

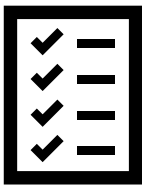
LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Insurance Fund

Effective Date of Plan: August 1, 2021

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This document is our agency’s **Language Access Plan**.

A **Language Access Plan** explains how we provide services to people who have limited English proficiency.

This **Language Access Plan** includes information about:






	<p>The Limited English Proficient (“LEP”) population in our service area.</p>
	<p>How we notify the public about language access services.</p>
	<p>Our resources and methods for providing language access services.</p>
	<p>How we train our staff to provide language access services to the public.</p>
	<p>How we monitor language access services and respond to complaints.</p>

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PART 1 – Our Agency’s Services

We prepared this Language Access Plan (“Plan”) to comply with Executive Order No. 26, as amended by Executive Order No. 26.1, which established New York’s [Statewide Language Access Policy](#).¹ This Plan explains how we make sure that Limited English Proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.

In this Plan, LEP individuals are understood as people who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

Our agency’s services to the public include:

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 marketplace and to be a guaranteed source of coverage for employers who cannot secure coverage elsewhere.

NYSIF offers quality insurance plans for all New York businesses. Services include claims case management and workplace safety programs at no extra cost. If you have employees located in New York State, NYSIF may be able to help you control the costs and losses incurred by on-the-job injuries.



PART 2 – The Limited English Proficient Population in Our Service Area

Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top ten languages most commonly spoken by LEP individuals in New York State.

The estimated total number of LEP individuals in our service area is: Approximately 2.5 million LEP individuals in New York State.

¹ For additional information about our agency’s obligations to provide language access services, please visit: <https://www.ny.gov/language-access-policy>

The top ten languages spoken by LEP individuals in New York State are:

#	Language	Estimated Number of LEP Speakers
1	Spanish	1,201,322
2	Chinese	379,745
3	Russian	119,380
4	Yiddish	64,070
5	Bengali	46,020
6	Korean	55,506
7	Haitian Creole	54,746
8	Italian	46,431
9	Arabic	40,781
10	Polish	34,840

Our agency will reassess the public’s language needs at least every two years after the effective date of this Plan.

Our agency tracks encounters with LEP individuals in the following ways:

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. Encounters are also tracked by monthly deficiency reports and annual monitoring report.



PART 3 – Public Outreach About the Availability of Language Access Services

Our agency informs LEP individuals about their right to free language assistance services in the following ways, using at least the top ten languages shown in Part 2 of this Plan:

- LEP individuals are directly informed by our staff
 - In which ways?** NYSIF staff is trained and will continue to receive enhanced methodologies on how to best identify LEP individuals and their needs by reaching a contracted vendor for over the phone interpretation. 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 inform the LEP individual via an interpreter that the service is free of charge.
- Signs posted about language assistance services
 - In areas operated by the agency and open to the public: While NYSIF no longer accepts walk-ins at our office locations. The Language ID Tool, “I Speak” poster is visible in public areas.

- Information is published on our agency’s website in at least the top ten languages spoken by LEP individuals in New York State
- Outreach and presentations at schools, faith-based groups, and other community organizations
 - What are the LEP populations targeted?** NYSIF displays the Language ID Tool, 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, MWBE Events, Trade Shows, Forums and Expos. Virtual events have now been added to this list.
- Local, non-English language media directed at LEP individuals in their languages
 - What are the LEP populations targeted?**
- Social media posts directed at LEP individuals in their languages
 - What are the LEP populations targeted?** The top 10 languages when directed by the State Language Access Coordinator.
- Telephonic voice menu providing information in non-English languages
 - In which languages?** Spanish
- Other (describe)



PART 4 – Provision of Language Access Services

A. Determining the Need for Services

During *in person* encounters, our agency uses the following tools to determine whether an individual is LEP, and what their primary language is:

- “I Speak” posters or visual aids that provide information about free interpreting services in multiple languages
- Reception staff make those determinations based on training and experience
- Bilingual staff members, where available, assist in identifying LEP individual’s language
- Other (describe) While NYSIF does not accept walk-ins at our office locations, the Language ID Tool, I Speak poster is visible in public areas.

On *telephone calls*, our agency uses the following tools to find out if an individual is LEP, and what their primary language is:

- Reception staff make those determinations based on training and experience

- Bilingual staff members, where available, assist in identifying an LEP individual's language
- Telephonic interpreting service
- Other (describe)

Our agency's protocols for assessing whether an individual needs *oral interpreting services* in different service situations is as follows:

- During office in-person encounters:** NYSIF no longer accepts walk-ins at our office locations. However, NYSIF staff utilizes the Language ID Tool, I Speak poster and contracted vendors to assess and assist our LEP clients.
- At initial contact in the field:** NYSIF staff use their experience, the Language ID Tool, I Speak poster and our contracted vendors to assess and assist our LEP clients. Some LEP clients self-identify their language.
- When speaking on the telephone** NYSIF staff use their experience, the Language ID Tool, I Speak poster and our contracted vendors to assess and assist our LEP clients. Some LEP clients self-identify their language.
- For pre-planned appointments with LEP individuals:** NYSIF staff has already identified an individual's language need and made the necessary arrangements via the interpreting or translation vendor informs our clients that interpreters are provided and that the service is free of charge.
- Other (describe):**

Our agency records and maintains 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 to ensure accurate reporting.

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 the language needs of claimants, employers, medical provider, etc., during the 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.

B. Oral Interpreting Services

Our agency has made the following resources available for oral interpreting requests:

- Bilingual staff members who work directly with LEP individuals

Number of staff and languages spoken:

- Bilingual staff members who provide oral interpreting services on a volunteer basis

Number of staff and languages spoken:

- Telephonic interpreting service

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

- Contracts or other arrangements with school and community organizations

Number of staff and languages spoken:

- Other (Describe)

Our agency protocols for informing LEP individuals that free interpreting services will be provided and that they do not need to provide their own interpreters is as follows:

During office in-person encounters: While NYSIF no longer accepts walk-ins at our office locations, the Language ID Tool, I Speak poster, which inform LEP individuals that free interpreting services are available, is visible in public areas.

At initial contact in the field: NYSIF staff, using the interpreting vendor, informs our clients that interpreters are provided and that the service is free of charge.

When speaking on the telephone: NYSIF staff, using the interpreting vendor, informs our clients that interpreters are provided and that the service is free of charge.

For pre-planned appointments with LEP individuals: NYSIF staff has already identified an individual's language need and made the necessary arrangements via the interpreting or translation vendor informs our clients that interpreters are provided and that the service is free of charge.

Other (describe): NYSIF's website contains information regarding the availability of language assistance services.

Our agency's protocols for obtaining interpreting services in a timely manner is as follows:

NYSIF staff has been trained to assess the need for interpreter services. Once a determination has been made that a client needs such services, NYSIF staff contact our contracted interpreting vendor in a timely manner. NYSIF contracted vendors are well equipped to handle the languages that may be needed.

If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocols for deciding whether to accept or decline such an arrangement is as follows:

LEP individuals 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 always provide an independent interpreter. 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 agency provides information to all staff members who have contact with the public about how to obtain oral interpreting services. Our protocol in this regard is as follows:

NYSIF provides a Language Access Checklist on how to reach an interpreter, a list of vendors, I Speak poster, and Over the Phone Interpreter Guide and Tips. All staff can access this information on the NYSIF Intranet at any time. The checklist and the I Speak poster are provided to all staff participating in events such as NYS Fair, MWBE events and Trade Shows. Virtual events have been added to this list.

The agency's Language Access Coordinator ("LAC") maintains a list of oral interpreting resources that are available to staff. This resource list 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 an LEP individual's primary language
- Languages in which each interpreter or service is qualified
- Procedures for accessing each interpreter or service

Our agency records and maintains documentation of oral interpreting services provided to LEP individuals at each encounter. Our protocol in this regard is as follows:

NYSIF has a Tracking Log for over the phone interpretation. This log keeps track of the number of encounters, duration, type of service, time of day and language provided. NYSIF Claims staff maintains a list of in person encounters and LAC also has an inventory of written translations. All encounters are documented on the annual monitoring report.

Cultural Competence and Confidentiality

Our agency makes sure interpreters are culturally competent² in the following ways:

² Cultural Competence is defined as *a set of congruent behaviors, attitudes, and policies that come together in a system or agency or among professionals that enables effective interactions in a cross-cultural framework.* U.S. Department of Health and Human Services, Office of Minority Health. 2000. Assuring Cultural Competence in Health Care: Recommendations for National

NYSIF utilizes independent interpreting services. The contracted vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent.

Our agency makes sure interpreters follow state and federal confidentiality protocols in the following ways:

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 Contractor, its officers, agents and employees and subcontractors, shall treat all information, with particular emphasis on information relating to recipients and providers, as confidential information to the extent required by the Laws of the State of New York and of the United States.

C. Translations of Documents

At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents (including website content) that must be translated. This process is accomplished in the following ways:

NYSIF has done a thorough review of how it assists LEP clients. Please note the vast majority of vital documents, as defined by the United States Department of Justice, are promulgated by the New York State Workers' Compensation Board. 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.

Our agency's process for making sure documents are written in plain language³ 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. Microsoft Word has the ability to determine the reading grade level of a specific document. NYSIF uses documents that do not exceed 8th grade reading levels.

Our agency has the following resources available for translation of documents:

- Contracts with vendors for translation services

Names of vendors: Language Today and potentially any vendor under the NYS OGS Statewide Administrative Services Contract.

Standards and an Outcomes-Focused Research Agenda. Extracted from:

https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring_Cultural_Competence_in_Health_Care-1999.pdf

³ The [Plain Writing Act of 2010](#) defines plain language as writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience. Extracted from: <https://www.govinfo.gov/app/details/PLAW-111publ274>

Contracts or other arrangements with schools and community organizations

Names of schools/organizations and languages:

Translation of documents by bilingual staff members

Other (describe)

The agency’s Language Access Coordinator (“LAC”) maintains a list of translation resources that are available to staff. This resource list includes:

Names and contact information for all resources

Names and locations of staff members who are available to provide translations of documents

Languages in which each translation service is qualified

Procedures for accessing each translation service

Our agency translates documents that LEP individuals submit in their primary languages in a timely manner. Our protocol in this regard is as follows:

NYSIF LAC contacts the contracted vendor for written translations and maintains inventory of the translations.

The following non-exhaustive list of documents are currently translated by our agency in the languages indicated:

The below list contains both vital and non-vital documents that are currently translated into the languages indicated in the table. In compliance with Executive Order 26.1, our agency will complete translations of the vital documents in the newly added top languages (Arabic, Italian, Polish, and Yiddish) by August 1, 2022. Non-vital documents may not be translated into the E.O. 26.1 languages.

- *AR: Arabic*
- *BE: Bengali*
- *CH: Chinese*
- *HA: Haitian-Creole*
- *IT: Italian*
- *KO: Korean*
- *PO: Polish*
- *RU: Russian*
- *SP: Spanish*
- *YI: Yiddish*

NYSIF Translated Documents	Languages
Covid Related	
Self-Screening Instructions	Spanish
PHS Financial Relief 60 Day Letter	Spanish, Korean, Russian, Haitian Creole, Traditional Chinese, Bengali, Polish, Italian

Help for NY Worker: How NYSIF is Responding	Spanish, Korean, Russian, Haitian Creole, Traditional Chinese, Bengali, Polish, Italian, Yiddish (not on website yet), Arabic (In Progress)
PFL Bonding, Care, Military Claims Forms (Link to WCB)	Spanish, Russian, Haitian Creole, Traditional Chinese, Korean, Bengali, Polish, Italian, Yiddish (not on WCB website yet), Arabic (In Progress)
PHS / DB	
PHS Walk-in Information Sheet for 199 Church including DB	Spanish, Korean, Russian, Haitian Creole, Traditional Chinese, Bengali, Polish, Italian, Yiddish (In Progress), Arabic (In Progress)
Safety Posters	Spanish
Partners-in Safety- Brochure	Spanish
PFL (Non-Covid) Bonding, Care, Military Claims Forms- Link to WCB)	Spanish, Russian, Haitian Creole, Traditional Chinese, Korean, Bengali, Polish, Italian, Yiddish (not on WCB website yet), Arabic (In Progress)
DB-450 Information Sheet	Spanish
PFL Bonding, Care, Military Claims Forms (Link to WCB)	Spanish, Russian, Haitian Creole, Traditional Chinese, Bengali, Polish, Italian, Yiddish (not on WCB website yet), Arabic (In Progress)
PFL Employer Checklist	Spanish, Russian, Haitian Creole, Traditional Chinese, Korean, Bengali, Polish, Italian, Yiddish, Arabic (All in Progress)
PFL Claimant File a Claim Checklist	Spanish, Russian, Haitian Creole, Traditional Chinese, Korean, Polish, Italian, Yiddish (In Progress), Bengali (In Progress), Arabic (In Progress)
Claims	
Claimant Information Packet	Spanish, Korean, Russian, Haitian Creole, Traditional Chinese, Bengali, Polish, Italian, Yiddish (not on website yet), Arabic (In Progress)
Direct Deposit Form including DB	Spanish, Korean, Russian, Haitian Creole, Traditional Chinese, Bengali, Polish, Italian, Yiddish (not on website yet), Arabic (In Progress)
NYSIF Pharmacy Benefits Management (PBM)	Spanish, Korean, Russian, Haitian Creole, Traditional Chinese, Bengali, Polish, Italian, Yiddish (not on website yet), Arabic (In Progress)

PBM CVS Temporary Prescription Services (Form)	Spanish, Korean, Russian, Haitian Creole, Traditional Chinese, Bengali, Polish, Italian, Yiddish (not on website yet), Arabic (In Progress)
PBM Notice to post	Spanish, Korean, Russian, Haitian Creole, Traditional Chinese, Bengali, Polish, Italian, Yiddish (not on website yet), Arabic (In Progress)
WA-1 Work Activity Report	Spanish, Russian, Haitian Creole, Traditional Chinese, Korean, Bengali, Polish, Italian, Yiddish, Arabic (In Progress)
OC-110	Spanish, Korean, Russian, Haitian Creole, Traditional Chinese, Bengali, Polish, Italian, Yiddish (not on website yet), Arabic (In Progress)
C-300.5 / WCB Stipulation Form	Spanish
C-99.16 Questionnaire for Consideration of Section 93	Spanish
Misc.	
LA.1 Complaint Form	Spanish, Korean, Russian, Haitian Creole, Traditional Chinese, Bengali, Polish, Italian, Yiddish (not on website yet), Arabic (In Progress)
Limited English Proficiency Waiver	Spanish, Korean, Russian, Haitian Creole, Traditional Chinese, Bengali, Polish, Italian, Yiddish (not on website yet), Arabic (in Progress)
Reasonable Accommodations	Spanish, Korean, Russian, Haitian Creole, Traditional Chinese, Bengali, Polish, Italian, Yiddish (not on website yet), Arabic (In Progress)

New documents identified for translation after the signing of this Plan and before the 2-year reassessment will be translated in a timely manner.

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 components of the translation services provided by any vendor under contract as part of the publication process.



PART 5 – Staff Training

The person in the agency who is responsible for training staff in language access services is:
Robin Irons, Training Specialist 2.

The staff training includes the following components:

- The agency’s legal obligations to provide language access services
- The agency’s resources for providing language access services
- How to access and work with interpreters
- Cultural competence and cultural sensitivity
- How to obtain translation services
- Maintaining records of language access services provided to LEP individuals

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 – Monitoring the Plan and Responding to Complaints

A. Monitoring

Our agency’s Language Access Coordinator (“LAC”) will monitor implementation of the Plan to make sure we are in compliance. Our protocols in this regard are as follows:

The LAC is readily available for all NYSIF staff. The LAC monitors the NYSIF Intranet to make sure it is continually updated with the most recent Language Access information to ensure that staff is up to date with our Language Access Plan and all Language Access services. Email reminders are also sent by the LAC to NYSIF staff. LAC will report monthly deficiencies and provide an annual monitoring report to the State Language Access Coordinator.

B. Complaints

We provide information to the public in at least the top ten most commonly spoken non-English languages in the state, advising members of the public of their right to file a complaint if they feel that they have not been provided adequate language access services or have been denied access to services because of their limited English proficiency. We do not retaliate or take other adverse action because an individual has filed a language access complaint.

We display information on the right to file a complaint, and the procedures for filing a complaint, in the following manner:

The standardized complaint forms, along with the procedures for filing a complaint, are available in all ten languages in our public offices upon request. The complaint forms are also available for download or online submission through our website. Additionally, information on the right to file a complaint is posted in the top ten languages on our website and in our offices in areas where it can be easily seen by the public.

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

The NYSIF LAC contact information is available on the website, nysif.com, to receive complaints. If a complaint is received, it will be reviewed and resolved by the agency's Language Access Coordinator.

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

PART 7 – Signatures



<i>Mary Beth Woods</i>	Acting Exec Dir. /CEO	7/29/21
Head of Agency	Title	Date
<i>Melina Coker</i>	CSR3	8/3/21
Agency LAC	Title	Date
<i>Debra Alligood</i>		8/3/2021
Deputy Secretary for Civil Rights		Date