

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENCY INDIVIDUALS

State Agency: NYS Division of Homeland Security & Emergency Services

Effective Date of Plan: October 5, 2012

Language Access Coordinator (LAC): Rachel McEneny / William Peat Jr

LAC Phone / Email:

- Rachel McEneny: (518) 242-5133 / RMcEneny@dhses.ny.gov
- William Peat Jr: (518) 292-2311 / WPeat@dhses.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 NYS Division of Homeland Security & Emergency Services (DHSES) is comprised of five offices dedicated to the protection of New Yorkers, their property, and the State’s economic well-being from acts of terrorism, and natural and man-made emergencies or disasters. The Division accomplishes this core mission through its offices – Counter Terrorism, Cyber Security, Emergency Management, Fire Prevention & Control, and Interoperable & Emergency Communications. These offices coordinate the response of the State’s agencies in support of local government.

Information is provided primarily to local governments and the State agencies as part of DHSES’ mission to provide support to localities through regional offices who, in turn, work with local government to provide support to their constituents due to “home rule.” There are two program areas where DHSES interacts directly with the public on a regular basis: (1) alert and notifications of emergency events and severe weather via the NY-Alert website (www.nyalert.gov); and (2) the DHSES website (www.dhses.ny.gov) which provides personal preparedness information and access to local, state and federal emergency services and programs.

On occasion, DHSES may interact directly with members of the public. For example, Disaster Recovery Centers may be established in affected areas with several local, federal and state agencies to provide information and services to members of the public. However, such interaction with the public is coordinated with local government, as per “home rule” requirements.

During large-scale emergencies and disasters, DHSES will work with the NYS Department of Taxation and Finance to activate their Call Center, which receives inquiries for information from the public. The

Tax & Finance Call Center has access to interpretation services in a variety of languages for LEP individuals.

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: 1,929,472.

The top nine (9) 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	1,238,710
Chinese	330,318
Italian	67,424
Russian	131,470
French (Haitian) Creole	69,522
Korean	62,143
Yiddish	17,205
Hebrew	3,210
Arabic	9,470

We use the following resources to determine the top nine (9) 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): Outreach to religious-based organizations, such as mosques and synagogues. Based on the feedback from our agency's outreach, an additional three languages (Yiddish, Hebrew and Arabic) have been added.

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

Frequency of visits by LEP individuals to NY-Alert and the DHSES's website is not currently tracked by an official process. Interaction with LEP individuals in the field (e.g. during disasters) is tracked in accordance with standard log procedures and in coordination with local government/community organizations.

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? If someone calls on the telephone, staff would verbally explain 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? Anyone at risk (e.g. a potential disaster victim), which could include both LEP and non-LEP populations. The list of community organizations we work with includes, but is not limited to, the Red Cross, Community Emergency Response Teams (CERT), other non-profit organizations and local religious organizations.

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

- Telephonic voice menu providing information in non-English languages

In which languages: DHSES will work with the other public safety agencies to provide the voice menu option in the top nine languages encountered.

- 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): Work conducted by DHSES does not typically lend itself to in-person contacts. Most contact that occurs with the public is either conducted via telephone or through written correspondence.

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 makes 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 Tax & Finance Call Center, which is activated during large-scale emergencies, records and maintains documentation of LEP language assistance needs.

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" cards and "If you need an interpreter" desk aid will be utilized by staff. The selected vendor for interpretation assistance will be reached if bilingual staff is not available to interpret.

By telephone: If the caller does not appear to understand information provided or appears unable to communicate their needs clearly enough for staff to provide service, DHSES will contact the selected vendor for interpretation assistance.

At initial contact in the field: "I Speak" cards will be utilized by staff to determine language spoken. The selected interpreting vendor will be used if needed.

For pre-planned appointments: "I Speak" cards and "If you need an interpreter" desk aid will be utilized by staff. The selected vendor for interpretation assistance will be reached if bilingual staff is not available to interpret.

Other (describe): None.

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" cards and "If you need an interpreter" desk aid will be utilized by staff. Staff will also verbally inform LEP individuals of free interpreting services.

By telephone: At point-of-contact with DHSES staff, LEP individuals will be verbally notified of free interpreting services.

At initial contact in the field: Use of "I Speak" cards will be utilized to staff. The "I Speak" contains notice of free interpreting services.

For pre-planned appointments: At point-of contact with DHSES staff, the LEP individual will be notified of free interpreting services either verbally or with the use of the "I Speak" card/poster.

Other (describe): None.

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:

In emergencies or disasters, DHSES will implement Tax & Finance Call Center services, which include interpreter services. Once implemented, services are available 24/7 for the duration of the emergency/disaster. DHSES will work with the public safety workgroup to secure timely interpretation services during non-emergencies once vendor is selected.

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

DHSES does not currently track any oral interpreting services provided. We will work with the Tax & Finance Call Center and the public safety workgroup to make that determination. The selected vendor used by DHSES will be asked to provide thorough records on frequency of interpretation use, languages spoken and costs associated with service.

Competency and Confidentiality

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

On a case-by-case basis, DHSES 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. Confidentiality is also addressed in the employee handbook as well as new employee orientation. 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: Spanish (3); Hebrew (1).

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: Spanish (3); Hebrew (1).

- Telephonic interpreting service

Names of vendors: The public safety workgroup will determine such 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:

During non-emergencies, staff will be equipped with "I Speak" cards and will have vendor's telephone number. During emergencies/disasters, staff will be equipped with Tax & Finance Call Center number. Staff will be trained to contact the Language Access Coordinator to resolve issues.

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 public safety workgroup will convene regularly, but at least once every two years, to determine new or existing vital documents in need of translation. Once a vendor is selected it will be sent for translation into the top nine languages.

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

Documents that are deemed vital by our agency will be sent to the selected OGS vendor for immediate translation.

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

DHSES's deputies, managers, supervisors and staff are aware that, under the Executive Order, plain language is a requirement. All vital documents intended for public dissemination from all of DHSES's agencies, specifically where services and benefits are concerned, shall meet the plain language requirement. Prior to translation of documents, the Language Access Coordinator will be consulted and advised of the intended audience, which will set forth the process of evaluating the level in which translations shall be made.

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

- Safeguard New York ("See Something, Say Something"): Chinese, French, Korean, Spanish, Yiddish
- Incendio Del Hogar (fire safety): Spanish

These vital documents will also be translated into the remaining languages encountered by our agency listed in Part 2 of our plan.

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.)

DHSES, 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. Public safety agencies will maintain a lexicon of commonly used words. DHSES 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: Tax & Finance Call Center

- 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 location 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 are responsible for the provision of training to staff in language access issues is:

William Peat Jr., Language Access Coordinator.

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 of frequency of training are as follows:

All staff that interacts with the public will be required to attend training regarding Executive Order No. 26, cultural competence in their interaction with limited English individuals, and other resources available to them. Training will not only emphasize existing resources, but clearly outline procedures for when and how to call upon an interpreter and the criteria to have documents translated. The training will also focus on the prohibition of utilizing family members, children, and the potential for ethical implications. These trainings will be conducted periodically, but will be given at least once every year and at other times as necessary.

PART 6 – ADMINISTRATION

Monitoring

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

- Review DHSES's Plan
- Review posting of signs
- Review LEP complaints
- Assess provision of staff training

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.

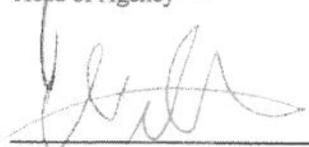
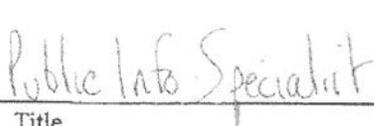
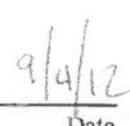
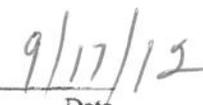
We display information on the right to file a complaint, and the procedures to file a complaint, in the following manner:

The standardized complaint forms will be available to the public upon request in all six languages and (if applicable) 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 will be routed to the Language Access Coordinator for action.

PART 7 - SIGNATURES

 Head of Agency	 Title	 Date
 Agency LAC	 Public Info Specialist	 Date
 Deputy Secretary for Civil Rights		 Date