

# LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** New York State Office of Victim Services

**Effective Date of Plan:** 5/30/2019

**Language Access Coordinator (LAC):** Eamonn Trainor

**LAC Phone / E-mail:** (518) 457-4924/ [eamonn.trainor@ovs.ny.gov](mailto:eamonn.trainor@ovs.ny.gov)

## **PART 1 – INTRODUCTION**

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

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

The Office of Victim Services (OVS) is headed by a Director and is divided into three divisions. These divisions are Claims, Legal and Administration and Operations. The Claims division investigates each claim application sent to the OVS to determine whether an individual is eligible for assistance. The Legal Unit provides legal advice and assistance to the agency, oversees the appeals process, processes FRE claims and collects restitution and subrogated repayments to OVS. The Administration and Operations division distributes grants funded by the federal Victims of Crime Act to community-based providers, so they can serve victims and their families. The Office of Victim Services provides compensation to innocent victims of crime, for example, paying unreimbursed crime-related expenses, such as medical and funeral expenses, loss of earnings or support, crime scene clean-up, the cost to repair or replace items of essential personal property, reasonable court transportation expenses, counseling expenses, moving expenses and the cost of residing at, or using the services of, a domestic violence shelter. The OVS also funds a network of Victim Service providers, awarding grants to community-based programs so those providers can serve crime victims and witnesses. In addition, the OVS advocates for the rights and benefits of innocent crime victims and in this capacity, the agency informs or develops legislation which, if subsequently enacted, protects or extends the rights of crime victims and expands services and assistance available to those individuals.

**In developing this plan, we have understood LEP individuals to be persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. We will reassess language needs periodically as needed, but at least every two years starting from the effective date of this plan.**

**PART 2 – ASSESSING LEP POPULATION LANGUAGE NEEDS**

**The estimated total number of individuals in our service area is:** Approximately 19,798,228, the New York State population in 2017.

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

<b>Language</b>	<b>Estimated Number of LEP Individuals Who Speak this Language</b>
Spanish	1,249,541
Chinese	386,290
Russian	122,150
Bengali	63,615
Haitian Creole	62,219
Korean	60,405

Source: U.S. Census Bureau, 2013-2017 American Community Survey

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

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

**Names of organizations:** Click here to enter text.

- Information from other government agencies

**Names of agencies:** Click here to enter text.

- Other                      Click here to enter text.

**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: 1,019; Chinese (Mandarin and Cantonese): 19 and 52; Italian: 4; Russian: 27; French (Haitian) Creole: 12 and Korean: 16.

**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. For in-person interactions, staff use the “I Speak” or identification tool to assist the public in identifying to staff their preferred language for communication.

- Brochures or flyers about language assistance services

- In public areas of the agency

- Elsewhere in the agency's service areas

- Signs posted about language assistance services

- In public areas of the agency

- Elsewhere in the agency's service areas

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

**What are the LEP populations targeted?** Click here to enter text.

- 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, Korean, Haitian, Creole and Italian

- 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. For in-person interactions, staff use the I speak or identification tool to assist the public in identifying to staff their preferred language for communication. In addition, our agency website (ovs.ny.gov) has information in the Help section in the six main languages about language assistance services including links to our vital documents and complaint forms in the six main languages.

## **PART 4 – PROVISION OF LANGUAGE ASSISTANCE SERVICES**

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

- "I Speak" posters or visual aids
- Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available
- Other [Click here to enter text.](#)

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

- Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available
- Telephonic interpreting service
- Other [Click here to enter text.](#)

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

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:** Our agency does not conduct in the field contacts.

**For pre-planned appointments with LEP individuals:** Assume limited English proficiency if communication seems impaired, by self-identification by the 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 Office of General Services (OGS) contract. The “I Speak” poster is used to identify the language needed and to inform that interpreting services are free. 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:** The claimant may call the OVS 1-800 number where staff can connect to interpreter services.

**At initial contact in the field:** Our agency does not conduct in the field contacts.

**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):** Click here to enter text.

**If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocol(s) for determining whether to accept or decline such an arrangement is as follows:**

LEP individuals that come into contact with our agency will be informed of the availability of free interpreting services. Generally, an LEP individual may not use a family member, friend, or a minor as an interpreter. However, **during emergencies** an LEP individual will be permitted to use a 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. For in-person interactions, staff use the I speak or identification tool to assist the public in identifying to staff their preferred language for communication. 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. LEP claimants that call the OVS 1-800 number are connected to interpreting services in a timely manner.

**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 Language Access 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:** 4 (Spanish)

- Bilingual staff members who provide oral interpreting when necessary

**Number of staff and languages spoken:** 1 (Spanish) and 1 (Italian)

- Telephonic interpreting service

**Names of vendors:** 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:** Our funded VAPs have staff with other than English language ability.

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

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

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

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

Procedures are 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 Spanish, Chinese, Korean, Haitian Creole, Russian, Italian and Bengali. These documents are available through the OVS's public website and language access services are figured prominently on our homepage.

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. 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 has the opportunity to receive a thorough and complete translation of their final decision and any subsequent amended decisions related to their claim.

The OVS Forensic Rape Exam (FRE) direct reimbursement program directly reimburses medical providers for forensic evidence gathering. In order for the providers to get reimbursed we provide an FRE form that is filled out by medical providers in order to be directly reimbursed by our office for medical exams.

Section 3 of the form requires the signature of the victim/claimant, which they sign at the medical facility. Our vendor has translated Section 3 into Spanish, Chinese, Korean, Haitian Creole, Russian, Italian and Bengali. These translations are currently being inserted into the instruction form that comes with the FRE application form which is also available on our agency website. In that way, the claimants can be shown a translation of section 3 to understand what they are signing if there are no interpreters available at the healthcare facility.

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:**

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.

In addition, our Rights' of Crime Victims Booklet, is currently being reduced to a fifth-grade reading level. This is also to ensure that plain language is used in our materials before the translation into the top six languages to ensure the information is accessible to all literary levels.

The following table contains a non-exhaustive list of translated documents by the agency in the languages indicated:

Form #	Name	Top Six Languages						Additional Languages
		Spanish	Chinese	Russian	Haitian Creole	Korean	Bengali	
	Application Form and Instructions	✓	✓	✓	✓	✓	✓	Italian
	Guide to crime Victims Compensation in New York State	✓	✓	✓	✓	✓	✓	Italian
	Section 3 Forensic Rape Exam Form	✓	✓	✓	✓	✓	✓	Italian
	HIPAA	✓	✓	✓	✓	✓	✓	Italian
	Change of Address Form	✓	✓	✓	✓	✓	✓	Italian

Any documents determined to be vital during the course of this plan will be timely translated.

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

The 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. The 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:** 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:** Some VAPs funded by OVS can support certain languages other than English.

- Oral translations of written documents by bilingual staff members
- Oral translations of written documents by other individuals or community organizations
- Other [Click here to enter text.](#)

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

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

## **PART 5 – STAFF TRAINING**

**The person(s) in the agency who is responsible for the provision of training to staff in language access issues is:** 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 via the Statewide Learning Management System 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 Language Access 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 81 full-time employees, 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 in at least the top six languages, advising them of the right to file a complaint if they feel that they have been the subject of discrimination. The information we provide describes how and/or where to file a complaint. We do not retaliate or take other adverse action because an individual has filed a complaint alleging discrimination based on LEP status or needs.**

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

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

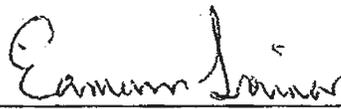
**We handle complaints made to the agency regarding the provision of language assistance services in the following manner:**

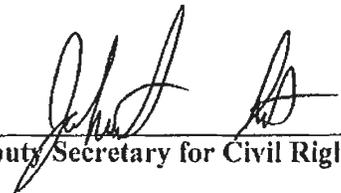
Upon receipt of a Complaint Form, the agency LAC will record and keep a copy of the complaint. The LAC will contact the person submitting the form to note the specific language access issue. The LAC will contact the appropriate division director and seek to remedy the problem. This may involve re-training of front line staff. A report of the complaint will also be sent to the Director of the agency.

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

**PART 7 – SIGNATURES**

 Director 5/6/19  
Head of Agency Title Date

 Senior Attorney May 2nd, 2019  
Agency LAC Title Date

 5/30/19  
Deputy Secretary for Civil Rights Date