Haitian Creole.

<b>Reference Number</b>	<b>Related Pub. Number</b>	<b>Name</b>	<b>Translated into the top Six Languages (Spanish, Chinese, Russian, Korean, Haitian Creole, and Italian)</b>
PUB-131	PUB-3005	Your Rights and Obligations under the Tax Law	✓
DTF-4	PUB-3002	How to Contact the Tax Department for Offer in Compromise Assistance	✓

CMS-1	PUB-3001	Requesting a Conciliation Conference	✓
PUB-135	PUB-3006	Consumer Bill of Rights Regarding Tax Preparers	✓
TR-24	PUB-3008	Convenient Options for Handling New York State Tax Business	✓
TR-2000	PUB-3007	Authorizing a Tax Professional to Access Information and Perform Transactions	✓
DTF-17	PUB-3050	Who Must Register as a Sales Tax Vendor	✓
DTF-911	PUB-3003	A Brief Guide to Requesting Assistance from the Office of the Taxpayer Rights Advocate	✓
POA-1	PUB-3004	Information about Form POA-1, Power of Attorney	✓
IT-280	PUB-3107	How to Prevent Your Share of a Joint Income Tax Refund from Being Credited Against Your Spouse's Debt	✓
IT-285	PUB-3108	Who May Qualify for Innocent Spouse Relief (Relief from Joint Tax Liability)	✓
IT-215	PUB-3104	A Brief Guide to the New York State Earned Income Credit	✓
IT-216	PUB-3105	Who May Qualify for the Child and Dependent Care Credit	✓
IT-213	PUB-3101	Who May Qualify for the Empire State Child Credit	✓
IT-214	PUB-3102	Who May Qualify for the Real Property Tax Credit	✓
IT-272	PUB-3106	A Brief Guide to Claiming the College Tuition Credit or Deduction	✓
NYC-210	PUB-3109	A Guide to New York City Tax Credits	✓
Various	N/A	Bills, Notices, and Letters	✓
DTF-215.2	N/A	Get all the CREDIT you deserve with EARNED Income Tax CREDITS	✓

RP-425.1-PC	N/A	Register for NYS STAR School Property Tax Relief. Persons residing outside of New York City.	✓
RP-425.1-PC-NYC	N/A	Register for NYS STAR School Property Tax Relief. New York City Residents.	✓
RP-425-FS	N/A	STAR Registration Fact Sheet. For persons residing outside of New York City.	✓
RP-425-FS-NYC	N/A	STAR Registration Fact Sheet. For residents of New York City.	✓
RP-425-PO	N/A	NYS STAR. Register for School Property Tax Relief.	✓
RP-425-PO-NYC	N/A	NYS STAR. Register for School Property Tax Relief.	✓
N/A	N/A	Family Tax Relief Credit	✓
N/A	N/A	Property Tax Freeze Credit	✓
DTF-911.2 OTRA Brochure	N/A	DTF-911.2 (7/13) OTRA Brochure – Get Help with NYS Tax Problems	✓
TR-24 (8/15) Brochure	TR-24	TR-24 (8/15) Service option Brochure, for translation into all six languages	✓
CMS-1`	PUB-3001	CMS-1 Request for Conciliation Conference: Webpage, for translation into all six languages.	✓
N/A	N/A	Family Tax Relief Credit: Webpage, for translation into all six languages.	✓
TR-137.1-NR	N/A	TR-137.1-NR Pay your estimated tax online.	✓
TR-137.1-R	N/A	TR-137.1-R Pay your estimated tax online. Use your Online Services account to pay your estimated tax.	✓
TR-137.2-NR	N/A	TR-137.2-NR Avoid delays--reconcile your estimated tax payments BEFORE you file. Create an Online Services account.	✓
TR-137.2-R	N/A	TR-137.2-R Avoid delays--reconcile your	✓

		estimated tax payments BEFORE you file. Use your Online Services account to reconcile your payments.	
TR-574-TP	N/A	TR-574-TP Get your tax refund as quickly as possible.	✓
TR-580.5-BD	N/A	TR-580.5-BD (POSTCARD) - Just one more click. E-file your New York State tax return - for FREE.	✓
TR-580.5-R	N/A	TR-580.5-R (POSTCARD) - One more click. Get your refund up to 2X faster.	✓
TR-750-NR	N/A	TR-750-NR - You could be eligible to file your income tax return for free. New features added - If you were not able to use Web File last year...	✓
TR-750-R	N/A	TR-750-R - You could be eligible to file your income tax for free. New features added may allow you to Web File a return.	✓

Most individual taxpayers rely on a tax professional to prepare their return. Many small businesses use payroll services, tax professionals or bookkeepers to prepare their returns. Our focus is on the documents that directly impact access to services and benefits.

Any additional 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:**

DTF, 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. DTF 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 (describe) [Click here to enter text.](#)

**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:** Jacqueline King (Language Access Coordinator) and Sean Dunleavy (Associate Director, Training Resources Bureau).

**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:**

We offer mandatory online training for DTF’s staff who works directly with the public, at minimum, on an annual basis. Familiarity with language access issues and procedures is required as part of the initial training for a customer contact position. Language Access training is a GOER required training course for all DTF’s employees. It is offered to new employees upon hire and to all employees on an annual recertification basis. We also provide awareness training and materials for DTF’s managers and executives.

**PART 6 – ADMINISTRATION**

**Monitoring**

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

We use DTF’s project management methodology to document the goals, deliverables, schedule and resources for Plan implementation. In addition to the Language Access Coordinator, the Department’s Executive Portfolio Review Board monitors implementation. Post-implementation, we will work to develop a mechanism to obtain regular feedback on our Language Access Plan from LEP individuals, tax professionals, employees and other stakeholders.

The Language Access Coordinator reports at least annually to the Commissioner and Executive Deputy Commissioner, the Department’s senior staff and the Language Access Workgroup on implementation of the Language Access Plan, including performance metrics.

**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:**

We provide this information in a brochure describing our language access services and on DTF’s public website. 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:**

