

# **LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS**

**State Agency:** New York State Insurance Fund

**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 New York State Insurance Fund (NYSIF) was established in 1914 as part of the original enactment of the New York State Workers’ Compensation Law. NYSIF’s mission is to guarantee the availability of workers’ compensation insurance at the lowest possible cost to New York employers and to provide timely, appropriate indemnity and medical payments to injured workers, while maintaining a solvent fund. Since inception, NYSIF has fulfilled the dual roles for which it was created: to compete with other carriers to ensure a fair market place and to be a guaranteed source of coverage for employers who cannot secure coverage elsewhere.

NYSIF is the largest workers’ compensation carrier in New York State and among the top 10 largest workers’ compensation carriers in the nation. In addition to workers’ compensation insurance, NYSIF provides disability benefits coverage for off-the-job injuries. In 2018, NYSIF added Paid Family leave as a component of its disability benefits product, providing New Yorkers with job-protected, paid time away from work to care for their families.

**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. NYSIF currently has approximately 155,000 policyholders and 106,000 open claims in workers’ compensation. NYSIF has approximately 61,000 policyholders in

disability benefits and services approximately 10,000 disability claims and 5,000 paid family leave claims annually. Please note, disability and paid family leave 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:**

<b>Language</b>	<b>Estimated Number of LEP Individuals Who Speak this Language</b>
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:** NYS Workers' Compensation Board (WCB)

- Other Click here to enter text.

**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, contact 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 implemented the use of "I Speak" poster. 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" poster or inform the LEP individual via an interpreter or bilingual NYSIF 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

**What are the LEP populations targeted?** NYSIF displays the "I Speak" poster at all events. The LAC also provides a Language Access checklist to our staff on how to reach an interpreter during an event. The events that the agency participates in include, but are not limited to, The NYS Fair, Trade Shows, Forums and Expos.

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

**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 a language bank which consists of those individuals which NYSIF has determined are able to provide oral interpreting services. NYSIF also has vendors available for telephonic and in person encounters. 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 provider, 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" poster. 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. When available, bilingual staff assist LEP individuals.

**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 also 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):** 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:** NYSIF has posted "I Speak" poster 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.

**For pre-planned appointments with LEP individuals:** NYSIF staff via the interpreting or translation 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):** 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 family member, friend, or a minor as an interpreter. Upon request, an LEP individual may also be permitted to use a family member, friend of a minor 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 interpreter services. Once a determination has been made that a client needs such service we take the client to a designated area and contact our interpreting 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 one Spanish Language position filled at this time. The Civil Service title is Human Rights Specialist SL.

- Bilingual staff members who provide oral interpreting when necessary

**Number of staff and languages spoken:** NYSIF has a total of 65 bilingual staff members that are willing to provide oral interpreting if necessary. The languages include: Spanish, Hindi, Punjabi, Sicilian, French, Haitian, Gujarati, Russian, Chinese Mandarin, Bengali, Arabic, Latvian, Marathi, Turkish, Burmese, Tagalog, Urdu, Malayalam, Polish, Pushto, Cantonese, Igbo, Bhutanese, Italian, Tamil, ASL.

- Telephonic interpreting service

**Names of vendors:** Potentially any other vendor under the 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:** 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:**

Procedures are listed on NYSIF's website, intranet 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 will be maintained. Our documents will be 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 submitted by LEP individual 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 a plain language test to ensure that the reading level of the document is appropriate. We use 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 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	
	Claimant Information Packet	✓	✓	✓	✓	✓	✓	Polish, Italian
	Claimant Information Sheet	✓	✓	✓	✓	✓	✓	Polish, Italian

Workers' Comp	Direct Deposit Application	✓	✓	✓	✓	✓	✓	Polish, Italian
Disability Benefits	Direct Deposit Application	✓	✓	✓	✓	✓	✓	Polish, Italian
	Policyholders Services Information Sheet	✓	✓	✓	✓	✓	✓	Polish, Italian
LA-1	Language Access Services Complaint Form	✓	✓	✓	✓	✓	✓	Italian, Polish
WA-1	Work Activity Report	✓						
	Claims-Quick Reference Card	✓						
	Partners-in Safety-Brochure	✓						
	Safety Posters	✓						
	Claims Guide	✓						

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:**

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:** 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:** 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 is a member of the Customer Service Advisory Cabinet and meets a few times a year with NYSIF staff from each department for continued updates on NYSIF's Language Access Plan. The cabinet members also give updates and assess if NYSIF should 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. The NYSIF Intranet is continually updated with Language Access information as needed to ensure that staff is up to date with our Language Access Plan and all Language Access services.

**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.

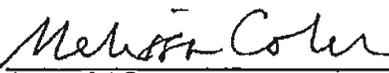
We handle complaints made to the agency regarding the provision of language assistance services in the following manner:

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**

 Exec Dir 5/17/19  
Head of Agency Title Date

 CSR3 5/18/19  
Agency LAC Title Date

 5/23/19  
Deputy Secretary for Civil Rights Date