

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Offices of the Inspector General

Effective Date of Plan: 5/30/2017

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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:

Under New York State Executive Law Article 4-A, the Office of the New York State Inspector General (“NYSIG”) has jurisdiction over all executive branch agencies, departments, divisions, officers, boards and commissions, public authorities [other than multi-state or multinational authorities], and public benefit corporations, the heads of which are appointed by the Governor and which do not have their own inspector general by statute. NYSIG’s functions and responsibilities include receiving and investigating complaints from any source, or upon his or her own initiative, concerning allegations of corruption, fraud, criminal activity, conflicts of interest or abuse in any executive branch agency over which NYSIG has jurisdiction. NYSIG’s jurisdiction also includes oversight of 22 forensic laboratories statewide.

NYSIG is also overseeing the fraud, waste and abuse efforts at the New NY Bridge, the \$3.9 billion design/build project to replace New York’s Tappan Zee Bridge. On October 1, 2012, Inspector General Scott was appointed by Governor Cuomo as the Acting Welfare Inspector General for the New York State Office of the Welfare Inspector General [“OWIG”]. All members of NYSIG and OWIG staff have been cross designated by the Inspector General and received specialized training in order to handle cases for each of these agencies. Under New York State Executive Law §74, OWIG investigates and when appropriate refers for prosecution public benefit recipients who are dishonestly receiving benefits for which they are not eligible. OWIG also investigates instances in which the providers of Medicaid, day care or other social services fraudulently receive payments from government.

OWIG is responsible for investigating any failure by State and local officials to investigate and prosecute such fraud and abuse within their jurisdiction. Furthermore, OWIG is charged with

recommending policies to prevent and to detect social services fraud, and then to monitor the implementation of these recommendations.

On February 4th, 2015, Inspector General Scott was appointed by Governor Cuomo as the Inspector General of the Office of the Workers' Compensation Fraud Inspector General ["WCFIG"]. Created by statute in 1996, WCFIG's mandate is to conduct and supervise investigations within and without New York State of possible fraud and other violations of laws, rules and regulations pertaining to the operation of the workers' compensation system. Through its investigations, audits, and reports, WCFIG focuses on reducing costs to the workers' compensation system by eliminating fraud and by acting to improve the efficiency and effectiveness of the workers' compensation system. Investigations into violations of workers' compensation laws, rules and regulations are complex and often involve detailed analysis of materials, claims and taking of testimony from employers, attorneys, employees, health care providers, and insurance carriers. These investigations result in many criminal referrals and arrests/prosecutions throughout the State of New York, as well as recoveries for overpayments made as a result of the fraud identified.

The New York State Offices of the Inspector General ("OIG") therefore encompasses NYSIG, OWIG and WCFIG. OIG has three regional offices [Albany, New York City and Buffalo] and three satellite offices [Hauppauge, Suffern and Syracuse]. OIG does not provide direct services to the general public. OIG interacts with individuals who allege or have knowledge of misconduct and other abuses listed above. Individuals can report abuses by filing a complaint with OIG in an effort to combat corruption and promote greater efficiency in State government.

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:

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

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

The frequency of contacts with LEP individuals is based on information collected through the OIG Case Management Unit, which processes almost all intake complaints and contacts from the public. Along with information collected by the Case Management Unit, OIG also cross references with administrative staff at each of its offices to further ascertain whether any LEP individuals sought assistance via an in-person contact.

The number of LEP individuals who contact OIG on an annual basis is small. Of the estimated 4,500 complaints received annually by OIG, less than 35 are LEP individuals. As previously noted, OIG data reflects that of the estimated 35 LEP individuals who contact OIG annually, the majority are Spanish-speaking and the remainder is divided among various languages. The most recent records indicate that OIG was contacted by 29 LEP individual(s) who spoke Spanish and two LEP individuals who spoke Russian.

OIG implemented a standardized practice and agency-wide policy for monitoring the frequency of contacts with LEP individuals by entering and tracking this data in OIG’s centralized case management system.

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? If an LEP individual contacts one of OIG’s six locations (three regional offices and three satellite offices) via phone or in person, bilingual staff members,

who are fluent in the requested language, inform the LEP individuals of free language assistance services. If the LEP individual's language is not among the languages in which OIG staff members are fluent, these individuals are connected to a telephone interpreting service where the LEP individual is informed of the free language assistance services available.

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

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

Telephonic voice menu providing information in non-English languages

In which languages: The six languages listed in Part 2 of this report.

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

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) OIG's trained Case Management Unit staff and/or trained investigators are staff most likely to come in contact with LEP individuals and make this determination in most cases. OIG investigators are equipped with the pocket size "I Speak" cards when in the field. Similarly, OIG's training staff is equipped with the pocket size "I Speak" cards when

conducting trainings at State agencies, as are any staff members conducting outreach and other presentations.

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)

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

OIG has developed standardized protocols where all contacts with LEP individuals and the languages spoken are tracked in OIG's centralized case management system. This information is collected by OIG's Case Management Unit, which processes almost all intake complaints and contacts from the public. OIG's tracking system is currently in place and up-to-date; this information is reviewed for accuracy and efficiency by its Executive Administration team at minimum on an annual basis.

A. Oral Interpreting Services

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

For in-person encounters: OIG's trained Case Management Unit personnel, front-line staff or investigators first determine, if possible, the language spoken by the LEP individual. If OIG staff is unable to determine the individual's language, OIG staff will utilize the "I Speak" cards to facilitate language identification. Once the LEP individual's language is determined, he/she is assisted by an OIG bilingual staff member, if available. When the LEP individual's language is not among those spoken by a bilingual staff member, OIG staff connects the LEP individual with OIG's free telephonic interpreting service.

By telephone: OIG assesses whether an LEP individual needs oral interpreting services when it becomes apparent that the individual does not speak English at a level that will allow him/her to interact effectively with the OIG staff. Trained Case Management Unit personnel, front-line staff or investigators first determine, if possible, the language spoken by the LEP individual. If a bilingual staff member is fluent in the language spoken by the LEP individual, the individual will receive immediate assistance from OIG. When the LEP individual's language is not among those spoken by a bilingual staff member, OIG staff connects the LEP individual with OIG's free telephonic interpreting service.

At initial contact in the field: OIG staff is trained to first ask open-ended questions to determine language proficiency. In addition, all OIG staff have been provided with pocket-size "I

Speak” cards to assist in determining the LEP individual’s language. When OIG staff is fluent in the language, that staff member will serve as an interpreter for the LEP individual, if available. In the event the LEP’s language is not spoken by a bilingual staff member, OIG staff connects the LEP individual with OIG’s free telephonic interpreting service for assistance.

For pre-planned appointments with LEP individuals: Prior to meeting with LEP individuals, OIG informs the individual(s) of free interpreting services, either through a bilingual staff member who is fluent in the LEP individual’s language, or through an interpreting service.

Other (describe): . Prior to conducting an interview of an LEP individual, OIG determines the language of the LEP individual and either utilizes a bilingual staff member to assist, or solicits an interpreting service available on the NYS OGS Statewide Administrative Services Contract to schedule the interview.

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: OIG first determines the language of the LEP individual and either utilizes a bilingual staff member to assist, or solicits an interpreting service available on the NYS OGS contract to inform the individual of OIG’s free interpreting services.

By telephone: OIG staff is trained to inform LEP individuals of OIG’s free interpreting services via a OIG bilingual staff member or telephonic interpreting service.

At initial contact in the field: OIG staff is trained to inform LEP individuals of OIG’s free interpreting services via bilingual OIG staff member or telephonic interpreting service.

For pre-planned appointments with LEP individuals: Prior to meeting with LEP individuals, OIG informs the individual(s) of OIG’s free interpreting services, either through the use of a bilingual staff member who is fluent in the LEP individual’s language, or through an interpreting service.

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, **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:

OIG has trained its staff to promptly contact an interpreter in a timely manner upon request by an LEP individual or upon making a determination that an interpreter is needed. OIG utilizes only interpreting services listed on OGS-approved contracts, who guarantee what OIG determines to be an acceptable response time.

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

OIG Case Management Unit staff documents and monitors each oral interpreting service provided to LEP individuals. This information is entered into OIG's case management system.

Competency and confidentiality

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

The linguistic competence of bilingual staff is self-assessed and cultural competence is covered through OIG's staff training. Where the agency 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 must enforce standards of confidentiality in accordance with New York State law, and as required by New York State-approved vendors.

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:

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: Spanish: 5 staff members, Russian: 1 staff member

- Telephonic interpreting service

Names of vendors: Any vendor under 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) [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:

OIG's Chief Counsel provides all staff training for all current employees as well as new employees regarding OIG's Language Access Plan, which includes procedures on how to obtain interpreting services, cultural sensitivity, and confidentiality. In addition, during new staff orientation the Director of Administration provides all new employees written instructions and information on obtaining interpreting services.

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:

Since the issuance of Executive Order No. 26, OIG has developed a Language Access Assessment Team, and its mission includes reassessing OIG's documents, including website content, at least every two years, to determine which documents must be translated, if any.

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

Whenever possible, OIG will first utilize staff members who are fluent in the language in which the documents are written. When this is not an option, OIG will solicit an outside translation service who must guarantee a reasonable response time in the translation of documents.

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

OIG’s Language Access Assessment Team is tasked with ensuring that documents are written in plain language before they are translated into other languages.

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
	Mission Statement(s)	X	X	X	X	X	X
	Complaint Form	X	X	X	X	X	X

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:

OIG, through its vendor 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. OIG 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 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) [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: Michele Host, Chief Counsel; Mary Shufelt; and Danielle Sbuttoni, Assistant Director of Administration and LAC.

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:

OIG has added language access training as a part of OIG's annual all staff training curriculum. New staff are trained in language access as they are hired. OIG's Director of Training and/or Assistant Director of Training, utilizes and incorporates information obtained from OIG's Language Access Plan. In addition to OIG's front-line staff, all OIG staff are required on an annual basis to complete GOER's online Language Access training, available through the Statewide Learning Management System.

Monitoring

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

OIG's Language Access Assessment Team monitors the adherence to OIG's established protocols and reviews all data collected on an annual basis.

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:

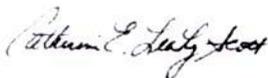
Complaint forms and the procedures to file a complaint are available at all OIG offices, and online at OIG's website.

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

Complaints made to OIG regarding the provision of language assistance services are directed to OIG's Chief of Staff and Chief Counsel for review and handling, and if need be, with the assistance of the Division of Equal Opportunity Development.

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

PART 7 – SIGNATURES



Inspector General

May 1, 2017

Head of Agency

Title

Date



Assistant Director of Administration

5/1/17

Agency LAC

Title

Date



Deputy Secretary for Civil Rights

5/25/17

Date