

LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: NYS Department of Economic Development

Effective Date of Plan: October 5, 2012

Language Access Coordinator (LAC): Carol Mead

LAC Phone / E-mail: 518-292-5106 / cmead@esd.ny.gov

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 mission of the Department of Economic Development (“DED”) is to promote economic development and increase job opportunities throughout the State of New York. This is accomplished by numerous programs that attract new businesses to New York State and support the expansion of existing businesses in the State. The only DED program that provides direct services to persons with LEP is the Division of Minority and Women Business Development (“DMWBD”). These services include the certification of businesses as women and/or minority owned and the inclusion of such businesses in State contracting opportunities. In connection with those services, DMWBD is expanding its language access capabilities to include Chinese, Russian and Haitian Creole; online program information is already provided in Spanish and at least five employees of DMWBD are fluent in Spanish.

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: There is no source of data available to specifically determine how many businesses would benefit from certification or how many businesses in New York State are owned by Russian or Italian-speaking women. However, our estimated service area includes any person that is interested in doing and/or creating business in New York State.

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	1,216,864
Chinese	310,462
Russian	126,828
Italian	70,985
Korean	65,932
French (Haitian) Creole	56,428

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: 24 Entrepreneurial Assistance Program Centers (www.esd.ny.gov/businessPrograms/EAP.html); the Russian, Chinese, Haitian, Korean and Spanish-speaking Chambers of Commerce; The Fund for Public Advocacy and ACCION USA.

- Information from other government agencies

Names of agencies: Small Business Administration and the New York City Department of Business Services.

- Other (describe)

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

According to the DMWBD's Director of Certification, less than 1% of applicants for certification as minority and women owned businesses required language support services last year. Within the past six months, DMWBD received three Spanish and one Russian certification application. Within the

same timeframe, the New York City Certification Hotline received five phone calls from Spanish-speaking applicants, seven phone calls from Hindi or Urdu speakers and two phone calls from Chinese speakers.

The LAC shall be meeting with various Chambers of Commerce and surveying community-based organizations to continually assess the needs of the LEP population.

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? A DMWBD’s website notification in the top six languages identified in Part 2 will direct LEP individuals to a 1-800 number. Individuals will be verbally informed of their right to free language assistance services or directed to an “I Speak” poster that contains this information by staff.

- 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? Minority and women owned businesses in the top six languages encountered, specifically within the business community.

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

- Telephonic voice menu providing information in non-English languages

In which languages: Will be made available in the top six languages identified in Part 2.

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 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:

It is included as part of the intake process and recorded in the applicant's business file by the certification analyst. The selected language services vendor will also provide DED with an ongoing summary of frequency of use, type of interpreter services provided and 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: Staff will solicit assistance from bilingual staff when available. "I Speak" cards/posters or an Office of General Services ("OGS") interpreting service vendor will be utilized as needed.

By telephone: Staff will utilize OGS interpreting service vendor or solicit assistance from bilingual staff when available to determine language spoken.

At initial contact in the field: Staff will utilize "I Speak" cards/posters to determine language spoken by the individual. LEP individuals will be either assisted by bilingual staff or referred to DED's 1-800 number in order to be connected with the selected vendor's interpreter.

For pre-planned appointments with LEP individuals: When appointments are scheduled, the certification analyst will utilize OGS interpreting service vendor or solicit the assistance of bilingual staff.

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 verbally inform LEP individuals of free interpreting services or direct them to an "I Speak" poster posted in public areas within the DED.

By telephone: Staff will verbally inform LEP individuals of free interpreting services. The DMWBD's hotline will include a recorded message that contains this notice for the public.

At initial contact in the field: "I Speak" signs at marketing events and public announcements will notify the public of our free interpreting service.

For pre-planned appointments with LEP individuals: At point of contact, staff will verbally offer free interpreter services to applicants and make arrangements for an interpreter if needed.

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. 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:

Personnel that have direct contact with the public will be trained to connect to the selected OGS vendor for interpretation in a timely manner or transfer to a bilingual staff when available.

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

Use of interpreting services will be included in the certification file. A copy of the certification file will be sent to LAC. The selected interpreting vendor will provide DED with an ongoing summary of frequency of use, type of interpreter services provided and costs by program areas.

Competency and confidentiality

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

On a case-by-case basis, DED uses multilingual staff volunteers who are self-assessed in their own language competency. Where DED 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: 18 Spanish speakers, 2 Russian speakers, 4 Chinese speakers, and 3 Haitian-Creole speakers.

- Telephonic interpreting service

Names of vendors: Geneva Worldwide, Inc.

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

Names of individuals/organizations and languages: Sergio Millian, President of the Russian American Chamber of Commerce.

- 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 translation services as follows:

1. Agency-wide emails from DED's Chief of Staff.
2. Meetings with the appropriate department heads.
3. Procedural memos circulated by the LAC.

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 will hold quarterly meetings with Justin Ginsburgh, Chief of Staff; Eileen Mason, Vice President of Human Resources; and Dean Bennet, Executive Director of DMWBD, to determine any new or existing vital documents that should be translated pursuant to the Executive Order No. 26, Statewide Language Access Policy. In addition, a survey will be conducted annually to determine the number of requests for language assistance.

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

Any documents in need of translation, including vital documents, will be sent to the selected translation vendor within a reasonable time after being obtained.

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

As a standard, all documents are written in plain language, excluding the use of business terminology. DED will ensure that all materials intended for dissemination to the public will meet the plain language requirement.

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

The Directory of Small Business Program is currently available in Spanish online. However, this is not a vital document. Currently, DED does not have any documents deemed vital. If in the future, DED determines a document to be vital, the Department will send the document over to the translated vendor to be translated into the top six languages identified in Part 2.

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.)

DED, 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. DED 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: Geneva Worldwide, Inc.

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

Names of individuals/organizations and languages: Russian American Chamber of Commerce and other immigrant business organizations.

- 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: Das Velez, LAC and Eileen Mason, Vice President of Human Resources.

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:

Staff training will occur once every year at a minimum and also periodically as deemed necessary. All new DMWBD staff members will meet with the LAC for an explanation of the Language Access Plan and the requirements set forth in the Executive Order No. 26, Statewide Language Access Policy.

PART 6 – ADMINISTRATION

Monitoring

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

The LAC will hold quarterly meetings with Justin Ginsburgh, Chief of Staff; Eileen Mason, Vice President of Human Resources; and Dean Bennet, Executive Director of DMWBD, to ensure that the language access plan is being followed and that DED is in compliance with the Executive Order 26, Statewide Language Access Policy. Feedback from our outreach efforts to immigrant business communities within the LEP community and volume of requests for language assistance will be taken into consideration.

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

Complaints are filed with the LAC, who will investigate the complaint and submit a report with a recommendation the CEO's Chief of Staff.

PART 7 – SIGNATURES

	President CEO	9/10/12
Head of Agency	Title	Date
	Dir, Special Projects	9/10/12
Agency LAC	Title	Date
		9/17/12
Deputy Secretary for Civil Rights		Date