

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Gaming Commission

Effective Date of Plan: 5/30/2019

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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 N.Y.S. Gaming Commission was created by Chapter 60 of the Laws of 2012. The measure merged the N.Y.S. Division of Lottery with the N.Y.S. Racing and Wagering Board into a single state agency. The Commission became effective February 1, 2013.

The Commission regulates and/or provides oversight for all aspects of lawful gaming and gaming-like activity in the State, including charitable gaming, commercial casinos, horse racing and pari-mutuel wagering, Class III Indian Gaming, the State lottery including video lottery gaming and interactive fantasy sports, which by law, is not considered gaming.

The following is a review of the services provided by each gaming business under Commission jurisdiction.

Charitable Gaming

The Commission’s Division of Charitable Gaming maintains its main office in Schenectady. Division staff issue identification and registration numbers to religious, charitable and not-for-profit organizations for charitable gaming activities and issue licenses to gaming suppliers. Charitable Gaming staff occasionally review charitable gaming activities at on-site visits. The Division also conducts outreach training seminars at various locations around the State. Schenectady-based staff also interact with organizations that request guidance or have regulatory issues.

Commercial Casino Gaming

The Commission's Division of Gaming maintains staff at each of New York's four commercial gaming locations. Division staff are responsible for regulatory reviews of operations and help ensure that gaming is conducted in accordance with all applicable laws, rules and regulations. Like their counterparts at Indian casinos, commercial casino staff interact with casino employees daily and direct facility management on proper implementation of state and federal regulations. Schenectady-based staff interaction with the public is limited.

Horse Racing & Pari-Mutuel Wagering

The Commission's Division of Horse Racing and Pari-Mutuel Wagering maintains its main office in Schenectady and has staff employed at each of 11 horse tracks. Division staff interaction with the public centers around the issuance or renewal of occupational licenses allowing employment in the racing industry, and; the supervision, regulation and administration of racing activity and pari-mutuel wagering activities. Schenectady-based staff interaction with the public is limited.

Indian Gaming

Indian gaming is under the jurisdiction of the Commission's Division of Gaming. The Division maintains staff at each of New York's seven Class III Indian casinos. Division staff interaction with the public generally involves patrons dispute resolution. On-site staff also conduct interviews with employees and employee applicants during the licensing process to obtain information or clarification regarding the employee's application. Schenectady-based staff interact with casino management. Schenectady-based staff interaction with the public is limited.

Interactive Fantasy Sports

The Commission's Division of Gaming, located in Schenectady, has staff that review applications for registration and temporary operating permits from entities wishing to engage in Interactive Fantasy Sports. Encounters with the public are limited.

Lottery

The Commission's Division of Lottery maintains its main office in Schenectady and has staff located throughout the State. These regional staff visit existing lottery retailers and engage in ongoing retailer recruitment. Much of the recruitment and sales support activities occur in the downstate region, which accounts for most of the such staff's interaction with LEP individuals. The Lottery also maintains five stand-alone regional Customer Service Centers throughout the state which process claims from walk-in patrons. Schenectady-based staff generally triage customer inquiries regarding game play.

Video Lottery Gaming

Video lottery gaming is under the jurisdiction of the Commission’s Division of Gaming. The Division maintains its main office in Schenectady and has staff located at eight video lottery gaming facilities. Schenectady-based staff interaction with the public is limited.

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. Of those, approximately 15,694,902 are over the age of 18 and thus eligible to participate in at least one form of activity conducted, regulated or under Commission oversight.

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: Click here to enter text.

- Information from other government agencies

Names of agencies: Click here to enter text.

Other

[Click here to enter text.](#)

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

Various Commission staff may have daily in-person and/or telephonic encounters with LEP individuals.

Points of significant contact for the Commission's four Divisions include:

Charitable Gaming:

Division staff estimate few in-person encounters with LEP individuals with unique language preferences each week.

Points of significant contact include:

- Training seminars at various locations around the State to educate not-for-profit organizations regarding compliance with rules and regulations.

Gaming:

Division of Gaming staff estimate as many as 1,000 in-person encounters with LEP individuals statewide per week, usually within video lottery gaming facilities. Mandarin Chinese is the language most often encountered.

Points of significant contact include:

- Guest Service, Players Club and Security windows staffed by employees licensed by the Commission at video lottery gaming facilities in Batavia, Farmington, Hamburg, Islandia, Queens, Saratoga, Vernon, and Yonkers;
- Guest Service, Security and Players Club windows located within commercial casinos.

Horse Racing and Pari-Mutuel Wagering:

Division staff estimate daily in-person encounters with LEP individuals with unique language preferences each week. Spanish is the language most often encountered.

Points of significant contact include:

- The Public Service window in Schenectady;
- Administrative hearings related to individual occupational license denial, suspension, revocation or re-installment;
- Commission offices at 11 horse race tracks where LEP individuals. There are two race tracks in Saratoga Springs, and one each in Batavia, Elmont, Farmington, Hamburg, Monticello, Nichols, Queens, Vernon, and Yonkers.

Lottery:

Division staff estimate they have about 500 in-person encounters with LEP individuals with unique language preferences each week.

Points of significant contact include:

- Customer Service Centers located in Buffalo, Fishkill, Plainview, Schenectady, and Syracuse;
- Location visits made by lottery marketing representatives to existing lottery agent licensees throughout the State;
- Retailer recruitment cold calls to potential lottery agent licensees throughout the State;
- New retailer orientation sessions for lottery licensees conducted at regional Customer Service Centers, or at the Lottery's Harlem sales office;
- Administrative hearings related to the suspension, revocation or re-installment of an individual's or corporation's lottery agent 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 is trained to ask callers if they would like to have a free interpreter conferenced in to help facilitate the conversation in real time. The Commission has transcribed several vital documents into the languages most commonly spoken by the LEP populations it interacts with most frequently and is considering additional documents. 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

What are the LEP populations targeted? Public Service Announcements are produced in English and Spanish. Public meetings are structured and promoted to accommodate Bengali, Chinese, Haitian Creole, Korean, Russian, and Spanish and 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: Bengali, Chinese, Haitian Creole, Korean, Russian, and Spanish.

Other (describe) The Commission's websites include information about free language assistance services and steps to take to report a complaint relative to Language Access services. Each website also provides an option to translate the site into Bengali, Chinese, Haitian Creole, Korean, Russian, or Spanish. In addition, the Commission also provides a copy of the multi-lingual "This is an Important Document" flyer with all written documents mailed to existing, new and perspective lottery licensees and lottery jackpot prize winners to alert them of the availability of free interpretation services should they not understand the contents of the documents they are being asked to sign.

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 [Click here to enter text.](#)

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 The Commission maintains a menu on its main telephone line that incorporates Bengali, Chinese, Haitian Creole, Korean, Russian, and Spanish. The menus enable LEP individuals to access a specific Division in their preferred language. Once connected, Division staff has been 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 of outgoing calls made from our Customer Service Centers and affiliated Guest Service, Players Club and Security locations to the State's telephonic interpreting contractor;
- ✓ Number of incoming calls to the Commission's main number opting to select a language other than English;
- ✓ Number of Lottery retailers opting to use the custom Spanish "Help" screen on their sales terminal;
- ✓ Number of requests received by Lottery business recruits to have an interpreter other than an adult family member appear with them at their mandatory orientation meeting; and
- ✓ Number of complaint forms received.

A. Oral Interpreting Services

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

For in-person encounters: Commission staff use their best judgment based on experience to determine an individual's LEP needs. "I Speak" Language Identification posters and wallet cards are also used.

By telephone: Commission staff use their best judgment based on experience to determine an individual's LEP needs. Staff facilitate real-time conversations via the State-contracted Language Access vendor. All Commission staff are trained to make callers aware of the free interpreting services available and how to conference in a State-contracted Language Access vendor to provide immediate telephonic interpreting services.

At initial contact in the field: Commission staff use their best judgment based on experience to determine an individual's LEP needs. Staff facilitate real-time conversations via a State-contracted Language Access vendor. All Commission staff are trained to make callers aware of the free interpreting services available and how to conference in a State-contracted Language Access vendor to provide immediate telephonic interpreting services.

For pre-planned appointments with LEP individuals: Typically, the decision as to whether an interpreter is needed has already been made before a pre-planned appointment such as a licensing interview, an investigative interview, a hearing or jackpot winner check presentation. If there is a question as to whether the LEP individual will be able to communicate with a staff member, an interpreter is provided for the individual. If the individual declines the services of the interpreter provided, he or she is asked to sign a waiver attesting to such.

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: Multilingual Commission staff inform the public of free interpreting services available through a State-contracted Language Access vendor. The “I Speak” language identification posters are displayed at all public-facing points of contact where Commission staff are located and notifies the public that free interpreting services are available. Copies of the Commission’s “Instructions for Using Telephonic Services” are posted at or near the desks of all Commission employees who routinely interact with the public. The same flyer is available on the Commission’s intranet as a quick reference guide for all staff.

By telephone: Commission staff use their best judgment based on experience to determine an individual’s LEP needs. Staff facilitate real-time conversations via a State-contracted Language Access vendor.

At initial contact in the field: Where possible, the Commission assigns a bilingual employee to a territory or field position where their language skills will best serve the prevailing LEP population. Commission staff is trained to be culturally sensitive to LEP situations and to facilitate real-time conversations via a State-contracted Language Access vendor.

For pre-planned appointments with LEP individuals: Typically, the decision as to whether an interpreter is needed has already been made before a pre-planned appointment such as a licensing interview, an investigative interview, a hearing or jackpot winner check presentation. If there is a question as to whether the LEP individual will be able to communicate with a staff member, an interpreter is provided for the individual. If the individual declines the services of the interpreter provided, he or she is asked to sign a waiver attesting to such.

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 who encounter the Commission will be informed of the availability of free interpreting services. Generally, an LEP individual may not use a family member, a friend, or a minor as an interpreter. However, during an emergency, an LEP individual will be permitted to use a minor, a family member, or a friend as an interpreter. Upon request, an LEP individual may also be permitted to use a minor, a family member or a 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 a Commission office, and an individual is permitted to use an interpreter of his or her choosing, he or she must complete a written consent/waiver form.

Our protocol(s) for obtaining interpreter services in a timely manner is as follows:

- ✓ For a hearing, interpreter services are contracted after a licensee request 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:

In practice, prior to payment the Commission’s Finance Office and the LAC independently review each call detail sheet provided with the invoice from a State-contracted Language Access vendor for the previous month’s over-the-phone telephone interpreting activity. This review assists staff in identifying departmental activity and languages requested as well as the general purpose for the call.

All invoices received from a State-contracted Language Access vendor for over-the-phone interpreting services are required to include a thorough record of the frequency of use, time of day the call was received, the requested language, and the 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:

All staff training emphasizes the importance of confidentiality. Furthermore, independent interpreters are required to enforce standards of confidentiality in accordance with 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: 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: Click here to enter text.

- Telephonic interpreting service

Names of vendors: The Commission uses a vendor(s) under State contract to provide interpretation services.

- 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

Click here to enter text.

The agency's Language Access Coordinator maintains the list of oral interpreting resources that are available to staff, which includes:

- Names and contact information for all resources
- Names and locations of staff members who are available to act as interpreters or provide services directly in the LEP individual's primary language
- Languages in which each interpreter or service is qualified
- Procedure for accessing each interpreter or service

We inform all staff members who have contact with the public how to obtain oral interpreting services as follows:

Staff are trained to provide language assistance when needed. The Commission developed a standard "Instructions for Using Telephonic Services" flyer that provides step-by-step instructions on how to access oral interpreting services. Staff are required to post the flyer by their desk. Field staff are encouraged to flag the flyer as a favorite on the Commission's intranet to provide easy access. Billing received from a State-contracted Language Access vendor are required to reference the originating telephone number and department from which the call was placed to assist in identifying the source of all 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 LAC has requested each Division manager complete an audit of all frequently used documents within their business lines to identify those that are vital. All documents identified as such will be reviewed and prioritized for future translation 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 a State-contracted vendor for translation.

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

The LAC meets with the Division Director requesting a translated document to review the document being submitted and recommends changes, where necessary, changes to ensure brevity and clarity of the message and/or the instructions being conveyed.

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

Form #	Name	Top Six Languages						Additional Languages
		Spanish	Chinese	Russian	Haitian Creole	Korean	Bengali	
	Division of Gaming Employee Registration Form	✓	✓					
	Division of Gaming Casino Key Employee Supplemental Form	✓	✓					
	Division of Gaming Casino Non-Gaming Employee Supplemental Form	✓	✓					
	Division of Lottery Prize Payment Withholdings Flyer	✓	✓	✓	✓	✓	✓	Arabic
	Division of Lottery Division Prize Payment Form	✓	✓	✓	✓	✓	✓	
	Commission Notice of Underage Sales Penalties	✓	✓	✓	✓	✓		Arabic
	Commission Responsible Gaming Poster	✓	✓	✓	✓	✓		
	Division of Racing Instructions for	✓						

	Thoroughbred Racing Applicants							
FD- 258	Commission Fingerprint Form	✓						
	Division of Gaming Employee Registration Form	✓						
	Division of Gaming Casino Key Employee Supplemental Form	✓						
	Division of Gaming Casino Non-Gaming Employee Supplemental Form	✓						
	Division of Lottery Prize Payment Withholdings Flyer	✓						
	Division of Lottery Division Prize Payment Form	✓						
	Commission Notice of Underage Sales Penalties	✓						
	Commission Responsible Gaming Poster	✓						
	Division of Racing Instructions for Thoroughbred Racing Applicants	✓						
FD- 258	Commission Fingerprint Form	✓						

	Division of Gaming Employee Registration Form	✓						
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Any 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 Commission, through its vendor (where applicable), will ensure that proofing and editing for correctness and cultural competency are components 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: The Commission utilizes vendor(s) under State contract to provide translation services.

- 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 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: Joseph Hunter, Human Resources Specialist.

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:

The Commission's new employee orientation process requires Language Access training from their direct supervisor. All employees receive annual refresher training via mandatory on-line courses prepared by the Governor's Office of Employee Relations.

PART 6 – ADMINISTRATION

Monitoring

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

Each individual utilizing LEP services in-person is provided with a feedback form. Additionally, feedback forms are posted on Commission websites. All forms received are reviewed and analyzed by the LAC. The LAC also requests Division Directors undertake reviews to ensure Language Access materials are prominently featured in all publicly accessible 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:

Standardized complaint forms are available in the top six languages identified in Part 2 upon request and are maintained on all Commission websites, available for download. Additionally, information on the right to file a complaint is posted in the top six languages in areas likely to be seen by the public.

We handle complaints made to the agency regarding the provision of language assistance services in the following manner:

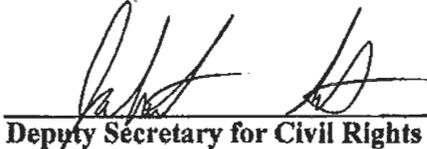
All standardized complaint forms are routed to the Commission's Office of Counsel, who notify the LAC of all complaints. The LAC is responsible for coordinating the investigation of complaints and making recommendations to the Office of Counsel on the appropriate resolution of complaints.

All complaints are promptly forwarded to the Statewide Language Access Coordinator.

PART 7 – SIGNATURES

	Acting Executive Director	May 29, 2019
Head of Agency	Title	Date

	LAC	May 29, 2019
Agency LAC	Title	Date

		5/30/19
Deputy Secretary for Civil Rights		Date