

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: NYS Department of Economic Development/ Empire State Development

Effective Date of Plan: 5/30/2017

Language Access Coordinator (LAC): Kay A. Wilkie

LAC Phone / E-mail: 518-292-5270/ Kay.Wilkie@esd.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 mission of the Department of Economic Development/ Empire State Development (“DED”/ “ESD”) is to promote economic development and increase job opportunities throughout the State of New York. This is accomplished by numerous programs that attract new businesses to New York State and support the expansion of existing businesses in the State. In order to ensure that all existing ESD information is available to the broadest community of international interest and LEP population, the ESD website, with details on program, divisions and other resources, is readily available in 103 languages via the NYS enterprise “Translate” button, including the top six languages (Chinese, Russian, Italian, Korean and Haitian Creole and Spanish).

The only ESD/DED program determined to be providing direct services to LEP persons is the Division of Minority and Women’s Business Development (“DMWBD”). These services include the certification of businesses as women and/or minority owned and the inclusion of such businesses in State contracting opportunities. ESD continually makes other economic development program management aware of Language Access priorities, and will revise the Plan as needed. In connection with identified DMWBD services and in addition to the ESD website “Translate” button features, ESD ensures that its language access capabilities specifically include Spanish, Chinese, Russian, Italian, Korean and Haitian Creole.

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 19,795,791- the NYS population in 2015. There is no source of data available to specifically determine how many businesses would benefit from certification or how many businesses in New York State are owned by limited English proficient individuals. However, our estimated service area includes any person that is interested in doing and/or creating business in New York State.

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	1,240,490
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) Migration Policy Institute (www.migrationpolicy.org).

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

According to the DMWBD’s Director of Certification, less than 1% of applicants for certification as minority and women owned businesses were identified as needing language support services in the past two years.

The LAC coordinates with DMWBD management to ensure that the DMWBD team meets with various Chambers of Commerce and surveys community-based organizations to continually assess the needs of the LEP population.

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? Individuals are verbally informed of their right to free language assistance services or directed to an “I Speak” poster that contains this information by staff.

- 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? Minority and women owned businesses in the top six languages encountered, specifically within the business community.

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

- Telephonic voice menu providing information in non-English languages

In which languages?

- Other (describe) The ESD/DED website is readily available in 103 languages via the “Translate” button, including information on DED and DMWBD as well as other services.

The ESD website includes notification in the top six languages identified in Part 2, and provides a dedicated number for language assistance.

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)

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) [Click here to enter text.](#)

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

LEP individual’s language assistance needs are included as part of the intake process and recorded in the applicant’s business file by the DMWBD certification analyst. The selected language services vendor and/or DTF Call Center also provides ESD/DED with an ongoing summary of frequency of use, type of interpreter services utilized and costs.

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 solicits informal assistance from bilingual staff when available to determine language spoken. “I Speak” cards/posters or an NYS Office of General Services (“OGS”) interpreting service vendor are utilized as needed.

By telephone: Staff utilizes an NYS OGS interpreting service vendor, the DTF Call Center, or solicits informal assistance from bilingual staff when available to determine language spoken.

At initial contact in the field: Staff utilizes “I Speak” cards/posters to determine language spoken by the individual. If interpretation services are needed, ESD/DED staff work with LEP individuals and handle the interface between LEP individuals and the NYS OGS approved interpreter.

For pre-planned appointments with LEP individuals: When appointments are scheduled, the certification analyst utilizes a NYS OGS interpreting service vendor.

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: Staff verbally informs LEP individuals of free interpreting services or directs them to an “I Speak” poster posted in public areas within the ESD/DED.

By telephone: ESD has redirected a dedicated language access phone line (855-697-0010) to the DTF Call Center where staff is trained to verbally inform LEP individuals of free interpreting services.

At initial contact in the field: “I Speak” signs at marketing events and public announcements notify the public of our free interpreting service.

For pre-planned appointments with LEP individuals: At point of contact, staff verbally offers free interpreting services to applicants and makes arrangements for an interpreter if needed.

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, in the unlikely event of an emergency, 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:

Personnel that have direct contact with the public are trained to connect to the selected NYS OGS vendor for interpretation and/or to the DTF Call Center in a timely manner.

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

Use of interpreting services is included in the certification file. A copy of the certification file is sent to the LAC. The interpreting vendor utilized provides ESD/DED with an ongoing summary of frequency of use, type of interpreter services provided and costs by program areas.

Competency and confidentiality

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

On a case-by-case basis, ESD/DED uses multilingual staff volunteers who are self-assessed in their own language competency. Where ESD/DED utilizes independent interpreting services, that vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent.

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

The training provided to staff addresses the importance of confidentiality. Furthermore, independent interpreters will enforce standards of confidentiality in accordance with NYS Law.

Maintaining a list of oral interpreting resources

We use, or have available for oral interpreting, the following resources:

- Bilingual staff members who work directly with LEP individuals

Number of staff and languages spoken: [Click here to enter text.](#)

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: [Click here to enter text.](#)

- Telephonic interpreting service

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.](#)

- Other (describe) The DTF Call Center

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:

- Agency-wide emails from ESD's Senior Deputy Commissioner for Finance & Administration.
- Meetings with the appropriate department heads.
- Procedural memos circulated by the LAC.
- Staff training

B. Translations of Written Documents

The process to determine and reassess, at least every two years starting from the effective date of this plan, those vital documents (including website content) which must be translated is as follows:

The LAC holds quarterly meetings with Ed Hamilton, Senior Deputy Commissioner for Finance & Administration, who advises the Commissioner as needed; and with the Executive Director of DMWBD, to determine any new or existing vital documents that should be translated pursuant to Executive Order No. 26, Statewide Language Access Policy.

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

Any documents in need of translation, including vital documents, are sent to the selected translation vendor within a reasonable time after being obtained.

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

As a standard, all documents are written in plain language, excluding the use of business terminology. ESD/DED will ensure that all materials intended for dissemination to the public meets the plain language requirement.

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

The ESD website, with information on all economic development programs, divisions and resources, is readily available in 103 languages through the “Translate” button. If there is a request from an LEP individual for document translations for Certification or other ESD applications, they are provided on an as-needed basis.

Currently, ESD/DED does not have any documents deemed vital. If, during the course of this plan, ESD/DED determines a document to be vital, the Department will timely send the document to be translated into the top six languages identified in Part 2.

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

ESD/DED, 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. ESD/DED 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) DTF Call Center

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 in the agency who is responsible for the provision of training to staff in language access issues is: Kenneth Stokem, Agency Training and Development Specialist II.

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:

Mandatory staff training for frontline DMWBD staff occurs once every year at a minimum and also periodically as deemed necessary. All new DMWBD frontline staff members meet with the Training Specialist for an explanation of the Language Access Plan and the requirements set forth in the Executive Order No. 26, Statewide Language Access Policy.

PART 6 – ADMINISTRATION

Monitoring

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

The LAC holds quarterly meetings with Ed Hamilton, Senior Deputy Commissioner for Finance & Administration, who advises the Commissioner as needed; and with the Executive Director of DMWBD, to ensure that the Language Access Plan is being followed and that ESD/DED is in compliance with the Executive Order No. 26, Statewide Language Access Policy. Feedback from our outreach efforts to immigrant business communities within the LEP community and volume of requests for language assistance are taken into consideration.

Complaints

