

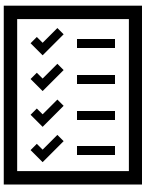
LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: Department of Taxation and Finance

Effective Date of Plan: August 1, 2021

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This document is our agency’s **Language Access Plan**.

A **Language Access Plan** explains how we provide services to people who have limited English proficiency.

This **Language Access Plan** includes information about:

	The Limited English Proficient (“LEP”) population in our service area.
	How we notify the public about language access services.
	Our resources and methods for providing language access services.
	How we train our staff to provide language access services to the public.
	How we monitor language access services and respond to complaints.

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PART 1 – Our Agency’s Services

We prepared this Language Access Plan (“Plan”) to comply with Executive Order No. 26, as amended by Executive Order No. 26.1, which established New York’s [Statewide Language Access Policy](#).¹ This Plan explains how we make sure that Limited English Proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.

In this Plan, LEP individuals are understood as people who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

Our agency’s services to the public include:

The Department of Taxation and Finance (“Tax Department”) collects and distributes more than \$119.1 billion annually in State and local taxes and fees that support government services and programs. The Department of Taxation and Finance strives to administer the tax laws of New York State with integrity and fairness. The Tax Department’s core functions are:

- 1) Supporting the voluntary collection of 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.



PART 2 – The Limited English Proficient Population in Our Service Area

¹ For additional information about our agency’s obligations to provide language access services, please visit: <https://www.ny.gov/language-access-policy>

Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top ten languages most commonly spoken by LEP individuals in New York State.

The estimated total number of LEP individuals in our service area is: Approximately 2.5 million LEP individuals in New York State.

The top ten languages spoken by LEP individuals in New York State are:

#	Language	Estimated Number of LEP Speakers
1	Spanish	1,201,322
2	Chinese	379,745
3	Russian	119,380
4	Yiddish	64,070
5	Bengali	64,020
6	Korean	55,506
7	Haitian Creole	54,746
8	Italian	46,431
9	Arabic	40,781
10	Polish	34,840

Our agency will reassess the public’s language needs at least every two years after the effective date of this Plan.

Our agency tracks encounters with LEP individuals in the following ways:

We track the number of Spanish language calls handled by the department’s Spanish-speaking representatives. We also track the number of calls handled using the telephonic interpreting service. Spanish speakers accounted for the most calls, followed by Chinese and Russian. We also track the number of requests for written translations.



PART 3 – Public Outreach About the Availability of Language Access Services

Our agency informs LEP individuals about their right to free language assistance services in the following ways, using at least the top ten languages shown in Part 2 of this Plan:

- LEP individuals are directly informed by our staff

In which 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.

- Signs posted about language assistance services

- In areas operated by the agency and open to the public
- Other (describe)
- Information is published on our agency’s website in at least the top ten languages spoken by LEP individuals in New York State
- Outreach and presentations at schools, faith-based groups, and other community organizations
What are the LEP populations targeted? The department 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 ten languages.
- Local, non-English language media directed at LEP individuals in their languages
What are the LEP populations targeted?
- Social media posts directed at LEP individuals in their languages
What are the LEP populations targeted? We post on social media in Spanish, Chinese, Russian, Bengali, Haitian Creole, Korean, Yiddish, Italian, Arabic, and Polish, whenever we have available translated content.
- Telephonic voice menu providing information in non-English languages**
In which languages? Our language access homepage provides a general telephone number with Interactive Voice Response (IVR) options in Spanish, Chinese, Russian, Bengali, Haitian Creole, Korean, Yiddish, Italian, Arabic, and Polish. Our personal income tax automated greetings include a Spanish greeting that is routed directly to a Spanish-speaking representative.
- Other (describe)
We provide a link to our free language assistance services in the footer of every Tax Department webpage.



PART 4 – Provision of Language Access Services

A. Determining the Need for Services

During *in person* encounters, our agency uses the following tools to determine whether an individual is LEP, and what their primary language is:

- “I Speak” posters or visual aids that provide information about free interpreting services in multiple languages
- Reception staff make those determinations based on training and experience

- Bilingual staff members, where available, assist in identifying LEP individual's language
- Other (describe) Field staff makes those determinations based on experience, with the assistance of contracted interpreting services and bilingual staff members where available.

On telephone calls, our agency uses the following tools to find out if an individual is LEP, and what their primary language is:

- Reception staff make those determinations based on training and experience
- Bilingual staff members, where available, assist in identifying an LEP individual's language
- Telephonic interpreting service
- Other (describe) Contact Center staff makes those determinations based on experience, with the assistance of contracted interpreting services and bilingual staff members where available.

Our agency's protocols for assessing whether an individual needs oral interpreting services in different service situations is as follows:

- During office 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.
- 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.
- When speaking on the telephone:** If bilingual staff is not available, a telephonic interpreting service is used to determine the language assistance needed.
- For pre-planned appointments with LEP individuals:** Information about the Tax Department's language assistance services is offered when the appointment is made, either by phone or by mail.
- Other (describe):**

Our agency records and maintains documentation of each LEP individual's language assistance needs as follows:

Tax Department staff records language assistance needs in case-contact notes, or the equivalent. The language assistance service vendors utilized by our agency also provide the department with an ongoing summary of frequency of use, type of interpreter services utilized, and costs by program area.

B. Oral Interpreting Services

Our agency has made the following resources available for oral interpreting requests:

- 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 services on a volunteer basis

Number of staff and languages spoken:

- Telephonic interpreting service

Name of vendors: Approved vendors under the NYS Office of General Services (OGS) Statewide Administrative Services contract.

- Contracts or other arrangements with school and community organizations

Number of staff and languages spoken:

- Other (Describe)

Our agency protocols for informing LEP individuals that free interpreting services will be provided and that they do not need to provide their own interpreters is as follows:

During office in-person encounters: Material, including the “I Speak” poster, is provided to explain 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 the availability of free interpreting services.

At initial contact in the field: Material, including the “I Speak” card, is provided to explain that LEP individuals do not need to bring their own interpreters and that free interpreting services will be provided.

When speaking on the 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.

For pre-planned appointments with LEP individuals: Material, including the “I Speak” card, is provided to explain that LEP individuals do not need to bring their own interpreters and that free interpreting services will be provided. Information about the Tax Department’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 in the footer of our website, on our Language Access page and on our Contact Us page.

Our agency’s protocols for obtaining interpreting services in a timely manner is as follows:

Tax Department staff obtains interpreter services in a timely manner by calling the vendor’s toll-free number, providing the agency account code, and requesting the language needed (or assistance in identifying the language). When the interpreter is on the line with both the department’s staff and the taxpayer, the staff explains the objective of the call to the interpreter and proceeds by speaking directly to the taxpayer. The Tax Department publishes procedures for the department’s staff to access interpreter services on the department’s employee intranet and includes them in the Call Center’s Customer Response Management knowledgebase.

If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocols for deciding whether to accept or decline such an arrangement is as follows:

LEP individuals who 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 the agency permits the use of an interpreter authorized by the individual, the LEP individual must fill out a written consent/waiver form. 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 agency provides information to all staff members who have contact with the public about how to obtain oral interpreting services. Our protocol in this regard is as follows:

We provide this information through online training, a resource page on the Tax Department’s employee intranet, and print material about Language Access services available to taxpayers.

The agency’s Language Access Coordinator (“LAC”) maintains a list of oral interpreting resources that are available to staff. This resource list includes:

- Names and contact information for all resources
- Developing a list of names and locations of staff members who are available to act as interpreters or provide services directly in an LEP individual’s primary language
- Languages in which each interpreter or service is qualified
- Procedures for accessing each interpreter or service

Our agency records and maintains documentation of oral interpreting services provided to LEP individuals at each encounter. Our protocol in this regard is as follows:

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

Cultural Competence and Confidentiality

Our agency makes sure interpreters are culturally competent² in the following ways:

Where the Tax Department 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 the department's bilingual employees.

Our agency makes sure interpreters follow state and federal confidentiality protocols in the following ways:

Contract language provided to independent interpreters addresses the importance of our secrecy laws and prohibits divulging any tax-related information. Furthermore, independent interpreters are subject to tax secrecy and other confidentiality provisions of New York State Law.

C. Translations of Documents

At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents (including website content) that must be translated. This process is accomplished in the following ways:

Our Language Access Steering Committee, which represents the Tax 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.

Our agency's process for making sure documents are written in plain language³ before they are translated into other languages is as follows:

The department has a well-established best practices process for review of documents and webpages to ensure they are written in direct and easy-to-understand language.

² Cultural Competence is defined as *a set of congruent behaviors, attitudes, and policies that come together in a system or agency or among professionals that enables effective interactions in a cross-cultural framework*. U.S. Department of Health and Human Services, Office of Minority Health. 2000. Assuring Cultural Competence in Health Care: Recommendations for National Standards and an Outcomes-Focused Research Agenda. Extracted from: https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring_Cultural_Competence_in_Health_Care-1999.pdf

³ The [Plain Writing Act of 2010](https://www.govinfo.gov/app/details/PLAW-111publ274) defines plain language as writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience. Extracted from: <https://www.govinfo.gov/app/details/PLAW-111publ274>

Our agency has the following resources available for translation of documents:

- Contracts with vendors for translation services
Names of vendors/languages: Approved vendors under the NYS Office of General Services (OGS) Statewide Administrative Services contract.
- Contracts or other arrangements with schools and community organizations
Names of schools/organizations and languages:
- Translation of documents by bilingual staff members
- Other (describe)

The agency’s Language Access Coordinator (“LAC”) maintains a list of translation resources that are available to staff. This resource list includes:

- Names and contact information for all resources
- Names and locations of staff members who are available to provide translations of documents
- Languages in which each translation service is qualified
- Procedures for accessing each translation service

Our agency translates documents that LEP individuals submit in their primary languages in a timely manner. Our protocol in this regard is as follows:

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

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

In compliance with Executive Order 26, as amended by Executive Order 26.1, our agency has completed translations of the below list of documents and webpages in the following languages:

- *AR: Arabic*
- *BE: Bengali*
- *CH: Chinese*
- *HA: Haitian-Creole*
- *IT: Italian*
- *KO: Korean*
- *PO: Polish*
- *RU: Russian*
- *SP: Spanish*
- *YI: Yiddish*

Department of Taxation and Finance Forms, Publications, and Webpages are currently translated into the following languages: Spanish, Chinese, Russian, Bengali, Yiddish, Haitian-Creole, Korean, Italian, Arabic, and Polish.	
Form # / Webpage URL	Name / Title
PUB-131	Your Rights and Obligations under the Tax Law
tax.ny.gov/enforcement/bcms_protest.htm	Formally protest a department notice
tax.ny.gov/enforcement/bcms_request.htm	Form CMS-1, Request for Conciliation Conference
tax.ny.gov/enforcement/collections/oic.htm	Offer in Compromise program
Power of attorney and other authorizations	Power of attorney and other authorizations
https://www.tax.ny.gov/poa/	Power of attorney and other authorizations
https://www.tax.ny.gov/poa/add-guidance.htm	Form POA-1: additional information
tax.ny.gov/e-services/otc/tr_2000_info.htm	E-ZRep Form TR-2000, Tax Information Access and Transaction Authorization information
tax.ny.gov/bus/st/register.htm	Register as a sales tax vendor
tax.ny.gov/pit/file/nonobligated_spouse_relief.htm	Nonobligated spouse relief (separate your part of the refund)
tax.ny.gov/pit/file/innocent_spouse.htm	Innocent spouse (and separation of liability and equitable relief)
TP-85	Assistance Information

Additional translated resources can be found at the department’s Language access page: <https://www.tax.ny.gov/language/default.htm>.

New documents identified for translation after the signing of this Plan and before the 2-year reassessment will be translated in a timely manner.

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

The Tax Department, through its contracted vendor, will ensure that proofing and editing for correctness and cultural sensitivity are components of the translation service provided as part of the publication process. The department will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.



PART 5 – Staff Training

The person in the agency who is responsible for training staff in language access services is: Milan Grubnić, Language Access Coordinator, and Sean Dunleavy, Director of Training, Training Resources Bureau.

The staff training includes the following components:

- The agency’s legal obligations to provide language access services
- The agency’s resources for providing language access services
- How to access and work with interpreters
- Cultural competence and cultural sensitivity
- How to obtain translation services
- Maintaining records of language access services provided to LEP individuals.

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 Tax Department employees. It is offered to new employees upon hire and to all employees on an annual recertification basis.



PART 6 – Monitoring the Plan and Responding to Complaints

A. Monitoring

Our agency’s Language Access Coordinator (“LAC”) will monitor implementation of the Plan to make sure we are in compliance. Our protocols in this regard are as follows:

The Language Access Coordinator reports at least annually to the Commissioner and Executive Deputy Commissioner and the Tax Department’s senior staff. In addition, the Language Access Coordinator meets at minimum bi-annually with the department’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.

B. Complaints

We provide information to the public in at least the top ten most commonly spoken non-English languages in the state, advising members of the public of their right to file a complaint if they feel that they have not been provided adequate language access services or have been denied access to services because of their limited English proficiency. We do

not retaliate or take other adverse action because an individual has filed a language access complaint.

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

The standardized complaint forms, along with the procedures for filing a complaint, are available in all ten languages in our public offices upon request. They are also available for download or online submission through our website. Additionally, information on the right to file a complaint is posted in the top ten languages on our website and in our offices in areas where it can be easily seen by the public.


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 Commissioner, department senior staff and the Language Access Team on the resolution of complaints.

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



PART 7 – Signatures

	Acting Commissioner	7/30/21
Head of Agency	Title	Date

	Language Access Coordinator	7/30/21
Agency LAC	Title	Date

		7/30/2021
Deputy Secretary for Civil Rights		Date