

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Insurance Fund

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:

The New York State Insurance Fund (NYSIF) is a full-service, competitive insurance carrier specializing in both workers' compensation (on-the-job injuries and illnesses) and disability benefits (off-the-job injuries and illnesses) insurance in the State of New York. The Workers' Compensation Law requires virtually all employers operating in New York State to have workers' compensation coverage for their employees. New York is one of a handful of states that requires covered employers to provide disability benefits coverage to employees for an off-the-job injury or illness.

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: NYSIF has approximately 166,000 policyholders and 132,000 open claims in workers' compensation. In Disability Benefits, we currently service 61,300 policyholders and processes approximately 14,000 employees annually. Please note, Disability claims are short term, generally six to eight weeks in duration.

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:

- Information from other government agencies

Names of agencies: NYS Workers' Compensation Board (WCB).

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

NYSIF determines the frequency of contacts with LEP individuals by acquiring data from our claims office, call center, and district offices. We cross reference with the data received from the selected vendors.

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? NYSIF implements the use of "I Speak" posters. This allows LEP individuals to alert our staff of the need for language assistance. This aids our staff in making a determination about an LEP individual while maintaining cultural sensitivity to the LEP individual's needs. Our staff is then able to refer back to the "I Speak" posters or inform the LEP individual via an interpreter or bilingual staff member that the service is free of charge.

Additionally, NYSIF staff is trained and will continue to receive enhanced methodologies on how to best identify LEP individuals and their needs.

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? NYSIF posts the "I Speak" poster at events and provides a Language Access checklist to staff attending events (The NYS Fair, Trade Shows, Forums and Expos) that the agency participates in.

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 option is available in our Interactive Voice Response system.

Other (describe) Our agency's website contains information regarding the availability of language assistance 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)

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

NYSIF has developed a metric for compiling data for in person and telephonic encounters. Staff has and will continue to receive training on how to use the metric in order to ensure accurate reporting. NYSIF has vendors available for telephonic and in person encounters. NYSIF also has a volunteer language bank which consists of those individuals that have self-identified their language proficiency. Any data related to claims is also tracked by NYSIF and our vendors. We have instructed our claims staff to inquire about language needs of stakeholders, employers, medical providers, etc., during initial work-up of new claim. WCB has taken proactive approach by including the following question in their C-3 form: "Will you need a translator if you have to attend a Board hearing? If yes, for what language?" NYSIF also looks at that form to arrange language assistance services.

A. Oral Interpreting Services

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

For in-person encounters: NYSIF has implemented the use of "I Speak" posters. This allows LEP individuals to alert our staff of the need for language assistance. This aids our staff in making determinations about an LEP individual while maintaining cultural sensitivity to the individual's needs.

By telephone: Staff contacts our interpreting service vendor if the caller self-reports a language need or if staff needs help identifying the caller's language.

At initial contact in the field: Staff contacts our interpreting service vendors. Bilingual staff members may assist the LEP individual, if available.

For pre-planned appointments with LEP individuals: NYSIF arranges in advance to have interpreting services provided if requested by an LEP individual. If an LEP individual is in need of an Independent Medical Exam ("IME") and has a language barrier, NYSIF does and will continue to arrange for an independent interpreter to be present at the exam. The claimant's family and friends are not satisfactory interpreters. Once an IME appointment date and time have been established, the respective case manager will notify the IME company that an interpreter will be arriving and must be

present for the exam. The same is true if the physician does not speak the same language as the claimant. NYSIF is committed to ensuring that both parties are able to communicate with each another. NYSIF has and will continue to provide interpreting services to LEP claimants at the Workers' Compensation Board. If a claimant needs an interpreter for an out of state IME, NYSIF staff will reach out to the IME to provide a rate for an interpreter. The rate must be approved by NYSIF Claims Administration. For pre-planned policyholder audits, NYSIF would make arrangements with a vendor to be sure that our field staff is able to communicate with our policyholder.

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: NYSIF has posted "I Speak" posters in public areas of our offices. Staff using an interpreter or a bilingual staff member will also inform the LEP individuals of free interpreting services.

By telephone: Staff using the interpreting vendor informs our clients that interpreters are provided and that the service is free of charge. Bilingual staff also makes sure to inform our clients that interpreter services are provided free of charge.

At initial contact in the field: Our staff via the interpreting vendor will inform our clients that interpreters are provided and that the service is free of charge. If our bilingual staff is able to provide these services directly they will also inform the LEP individual.

For pre-planned appointments with LEP individuals: NYSIF staff via the contracted vendor informs our clients that interpreters are provided and that the service is free of charge. If our bilingual staff is able to provide these services directly they will also inform the LEP individual.

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:

Staff has been trained to assess the need for interpreting services. Once a determination has been made that a client is in need of such service, we take the client to a designated area and contact our vendor in a timely manner. The vendors NYSIF contracts with are well equipped to handle the languages that have and may be needed.

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

NYSIF has developed a metric for compiling data for in person and telephonic encounters. Staff has been trained on how to use the metric in order to ensure accurate reporting.

Competency and confidentiality

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

On a case by case basis, NYSIF uses multilingual staff volunteers who are self-assessed in their own language competency. Where NYSIF 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 are required to sign a confidentiality agreement and 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: NYSIF has two Spanish Language positions filled at this time. The Civil Service titles are: Senior Personnel Administration SL and Keyboard Specialist 1 SL.

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: In addition to the two employees mentioned above, NYSIF employs 42 staffers that are able to provide oral interpreting services when necessary. The languages spoken are: Spanish, Hindi, French, Mandarin, Cantonese, Arabic, Russian, Polish, Baluchi, Farsi/Pushto, Punjabi and Urdu.

- Telephonic interpreting service

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

Procedures are listed on our website and annual training is provided to our staff. Any incoming staff will also be required to take language access training.

B. Translations of Written Documents

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

NYSIF has done a thorough review of how it assists LEP clients. Please note the vast majority of our vital documents, as defined by the United States Department of Justice, are promulgated by the New York State Workers' Compensation Board. We have assessed our remaining documents, in keeping with, but not limited to the USDOJ's definition of a vital document. We will reassess at least annually to determine if other documents need to be added to our vital document listing.

A master-spreadsheet of all vital documents is maintained. Our documents are reviewed annually to determine if any changes have occurred.

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

This may depend on the document, but to the extent possible NYSIF will submit documents provided by LEP individuals in their primary language for translation 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:

NYSIF runs its documents through a plain language test to ensure that the reading level is appropriate. NYSIF uses appropriate software to determine the document meets the reading level test. Word has the ability to determine the reading grade level of a specific document. NYSIF use documents that do not exceed 8th grade reading levels.

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

Form #	Name	Top Six Languages						Additional Languages
		Spanish	Chinese	Russian	Haitian Creole	Korean	Italian	
	Claimant Info Pack	X	X	X	X	X	X	Polish
	Claimant Information Sheet	X	X	X	X	X	X	Polish
	Direct Deposit Form	X	X	X	X	X	X	Polish
	Claims Quick Reference Card	X						
	Partners in Safety Brochure	X						
	Safety Posters	X						
	Claims Guide	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:

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

We use, or have available for translating, the following resources:

- Contracts with language service vendors

Names of vendors: Any vendor under the NYS OGS Statewide Administrative Services Contract.

- Contracts or other arrangements with community organizations or individuals for oral interpreting services

Names of individuals/organizations and languages:

- 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: Denise Miller, Director of Training.

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 frontline staff is required to complete the mandatory language access training developed by GOER annually. All staff will also verify annually with the NYSIF Training Department that they have read and understood our language access policies and procedures. Training will be ongoing and refresher courses will be given as needed. Any new hires will be required to take training within 30 days of their start date.

PART 6 – ADMINISTRATION

Monitoring

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

The LAC will chair a steering committee specifically for NYSIF's Language Access Plan. The committee will meet annually or as otherwise needed. The committee will assess if we need to add additional vital documents based on requests, demographics and complaints. Spot checks will be conducted in our buildings to ensure that posters are prominently displayed. The LAC will survey all business managers and department heads bi-annually to determine if there have been any changes with our staff listing of those who provide language assistance services. An agency wide e-mail will be sent to staff annually as a reminder of our Language Access Plan.

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:

All information concerning the right to file a complaint is posted in public places within our buildings in close proximity to the "I Speak" posters. Information is also posted on our website. This information and the complaint form are made available in the six languages stated above.

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

All complaints are reviewed and investigated by our Affirmative Action office.

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

PART 7 – SIGNATURES

Emm Executive Director 4/24/17
Head of Agency Title Date

Melvin Coler CSR 3 4/24/17
Agency LAC Title Date

Norma Ramos 5/25/17
Deputy Secretary for Civil Rights Date