

# LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** New York State Gaming Commission

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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 New York State Gaming Commission was formally created via Chapter 60 of the Laws of 2012 as part of the 2012/2013 Enacted State Budget. The measure merged the New York State Racing and Wagering Board with the New York State Division of Lottery into a single state agency. The New York State Gaming Commission became effective February 1, 2013.

The Commission regulates all aspects of gaming and gambling activity in the State, including horse racing and pari-mutuel wagering, Class III Indian Gaming, the state lottery (including video lottery terminals), charitable gaming, commercial gaming and the recently approved daily fantasy sports.

Following is a review of the services provided by each gaming business regulated by the Commission.

### **Horse Racing/Pari-Mutuel Wagering**

The Commission’s Division of Horse Racing and Pari-Mutuel Wagering maintains its main office in Schenectady and one at each of the 11 racetracks, when conducting a meet, in the State. Division interaction with the public primarily includes: (1) issuance or renewal of occupational licenses in pari-mutuel thoroughbred and Standardbred (harness) racing; and (2) interaction with Gaming Commission staff, which includes auditors, investigators, inspectors, judges, and stewards, regarding the supervision, regulation and administration of thoroughbred and Standardbred racing and pari-mutuel wagering activities both on and off track. Gaming Commission staff strives to ensure meaningful access for any individual in addressing any issue that comes before the Division through written correspondence, in-person interviews in the field or in Schenectady, and during investigations and inspections throughout the State.

### Class III Indian Gaming

Commission staff located at each of the five Indian casinos in New York is responsible for ongoing regulatory reviews of the casino operation. Onsite staff observe gaming operations and help ensure that gaming is conducted in accordance with the terms of the applicable Tribal or Nation – State Compact. These individuals interact with casino employees on a daily basis and are often called to mediate disputes between gaming patrons and casino staff. On-site staff also conducts interviews with casino employees during the licensing process to obtain information or clarification regarding the employee’s application. Headquarters staff deal with casino management and handle phone calls from players who are not satisfied with the resolution of complaints that were filed at the casino.

### Traditional Lottery and Video Lottery

By law, traditional lottery sales and video lottery net win (total bets less prizes paid) must be used to support NYS public schools K–12. The Lottery's combined Aid to Education contributions (profit) are generated from the sale of Traditional Lottery games (e.g. scratch-off games and draw games like Lotto) sold through a diverse network of 17,700 licensed retailers statewide, and from video lottery operations at nine facilities statewide which independently employ about 9,000 licensed employees. For the Fiscal Year ending March 31, 2015, traditional Lottery sales totaled \$7.7 billion, nearly a third of which (\$2.36 billion) was used to support public K-12 education statewide. Likewise, net win from the nine video lottery locations totaled more than \$1.9 billion, generating another \$882 million for public education.

The Lottery’s Traditional and Video Gaming divisions are headquartered in the Lottery’s central offices in Schenectady.

Unlike video lottery operations that are limited by statute to nine horse tracks around the State and two OTB facilities in Long Island, ongoing retailer recruitment and supplemental sales support are critical in maintaining New York’s successful traditional lottery business in the short and long term. These recruitment and sales support activities, especially in the downstate area, account for the vast majority of traditional lottery staff interaction with LEP individuals.

### Charitable Gaming

Charitable Gaming staff issue identification and registration numbers to not-for-profit organizations for charitable gaming activities and issues licenses to gaming suppliers through its main offices in Schenectady. Gaming investigators supervise such activities through on-site visits and interviews of charitable gaming licensees both in the field and at the Commission’s Schenectady Office. The Charitable Gaming division conducts outreach training seminars at various locations around the State to ensure compliance with rules and regulations. It also conducts compliance conferences with charitable gaming organizations that request guidance.

### Commercial Gaming

While not yet operational, it is anticipated that the role of Commission staff at the Commercial casinos will largely mirror what occurs at the Indian casinos.

### Daily Fantasy Sports

It is anticipated that the role of Commission staff relative to daily fantasy sports will largely mirror what occurs within the Charitable Gaming division.

**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.

**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:**

- Information from other government agencies

**Names of agencies:**

Other (describe)

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

Commission staff (e.g. racing officials and investigators; charitable, video and Indian gaming inspectors; traditional Lottery recruitment staff; field staff; and customer service center personnel, among others) have daily encounters, both in-person and telephonic, with LEP individuals at their respective offices and at remote locations visited by Commission staff.

Personnel in the Horse Racing/Pari-Mutuel Wagering Division continue to report Spanish as the language most often encountered on the phone and in person.

Points of significant contact for these two divisions are:

- ✓ Public service windows where applications for horse racing licenses are received
- ✓ Commission offices at each of the 11 horse racetracks listed below where LEP individuals obtain occupational licenses and discuss violations and penalties with racing officials
  - Aqueduct Race Track, Queens, thoroughbred racing
  - Belmont Park, Elmont, thoroughbred racing
  - Saratoga Racetrack, Saratoga Springs, thoroughbred racing
  - Finger Lakes Race Track, Farmington, thoroughbred racing
  - Saratoga Racecourse, Saratoga Springs, harness racing
  - Tioga Downs, Nichols, harness racing
  - Vernon Downs, Verona, harness racing
  - Batavia Downs, Batavia, harness racing
  - Buffalo Raceway, Buffalo, harness racing
  - Monticello Raceway, Monticello, harness racing
  - Yonkers Raceway, Yonkers, harness racing
- ✓ Division of Charitable Gaming outreach training seminars at various locations around the State where staff educate organizations to ensure compliance with rules and regulations;
- ✓ Administrative hearings held statewide to reinstate or revoke an individual's horse racing license; and
- ✓ Licensing unit where staff have regular contact with licensees.

The Commission's traditional and video lottery businesses continue to report a significant number of encounters with LEP individuals with unique language preferences. Traditional and video lottery staff estimates about 1,500 in-person encounters with LEP individuals statewide per week.

Points of significant contact for traditional and video lottery staff include:

- ✓ Stand-alone Customer Service Centers located in Plainview, Manhattan, Fishkill, Schenectady, Syracuse and Buffalo where players may cash traditional or video lottery prizes typically valued at \$601 or more;
- ✓ Guest Service Windows (GSW) located within Video Lottery facilities in Queens, Yonkers, Monticello, Saratoga, Vernon, Nichols, Farmington, Batavia, and Hamburg where players may cash prizes of \$600 or less; (GSW staff are licensed by the Commission, but are not Commission employees);
- ✓ Sales calls to provide inventory and marketing support to existing traditional Lottery licensees;
- ✓ Retailer recruitment cold calls to identify prospective traditional Lottery licensees;
- ✓ Retailer orientation sessions for new traditional Lottery licensees held at regional locations; and
- ✓ Administrative hearings related to the reinstatement or revocation of an individual's traditional Lottery license.

### **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?**

Commission staff in all divisions has been trained to ask callers if they would like to have a free interpreter brought on the line to help answer questions in real time. The Commission has transcribed a number of vital documents into the six languages most commonly spoken by LEP individuals in New York State and is considering additional documents as needed. LEP Individuals who request a document that is not available in their preferred language are offered a complaint form they can submit to alert Commission staff of the need to consider that document as a candidate for translation

- 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?** PSAs are produced in English and Spanish. Public Meetings are structured to accommodate Spanish, Russian, Haitian-Creole, Chinese, Italian, and Korean populations, as appropriate.

- Local, non-English language media directed at LEP individuals in their languages
- Telephonic voice menu providing information in non-English languages
 

**In which languages:** Spanish, Russian, Haitian-Creole, Chinese, Italian, and Korean.
- Other (describe) The Commission's website ([www.gaming.ny.gov](http://www.gaming.ny.gov)) and the Lottery's website ([www.nylottery.ny.gov](http://www.nylottery.ny.gov)) have been updated to include information about free language assistance services and steps to take to report a complaint relative to language access services.

**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) The Commission maintains a menu on its main phone line (518) 388-3300 that incorporates the six primary languages covered under Executive Order No. 26. The menu allows LEP individuals to access a specific division within the Gaming Commission in their preferred language. Once connected, division staff is trained to conference in a state-contracted interpreter as needed to provide information and/or services in real time.

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

The Commission records the:

- ✓ Number and type of calls made from one of its Customer Service Centers or Guest Service Windows to the state’s telephonic interpreting contractor
- ✓ Number of calls coming into the Commission main number (518) 388-3300 opting to select a language other than English
- ✓ Number of traditional Lottery retailers opting to use the custom Spanish “Help” screen on their selling terminal
- ✓ Number of requests received by traditional Lottery business recruits to have an interpreter other than an adult family member appear with them at mandatory orientation meetings (with properly documented waiver forms)
- ✓ Number of complaint forms received from all divisions (after a thorough review of the incoming complaint with all involved) and
- ✓ Number of entries made in the Commission’s licensing database indicating a licensee’s past requests for language assistance.

**A. Oral Interpreting Services**

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

**For in-person encounters:** His or her best judgment based on experience to determine an individual’s LEP needs. “I Speak” Language Identification posters and wallet cards.

**By telephone:** Gaming Commission staff uses its best judgment based on experience to determine an individual’s LEP needs. Staff will facilitate real-time conversations via the

Language Access vendor on State contract. All Commission staff is trained to make callers aware of the free interpreting services available to them and to conference in the vendor(s) on state contract to provide immediate telephonic interpreting services.

**At initial contact in the field:** Gaming Commission staff use their own judgment based on experience to determine an individual's LEP needs. Staff will facilitate real-time conversations via the Language Access vendor on State contract. All Commission staff is trained to make callers aware of the free interpreting services available to them and to conference in the vendor(s) on state contract to provide immediate telephonic interpreting services.

**For pre-planned appointments with LEP individuals:** Typically, the decision as to whether a translator is needed has already been made before a pre-planned appointment such as a licensing interview, an investigation interview or a hearing. If there is a question as to whether the LEP individual will be able to communicate reliably with the staff member, an interpreter is provided for the individual.

**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:** Multilingual Commission staff informs the public of free interpreting services available through the State's interpreting contractor. The "I Speak" language identification posters are displayed at all public-facing points of contact where Commission staff is located and notifies the public that free interpreting services are available. Copies of the Commission's "How to Use Over-the-Phone Interpreting Services" flyer are posted at or near the desks of all Commission employees who routinely interact with the public. The same "How to Use" flyer is available on the Commission's intranet as a quick reference guide for all staff.

**By telephone:** Gaming Commission staff uses its own judgment based on experience to determine an individual's LEP needs. Staff will facilitate real-time conversations via the Language Access vendor on State contract.

**At initial contact in the field:** Where possible, the Commission assigns a bilingual employee to a territory/field position where his or language skills would best serve the prevailing LEP population. Commission staff is trained to be sensitive to LEP situations and to facilitate real-time conversations via the Language Access vendor on state contract.

**For pre-planned appointments with LEP individuals:** Typically, the decision as to whether a translator is needed has already been made before a pre-planned appointment such as a licensing interview, an investigation interview, a winner check presentation, or a hearing. If there is a question as to whether the LEP individual will be able to communicate reliably with the staff member, an interpreter is provided for the individual via the Language Access vendor on state contract. If the individual declines the services of the Language Access vendor on state contract, he or she is asked to sign a waiver declining such services.

**Other (describe):**

**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:**

- ✓ For a hearing, interpreter service is contracted after a licensee requests it. A hearing will be adjourned until one can be obtained.
- ✓ For office and in-the-field business transactions, telephonic interpreting services will be used to facilitate such conversations in real time. Commission staff has been trained on how to contact the interpreting service on State contract.

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

As a rule, the Commission's Finance office and Language Access Coordinator jointly review the call detail sheet contained on the invoice from the Language Access vendor on state contract for the previous month's over-the-phone interpreting activity prior to payment. We are able to identify individual departmental activity and the languages being requested for interpreting services most often through unique access codes assigned to those departments within each division that report significant interaction with LEP populations.

All invoices received from the over-the-phone interpreting vendor on state contract include a thorough record of the frequency of use, language spoken by the interpreter and costs associated with the service.

**Competency and confidentiality**

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

Where the Commission utilizes independent interpreting services, that vendor is required to implement quality assurance standards that guarantee its interpreters are trained and 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 are required to 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:** The Commission has four bilingual employees who work directly with LEP individuals. Three are fluent in Spanish. One is fluent in Chinese.

- Bilingual staff members who provide oral interpreting when necessary

**Number of staff and languages spoken:**

- Telephonic interpreting service

**Names of vendors:** Any vendor under the NYS Office of General Services (OGS) 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:**

Staff members are trained to provide language assistance when needed. The Commission has developed a standard “How to Use Over-The-Phone Interpreting Services” flyer that provides step-by-step instructions on how to access oral interpreting services. Staff is trained to post the flyer by their desk. Field staff is encouraged to flag the flyer as a favorite on the Commission’s intranet. In addition to the Commission’s unique Client ID number for the vendor’s interpreting services, departments within each division have been assigned unique access codes to help identify the source of the calls.

**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 Commission’s Language Access Coordinator has asked division management to complete a communications audit of all frequently used documents within their business groups to identify those that are vital.

All documents identified as such will be reviewed and prioritized for future translation as per Executive Order No. 26.

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

Any documents requiring translation are sent to the vendor contracted with the State 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:**

Documents are proofed by the LAC and then screened by other employees to determine the clarity of the message and/or the ease of following the directions provided to complete and return a form to the correct recipient.

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

Form #	Name	Top Six Languages					
		Spanish	Chinese	Russian	Haitian Creole	Korean	Italian
	NYS Gaming Commission, Lottery Division	✓	✓	✓	✓	✓	✓

	Prize Payment Form						
	NYS Gaming Commission Notice of Underage Sales Penalties	✓	✓	✓	✓	✓	✓
	NYS Gaming Commission, Responsible Gambling Poster	✓	✓	✓	✓	✓	✓
	Instructions for Thoroughbred Racing Applicants	✓					
	NYS Request for Card Scan Services – Information Form	✓					
FD-258	Fingerprint Form	✓					
	Instruction for Fingerprint Submission	✓					
LIC 1 - 2001	NYS Racing License Applications	✓					
	NYS Gaming Commission, Racing Division Drug Testing Memo	✓					
	NYS Gaming Commission, Racing Division Conviction Disclosure Form	✓					
	NYS Gaming Commission,	✓					

	Racing Division Summary of Hearing Procedures						
GC/BC Form 104	Statement of Individuals, Partnership, Association, Joint Ventures, and other Business Entities	✓					
GC Form 103	Individual Statement D	✓					
GC/BC Form 108	List of Employees, Agents, Representatives - Schedule E	✓					
Form GC/BC 106	Application for Games of Chance and/or Bingo Supplier's License	✓					
	Alcohol Testing Form	✓					
	NYS Gaming Commission Responsible Gaming PSA Series	✓					

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:**

The New York State Gaming Commission, 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. The Commission 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 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:** Joseph Hunter.

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 new employees receive Language Access training from their direct supervisor as part of the required orientation process. All employees receive annual refresher training via mandatory on-line courses prepared by the NYS Governor’s Office of Employee Relations.

**PART 6 – ADMINISTRATION**

**Monitoring**

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

The Commission will track LEP users through public feedback forms provided from staff and posted on both the Commission’s website and that of its Lottery division. The forms will help the Commission gauge the sufficiency of staff training. The LAC will also direct division management to facilitate spot checks to see that Language Access materials are prominently featured in all public areas.

**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:**

The standardized complaint forms are available to the public upon request in the top six languages identified in Part 2 and on the Commission and Lottery’s websites. Additionally, information on the right to file a complaint will be 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:**

