

# LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

**State Agency:** New York Department of State

**Effective Date of Plan:** October 5, 2012

**Language Access Coordinator (LAC):** Jorge I. Montalvo, Special Assistant to the New York Secretary of State

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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 of State (DOS), one of the oldest and most varied agencies in state government, works to make New York a more welcoming, equitable, and prosperous place for all who call it home. By the broad nature of its work, the agency touches the lives of nearly every person living and working in the Empire State.

The DOS promotes business growth and oversees the licensing of 29 professional occupations from hair stylists to real estate brokers, handles corporate filings, and regulates the State's not-for-profit cemeteries.

Through its newly acquired Division of Consumer Protection, the DOS serves as the State's top watchdog and think tank on a wide range of consumer issues from investigating questionable business practices, to product recalls, to helping citizens mitigate the consequences of identity theft.

The DOS also houses, by reason of legislative appropriation, three independent commissions that perform diverse governmental functions. These are the Committee on Open Government, Authorities Budget Office and New York State Athletic Commission.

**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 two to three million individuals are served by DOS statewide.

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        | 1,231,463   |
| Chinese        | 325,355   |
| Russian        | 130,453   |
| Haitian Creole | 62,698  |
| Italian        | 69,652  |
| Korean         | 65,408  |

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:

The DOS based its frequency of contacts with LEP individuals using information gathered from contact with LEP individuals/requests in previous years.

**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?** Individuals are informed by DOS staff about their right to free language assistance services either verbally or by writing. Materials such as the “I Speak” cards are also used.

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?** Spanish, Chinese, Russian, Haitian Creole, Italian and Korean.

Local, non-English language media directed at LEP individuals in their languages

Telephonic voice menu providing information in non-English languages

**In which languages:** We currently provide our telephonic voice menu in Spanish. We will work on incorporating the remaining top five languages.

Other (describe) The Agency will use its Twitter feed and public website to highlight and inform individuals of its Language Access Plan.

#### **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 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)

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

Division representatives who provide services for an LEP individual in the person's preferred non-English language keep a record of the service provided each month. The Division Director presents these numbers/cases to the DOS Office of Affirmative Action. The use of an interpreter is recorded in the clients' files to assure consistent communication in the appropriate language. The telephonic interpreting service provider will also provide DOS with an ongoing summary of frequency of use, type of interpreter service provided and usage costs.

**A. Oral Interpreting Services**

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

**For in-person encounters:** "I Speak" signs are placed in areas in and around our customer service counters in our eight offices. Our customer-facing staffs are trained to direct all customers to a smaller "I Speak" sign at the counter. Upon a customer pointing to a non-English language, the customer service representative will direct the customer to a staff member who speaks the language chosen. If a staff member is unavailable, a telephonic interpretation service will be engaged to provide interpretation services.

**By telephone:** Staff will ask the individual's preferred language and connect the individual with a DOS staffer who speaks the language requested. If there is no DOS staffer available who speaks the language, staff will then access a telephonic interpreter to assist with the call.

**At initial contact in the field:** Field inspectors will carry "I Speak" cards to allow individuals to point to the language they speak. The "I Speak" cards describe that the interpretation services are provided for free. The field inspector will then use a telephonic interpreter or an in-person interpreter to communicate with the customer.

**For pre-planned appointments with LEP individuals:** As an appointment is being scheduled, DOS staff will correspond in writing or, if scheduling by telephone, ask whether the LEP individual will need a free interpreter. If the LEP individual does not indicate whether they would like to access the free interpretation services prior to the appointment, the LEP individual will still have the option to access a telephonic interpretation service on the day of the appointment.

**Other (describe):** N/A

**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:** "I Speak" signs are placed in areas in and around our customer service counters in our eight offices. The signs, posters and video screens in the customer service areas will inform LEP

individuals that they do not need to provide their own interpreters and that free interpreting services will be provided. Staff will also verbally inform individuals at first contact.

**By telephone:** The individual will be verbally informed by staff that free interpreter services are available. If there is no DOS staffer available who speaks the language, staff will access a telephonic interpreter to assist with the call.

**At initial contact in the field:** Field inspectors will carry “I Speak” cards to allow the individual to point to the language they speak. The “I Speak” cards describe that the interpretation services are provided for free. The field inspector will then use a telephonic interpreter or an in-person interpreter to communicate with the customer.

**For pre-planned appointments with LEP individuals:** As an appointment is being scheduled, DOS staff will correspond in writing or, if scheduling by telephone, ask whether the LEP individual will need a free interpreter. If the LEP individual does not indicate whether they would like to access the free interpretation services prior to the appointment, the LEP individual will still have the option to access a telephonic interpretation service on the day of the appointment.

**Other (describe):** N/A

**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:**

DOS staff will be trained to connect to the selected interpreting vendor in a timely manner.

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

Division representatives who provide services for an LEP individual in the person’s preferred language keep a record of the service provided each month. The Division Director presents these numbers/cases to the DOS Office of Affirmative Action. The use of an interpreter is recorded in the clients’ files to assure consistent communication in the appropriate language. The telephonic interpreting service provider will also provide DOS with an ongoing summary of frequency of use, type of interpreter service provided and usage costs.

**Competency and confidentiality**

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

On a case-by-case basis, DOS uses multilingual staff volunteers who are self-assessed in their own language competency. Where DOS 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:**

| <b>Language</b>  | <b>Number of DOS Staff</b> |
|------------------|----------------------------|
| Malayalam, Hindi | 1                          |
| Telugu           | 1                          |
| Bengali          | 1                          |
| Mandarin         | 1                          |
| Cantonese        | 2                          |
| German           | 1                          |
| Spanish          | 2                          |
| Ukrainian        | 1                          |

- Telephonic interpreting service

**Names of vendors:** Language Line Services, Inc. and/or other vendors on the Office of General Service shared 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:**

All employees who routinely come in contact with LEP individuals will attend training at least once a year. The training will educate the employee on how to access the telephonic interpretation services, as well as direct employees to the DOS intranet and internet domains where vital documents can be accessed in the six designated languages.

**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 DOS's internal Language Access working group will meet twice a year to discuss issues surrounding the Department's Language Access Plan. During these sessions a determination and reassessment of the DOS's vital documents will be made. The determining factors will include, but are not limited to, core statutory functions of the DOS and frequently accessed services by LEP individuals.

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

All documents in need of translation will be sent to the selected vendor in a timely manner or to bilingual staff where applicable.

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

The DOS's internal review will look for and ensure all materials are written in plain language prior to translation.

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

The vital documents listed below will be translated into the top six languages pursuant to the Executive Order.

*Division of Consumer Protection*

- Consumer Complaint Form

*Division of Corporations, State Records and Uniform Commercial Code*

- Apostille forms
- Form and fees

*Division of Licensing*

- Licensing applications and requirements for disciplines where English language proficiency is not required
- Application rejection letters for disciplines where English language proficiency is not required

*Division of Cemeteries*

- Complaint Form/Complaint Instructions
- Lot Transfer Form/Lot Transfer Instructions

*Office of Administrative Hearings*

- Notice of hearing
- Notice of adjournment

*Committee on Open Government*

- Your Right to Know brochure

*New York State Athletic Commission*

- Applications and attachments (instructions):
  - Boxers
  - Seconds
  - Managers
- Written examinations:
  - Seconds
  - Managers
  - Matchmakers
- Medical Information Form/Medical Release Form/Medical Suspensions Form
- Complaint Forms
- Fingerprint Instructions

**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.)**

DOS 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. DOS 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:** Language Line Services, Inc. and other vendors available from the Office of General Services shared 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:**

Teneka Frost-Amusa, Office of Affirmative Action Programs  
Antonio C. Cortes, Office of Affirmative Action Programs

**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:**

All employees who routinely come in contact with LEP individuals will attend an in-person or video conference/telephone training at least once a year. The training will include and address all components listed above. Refresher courses will be given periodically as needed and new employees will be given training upon entrance. Training materials will be available through the DOS intranet and internet domains as well. In addition, DOS will maintain a “training registry” that records the names, dates and type of LEP program-related employee training received.

**PART 6 – ADMINISTRATION**

**Monitoring**

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

The Department will conduct an annual needs assessment to determine whether changes to the LEP plan are required.

The LAC will monitor as follows:

- Ensure that all staff members are trained on the Language Access Plan;
- Ensure proper posting of “I Speak” posters;
- Require periodic reports from all program areas on language assistance provided;
- Review and evaluate all the LAP-related complaints; and
- Review and evaluate data acquired from DOS’s website.

Any revisions made to the Plan will be communicated to the Secretary of State and an updated version of the Plan will be posted on the DOS intranet site and its public website.

**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.

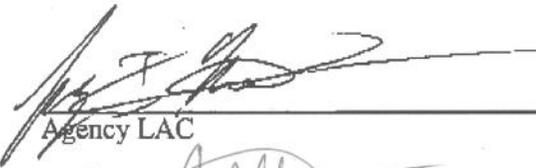
We display information on the right to file a complaint, and the procedures to file a complaint, in the following manner:

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 received on language access will be forwarded to and handled by the DOS's Office of Affirmative Action Programs.

**PART 7 – SIGNATURES**

|   |   |          |
|---|---|----------|
|    | New York Secretary of State                             | 9/7/2012 |
| Head of Agency  | Title   | Date     |
|   | Special Assistant to the<br>New York Secretary of State | 9/7/2012 |
| Agency LAC  | Title   | Date     |
|  | Deputy Secretary for Civil Rights                       | 9/17/12  |
|   |   | Date     |