

# LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** New York State Liquor Authority

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

**Language Access Coordinator (LAC):** Michael Smith

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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:**

The State Liquor Authority (SLA) 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. The SLA is responsible for the regulation of over 53,000 active licensees and 35,000 permittees annually.

### **Direct Services:**

***Licenses:*** The SLA receives on average 7,000 new applications annually. The three basic applications (on-premises, grocery store, and liquor store) are obtained by submitting a comprehensive 25-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 they plan to locate.

***Permits:*** The SLA issues approximately 35,000 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.

***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 33,000 renewal applications each year.

***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.

***Hearing Bureau:*** Licensees charged with violations, such as sales of alcoholic beverages to underage purchasers, have the right to fair and impartial hearings. The Hearing Bureau, comprised of

part-time Administrative Law Judges, conducts over 500 hearings annually for such disciplinary proceedings.

**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 NYS 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
Haitian Creole	63,615
Bengali	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:**

The SLA utilizes the interpreting and translation vendors to determine the frequency of contacts with LEP individuals. The SLA received 195 calls requiring interpretation phone services in 2017, and an additional 16 for in-person interpretation. Spanish language services were utilized in 79% of these cases, 12% for Mandarin, 4.6% in Arabic, and 4.4% were for other languages.

**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?** SLA staff informs LEP individuals orally using an interpreter about their right to free language assistance services. “I Speak” posters are posted in all reception areas to assist LEP individuals and staff in identifying the language needed. In addition, the SLA includes a notice 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 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.”

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

- Other (describe) The SLA website includes language access information and contact information to obtain free language assistance services.

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

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

- "I Speak" posters or visual aids
- Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available
- Other [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 Reception staff contact the LAC Officer to handle interpretation services

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

Through the vendor, the SLA documents the number of calls to determine the number of interactions with constituents who have limited English proficiency. In addition, the LAC collects information from frontline staff on the number of requests for documents in languages other than English.

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

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

**For in-person encounters:** SLA frontline staff are trained to inform LEP individuals at the time of initial contact that they are entitled to free interpretation services. If the person cannot speak English or appears to have difficulty communicating their needs, staff utilizes the “I Speak”

cards or posters to determine the individual's preferred language. Frontline staff will utilize interpretation services provided through the OGS contracted telephonic interpreting vendor for assistance.

**By telephone:** SLA phone unit staff offers interpreter assistance when requested or when they believe an individual may be having 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 or posters for investigators in the field, allowing LEP individuals to point to the language he or she speaks so the investigator may inform the OGS contracted telephonic interpreting vendor of the appropriate assistance required.

**For pre-planned appointments with LEP individuals:** Upon making the request for an appointment, the LEP individual is informed of our free interpreting services by staff. The licensing file or investigative case file notates that the individual requires free language assistance services.

**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:** 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.

**By telephone:** The SLA utilizes the Department of Taxation and Finance for level 1 calls, those that can be answered without accessing the internal SLA licensing and compliance database. Level 2 calls, those requiring access to the databases or more specialized knowledge, are transferred back to the SLA. At the time of contact, phone unit staff informs the LEP individual of free interpreting services. When phone unit staff believe an individual may be having difficulty communicating in English, they conference with the OGS contracted telephonic interpreting vendor of the appropriate assistance.

**At initial contact in the field:** SLA investigators in the field are trained to use "I Speak" cards or posters, allowing LEP individuals to point to the language he or she speaks so the investigator may inform the OGS contracted telephonic interpreting vendor of the appropriate assistance required. The cards and posters prominently note that individuals can receive language assistance free of charge.

**For pre-planned appointments with LEP individuals:** Upon making the request for an appointment, the LEP individual is informed of our free interpreting services by staff. When scheduling an appointment with an LEP individual, SLA staff notes in the file that language assistance is needed. In addition, all Notices of Pleadings charging a licensee with a violation

notify attorneys of their client's right to free interpretation services. The SLA uses "in-person" interpreting services for hearings.

**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:**

All employees who deal directly with the public, whether in person, on the phone, or in the field, are trained on how to effectively connect persons needing language assistance with the vendor. For interpretation services for hearings, an interpreter is contacted upon the attorney's request. If an interpreter is not available on the hearing date, the hearing is adjourned.

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

The Language Access Coordinator tracks the monthly billing of the OGS contracted telephonic interpreting vendor services. Invoices include a detailed record on the frequency of use, time of the call, language spoken, and the costs associated with the services.

### **Competency and confidentiality**

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

The SLA utilizes independent interpreting services through the OGS contracted vendor. The vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent. Additionally, agency staff also determines the efficacy of the

information provided, and whether multiple contacts between the interpreter and LEP individuals were needed in order to acquire accurate information.

**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. In addition, SLA frontline staff is trained in handling confidential information, including social security numbers, banking statements and criminal records. The training provided to staff also 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:** Vendors under the Office of General Services (OGS) Statewide Administrative Services 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 [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:**

All SLA staff are trained and provided with proper procedures to follow when assisting an individual with limited English proficiency including instructions on how to access the OGS contracted telephonic interpretation vendor and SLA’s client ID number.

**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 Language Access Coordinator meets with Division Directors annually to identify any new or existing vital documents that should be translated pursuant to the Executive Order 26.

**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 are sent to the OGS contracted 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 public 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 where possible.

**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	Italian	
	Handbook for Retail Licensees	✓	✓					Arabic

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 SLA, 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 SLA 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:** Vendors under the Office of General Services (OGS) Statewide Administrative Services 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 [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:** Michael Smith, 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 mandatory, annual training via the Statewide Learning Management System including legal obligations, how to access language assistance services, how to work with interpreters, cultural competence and cultural sensitivity, documenting the language needs of limited English proficient individuals and how to obtain written translation services. Additionally, new employees hired receive information and instruction at the time of employment processing. The SLA tracks language services utilized and holds regular meetings with supervisors and managers to discuss language services and whether current services are meeting the needs of LEP individuals.

**PART 6 – ADMINISTRATION**

**Monitoring**

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

The LAC reviews data collected from the vendor, the posting of “I Speak” signage, translated materials and reviews establishment criteria for determining if translation is required for the website. The LAC holds meeting with Department Heads to discuss ongoing issues and to ensure language access services are compliant with the plan and Executive Order 26.

**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 in all six languages upon request and are also posted on the agency website.

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

The LAC will correspond with the complaint acknowledging their request/concern. The LAC will review the complaint and obtain all pertinent information from the complainant. The LAC will initiate an investigation of the allegations outlined in the complaint within 10 business days. The LAC will send a correspondence to the appropriate department where the complaint was filed in connection to.

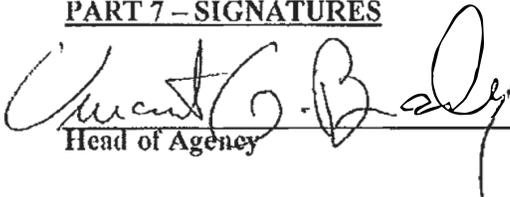
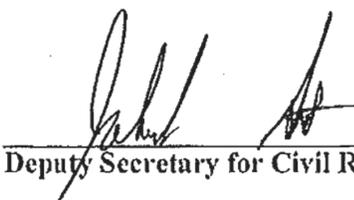
After the completion of the investigation, the LAC will forward its findings to our Counsel's Office for proposed resolution. The LAC will follow up with the appropriate department providing guidance as to how to resolve the issue.

The LAC will correspond with the complaint providing what issues have been resolved, and if and when, what procedures are now implemented to resolve the issue and to alleviate any issues of this type moving forward.

The LAC will maintain a list of complaints and its resolution confidentially in order to maintain these records for the general course.

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

**PART 7 – SIGNATURES**

	Chairman	5/29/19
Head of Agency	Title	Date
	Public Information Officer	5/29/19
Agency LAC	Title	Date
		5/29/19
Deputy Secretary for Civil Rights		Date