

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: Department of Taxation and Finance

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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 Department of Taxation and Finance (DTF) collects and distributes more than \$110 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; collection, 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: 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:

- Information from other government agencies

Names of agencies:

- Other

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 telephonic interpreting service. In State Fiscal Year 2017-2018, the Department handled more than 110,000 calls from individuals with limited English proficiency. Spanish speakers accounted for 89% of the calls, followed by Chinese, and then Russian. We also track the number of requests for written translations.

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 has material available for LEP individuals 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

What are the LEP populations targeted? DTF assists taxpayers by providing free income tax assistance to low-to-moderate income people. Department volunteers who speak Spanish, Chinese and Russian service targeted locations, and provide print material that has been translated into 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 options in Spanish, Chinese, Russian, Haitian Creole, Korean, and Italian.

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

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 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 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 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 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):

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: Material including the “I Speak” poster 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: Material including the “I Speak” card 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: Material including the “I Speak” card 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): We provide notice of free language assistance services on our website’s homepage.

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, upon request, an LEP individual may 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 (See Appendix A).

Where an LEP individual is engaged in official business with the agency, the agency will always provide an independent interpreter. 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:

Where DTF uses independent interpreting services. Vendors 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:

Contract verbiage provided to independent interpreters addresses the importance of our secrecy laws and prohibits divulging any tax-related information. 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: We employ more than 30 staff members who provide Spanish language assistance by telephone.

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken:

- Telephonic interpreting service

Names of vendors: Approved vendors 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:

- Other

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, and print material about Language Access services that is available to taxpayers.

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:

Our 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 submit documents to the Language Access Coordinator for transmittal services. The Language Access Coordinator works with the contracted vendor to obtain translation services requested.

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 best practices process for review of documents and web pages to ensure they are written in direct and easy-to-understand language.

The following table contains a non-exhaustive list of translated documents by the agency in the languages indicated:

Relates To	Translated Content	Name	Top Six Languages						Additional Languages
			Spanish	Chinese	Russian	Haitian Creole	Korean	Bengali	
PUB-131	PUB-131	Your Rights and Obligations under the Tax Law	✓	✓	✓	✓	✓	✓	Italian
DTF-4	PUB-3002	How to Contact the Tax Department for Offer in Compromise Assistance	✓	✓	✓	✓	✓	✓	Italian
CMS-1	PUB-3001	Requesting a Conciliation Conference	✓	✓	✓	✓	✓	✓	Italian
PUB-135	PUB-135	Consumer Bill of Rights Regarding Tax Preparers	✓	✓	✓	✓	✓	✓	Italian
TR-24	TR-24	Convenient Options for Handling New York State Tax Business	✓	✓	✓	✓	✓	✓	Italian
TR-2000	PUB-3007	Authorizing a Tax Professional to Access Information and Perform Transactions	✓	✓	✓	✓	✓	✓	Italian
DTF-17	PUB-3050	Who Must Register as a Sales Tax Vendor	✓	✓	✓	✓	✓	✓	Italian
DTF-911	PUB-3003	A Brief Guide to Requesting Assistance	✓	✓	✓	✓	✓	✓	Italian

		from the Office of the Taxpayer Rights Advocate							
POA-1	PUB-3004	Information about Form POA-1, Power of Attorney	✓	✓	✓	✓	✓	✓	Italian
IT-280	PUB-3107	How to Prevent Your Share of a Joint Income Tax Refund from Being Credited Against Your Spouse's Debt	✓	✓	✓	✓	✓	✓	Italian
IT-285	PUB-3108	Who May Qualify for Innocent Spouse Relief (Relief from Joint Tax Liability)	✓	✓	✓	✓	✓	✓	Italian
IT-215	PUB-3104	A Brief Guide to the New York State Earned Income Credit	✓	✓	✓	✓	✓	✓	Italian
IT-216	PUB-3105	Who May Qualify for the Child and Dependent Care Credit	✓	✓	✓	✓	✓	✓	Italian
IT-213	PUB-3101	Who May Qualify for the Empire State Child Credit	✓	✓	✓	✓	✓	✓	Italian
IT-214	PUB-3102	Who May Qualify for the Real Property Tax Credit	✓	✓	✓	✓	✓	✓	Italian
IT-272	PUB-3106	A Brief Guide to Claiming the College Tuition Credit or Deduction	✓	✓	✓	✓	✓	✓	Italian

NYC-210	PUB-3109	A Guide to New York City Tax Credits	✓	✓	✓	✓	✓	✓	Italian
DTF-215.2	DTF-215.2	Get all the credit you deserve with Earned Income Tax Credits	✓	✓	✓	✓	✓	✓	Italian
CO-4	CO-4	Helpful Tax Information for New York State Immigrants and Residents with Limited English Proficiency	✓	✓	✓	✓	✓	✓	Italian
TP-85	TP-85	Assistance Information	✓	✓	✓	✓	✓	✓	Italian
DTF-911.2	DTF-911.2	Get Help with NYS Tax Problems	✓	✓	✓	✓	✓	✓	Italian

Our focus is on the documents that directly impact access to services and benefits. 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.

Any documents determined to be vital during 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 contracted vendor, will ensure that proofing/editing for correctness and cultural sensitivity are components of the translation service provided 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: Potentially 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:

- Oral translations of written documents by bilingual staff members
- Oral translations of written documents by other individuals or community organizations
- Other [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: Douglas Stafford (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:

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 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.

PART 6 – ADMINISTRATION

Monitoring

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

The Language Access Coordinator reports at least annually to the Commissioner and Executive Deputy Commissioner and the Department's senior staff. In addition, the Language Access Coordinator meets at minimum bi-annually with DTF's Language Access Team on implementation of the Language Access Plan, including performance metrics.

We also receive regular feedback on our Language Access services from LEP individuals, tax professionals, employees and other stakeholders.

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 material 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:

Complaints are referred by the Language Access Coordinator to the director of the division providing the service in question for review and response. If there is disagreement on the appropriate response, the Language Access Coordinator may refer the complaint to the Office of Internal Affairs, the Office of the Taxpayer Rights Advocate, or the Executive Deputy Commissioner. The Language Access Coordinator will report at least annually to the Commissioner and Executive Deputy

