

# **LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS**

**State Agency:** New York State Office of Parks, Recreation and Historic Preservation (OPRHP)

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

**Language Access Coordinator (LAC):** Michael Washington, Director, Bureau of Affirmative Action

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## **PART 1 – INTRODUCTION**

**Pursuant to Executive Order No. 26 (“Statewide Language Access Policy”), we have prepared this Language Access Plan (“Plan”) that sets forth the actions we will take to ensure that persons with limited English proficiency (“LEP”) have meaningful access to agency services, programs, and activities.**

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

The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) is responsible for the operation and stewardship of New York State parks and historic sites. Administratively, under the Parks, Recreation and Historic Preservation Law, New York State is divided into twelve separate park regions: Allegany, Saratoga-Capital District, Central, Finger Lakes, Genesee, Long Island, New York City, Niagara, Palisades, Taconic, Thousand Islands and the Adirondacks/Catskills. OPRHP has jurisdiction over eleven park regions; public lands in the separate Adirondack Park and the Catskills Park are managed by the Department of Environmental Conservation.

Collectively through its regions, OPRHP operates and manages a total of 213 state parks and historic sites encompassing nearly 350,000 acres. New York’s parks and historic sites provide affordable outdoor recreation and cultural opportunities to more than 60 million patrons last year. OPRHP operates an extensive network of public recreational facilities that include 28 golf courses, 53 swimming pools, 76 beaches, 27 marinas, 40 boat launching sites, 18 nature centers, 817 cabins, 8,355 campsites, and more than 1,350 miles of trails.

Our patrons engage in a myriad of recreational activities at our facilities including camping, hiking, swimming, picnicking, programs for seniors, youths and the physically challenged, league or other sporting programs and events, skating, dance, music, and other cultural programs and events, festivals and shows. OPRHP may provide programs and special events directly for our patrons, but for the most part, the agency issues permits for recreational activities and large group gatherings like picnics or weddings at our facilities. If OPRHP is providing the

activity/service directly to the public it is said to be “sponsoring” the event. Otherwise, it is “permitting” another entity to host the event or activity at its facility by reserving a particular area of a facility for exclusive use.

In operating its facilities, OPRHP provides security through the New York State Park Police, park rangers, security guards and lifeguards. OPRHP has a relationship with our local and State Police forces to assist with security as needed. At some larger facilities, staff provides emergency services for the public.

OPRHP’s headquarters is located in Albany, New York for administrative coordination of policy and program development. Generally, all direct patron programs and recreational services are administered locally at individual facilities within the eleven different park regions. Although each region has a central office where some permits are issued, most permits are obtained at individual park offices.

Many of the services at our facilities, such as food services and special attractions are provided to the public by private concessions/vendors under long-term, often competitively bid contracts. Examples of concessionaire-run venues include the Jones Beach Theatre, food and beverage services, and canoe/kayak rentals.

OPRHP also administers a program of boating safety education where it issues boating safety certificates to participants. The program is primarily provided through private instructors.

OPRHP also offers special admission programs, including: (i) the “Access Pass” program designed to implement section 13.19 of the Parks, Recreation and Historic Preservation Law, which requires the State to provide its services to persons with certain disabilities (defined by statute) without the payment of the ordinary and customary fees; (ii) the “Empire Passport” that provides unlimited vehicle entry to most NYS parks’ facilities for a fixed annual price or free; (iii) the Empire Passport/Patriot Plan that provides free park access to certain active duty members of the New York State Militia or any branch of the New York State National Guard or military reserves; and (iv) the “Golden Park” program that provides New York State residents over the age of 62 free vehicle use entry during weekdays.

**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:**

OPRHP has annual visitation estimated to be approximately 60 million.

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

<b>Language</b>	<b>Estimated Number of LEP Individuals Who Speak this Language</b>
Spanish	1,230,302
Chinese	329,482
Russian	130,961
Italian	65,243
Korean	64,426
French (Haitian) Creole	64,046

Source: U.S. Census Bureau, 2008-2012 American Community Survey

**We use the following resources to determine the top six languages spoken by LEP individuals:**

- U.S. Census data (including American Community Survey data)
- Agency data on client contacts
- School system data
- Information from community organizations that serve LEP individuals

**Names of organizations:**

- Information from other government agencies

**Names of agencies:**

- Other (describe)

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

Our facilities are located throughout the entirety of New York State without defined entry/exits points at some parks. As a tourist and recreational destination, OPRHP’s administered State parks and historic sites are visited by people from all over the world. Therefore, it is difficult to accurately determine the number of LEP individuals who visit our parks. As a result, OPRHP has based its estimates on the U.S. Census, including (American Community Survey data) to determine the top six languages that our agency serves or could potentially serve.

While the agency has no hard data on frequency of contacts with LEP patrons, the agency undertook a qualitative survey and obtained regional estimations of the languages most frequently spoken by patrons at our facilities. Spanish was encountered most frequently overall, particularly in the Long Island, New York City, Palisades and Taconic regions.

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

**We will 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?** All OPRHP staff receives annual training on language access. Employees have received training on how to access an interpreter by using the vendor’s interpreting service. For LEP patrons that speak Spanish, staff fluent in Spanish provides the necessary interpretation as well as communicate with the patron(s) by informing them that free interpreting services are available. There are also signs posted in the common area of the park office directing LEP patrons to an “I Speak” poster.

- Brochures or flyers about language assistance services

- In public areas of the agency
- Elsewhere in the agency's service areas

- Signs posted about language assistance services

- In public areas of the agency
- Elsewhere in the agency's service areas

- Outreach and presentations at schools, faith-based groups, and other community organizations

**What are the LEP populations targeted?**

- Local, non-English language media directed at LEP individuals in their languages
- Telephonic voice menu providing information in non-English languages

**In which languages:**

- Other (describe) OPRHP’s public website indicates the availability of free 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) If an OPRHP staff person encounters an LEP patron outdoors or at a location that has no office with a telephone, the employee, when possible, uses a cellular phone to access the vendor's interpreters. If it is not possible to access the vendor's interpreters, the employee would seek out a co-worker who speaks the language or notify the Regional Office for assistance. If the situation appears to be an emergency, the employee contacts the Park Police immediately for assistance.

**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:**

Currently, with the exception of the Park Police, who depending on the surrounding circumstances may record their contacts with LEP patrons through police reports, the agency does not maintain individual records of each LEP patron's language assistance needs. There are thousands of places where patrons are encountered by thousands of employees. For LEP patrons who are repeat contacts at our offices, the telephonic vendor is our source of keeping a record of the patron's language needs since we utilize it for language assistance.

### **A. Oral Interpreting Service**

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

**For in-person encounters:** All employees who have direct contact with patrons have access to “I Speak” cards. If the patron speaks a language other than English, then the employee uses the “I Speak” card to identify the language spoken and use the telephonic interpreting services.

**By telephone:** The need for oral interpreting services is assumed by employees if the caller does not appear to communicate in English or the caller is requesting interpreting services. To make sure the communication between the employee and caller is completed to provide the service requested telephonic interpreting services are used, if needed.

**At initial contact in the field:** We use the same protocol as for in-person encounters. All employees who have direct contact with patrons have access to “I Speak” cards. If the patron speaks a language other than English, then the employee uses the “I Speak” card to identify the language spoken and use the telephonic interpreting services.

**For pre-planned appointments with LEP individuals:** These occurrences are rare, but for those few instances we use the same protocol as for telephone encounters. The need for oral interpreting services is assumed by employees if the caller does not appear to communicate in English.

**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:** OPRHP employees inform LEP visitors that interpreting services are available. Staff directs LEP patrons to the “Interpretation Services Available” posters that include this information. When encountering LEP patrons in settings that do not have these posters, OPRHP employees employ the “I Speak” cards or a pocket version of the poster. Telephonic interpreting services are used if needed.

**By telephone:** If the caller appears unable to communicate in English, the vendor’s interpreting services are used.

**At initial contact in the field:** We use the same protocol as for in-person encounters. OPRHP employees direct LEP visitors to displayed “Interpretation Services Available” posters that include this information. When encountering LEP patrons in settings that do not have these posters, OPRHP employees employ the “I Speak” cards or a pocket version of the poster.

**For pre-planned appointments with LEP individuals:** These occurrences are rare, but for those few instances we use the same protocol as for telephone encounters.

**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:**

We will use the contracted vendor in all instances when possible to obtain interpreter services in a timely manner. If that service is not immediately available, the agency also uses the services of its employees who have a level of language proficiency to communicate with LEP patrons.

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

The Park Police may record contacts with LEP patrons through police reports. OPRHP maintains records of oral interpreting services provided to LEP patrons through the interpreting services vendor. The telephonic vendor is our main source of keeping a record of the patron's language needs since we reach out to the vendors for language assistance.

**Competency and confidentiality**

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

On a case-by-case basis, OPRHP uses multilingual staff volunteers who are self-assessed in their own language competency. Where OPRHP 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:**

Except for police matters, the subject matters that would be discussed regarding the services provided by OPRHP do not typically include matters involving confidentiality. However, staff members are trained to address the issue of confidentiality. Independent interpreters will enforce standards of confidentiality in accordance with NYS Law.

**Maintaining a list of oral interpreting resources**

**We use, or have available for oral interpreting, the following resources:**

- Bilingual staff members who work directly with LEP individuals

**Number of staff and languages spoken:**

- Bilingual staff members who provide oral interpreting when necessary

**Number of staff and languages spoken:** Six Spanish-speaking Park Patrol Officer positions.

- Telephonic interpreting service

**Names of vendors:** Language Line Solutions, Inc. and potentially any other vendor under the OGS Statewide Administrative Services Contract.

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

**Names of individuals/organizations and languages:**

- Other (describe)

**The agency's Language Access Coordinator maintains the list of oral interpreting resources that are available to staff, which includes:**

- Names and contact information for all resources
- Names and locations of staff members who are available to act as interpreters or provide services directly in the LEP individual's primary language
- Languages in which each interpreter or service is qualified
- Procedure for accessing each interpreter or service

**We inform all staff members who have contact with the public on how to obtain oral interpreting services as follows:**

OPRHP issued a guidance document to all agency staff explaining how to obtain oral interpreting services. This document is posted in all Park Offices, the agency's Intranet, and included with new employee training materials.

**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:**

OPRHP trains key supervisors, managers and front-line employees who have contact with LEP patrons regarding the determination of what are vital documents. They provide feedback to the Language Access Coordinator at least once every two years.

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

Any agency staff member who receives a document that is not in English or requires translation into another language is promptly submitted to their Facility Manager. The respective Facility Manager then contacts the contracted vendor for translation services for timely translation.

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

The standardized waiver, consent, complaint forms, and any new or existing documents intended for public dissemination is reviewed by a small committee of central agency staff including a "writer" from the public information bureau, an attorney from the Counsel's Office and a "floating" staff member from a bureau or position that has some nexus to the type of material being reviewed. OPRHP will ensure that documents are written into plain English prior to translation.

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

Currently, some warning and/or informational signs were translated into Spanish and French in certain areas. OPRHP has identified the following vital documents utilized by our agency: (1) consent and waiver forms, including parental consent; (2) complaint forms; (3) written notices of rights; and (4) safety and warning signs with text.

*Complaint Forms:* OPRHP has several avenues for the public to register complaints. Patrons may complain by telephone, in writing or online where the public can send a complaint to either the general information part of the agency's website or through an email to the Equality mailbox.

Our complaint form is standardized and translated into the top six languages. Complaints in other languages can be received via telephone. Likewise, written complaints either sent via email or by regular mail will be translated using vendors employed by the agency.

*Consent/Waiver Forms:* OPRHP has standardized and translated the waiver and consent form into the top six languages for engaging in activities in our parks. These forms waive and release rights and claims for damages, including any claims for loss, damages or injury arising from their participation in the Park's activities. OPRHP will also standardize parental waivers for children to engage in such activities.

*Written Notices of Rights:* OPRHP currently has a Non Discrimination, Equal Access, and Equal Opportunity policy, which applies to the provision of services to the public. This document is also currently available in the top six languages.

*Signs:* OPRHP already uses universal signage (i.e. symbols) for signs designed to protect public health and safety. Signs that have text and involve public health, safety or warnings, will be converted into universal signage where appropriate.

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

OPRHP, 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. OPRHP 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 vendor under the OGS Statewide Administrative Services Contract.

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

**Names of individuals/organizations and languages:**

- Oral translations of written documents by bilingual staff members
- Oral translations of written documents by other individuals or community organizations
- Other (describe)

**The agency's Language Access Coordinator maintains the list of written translation resources that are available to staff, which includes:**

- Names and contact information for all resources
- Names and locations of staff members who are available to provide oral translations of written documents
- Languages in which each translation service is qualified
- Procedure for accessing each translation service

### **PART 5 – STAFF TRAINING**

**The person(s) in the agency who is responsible for the provision of training to staff in language access issues is:**

The Language Access Coordinator in concert with the agency's Director of Training, Equal Opportunity Bureau, Counsel's Office and regional staff who have employee training responsibilities provide mandatory language access training on an annual basis for all permanent and seasonal employees who have contact with patrons. The agency recognizes that language access training is an integral component of diversity/cultural sensitivity 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:**

OPRHP requires supervisors, managers and front-line employees who have contact with LEP patrons to take the mandated language access training annually. Each region is assigned an affirmative action liaison that provides training to staff on the agency's Non Discrimination, Equal Access and Equal

Opportunity policies. These regional liaisons are trained on and provided with materials on language access issues.

Language access training is an integral component in the annual training curriculum for all OPRHP staff. The Director of Training is responsible for identifying staff that has missed the scheduled annual language access training, and said staff will be directed to complete the training upon their return to work.

## **PART 6 – ADMINISTRATION**

### **Monitoring**

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

- Routinely assure that the contracted vendor(s) services are functional and request any available reports regarding its use by OPRHP.
- Annually (more frequently at the outset of the program), request feedback from Facility Managers regarding LEP encounters, usefulness or difficulties with provided resources, and suggestions for improvement.
- Annually request and fulfill need for replenishment of “Interpretation Services Available” posters and “I Speak” cards.

### **Complaints**

**We provide information to the public, including to LEP individuals in languages regularly encountered in this service area, advising them of the right to file a complaint if they feel that they have been the subject of discrimination. The information we provide describes how and/or where to file a complaint. We do not retaliate or take other adverse action because an individual has filed a complaint alleging discrimination based on LEP status or needs.**

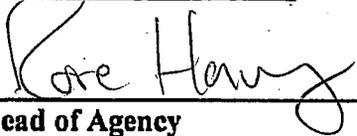
**We display information on the right to file a complaint, and the procedures to file a complaint, in the following manner:**

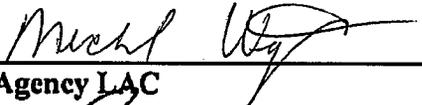
We have a standardized complaint form for language access related complaints translated in the top six languages upon request. The Language Access Coordinator assures posting of the complaint procedure in areas where it is easily seen by the public in the top six languages. Posters and brochures indicating the availability of free language assistance services is also publically visible in our facilities. Additionally, our website already includes a “contact” mechanism to submit complaints electronically.

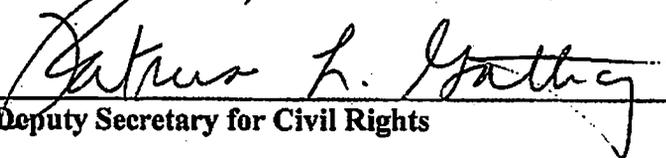
**We handle complaints made to the agency regarding the provision of language assistance services in the following manner:**

Our Language Access Coordinator is responsible for receiving, responding to and resolving all language access related complaints.

**PART 7 - SIGNATURES**

	Commissioner	3/17/15
<b>Head of Agency</b>	<b>Title</b>	<b>Date</b>

	Director	3/17/15
<b>Agency LAC</b>	<b>Title</b>	<b>Date</b>

		3/4/15
<b>Deputy Secretary for Civil Rights</b>		<b>Date</b>