

# **LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS**

**State Agency:** Public Employment Relations Board (PERB)

**Effective Date of Plan:** 5/30/2017

**Language Access Coordinator (LAC):** Jonathan O'Rourke

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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 limited English proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.**

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

As an adjudicatory agency responsible for administering the State's labor relations statutes, the New York State Public Employment Relations Board (PERB) provides representation and dispute resolution services to public and private employers and the organizations that represent their employees, for the purpose of collective bargaining. We do not provide services to the general public.

**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 19,795,791- the NYS population in 2015.

**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	1,240,490
Chinese	350,976
Russian	130,296
Haitian Creole	68,509

Korean	61,833
Italian	58,200

Source: U.S. Census Bureau, 2010-2014 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:** [Click here to enter text.](#)

- Information from other government agencies

**Names of agencies:** [Click here to enter text.](#)

- Other (describe) Rockefeller Institute of Government Statistical Yearbook and Migration Policy Institute.

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

The program unit logs any engagement with an LEP individual, listing the date, time, location, name of the individual (if provided), language, assistance utilized, interaction type (in-person, telephone, postal or electronic mail), and if follow-up is needed. Administration office utilizes the information for any agency-wide log.

**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?** They are verbally informed and, when written correspondence is exchanged, by postal or electronic mail.

- 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?** [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:** [Click here to enter text.](#)

Other (describe) PERB's website (www.perb.ny.gov) main page provides instructions and a phone number that individuals can call in order to receive free language assistance. This information includes links to a page with the same instructions provided in a variety of 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 (describe) [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 (describe) [Click here to enter text.](#)

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

The telephonic interpreting service provider presents PERB with an ongoing summary of frequency of use, type of interpreter service utilized and usage cost. PERB cross-references these records with the electronic logs maintained by administrative staff. The program unit logs any engagement with an LEP individual, listing the date, time, location, name of the individual (if provided), language, assistance utilized, and interaction type (in-person, telephone, postal or electronic mail), and if follow-up is needed. Administration office utilizes the information for any agency-wide log.

#### **A. Oral Interpreting Services**

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

**For in-person encounters:** If the individual appears unable to communicate his/her needs clearly enough for staff to provide service, staff utilizes the “I Speak” poster to determine language spoken. Staff accesses the interpreting service provider for assistance.

**By telephone:** If the individual appears unable to communicate their needs clearly enough for staff to provide service, staff accesses the interpreting service for assistance.

**At initial contact in the field:** If the individual appears unable to communicate his/her needs clearly enough for staff to provide service, staff utilizes the “I Speak” poster to determine language spoken. Staff accesses the interpreting service for assistance.

**For pre-planned appointments with LEP individuals:** If the individual appears unable to communicate his/her needs clearly enough for staff to provide service, staff utilizes the “I Speak” poster to determine language spoken. Staff accesses the interpreting service for assistance.

**Other (describe):** [Click here to enter text.](#)

**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:** Staff utilizes available resources such as posted “I Speak” signs and its selected vendor to inform individuals of free interpreting services.

**By telephone:** Staff utilizes the telephonic interpreting service to verbally inform individuals of free interpreting services.

**At initial contact in the field:** Staff utilizes the “I Speak” poster to inform individuals of free interpreting services.

**For pre-planned appointments with LEP individuals:** Prior to coming to one of our offices, staff verbally informs the individual of the availability of free interpreting services. Staff will schedule telephonic interpreting service in advance if needed.

**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. 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:**

PERB's staff is trained to connect to the selected interpreting vendor in a timely manner.

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

The telephonic interpreting vendor presents PERB with an ongoing summary of frequency of use, type of service provided and usage cost. PERB cross-references these records with the electronic logs maintained by administrative staff. The program unit logs an engagement with a LEP individual, listing the date, time, location, name of the individual (if provided), language, assistance utilized, interaction type (in-person, telephone, postal or electronic mail), and follow-up, if needed. Administration office utilizes the information for any agency-wide log.

### **Competency and confidentiality**

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

Where PERB 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 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:** Click here to enter text.

- Bilingual staff members who provide oral interpreting when necessary

**Number of staff and languages spoken:** Click here to enter text.

- Telephonic interpreting service

**Names of vendors:** Any vendor under the NYS Office of General Services (OGS) Statewide Administrative Contract.

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

**Names of individuals/organizations and languages:** Click here to enter text.

- Other (describe) [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:**

Distribution of instructions for obtaining oral interpreting services, annual training, and reminders of procedures are provided to staff.

### **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:**

The LAC periodically, but at least once every year, reviews and identifies any new documents that need to be translated pursuant to the Executive Order.

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

All documents in need of translation will be sent to the selected vendor in a timely manner.

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

PERB program managers responsible for the documents engage no fewer than two associates to review each document to ensure plain language is used in the materials before translation, thus assuring the information is accessible to a range of literacy levels.

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

Though no documents are currently translated because services are provided to employers and employee organizations, PERB provides assistance in filling out documents through interpreting services to anyone with limited English proficiency. Notification of this assistance is provided with the Board's forms.

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:**

PERB, 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. PERB 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:** Any vendor under the NYS OGS Statewide Administrative Contract.

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

**Names of individuals/organizations and languages:** [Click here to enter text.](#)

- Oral translations of written documents by bilingual staff members
- Oral translations of written documents by other individuals or community organizations
- Other (describe) [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:** Jonathan O'Rourke, Language Access Coordinator.

**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:**

Staff is required to take the language access training annually. The mandatory training includes and addresses all components listed in the previous question. Training materials and any resources or materials on language access matters are posted on the agency's server and/or distributed by email.

### **PART 6 – ADMINISTRATION**

#### **Monitoring**

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

The LAC maintains a log of all interpreting services provided, documents translated, training

materials, complaints, and all other applicable information. The LAC contacts the program directors for updates monthly, and takes necessary action.

**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:**

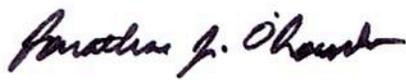
The standardized complaint forms are available to the public upon request in all six languages and in our reception areas. Additionally, information on the right to file a complaint is posted in areas where it is easily seen (reception areas) by the public. This information will be included with documents provided, as well.

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

Complaints are investigated by the PERB Language Access Coordinator. All complaints must be timely forwarded to the Statewide Language Access Coordinator.

**PART 7 – SIGNATURES**

	<b>Chair</b>	<b>5/10/17</b>
<b>Head of Agency</b>	<b>Title</b>	<b>Date</b>

	<b>Executive Director</b>	<b>5/10/17</b>
<b>Agency LAC</b>	<b>Title</b>	<b>Date</b>

		<b>5/25/17</b>
<b>Deputy Secretary for Civil Rights</b>		<b>Date</b>