

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: NYS Thruway Authority

Effective Date of Plan: 5/30/2019

Language Access Coordinator (LAC): Ms. Frances Rosales-Turner

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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 Thruway Authority operates a 570-mile toll highway system that crosses New York State. This 570-mile superhighway, with 809 bridges, 118 interchanges, 11 toll barriers, and 27 service areas, connects New York's principal cities, rural areas, and tourist destinations.

The mainline of the Thruway extends 426 miles, from New York City to Buffalo (I-87 and I-90). Other elements of the system include the New England Thruway (I-95), the Cross Westchester Expressway (I-287), the Garden State Parkway Connector, the Berkshire Connector (I-90), the Niagara Thruway (I-190), and the Erie Section (I-90).

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:

Language	Estimated Number of LEP Individuals Who Speak this Language
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
- 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:

In 2018, Toll Collectors came in contact with 42,050 LEP customers and the E-Z Pass Call Center received an average of 38,000 calls per month from Spanish speaking individuals.

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? When calls from LEP customers are connected via conference call with either an Authority multilingual staff member or the Authority-contracted language service provider, they are informed of free language assistance services.

- 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? The top six languages

- 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

- Other (describe) The E-ZPass Website (www.e-zpassny.com) is translated into English and Spanish. Language Access information is also available on the Thruway website page in the top six languages- <http://www.thruway.ny.gov/legal/accessibility.html>

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

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

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

All contact with Authority multilingual staff by LEP individuals will be documented on the Language Skills Volunteers Contact Form (TA-N3157-9). The form, which can be found on the Equal Opportunity Unit's Intranet page, will then be submitted to the LAC for review.

Vendor contact is documented through the monthly statement. Staff reviews and tracks use by each department within the organization.

A. Oral Interpreting Services

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

For in-person encounters: Authority employees are instructed to utilize the New York State Language Identification Tool to make assessment.

By telephone: The Authority contracted language service provider is utilized, or calls are transferred to Authority multilingual staff when available.

At initial contact in the field: Employees are instructed to utilize the New York State Language Identification Tool to make assessment.

For pre-planned appointments with LEP individuals: An interpreter will be provided for instances that require meetings with representatives, although this is a very rare occurrence.

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 New York State Language Identification Tool is utilized. The tool clearly states in multiple languages that "An interpreter will be called. The interpreter is provided at no cost to you."

By telephone: Authority multilingual staff are instructed to inform LEP individuals that interpreting services are available and are provided at no cost.

At initial contact in the field: Authority multilingual staff are instructed to inform LEP individuals that interpreting services are available and are provided at no cost. The New York State Language Identification Tool is also utilized.

For pre-planned appointments with LEP individuals: Authority multilingual staff are instructed to inform LEP individuals that interpreting services are available and are provided at no cost.

Other (describe):

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

LEP individuals that come into contact with our agency will be informed of the availability of free interpreting services. Generally, an LEP individual may not use a family member, friend, or a minor as an interpreter. However, **during emergencies** an LEP individual will be permitted to use a minor, a family member or a 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 individuals 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:

- The toll-free number of the 24-hour Authority contracted language service provider has been widely distributed with instructions and can be accessible in a timely manner by staff.
- Authority multilingual staff also provide interpretation for routine matters and when available.

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

All contact between LEP individuals and Authority multilingual staff are documented on the Language Skills Volunteers Contact Form (TA-N3157-9) and submitted to the LAC for Review.

Vendor contact is documented through the monthly statement. Staff reviews and tracks use by each department within the organization.

Competency and confidentiality

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

The Authority multilingual interpreters are self-assessed for their linguistic competency. With regard to linguistic and cultural competence, approved vendor interpreters ensure they meet sufficient standards. Additionally, Authority staff receive cultural competency training.

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

All Authority employees are trained regarding confidentiality. The Authority contracted language service provider trains their employees regarding confidentiality and ensures that all notes regarding contact are destroyed when contact ends.

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: 18 volunteer multilingual staff members provide basic oral interpreting when necessary during business hours in the following languages: Amharic, Arabic, Bengali, Burmese, Chinese, Haitian Creole, French, Hindi, Italian, Malayalam, Mandarin, Portuguese, Pushto, Spanish, Taiwanese, Tamil, Tigre, Tigrigna, and Urdu.

- Telephonic interpreting service

Names of vendors: Any vendor under the New York State 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:

- Other

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:

- Staff members most likely to have contact with LEP individuals are annually trained via the Statewide Management Learning System and refreshers are provided if needed.
- An Administrative Services Bulletin with information on the Language Access Program has been sent to all employees and posted on the Intranet.
- Supervisors have been directed to brief their staff regarding the program.

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 instructs supervisors to provide information of any documents that must be translated. The LAC will review any request for translation services. This effort is ongoing.

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

The LAC will ensure the timely translation of documents for LEP individuals. Documents that are deemed vital will be sent to the Authority-contracted language service provider for translation.

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

The Authority has developed a team to review documents and ensure that plain language is utilized. The Authority will ensure that plain language is used in materials produced before translation so that information is accessible to a range of literacy levels. The Authority, through its contracted language service provider where applicable, will ensure that proofing/editing for correctness and cultural sensitivity are a component of the translation services.

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

Form #	Name	Top Six Languages					
		Spanish	Chinese	Russian	Haitian Creole	Korean	Bengali
	E-ZPass Application	✓	✓	✓	✓	✓	✓
	E-ZPass On-the-Go with handouts	✓					
	Save Time & Money With E-ZPass	✓					

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 Authority, 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 Authority 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 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: Ms. Frances Rosales-Turner, Director, Equal Employment Opportunity and Diversity Development.

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:

Classroom Training is provided on an annual basis through summer months. It is incorporated into annual supervisor training and illegal workplace discrimination prevention training.

PART 6 – ADMINISTRATION

Monitoring

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

The program is monitored on a consistent basis by checking logs and meeting with appropriate staff. The LAC also receives updated statistical data and training materials are updated annually.

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:

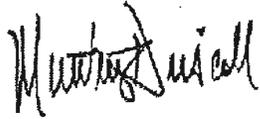
The procedure to file a complaint is available in the top six languages on the Authority's website (www.thruway.ny.gov), and at travel plazas, toll stations and toll booths.

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

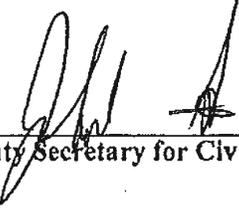
Complaints are sent to the Equal Opportunity Unit for evaluation and investigation.

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

PART 7 – SIGNATURES


Executive Director 5/9/19
Head of Agency Title Date


Language Access Coordinator
Michael J. Sullivan 5/9/2019
Agency LAC Title Date


Deputy Secretary for Civil Rights 5/30/19
Date