

# LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

**State Agency:** Office of Information Technology Services (ITS)

**Effective Date of Plan:** April 1, 2015

**Language Access Coordinator (LAC):** Karen Geduldig, Counsel

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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 persons with limited English proficiency (“LEP”) have meaningful access to agency services, programs, and activities.**

### **Statement of Agency Services to the Public:**

The mission of the New York State Office of Information Technology Services (ITS) is to provide centralized IT services to the State and its governmental entities with the awareness that our citizens are reliant on those services. Most of ITS’s interactions are with governmental entities and not with persons who live, work, or visit New York State. ITS operates an Enterprise Service desk, which receives some calls from the public for password resets of other agencies’ electronic public interface systems. ITS also procures products and services and interacts with the business community in the procurement process.

**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:** 19,651,127 people, the population of New York State in 2013.

**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	1,230,302
Chinese	329,482
Russian	130,961

Italian	65,243
Korean	64,426
French (Haitian) Creole	64,046

Source: U.S. Census Bureau, 2008-2012 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:**

We receive very few telephone calls made to the Enterprise Service desk from individuals who require language assistance, which we document. Between October 1 and April 30, 2014, the Enterprise Service desk required language assistance on nineteen occasions. Seventeen of the callers required Spanish interpretation; one required Mandarin interpretation, and one required Korean interpretation.

**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?**

- 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?**

- 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 ITS website includes language access information and contact information to obtain free language assistance services in all six languages.

**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) N/A – ITS does not provide any services or benefits “in-person.”

**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) Upon self-identification by the caller or determination by a staff person, ITS's staff offers language assistance services. The interpreting services provider will perform additional assessment.

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

The independent interpreting services utilized by ITS provide thorough records on frequency of use, languages spoken, and costs associated with service. Reports on services utilized are periodically obtained from the vendor and are maintained by the Enterprise manager.

**A. Oral Interpreting Services**

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

**For in-person encounters:** N/A- ITS does not provide any services or benefits "in-person."

**By telephone:** Upon self-identification by the caller or a determination of need by the staff, ITS's staff offers language assistance services. The interpreting vendor will perform additional assessment as needed ensuring that LEP individuals understand that they do not need to provide their own interpreters.

**At initial contact in the field:** N/A

**For pre-planned appointments with LEP individuals:** N/A- ITS does not have pre-planned appointments.

**Other (describe):** N/A

**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:** N/A- ITS does not provide any services or benefits "in-person."

**By telephone:** Upon self-identification by the caller or a determination of need by the staff, ITS's staff offers language assistance services. The interpreting vendor will perform additional assessment as needed ensuring that LEP individuals understand that they do not need to provide their own interpreters.

**At initial contact in the field:** N/A

**For pre-planned appointments with LEP individuals:** N/A- ITS does not have pre-planned appointments.

**Other (describe):** N/A

**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:**

Upon self-identification by the caller or determination by staff of need, ITS staff will immediately contact the interpreting services.

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

ITS uses the information provided by the interpreting services regarding quantity of calls and languages requested.

### **Competency and confidentiality**

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

Where ITS 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:**

- Bilingual staff members who provide oral interpreting when necessary

**Number of staff and languages spoken:**

- Telephonic interpreting service

**Names of vendors:** Language Line Solutions, Inc. and potentially any other 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:**

- 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:**

ITS staff that directly provide services and benefits to the public are trained using a training module available through the State Learning Management System ("SLMS") regarding the agency's obligations under the Statewide Language Access Policy and how the staff member is to implement those obligations. Training includes sensitively and appropriately identifying LEP individuals; informing the public of the availability of free oral interpreting services by, for example, connecting them to telephonic interpreting services; tracking calls with LEP individuals; and, maintaining confidentiality with respect to the fact that interpreting services were used on a given call. This training is augmented with a script given to Call Center staff.

**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's legal staff surveys program areas, reviews online content, and speaks to program managers as part of the reassessment to identify vital documents for translation purposes.

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

ITS does not provide "in-person" services. Any documents received from an LEP individual in their primary language are reviewed in-house and forwarded to the interpreting service as soon as possible.

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

ITS will ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.

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

ITS currently does not have documents deemed vital.

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

ITS 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. ITS 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:** Language Line Solutions, Inc. and potentially any other 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:**

- 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:** The Language Access Coordinator Karen Geduldig will ensure that required staff receive training in language access issues. The State Learning Management System (“SLMS”) will manage and track staff training of language access.

**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 language access training is conducted at least once per year for staff that interacts with the public, with refreshers provided as needed.

## **PART 6 – ADMINISTRATION**

### **Monitoring**

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

The LAC will continue to use a guideline document to aid program areas in their reassessments of vital documents. The LAC will continue to work with the SLMS to make training available, and track staff training. Staff will be trained at least once annually and resources on how to access language assistance services will be provided.

### Complaints

We provide information to the public, including to LEP individuals in languages regularly encountered in this service area, 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 all six languages and through our website. Additionally, information on the right to file a complaint is also posted on the ITS's public website in the top six languages.

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

Complaints made to ITS regarding our provision of language assistance services are received by the LAC or the LAC's delegate, who is responsible for looking into the complaint and recommending an appropriate response and/or action. The LAC makes the final decision regarding the response to the complainant and may make internal referrals to take appropriate and necessary corrective and preventative action.

### PART 7 - SIGNATURES

<u>M.A. Miller</u>	<u>NYS CIO/DIRECTOR OF ITS</u>	<u>3/17/15</u>
Head of Agency	Title	Date

<u>Karen Medley</u>	<u>GENERAL COUNSEL</u>	<u>3/17/15</u>
Agency LAC	Title	Date

<u>Patricia L. Gauthier</u>		<u>3/4/15</u>
Deputy Secretary for Civil Rights		Date