

# LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

**State Agency:** State Liquor Authority

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

**Language Access Coordinator (LAC):** William Crowley

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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:**

**Mission:** The State Liquor Authority regulates and controls the manufacture, sale and distribution of alcoholic beverages within the State; issues licenses and permits to manufacturers, distributors, wholesalers and retailers; works with local law enforcement agencies and localities across the State to ensure compliance with the Alcoholic Beverage Control Law; and regulates trade and credit practices for the sale and distribution of alcoholic beverages.

**Direct Services:** ***Licensing - applications, permits and renewals*** - In 2012, the SLA was responsible for the regulation of over 53,000 active licensees and 35,000 permittees.

*Licenses* - The SLA has approximately 53,000 active licenses, the majority of which (50,500) are retail licenses with the remainder being wholesale licenses. The SLA receives on average 7,000 new applications each year. The three basic applications (on-premises, grocery store, and liquor store) are obtained by submitting a comprehensive 20-plus page document, requiring information on the applicant(s), including financial records, personal information, (employment history and criminal background checks), and information regarding the proposed establishment and the municipality where it will be located. The SLA also provides instruction documents to assist applicants in filling out the application.

*Permits* - The SLA issues approximately 36,000 permits each year. Approximately half of these permits are for large manufacturers, wineries and distilleries with existing licenses. The remaining are issued to licensees to cater events; individuals in the process of obtaining a liquor license; and individuals for a one-time special event. The permit application is a straight forward document including instructions for the applicant.

*Renewals* – All licenses issued by the SLA must be renewed on a one to three year basis, depending on the type of license. The SLA processes an average of 36,000 renewal applications each year. The renewal application is a straightforward document requiring basic information from licensees and any changes since the issuance of their license.

*Enforcement* – The SLA’s Enforcement Bureau receives over 7,000 complaints each year, one-quarter of which are complaints from the public received via phone calls or through the SLA’s online

complaint form. The SLA opened 5,728 cases in the most recent calendar year based on these complaints.

**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:** Potentially anyone in the State of New York who may want to apply for a liquor license/permit, or register an enforcement complaint.

**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) The SLA utilized U.S. Census data (American Survey data) to estimate the total population of potential LEP individuals who may apply for a liquor license/permit, or register an enforcement complaint. Please note that the estimates above are not the

number of LEP individuals currently served by the SLA, but rather the universe of potential LEP individuals that may require services.

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

The SLA receives approximately 180 walk-ins per month at our three zone offices (an average of 108 per month in NYC, 52 in Albany, and 22 per month in Buffalo). Approximately 5% of the walk-ins (nine persons per month) do not speak English “well” or “at all” and require assistance.

In addition to walk-ins, the agency receives an average of 7,600 phone calls per month. In 2012, the SLA’s Call Center was merged into the Department of Taxation and Finance (DTF). DTF’s Call Center staff handles Level 1 calls, those that can be answered without accessing the internal SLA licensing and compliance databases. Level 2 calls, those requiring access to SLA databases, are referred back to the SLA. Approximately 48% of calls received by the DTF’s Call Center are Level 2 calls transferred to the SLA.

Of the 7,000 applications received, no applications contained information provided in a language other than English. It should be noted that the vast majority of license applications, or 89%, are filed by an attorney or representative who specialize in preparing licenses for applicants. The SLA encourages all licensees to use an attorney or representative that specializes in liquor licensing as the process of obtaining a license is comprehensive, the laws and regulations governing licensees are complex, and there is a large amount of back and forth between the applicant and SLA examiners.

**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?** The SLA utilizes “I Speak” posters in all reception/common areas in all three zone offices. Staff also verbally informs LEP individuals of free language assistance via the use of an interpreter. In addition, in August 2013, the SLA began including language on all Notices of Pleadings notifying individuals of the right to free interpreting services. Notices of Pleadings are official charges of a violation of the Alcoholic Beverage Control law or regulations by a licensee. All Notices of Pleading issued by the SLA now state, “Pursuant to Section 301 of the State Administrative Procedures Act and Executive Order Number 26, interpreter services shall be made available to licensees, at no charge, by the Authority.” The SLA uses “in-person” interpreting services for hearings.

- 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:** The SLA utilizes a Call Center for all incoming calls; languages identified as the top six languages spoken by LEP individuals will be added to the call center automated menu.

- Other (describe)

**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:**

The SLA documents the number of calls and visits to the agency to determine the number of interactions with constituents who do not speak English “well” or “at all.” In addition, the agency collects data on the number of requests for documents in languages other than English. This data is analyzed to determine which LEP populations need assistance as well as what documents may be vital and consequently need to be translated. This data and analysis help the SLA ensure that the needs of LEP individuals are met.

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

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

**For in-person encounters:** The SLA has two staff members who have attended “Language Access Policy Training,” including the LAC, in addition to completing the Governor’s Office of Employee Relations “Train-the-Trainer” training. All staff that interacts with the public receives annual training to determine whether an individual is in need of interpreting services. Staff offers interpreter assistance if they think an individual may have difficulty communicating in English. The SLA utilizes a language services phone line to provide translation and telephonic interpreting services in multiple languages. The SLA has posted “I Speak” signs to identify a constituent’s primary language. These signs are posted in SLA reception areas in all three zone offices. Decisions to use interpreting services are ultimately made by front-line staff, under the direction of the Deputy Commissioner of Licensing or the Director of Enforcement, depending on the nature of the inquiry. Supervisors and managers continually monitor both the use of language services as well as the effectiveness of the services offered. This includes the language needs of LEP individuals as well as whether services provided are adequate.

**By telephone:** The SLA uses an automated menu for all incoming calls. The SLA will add options for LEP individuals to the automated menu in the top six languages. Phone unit staff offers interpreter assistance when they think an individual may have difficulty communicating in English. Decisions to use interpreting services are made by front-line staff, under the direction of the Deputy Commissioner of Licensing or the Director of Enforcement, depending on the nature of the inquiry.

**At initial contact in the field:** The SLA utilizes “I Speak” cards for investigators in the field similar to the “I Speak” posters, allowing LEP individuals to point to the language he or she speaks so the investigator may inform the representative from the language services phone line what language is needed. In some limited instances, it may be appropriate to use bilingual members of the public to interpret in the field, if the use of such an interpreter will expedite service or aid in the protection of public health and safety. These decisions are guided by the nature of the service provided and the apparent capacity of the interpreter.

**For pre-planned appointments with LEP individuals:** These decisions are made by front-line staff making appointments with LEP individuals, under the direction of the Deputy Commissioner

of Licensing or the Director of Enforcement, depending on the nature of the inquiry. The licensing file or investigative case file will note that the individual requires language assistance services.

**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:** The SLA informs LEP individuals, through posters in SLA reception areas, and by postings on our web page, that language assistance services are available free of charge to LEP persons.

**By telephone:** The SLA uses an automated menu for all incoming calls. The SLA will add options for LEP individuals, noting these services are free of charge.

**At initial contact in the field:** The SLA utilizes cards for investigators in the field similar to the “I Speak” posters that would allow LEP individuals to point to the language he or she speaks so the investigator may inform the representative from the language services phone line what language is needed. These cards prominently note that individuals can receive language assistance free of charge.

**For pre-planned appointments with LEP individuals:** When scheduling an appointment with an LEP individual, SLA staff explicitly notes in the file that language assistance is needed, and notes that such services are provided free of charge. In addition, in August 2013, the SLA began including language on all Notices of Pleadings notifying individuals of the right to free interpreting services. Notices of Pleadings are official charges of a violation of the Alcoholic Beverage Control law or regulations by a licensee. All Notices of Pleading issued by the SLA now state, “Pursuant to Section 301 of the State Administrative Procedures Act and Executive Order Number 26, interpreter services shall be made available to licensees, at no charge, by the Authority.” The SLA uses “in-person” interpreting services for hearings.

**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 in 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:**

All employees that deal directly with the public are trained on how to effectively connect to the selected interpreting vendor when needed.

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

The SLA will document, collect and review interpreting services, and audit such services for consistency and accuracy on a regular basis. Supervisors and managers will continually monitor both the use of language services as well as the effectiveness of the services offered. This includes the language needs of LEP individuals as well as whether services provided are adequate. The SLA trainers have provided instruction to all staff that work with the public, as well as utilize “I Speak” signs in all zone office reception areas. Staff makes a record of any individual who require language assistance in reports and files used. Supervisors and managers continually review these records to measure the effectiveness of the services offered.

**Competency and Confidentiality**

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

Where SLA utilizes independent interpreting services, that vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent. Agency staff determines the efficacy of the data provided, and whether multiple contacts between the interpreter and LEP individuals were needed in order to acquire accurate information. Multiple contacts could suggest potential problems with the interpreting services. The SLA has two staff members who have attended “Language Access Policy Training,” including the LAC. These individuals have provided training for staff on language access policy protocol, including methods to determine whether an individual is in need of interpreting services and whether such services are satisfactory.

**The issue of confidentiality pertaining to the use of interpreters is addressed as follows:**

Where the interpreting services are provided by staff persons, the SLA adheres strictly to Article 6-A of the Public Officers law regarding the protection of personal privacy. The training provided to staff addresses the importance of confidentiality as well. 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:**

- Bilingual staff members who provide oral interpreting when necessary

**Number of staff and languages spoken:**

- Telephonic interpreting service

**Names of vendors:** Vendors under the Office of General Services (OGS) Statewide Administrative Services Contract and potentially any other vendor under the NYS 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 how to obtain oral interpreting services as follows:**

The SLA trainers have instructed all staff who work with the public on how to obtain oral interpreting services as well as utilize "I Speak" signs in all zone office reception areas. The SLA website notes that language assistance services are available, free of charge.

**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 SLA documents, collects and reviews data on an ongoing basis to determine what documents are vital and essential. The agency added fields to reports used by front-line and phone unit staff to collect data and determine what information should be translated on an ongoing basis. The SLA tracks the languages most utilized and uses this information to add any language deemed necessary through periodic reviews.

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

Any documents received by SLA that are 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:**

The SLA analyzes all important documents to ensure they are written in plain language. This process includes ensuring all titles and headings are meaningful, clear and informative, that important information appears first, with exceptions appearing last, that all material is organized chronologically, and that use of jargon and bureaucratic language is eliminated. On an ongoing basis, the SLA, under the supervision of the LAC in conjunction with the Deputy Commissioner of Licensing and the Director of Enforcement, reviews the documents and determine whether multiple contacts between the interpreter and LEP individuals are needed to provide accurate information.

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

None are currently translated. However, the LAC is working with the Deputy Commissioner of Licensing and the Director of Enforcement to review all agency documents to assess which documents are considered vital. All vital documents will then be translated to the top six languages pursuant to the Executive Order. All other important documents listed below includes a written notice in Spanish, Chinese, Russian, Italian, Haitian Creole and Korean, as well as pop-up notices for documents downloaded from the agency's website, advising applicants of free translation services.

- On-premises license applications and instructions: These applications are for the sale of alcohol (liquor, wine and beer - wine and beer - or beer only) for the consumption on the premises at restaurants, bars, taverns, clubs, etc.
- Off-premises liquor and wine store license applications and instructions: These applications are for the sale of alcohol at liquor stores and wine stores for consumption off the premises.
- Off-premises grocery store and pharmacy license applications and instructions: These applications are for the sale of beer and wine products for consumption off the premises at grocery stores, convenience stores and pharmacies.
- Temporary retail permits: These applications allow applicants to sell alcohol at certain on-premises and off-premises establishments while their applications are pending.
- Caterer permits: These permits allow current on-premises licensees the ability to serve/sell alcohol at events or functions off the licensed premises.
- Temporary beer and wine (TPA) permits: These permits allow non-licensees to receive one day permits to serve beer and wine at events or functions.

- Complaint forms: These forms are used by citizens to register complaints of alleged violations at licensed premises.

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

SLA, through its vendor (where applicable), ensures 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. SLA also ensures 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:** Vendors under the Office of General Services (OGS) Statewide Administrative Services Contract and potentially any other vendor under the NYS 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:** William Crowley, the 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:**

The SLA conducts training annually, following the legislative session when changes are made to the law necessitating changes to the forms utilized. Training includes the legal obligations, how to access language services, how to work with interpreters, cultural competence and cultural sensitivity, documenting the language needs of limited English proficient individuals and how to obtain services. In addition, new staff will be trained as part of new employee orientation.

## **PART 6 – ADMINISTRATION**

### **Monitoring**

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

The SLA conducts an annual assessment and inspection of all interpreted documents, signs and phone services. The SLA conducts random phone inspections of interpreting services, walk-ins, and tracks participation in the program. The SLA tracks language services used and requested and holds regular meetings with supervisors and managers to discuss language services and whether current services are meeting the needs of LEP individuals. The agency will additionally work to partner with community-based organizations to participate in these inspections.

### **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.

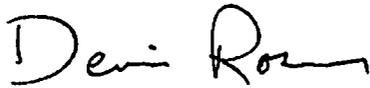
We display information on the right to file a complaint, and the procedures to file a complaint, in the following manner:

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 in areas where it is easily seen by the public in the top six languages.

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

Agency supervisors and managers closely monitor staff interactions with LEP individuals to ensure courteous, fair and consistent treatment. The SLA's Language Access Coordinator reviews data on interactions, as well as document all complaints. Each complaint is reviewed with supervisors and managers to resolve any problems.

**PART 7 – SIGNATURES**



Chairman

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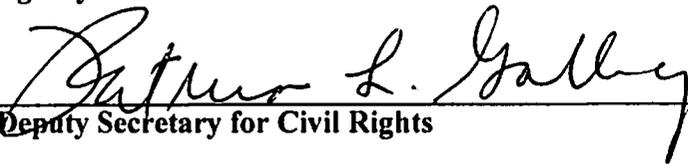
Head of Agency Title Date



Director of Public Information

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Agency LAC Title Date



Deputy Secretary for Civil Rights

3/4/15  
Date