

.LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: Office of the State Inspector General

Effective Date of Plan: April 1, 2015

Language Access Coordinator (LAC): Peggy Gaudet

LAC Phone / E-mail: (518) 474-1010 / Peggy.Gaudet@ig.ny.gov

PART 1 – INTRODUCTION

Pursuant to Executive Order No. 26 (“Statewide Language Access Policy”), the New York State Office of the Inspector General (“NYSIG”) has prepared this Language Access Plan (“Plan”) setting forth the actions NYSIG has taken and 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:

Under New York State Executive Law Article 4-A, 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 twenty-two [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.

NYSIG does not provide direct services to the public. NYSIG interacts with individuals who allege or have knowledge of misconduct and other abuses listed above in connection with the activities of State entities under its jurisdiction. Individuals can report abuses by filing a complaint with NYSIG in an effort to combat corruption and promote greater efficiency in State government.

In developing this plan, NYSIG has 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. NYSIG 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: 1,884,460

NYSIG is an oversight agency for agencies and authorities under its jurisdiction in the State of New York and as such could potentially serve LEP individuals of all languages. Our data reflects that the LEP individuals who contact NYSIG are primarily Spanish-speaking individuals. Our data does not reflect a dominance of any other language. NYSIG’s documentation indicates that of the estimated 25 to 35 LEP individuals who contact NYSIG annually, the majority are Spanish-speaking, with the remainder divided among various languages. NYSIG’s most recent records indicate that NYSIG was contacted by 1 LEP individual who spoke Russian and 3 LEP individuals who spoke Chinese.

The top six languages spoken by LEP individuals that NYSIG serves or could potentially serve are as follows:

Language	Estimated Number of LEP Individuals Who Speak this Language
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

NYSIG utilizes 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 community organizations:

- Information from other government agencies

Names of agencies: U.S. Department of Labor

- Other (describe)

NYSIG determines the frequency of our contacts with LEP individuals as follows:

The frequency of contacts with LEP individuals is based on information collected through the NYSIG Case Management Unit, which processes almost all intake complaints and contacts from the public.

To date the number of LEP individuals who contact NYSIG on an annual basis is small. Of the estimated 2,700 complaints received annually by NYSIG, less than 35 are LEP individuals. As previously noted, NYSIG data reflects that of the estimated 25 to 35 LEP individuals who contact NYSIG annually, the majority are Spanish-speaking and the remainder is divided among various languages. The most recent records indicate that NYSIG was contacted by 1 LEP individual who spoke Russian and 3 LEP individuals who spoke Chinese.

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

PART 3 – PUBLIC OUTREACH AND NOTICE OF AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES

NYSIG informs 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 our three locations via phone or in person, trained staff members who are fluent in the language of the LEP individual inform the LEP individuals of free language assistance services. If the LEP individual's language is not among the languages in which NYSIG staff members are fluent, these individuals are connected to a telephonic interpreting service where the LEP individual is informed of the free language assistance services available to them.

- 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? The languages indicated in the chart in Part 2 of this Plan.

- 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, Chinese, Russian, Italian, French (Haitian) Creole and Korean.

- Other (describe)

PART 4 – PROVISION OF LANGUAGE ASSISTANCE SERVICES

NYSIG uses 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) NYSIG’s trained Case Management Unit staff and/or trained investigators make this determination in most cases. NYSIG investigators are equipped with the pocket size “I Speak” cards when in the field. Similarly, NYSIG’s training staff members are equipped with the pocket size “I Speak” cards when conducting trainings at State agencies.

NYSIG uses 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 make those determinations based on experience, with the assistance of bilingual staff members where available
- Telephonic interpreting service
- Other (describe)

NYSIG records and maintains documentation of each LEP individual’s language assistance needs as follows:

NYSIG has developed standardized protocols where all contacts with LEP individuals and the languages spoken are tracked in NYSIG’s centralized case management system.

NYSIG's tracking system is currently in place and will be reviewed on an annual basis for accuracy and efficiency.

A. Oral Interpreting Services

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

For in-person encounters: Though in-person encounters are minimal, NYSIG's trained Case Management Unit personnel, front-line staff or investigators will first determine, if possible, the language spoken by the LEP individual. If NYSIG staff is unable to determine the LEP individual's language, NYSIG staff will determine a LEP individual's oral interpreting needs through the use of "I Speak" cards. Once the LEP individual's language is determined, he/she is assisted by a NYSIG bilingual staff member (if available) or connected with a telephonic interpreting service for further assistance.

By telephone: NYSIG assesses whether an LEP individual needs oral interpreting services when evident that communication is impaired. Trained Case Management Unit personnel, front-line staff or investigators first determine, if possible, the language spoken by the LEP individual. If a trained staff member is fluent in the language spoken by the LEP individual, the individual will receive immediate assistance from NYSIG. When the LEP individual's language is not among those spoken by a trained NYSIG staff member, NYSIG staff connects the LEP individual with NYSIG's free telephonic interpreting service.

At initial contact in the field: Though the incidence of contact with LEP individuals in the field is minimal and is addressed on a case by case basis, NYSIG staff is trained to first ask open-ended questions to determine language proficiency. In addition, all NYSIG staff have been provided with pocket size "I Speak" cards to assist in determining the LEP individual's language. If necessary, NYSIG staff contact a bilingual staff member as an interpreter for the LEP individual. In the event the LEP's language is not spoken by a trained NYSIG staff member, NYSIG staff connects the LEP individual with NYSIG's free telephonic interpreting service for assistance.

For pre-planned appointments with LEP individuals: Prior to meeting with LEP individuals, NYSIG determines the language of the LEP individual and NYSIG either utilizes a trained staff member to act as interpreter or solicits an interpreting service available on New York State Office of General Services ("OGS") contracts.

Other (describe):

For pre-planned interviews of LEP individuals: Prior to conducting an interview of an LEP individual, NYSIG determines the language of the LEP individual and either utilizes a trained staff member to act as interpreter or solicits an interpreting service available on New York State OGS Contracts to schedule the interview. To conduct the interview, NYSIG will use a trained staff member as interpreter, solicit an interpreting service available on New York State

OGS Contracts, or use an interpreter affiliated with the state-contracted court reporter memorializing the interview. Before the interview begins, the court reporter or the NYSIG staff member conducting the interview will swear in the interpreter. As part of his/her oath, the interpreter will promise to interpret the interview truthfully and to the best of his/her ability and that he/she will keep the contents of the interview confidential.

NYSIG 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: NYSIG first determines the language of the LEP individual and either recruits a trained staff member to act as interpreter or solicits an interpreting service listed on the NYS OGS Contracts to inform the individual of NYSIG's free interpreting services.

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

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

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

Other (describe):

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

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 who come into contact with NYSIG are 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 provides 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.

NYSIG protocol(s) for obtaining interpreter services in a timely manner is as follows:

NYSIG 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. NYSIG utilizes only interpreting services listed on OGS-approved contracts, who guarantee what NYSIG determines to be an acceptable response time.

NYSIG records and maintains documentation of oral interpreting services provided to LEP individuals at each encounter as follows:

NYSIG's Case Management Unit staff documents and monitors each oral interpreting service provided to LEP individuals. This information is entered into NYSIG'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 NYSIG'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 NYS 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 (3 Staff members);
Russian (1 Staff member); Mandarin and Cantonese (1 Staff member)

- Telephonic interpreting service

Names of vendors: Language Services Associates, 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

NYSIG informs all staff members who have contact with the public how to obtain oral interpreting services as follows:

NYSIG's Director of Training provides all staff training for all current employees as well as new employees regarding NYSIG's Language Access Plan, which includes procedures on how to obtain interpreting service, cultural sensitivity and confidentiality. In addition, during new staff orientation the Director of Administration provides all new employees written instructions and information on obtaining oral 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, NYSIG has developed a Language Access Assessment Team, and its mission includes reassessing NYSIG'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, NYSIG will first utilize staff members who are fluent in the language in which the documents are written. When this is not an option, NYSIG 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:

NYSIG'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:

NYSIG's mission statement; NYSIG complaint form; and NYSIG instructions on how to file a complaint with NYSIG are translated in the top six languages.

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

NYSIG, through its vendor(s), 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. NYSIG 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)

NYSIG'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: Michael C. Clarke, Director of Training/NYC, and Michele Host, Chief Counsel.

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:

NYSIG has added language access training as a part of NYSIG’s annual all staff training curriculum. New staff are trained in language access as they are hired. NYSIG’s Director of Training utilizes and incorporates information obtained from the Language Access Policy “Train the Trainer” session held by the Governor’s Office of Employee Relations (GOER). In addition to NYSIG’s front-line staff, all NYSIG’s staff are required to complete GOER’s 2014 online Language Access training, available through SLMS on an annual basis.

PART 6 – ADMINISTRATION

Monitoring

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

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

Complaints

NYSIG provides 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. NYSIG does not retaliate or take other adverse action because an individual has filed a complaint alleging discrimination based on LEP status or needs.

NYSIG displays information on the right to file a complaint, and the procedures to file a complaint, in the following manner:

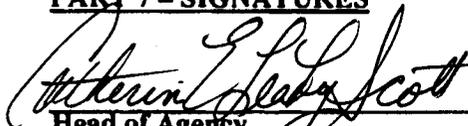
Information on the right to file a complaint with this agency alleging discrimination based on LEP status or needs and the standard complaint form is posted on NYSIG's website, and is translated into the six languages listed above.

NYSIG handles complaints made to the agency regarding the provision of language assistance services in the following manner:

Complaints made to NYSIG regarding the provision of language assistance services are directed to NYSIG's Chief of Staff and Chief Counsel for review and handling.

NYSIG's Language Access Team is currently developing a policy and protocol for the handling of all complaints. To date, NYSIG has received no such complaints.

PART 7 - SIGNATURES

	Inspector General	3/17/2015
Head of Agency	Title	Date
	Director of Administration	3/7/2015
Agency LAC	Title	Date
		3/4/15
Deputy Secretary for Civil Rights		Date