LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: Department of Civil Service

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 has two main functions: administration of the merit system and administration of the New York State Health Insurance Plan and related benefits (NYSHIP). Services related to the administration of NYSHIP are provided to state agencies, participating agencies and employers and their employees, retirees, and their dependents. In administering the merit system, the Department provides services to State agencies and local governments and State employees. The public accesses Department services when seeking information on employment opportunities in New York State government and as candidates for competitive civil service examinations.

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: Anyone interested in employment in New York State government would be in our service area. The exact number of LEP individuals in our service area is unknown.

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	2.6Million
Chinese	480,000

Russian	220,000
Italian	210,000
Haitian/French Creole	140,000
Korean	110,000

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)

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

An average of 20 individuals each year request translation services when contacting our employee benefits call center. Historically, over 80% of those individuals required translation to Spanish.

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 individuals self-identify as in need of service, we let them know that the service is available.

☐ 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) The State has Health Benefit Administrators (HBAs) in each agency to provide information and support to State employees and retirees relative to health benefits. HBA's have been provided posters so that enrollees and other personnel know that language assistance service is available. In addition, the Empire Plan Reports and HMO Reports, distributed to benefit recipients, contain information about the availability of 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*: N/A as DCS does not have in person encounters with LEP individuals.

☐ "I Speak" posters or visual aids

☐ Reception staff make 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 make those determinations based on experience, with the assistance of bilingual staff members where available

☑ Telephonic interpreting service

☑ Other (describe) Individuals make a request for language assistance services when contacting the EBD Call Center.

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

The Employee Benefit Division uses the vendor Language Line Services (from the OGS contract) which tracks call statistics.

A. Oral Interpreting Services

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

For in-person encounters:

By telephone: The Department responds to individual requests for language assistance services based on self-identification by the caller. The Language Line Services will perform additional assessment as needed.

At initial contact in the field:

For pre-planned appointments with LEP individuals:

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:

By telephone: Upon self-identification by the caller, the Department offers language assistance services. The Language Line Services will perform additional assessment as needed ensuring that LEP individuals understand that they do not need to provide their own interpreters that the service is free of charge.

At initial contact in the field:

For pre-planned appointments with LEP individuals:

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 friend as an interpreter (assuming that the request comports with HIPAA regulations). 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 and HIPAA 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:

Once aware that an individual needs language assistance, DCS staff takes action to provide translation services either through the use of the telephone interpreter services or from bilingual colleagues.

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

The Employee Benefit Division uses the vendor, Language Line Services (from the OGS contract) which tracks call statistics.

Competency and confidentiality

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

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:

- ☐ Bilingual staff members who provide oral interpreting when necessary

  Number of staff and languages spoken:

- ☑ Telephonic interpreting service

  Names of vendors: Language Line Services

- ☐ 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:

Employee Benefit Division staff and agency Health Benefit Administrators have been provided with instructions on how to access the Language Line Services. The information is also available on the EBD online website for HBAs and staff.

B. Translations of Written Documents

The process to determine and reassess, at least every two years starting from the effective date of this plan, those vital documents (including website content) which must be translated is as follows:

It has been determined that the Department's constituents are all employees and their dependents and therefore, there are no vital documents requiring translation. However, the LAC will review DCS's publications at least once every two years to determine if any such publication is a vital document that must be translated.

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

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

The following documents are currently translated by the agency in the languages indicated: N/A

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.)

N/A

We use, or have available for translating, the following resources:

☑ Contracts with language service vendors

Names of vendors: Waiting upon centralized contract to select vendor.

- [ ] 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: N/A as DCS does not have in person encounters with LEP individuals.

- [ ] 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: The Language Access Coordinator, Ellen Kattleman.

The staff training includes the following components:

- [x] The legal obligations to provide meaningful access to benefits and services to LEP individuals

- [x] How to access language assistance services

- [x] How to work with interpreters

- [x] 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 program for staff training will utilize the tools developed by the Governor's Office of Employee Relations. Current employees with public contact will take the training at least every two years, with refreshers provided as needed. New employees will receive handouts and/or trainings as part of their orientations.

PART 6 – ADMINISTRATION

Monitoring

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

The LAC will verify on an annual basis that the plan is being followed. This will include verifying that information on accessing language services is available online and ensuring that staff participates in training appropriately.

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 DCS website includes a contact page for employee benefits services (http://www.cs.ny.gov/home/contactbenefits.cfm). That page will be updated with information relative to the availability of interpreter services. It will also provide a link to a standard complaint form that can be filled out and sent in to the Department if the constituent is not satisfied with services received. The information and complaint form will be available on top six languages.

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

Complaints will be forwarded to the Language Access Coordinator who will be responsible for reviewing, handling and tracking until resolution.

PART 7 – SIGNATURES

	Commissioner	9/4/12
Head of Agency	Title	Date
	Project Director	9/4/12
Agency LAC	Title	Date
		9/17/12
Deputy Secretary for Civil Rights		Date