

## LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: NYS Department of Agriculture & Markets

Effective Date of Plan: October 5, 2012

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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:

The Department is a regulatory agency that has contact with individuals, businesses and organizations for regulatory enforcement, inspections, reporting, penalties, applications, licensing, permitting, renewals and certifications. The Department of Agriculture and Markets is dedicated to ensuring the continued success of New York State's agriculture. They include the following divisions:

- The **Division of Agricultural Development** works to protect and strengthen the viability of New York's food and agricultural industry by overseeing numerous economic development and marketing responsibilities.
- The **Division of Animal Industry** helps control and eradicate infectious and contagious livestock and poultry diseases in New York State and implements food safety measures at the production level.
- The **Division of Food Laboratory** provides extensive and essential food safety and consumer protection services by testing foods for purity, wholesomeness and accurate labeling.
- The **Division of Food Safety and Inspection** works to ensure a safe and properly labeled food supply and contributes to the orderly marketing of food and farm products in New York State.
- The **Division of Kosher Law Enforcement** ensures that food and food products represented as kosher and offered for sale are registered and labeled.
- The **Division of Milk Control and Dairy Services** regulates the State's dairy industry, protecting the public health and welfare while promoting an economic marketing environment that allows for all segments of the dairy industry to prosper.
- The **Division of Plant Industry** protects against the introduction of invasive plant species and facilitates the marketability of New York's agricultural products within the State and for export purposes.
- The **Division of Land and Water Resources** implements programs to protect New York's water resources from non-point source pollution through technical assistance, grant administration and assistance to county soil and water conservation districts.
- The **Division of Weights and Measures** helps assure measurement accuracy and uniformity in commerce throughout New York State in accordance with Article 16 of the Agriculture and Markets Law.

- The **Division of the State Fair** hosts the annual 12-day NYS Fair as well as numerous other events throughout the year.

**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:**

The NYS Department of Agriculture and Markets is a regulatory agency that regulates over 60,000 businesses and individuals. The Department oversees the NYS Fair, which attracts 900,000+ visitors over a 12-day period each year.

**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	1,238,710
Chinese	330,318
Russian	131,471
Haitian Creole	69,522
Italian	67,424
Korean	62,143

**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 community organizations:**

- Information from other government agencies

**Names of agencies:**

- Other (describe)

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

Through an informal survey of Division Directors by the Language Access Coordinator, we have determined that few employees encounter limited English proficiency individuals during the course of doing business. The Language Access Coordinator will track limited English proficient contacts/requests through the language interpretation/translation service contract with the State.

### **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?** Verbally informing LEP individuals about our free language assistance or directing them to an "I Speak" poster that contains this information.

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:**

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) Program/inspection staff makes those determinations based on experience, with the assistance of bilingual staff members where available, or through contracted interpretation 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 *by telephone*:**

- Reception staff make those determinations based on experience, with the assistance of bilingual staff members where available
- Telephonic interpreting service
- Other (describe) Program/inspection staff makes those determinations based on experience, with the assistance of bilingual staff members where available, or through contracted interpretation services.

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

The Department of Agriculture and Markets will track assistance for LEP individuals through the selected interpreter/translation 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:** If the person cannot speak English or appears unable to communicate their needs clearly enough for staff to provide service, staff will use an "I Speak" card to determine the individual's preferred language. Staff will find another staff member who fluently speaks the person's native language to assist with interpretation. If such staff person is not available or the individual's language is not known, staff will contact the OGS contracted telephonic interpreting vendor for assistance.

**By telephone:** If the person cannot speak English or appears unable to communicate their needs clearly enough for staff to provide service, staff will find another staff member who fluently speaks the person's native language to assist with interpretation. If such staff person is not available or the individual's language is not known, staff will contact the OGS contracted telephonic interpreting vendor for assistance.

**At initial contact in the field:** If the person cannot speak English or appears unable to communicate their needs clearly enough for staff to provide service, staff will use an "I Speak" card to determine the individual's preferred language. Staff will find another staff member who fluently speaks the person's native language to assist with interpretation. If such staff person is not available or the individual's language is not known, staff will contact the OGS contracted telephonic interpreting vendor for assistance.

**For pre-planned appointments with LEP individuals:** If the person requesting an appointment is an LEP individual, staff will find another staff member who fluently speaks the person's native language to assist with interpretation. If such staff person is not available or the individual's language is not known, staff will contact the contracted telephonic interpreting vendor for assistance.

**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:** Staff will use "I Speak" cards or posters to notify the public of free interpreting services. Bilingual staff or staff using the contracted interpreter will also inform the LEP individual of free interpreting services.

**By telephone:** Bilingual staff or staff using the contracted interpreter will inform LEP individuals of our free interpreting services.

**At initial contact in the field:** Staff will use "I Speak" cards or posters that notify the public of free interpreting services. Bilingual staff or staff using the contracted interpreter will also notify the LEP individual of free interpreting services.

**For pre-planned appointments with LEP individuals:** Upon making the request for an appointment, the LEP individual will be verbally informed of our free interpreting services by our staff.

**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 Department 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 staff members will be provided with a list of Department employees and the language(s) they fluently speak. Employees will be trained in connecting to a telephonic interpreter line and those employees assigned to field positions will carry with them a palm card that provides the telephone number of the interpreting service and the Division's account number.

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

The Language Access Coordinator will track encounters via the monthly billing of the contracted vendor for interpretation services.

**Competency and confidentiality**

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

On a case-by-case basis, the Department uses multilingual staff volunteers who are self-assessed in their own language competency. Where an agency 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 will address 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:** We have five positions that have been designated with a Spanish parenthetic, which includes four Food Inspector 1s and one Dairy Products Specialist 1. All five are assigned to New York City.

- Bilingual staff members who provide oral interpreting when necessary

**Number of staff and languages spoken:** The Department employs 53 employees who fluently speak a language other than English. These include: twenty-three employees who speak Spanish; nine who speak Russian; five who speak Chinese dialects; four who speak Bengali; three who speak African dialects; two who speak Arabic; two who speak Indo-Aryan; two who speak Hindi; and one person each who speaks Hebrew, Yiddish, French, Greek, Ibo, Japanese, Woloff, Urdu and Malayalam.

- Telephonic interpreting service

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

**Names of individuals/organizations and languages:** Plant Industry uses community boards in NYC to obtain interpretation services.

- 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:**

All Department employees will be trained and provided with proper procedures that should be followed when encountering an individual who does not speak English as their primary language and has a limited ability to read, speak, write or understand English.

## **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 will meet with Division Directors on a yearly basis to identify any new or existing vital documents that should be translated pursuant to the Executive Order.

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

For documents in need of translation, the Department will either submit the document to its contracted translation vendor or, if possible, utilize a Department employee who is fluent in that particular language.

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

Department documents will be reviewed by Division program staff before being translated. The Department will ensure that documents can be clearly and easily understood by the public.

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

The following documents listed are translated, but are *not* considered vital by the Department:

- The Division of Milk Control and Dairy Services currently provides the Milk Receivers Exam in Spanish.
- The Division of Food Safety and Inspection provides the Seizure Notice Placecard in Spanish. The Division of Plant Industry provides the Asian Longhorned Beetle (ALB) Homeowner notifications, Landscaper Guides, and ALB Fact Sheets in Spanish while the ALB Fact Sheets are also published in Chinese, Korean, Polish and Russian.
- The Division of Agricultural Development provides the Farmers' Market Nutrition Program Instruction sets in Spanish, Russian, Chinese and Creole and the Fruit and Vegetable Guide in Spanish.
- The Division of Animal Industry publishes pamphlets pertaining to NYCRR TITLE 1A, Chapter II, and Part 52 in Chinese, Korean, Hebrew, Spanish, Russian and Greek.

Any documents later determined to be vital by the Department will be translated into the top six languages pursuant to the Executive Order.

**The process for ensuring that translations are accurate and incorporate commonly used words is as follows: (Note: The Office of the Deputy Secretary for Civil Rights will maintain a list of commonly used words.)**

The Department, 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 Department 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:**

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

**Names of individuals/organizations and languages:** Plant Industry uses Community Boards in NYC to obtain interpretation services.

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:**

Deborah Wells, Director of Human Resources Management

**The staff training will include 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 training will be conducted annually and will include the 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. New employees will receive information and instruction at the time of employment processing.

**PART 6 – ADMINISTRATION**

**Monitoring**

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

The LAC will annually review collected data, availability of translated materials, and proper posting of signage to ensure compliance with the plan. Forms will be reviewed on an ongoing basis to determine whether they are vital documents. The LAC will hold meetings with Division Directors to discuss language services and whether current services are meeting the needs of LEP individuals pursuant to the Executive Order.

**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 will be available to the public upon request in all six languages and through our website. Additionally, information on the right to file a complaint will be 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:**

All complaints are submitted to the Language Access Coordinator who will work in conjunction with the appropriate Division Director for action.

**PART 7 – SIGNATURES**

James B. Payne      First Deputy Commissioner      8/30/12  
Head of Agency      Title      Date

Deborah A. Willis      Director Human Resources      8/30/12  
Agency LAC      Title      Date

[Signature]      \_\_\_\_\_      9/17/12  
Deputy Secretary for Civil Rights      Date