

LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: New York State Office of Victim Services

Effective Date of Plan: April 15, 2016

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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 Office of Victim Services (OVS) provides compensation to innocent victims of crime; funds a network of Victim Service providers and advocates for the rights and benefits of innocent crime victims.

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: 19,651,127.

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

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

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:

If we learn that the claimant's primary language is other than English, we record that information in our claims processing system, Claims Assistant. Data collected from applications from the last complete fiscal year indicates that OVS has received the following numbers of claim applications from individuals whose preferred language is: Spanish: 1,436; Chinese (Mandarin and Cantonese): 7 and 17; Italian: 3; Russian: 42; French (Haitian) Creole: 2; and Korean: 8.

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? Staff members inform the public verbally either by using bilingual staff members where available or through the language assistance service provider.

- Brochures or flyers about language assistance services
 - In public areas of the agency
 - Elsewhere in agency's service areas
- Signs posted about language assistance services
 - In public areas of the agency

- Elsewhere in 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 toward LEP individuals in their languages
- Telephonic voice menu providing information in non-English languages

In which languages: Currently, in Spanish only.

- Other (describe): An insert entitled "New York State Office of Victim Services Notice of Important Document" goes out in the respective languages with the initial correspondence to an LEP claimant. This notice alerts claimants to the fact that the correspondence is an important document and that if they require assistance to understand it, they may call OVS and an interpreter will be provided for free.

PART 4 – PROVISION OF LANGUAGE ASSISTANCE SERVICES

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *in person*:

- "I Speak" posters or visual aids
- Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available
- Other (describe):

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *by telephone*:

- Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available.
- Telephonic interpreting service
- Other (describe):

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

We collect and record primary language data from intake information gathered through the claim application and record that information on our automated claims processing system, Claims

Assistant. In addition, OVS tracks all translations and interpreting services provided by OVS staff in Spanish parenthetical positions. This information is recorded in Claims Assistant and reports are run to calculate the number of services provided by in-house staff. Where language assistance services are utilized via the vendor, records are maintained and provided by that vendor.

A. Oral Interpreting Services

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

For in-person encounters: Assume limited English proficiency if communication seems impaired, or by self-identification by the non-English speaker or LEP individual, or by the written documentation they submit. The “I Speak” poster is also used to identify the language needed.

By telephone: Assume limited English proficiency if communication seems impaired or if self-identified by the non-English speaker or LEP individual.

At initial contact in the field:

For pre-planned appointments with LEP individuals: Assume limited English proficiency if communication seems impaired, by self-identification by the non-English speaker or LEP individual, or the written documentation they submit. The “I Speak” poster is also used to identify the language needed.

Other (describe): Often the only initial contact we have with a claimant is through the submission of their claim application; the claimant may complete the application in their primary language. In addition, many applications are submitted via the network of Victim Assistance Programs (VAPs), which the Office of Victim Services funds. VAPs oftentimes support languages other than English and can convey the claimant's language needs to OVS staff.

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: For the languages for which we do not have staff in language parenthetic positions, OVS provides interpreter services to claimants via the language assistance vendors under the OGS contract. The “I Speak” poster is used to identify the language needed and the OVS staff member calls the number to connect to the interpreter services so that OVS and the claimant can communicate effectively. Staff that have face-to-face contact with claimants have all been provided with the pocket-sized “I Speak” card.

By telephone: For the languages for which we do not have staff in language parenthetic positions, the claimant may call the OVS 1-800 number where

staff can connect to interpreter services.

At initial contact in the field:

For pre-planned appointments with LEP individuals: For the languages for which we do not have staff in language parenthetic positions, OVS provides language assistance services to claimants via the vendors under the OGS contract.

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:

OVS accesses these services via the vendors under the OGS contract established for these purposes. Claimants may call the OVS 1-800 number to obtain interpreter services in a timely manner. OVS staff then connects OVS and the claimant to the interpreter services via the phone to facilitate effective communication with the claimant.

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

All conversations are documented through case notes in our claims processing system, Claims Assistant. In addition, staff members send an email to our LEP special mail box to record the interactions with an LEP individual. Where language assistance services are utilized via the vendor, records are maintained and provided by that vendor.

Competency and confidentiality

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

On a case-by-case basis, OVS uses multilingual staff volunteers who are self-assessed in their own language competency. Where OVS 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 issue of confidentiality is of primary concern to OVS. The training provided to staff addresses the importance of confidentiality. Furthermore, 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: 5 - Spanish

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: 5 - Spanish

- Telephonic interpreting service

Names of vendors: Language Line Solutions, Inc. or 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: We have a list of VAPs and the other than English languages that they support.

- Other (describe):

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

- Names and contact information for all resources

- Names and locations of staff members who are available to act as interpreters or provide services directly in the LEP individual's primary language

- Languages in which each interpreter or service is qualified
- Procedure for accessing each interpreter or service

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

Procedures are documented and provided to OVS staff; staff are and will be trained annually; and procedures are included in our procedure manual posted on the agency's intranet.

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:

OVS's vital documents include the Claim Application, our information brochure "A Guide to Crime Victim Compensation in New York State," and our decision letters either awarding or denying benefits.

OVS's claim application and information brochure have been translated into the six identified languages. These documents are available through the OVS's public website and language access services are figured prominently on our homepage.

We are concerned that by having the application and brochure available in these languages, we are raising the expectations of our claimants that the entire investigative process will be in their primary language. The investigation of claims is just that, an investigation that largely takes place through written communication between OVS and the claimant, law enforcement, medical providers, insurance companies and employers. The investigation process is through an automated system that has all documents embedded within it. It would be prohibitively expensive to modify our system to accommodate all of these languages and as many exchanges of information are with third party entities (e.g., hospitals, police departments, physicians) many of the documents (i.e., police report requests, HIPPA forms) have to be produced in English. Moreover, as we provide ongoing medical benefits for many of our claimants through our additional medical unit, staff assessing whether or not it is appropriate to pay these medical bills must refer to records on Claims Assistant to make their determination; these records need to be understandable to staff. In addition, the documents on Claims Assistant make up the official record. An English language version of critical documentation is necessary for record keeping, the investigation process, and the rendering of final decisions. Where requested, these decisions will be interpreted for the claimant.

However, as a vital document, the claimant must have the ability to understand the final decision on their claim. It is essential that the non-English speaking person have the opportunity to receive a thorough and complete translation of their final decision and any subsequent amended decisions related to their claim. As noted in the "best practices"

described by the Language Access Coalition, for each decision made for a person speaking a language other than English, OVS will insert a “stuffer” into the envelope containing the decision. This “stuffer” will note in the individual’s primary language that this is an important legal document and direct them to a toll-free number to obtain translation services at the expense of OVS.

Every two years, the Executive Staff, led by the Language Access Coordinator, will assess our publications to ensure that all appropriate documents are translated.

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

OVS accesses these services in a timely manner via the vendor under the OGS contract. OVS has also worked efficiently and cost-effectively with its network of funded VAPs to serve the needs of claimants who speak languages other than English. As noted, our network of VAPs supports the six identified languages as well as many others. We often direct claimants to the VAPs that can meet their language needs and a key contractual obligation of our VAPs is to assist claimants in submitting claim applications. Neither OVS nor the claimants incur any additional cost for this service. This has worked very well and may be adequate to meet the needs of many of our LEP claimants.

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

OVS has already addressed this issue for our current documents. Our Guide to Compensation brochure was written at a fifth grade reading level, as was our claim application. OVS will ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.

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

A Guide to Crime Victim Compensation in New York State – Spanish, Traditional Chinese, Simplified Chinese, Russian, Italian, Haitian Creole, and Korean.

Claim Application – Spanish, Traditional Chinese, Simplified Chinese, Russian, Italian, Haitian Creole, and Korean.

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

OVS 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. OVS will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels. OVS will also use its network of VAPs to assist LEP claimants with their submissions.

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

- Contracts with language service vendors

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

- Contracts or other arrangements with community organizations or individuals for written translation services

Names of individuals/organizations and languages: Some VAPs funded by OVS can support certain languages other than English. We have a list of the VAPs and the languages they support.

- Oral translations of written documents by bilingual staff members
- Oral translations of written documents by other individuals or community organizations

Names of individuals/organizations and languages:

- 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:

For purposes of training on language access, the Language Access Coordinator or designee is responsible for coordinating training. The Language Access Coordinator has designated Hector Perez, Crime Victim Specialist II as the language access trainer.

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:

Required staff training on language access will take place annually and at other times as necessary. Newly hired staff will be provided with handouts explaining our Language Access Plan. Training includes procedures for contacting interpreting services, maintaining confidentiality and cultural sensitivity.

PART 6 – ADMINISTRATION

Monitoring

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

The LAC works with the Executive Staff, the LEP trainer and other managers to ensure that staff members are complying with the Language Access Plan. Communications with managers of frontline staff are ongoing regarding reminding staff of language access procedures and processes. As OVS is a very small agency with only 74 FTEs, communications with managers facilitates compliance. In addition, records are compiled from our automated Claims Processing system to keep track of contacts with LEP claimants, and additional records are maintained by the Finance Unit to track translations and interpreting services utilized. The Statewide Learning Management System (SLMS) reports are used to ensure that staff have completed the required annual language access training.

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:

The standardized complaint forms are available to the public upon request in all six languages and through our website. Additionally, information on the right to file a complaint is posted on our website in the top six languages.

We handle complaints made to the agency regarding the provision of language

The LAC will continue to use a guideline document to aid program areas in their reassessments of vital documents. The LAC will continue to work with the SLMS to make training available, and track staff training. Staff will be trained at least once annually and resources on how to access language assistance services will be provided.

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.

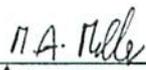
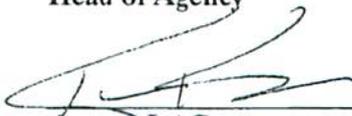
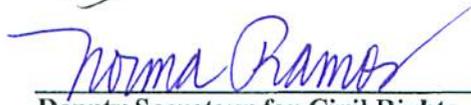
We display information on the right to file a complaint, and the procedures to file a complaint, in the following manner:

The standardized complaint forms are available to the public upon request in all six languages and through our website. Additionally, information on the right to file a complaint is also posted on the ITS's public website in the top six languages.

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

Complaints made to ITS regarding our provision of language assistance services are received by the LAC or the LAC's delegate, who is responsible for looking into the complaint and recommending an appropriate response and/or action. The LAC makes the final decision regarding the response to the complainant and may make internal referrals to take appropriate and necessary corrective and preventative action.

PART 7 – SIGNATURES

 Head of Agency	NYS Chief Information Officer Title	
 Agency LAC	S. Atlung Title	3/21/16 Date
 Deputy Secretary for Civil Rights		4/15/16 Date