

## **LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS**

**State Agency:** Department of Financial Services

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

**Language Access Coordinator (LAC):** Wayne Williams

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### **PART 1 – INTRODUCTION**

**Pursuant to Executive Order No. 26, we have prepared this Language Access Plan that sets forth the actions we will take to ensure that persons with limited English proficiency (LEP) have meaningful access to agency services. In developing this plan, we understand 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.**

#### **Statement of Agency Services to the Public:**

The mission of the Department of Financial Services (DFS) is to integrate and reform the regulation of financial services in New York, to keep pace with the rapid and dynamic evolution of these industries, and to capitalize on efficiencies by consolidating regulatory and non-regulatory functions. DFS seeks to foster the growth of the financial industry in New York through judicious regulation and vigilant supervision; to protect users of financial products and services from financially impaired or insolvent providers; and to eliminate financial fraud, other criminal abuse, and unethical conduct in the markets and against consumers. As a result of Andrew M. Cuomo's 2011 fiscal merger with other financial and banking departments, DFS is currently comprised of the New York State Banking Department and the New York State Insurance Department.

**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 19,465,197 people – the population of New York State in 2011.

**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	1,216,200
Chinese (including Mandarin and Cantonese)	299,135
Russian	136,373
Italian	79,455
Korean	65,342
French (Haitian) Creole	52,292

**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:**

We are in the process of establishing a system to determine the frequency of our contacts with LEP individuals, given the new reconfiguration. Anecdotal information regarding consumer complaints submitted to the Consumer Assistance Unit (“CAU”) of the former Banking Department indicates few (less than ten) incidences or documents submitted in the last two years requiring translation. The Banking Department provided telephonic translation within CAU by student volunteers.

Prior to the merger of the Insurance and Banking Departments, the NYS Insurance Department’s Call Center utilized a translation service (Language Line Services) 125 times from March 2010 through March 2012 (an approximate average of five times per month). The possible cause for the difference in usage is that a Spanish-speaking Assistant Service Representative was hired and handled these types of calls.

As per the Memorandum of Understanding (“MOU”) between DFS and the NYS Department of Taxation and Finance (“DTF”), effective February 1, 2012, the DTF Call Center began answering the

DFS's consumer and licensing calls. During February alone, 521 calls required the use of an interpretation service. Almost all calls required a Spanish translator. DFS will begin charting requests for interpretations using DTF's Call Center statistics as soon as they become available.

In addition to the telephonic translation service, anecdotal information suggests that consumers wishing to submit complaints in languages other than English were asked to submit their complaint in letter form and letters were then translated in-house by staff. This was not a common occurrence.

### **PART 3 – PUBLIC OUTREACH & NOTICE OF AVAILABILITY OF LEP SERVICES**

**We inform LEP individuals, in the languages indicated in Part 2 of this plan, about their right to language assistance services by using the following measures:**

- LEP individuals are informed directly by our staff

**In what ways?** Staff verbally informs LEP individuals of their right to 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 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:** Will be provided in the top six languages.

- Other (describe)

#### **PART 4 – PROVISION OF LANGUAGE ASSISTANCE SERVICES**

**We use the following resources to determine whether a person is an LEP individual, 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 whether a person is an LEP individual, 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:**

The language need of LEP individuals seeking DFS services in-person will be recorded on their case file, where applicable. Additionally, DFS will begin tracking outsourced calls to the DTF's Call Center. Our selected telephonic service will provide DFS with thorough records on frequency of use, languages spoken, and costs associated with service periodically.

#### **A. Oral Interpreting Services**

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

**For in-person encounters:** In the event that a consumer does not appear to understand information provided or appears unable to communicate their needs clearly enough for staff to provide service, staff will use "I Speak" signs and desk aides to determine language spoken. Staff will contact the telephonic interpretation services, either through its current Language Line Services or a vendor provided by DTF, for assistance.

**By telephone:** Staff will use their personal assessment skills to assess the needs of the caller. In the event that a consumer does not appear to understand information provided or appears

unable to communicate their needs clearly enough for staff to provide service, staff will contact the telephonic interpretation services, either through its current Language Line Services or a vendor provided by DTF, for assistance.

**At initial contact in the field:** Staff will use their personal assessment skills to assess the needs of the caller. In the event that a consumer does not appear to understand information provided or appears unable to communicate their needs clearly enough for staff to provide service, staff will use “I Speak” signs to determine language spoken. The main number for DFS will be given in order for staff to promptly connect the individual with an interpreter.

**For pre-planned appointments with LEP individuals:** In the event that a consumer does not appear to understand information provided or appears unable to communicate their needs clearly enough for staff to provide service, staff will use “I Speak” signs and desk aides to determine language spoken. Staff will contact the telephonic interpretation services, either through its current Language Line Services or a vendor provided by DTF, 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 verbally inform LEP individuals of free interpreting services available. “I Speak” signs posted in public areas of the DFS (e.g. walk-up windows in New York City, Albany, Mineola and Buffalo) will also notify individuals of free interpretation services.

**By telephone:** LEP individuals will be verbally informed of free interpreting services by staff.

**At initial contact in the field:** Staff will verbally inform the LEP individual of free interpreting services. “I Speak” cards containing this information will also be utilized.

**For pre-planned appointments with LEP individuals:** At point-of-contact with staff, LEP individuals will be verbally informed of free interpreting services. “I Speak” cards containing this information will also be utilized.

**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 the 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:**

The selected vendor used for interpretation will ensure that DFS's staff has access to interpreters in a timely manner. Staff will be trained on how to access the vendor's interpreters or the DTF's Call Center when needed.

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

The telephonic service selected will include thorough records on frequency of use, languages spoken, and costs associated with service. DFS will begin tracking outsourced calls to the DTF's Call Center as well.

**Competency and confidentiality**

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

Where DFS utilizes independent interpreting services, that vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent. On a case-by-case basis, DFS uses multilingual staff volunteers who are self-assessed in their own language competency.

**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. 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:** DFS is currently in the process of identifying persons who are multilingual, what languages they speak and how many of them are in public contact positions.

- 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:** As per our MOU with DTF, we will be outsourcing some of our consumer calls to the DTF's Call Center and using their selected vendor for translation and interpretation services. The MOU was signed in December 2011 and establishes service level commitments and the number of Tax Department's staff assigned to the project.

- Other (describe)

**The agency's Language Access Coordinator plans to develop and maintain a list of oral interpreting resources as follows:**

- 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:**

DFS will train staff that has direct contact with the public on how to connect with Language Line Services or the DTF Call Center. The Consumer Assistant Representatives, who mainly interface with the public, will be trained on intake procedures and how to handle inquiries received by LEP population.

#### **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:**

DFS will convene the agency's Language Access Workgroup annually to identify any new or existing vital documents that should be translated pursuant to the Executive Order. The workgroup comprises of staff members from all divisions, including the CAU. The LAC will then work with DFS management to complete the recommended translations requests.

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

Any documents in need of translation will be sent directly to the selected OGS vendor in a timely manner. All documents deemed vital by DFS will be sent promptly to our vendor for translation into the top six languages.

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

All vital documents intended for public dissemination from DFS shall meet the plain language requirement. DFS will ensure that documents are clearly and easily understood by the reader. Readability assessment and Flesch-Kinkaid readability test will be done before translation. All HTML web pages are assessed as part of our regular accessibility testing under state guidelines.

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

The consumer complaint form is the only vital document currently determined by DFS in need of translation into the top six languages. The consumer complaint form will be available online through the DFS website and access will be provided via a secure portal. Due to the fiscal merge, DFS is currently in the process of assessing other vital documents that may require translation pursuant to the Executive Order. Once documents are deemed vital by DFS, they will be sent promptly to the selected OGS vendor for translation.

**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.)**

DFS 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. DFS 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:** To be determined.

- 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 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

**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:** Wayne Williams, Language Access Coordinator with the assistance of Andrea Papa, Director of Training.

**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:**

The LAC will provide training to staff that deal directly with the public with the assistance of the internal Language Access Workgroup on an annual basis. Refresher courses will be given to staff periodically and new staff will be trained upon entrance.

**PART 6 – ADMINISTRATION**

**Monitoring**

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

Post-implementation, DFS will work to develop a mechanism to obtain regular feedback on our Language Access Plan from LEP individuals, tax professionals, employees and other stakeholders. The Language Access Coordinator will report, at least annually, to the Superintendent, DFS senior staff and the Language Access Workgroup on the implementation of the Language Access Plan.

**Complaints**

**We will provide information to the public, including 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 will 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:**

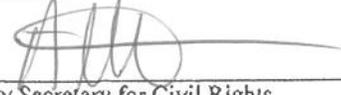
Any language access complaints received by DFS will be forwarded to the LAC, who will take necessary action.

PART 7 - SIGNATURES

 Superintendent 9-7-12

\_\_\_\_\_  
Head of Agency Title Date

 9/4/12  
Agency LAC Title Date

 9/17/12  
Deputy Secretary for Civil Rights Date