

LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: Office of the State Inspector General

Effective Date of Plan: October 5, 2012

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PART 1 – INTRODUCTION

Pursuant to Executive Order No. 26 (“Statewide Language Access Policy”), OSIG has prepared this Language Access Plan (“Plan”) setting forth the actions OSIG 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 Office of the State Inspector General (OSIG) operates under the authority of New York State Executive Law Article 4-A. Our mission is to detect, investigate, deter and eliminate corruption, fraud, criminal activity, conflicts of interest and abuses of office in the State entities under our jurisdiction. These include executive branch agencies, departments, divisions, offices, boards, commissions, public authorities and public benefit corporations -- any entity of State government headed by an appointee of the Governor that does not have its own statutory Inspector General. OSIG’s jurisdiction encompasses more than 150 entities employing the vast majority of New York State’s nearly 190,000 public servants, as well as private entities doing business with the state.

In addition, the Inspector General serves as Chairperson of the State’s Stimulus Oversight Panel, whose mission is to prevent and detect waste, fraud, abuse, discrimination and mismanagement related to the use of American Recovery and Reinvestment Act (ARRA) funds in New York. The Panel’s mission is to ensure that stimulus money is spent with transparency and accountability and that funds are distributed in an equitable and non-discriminatory manner. The NYS Inspector General has developed an in-house training curriculum for presentation to community action groups, not-for-profits and localities receiving ARRA funding. Such presentations focus on fraud, waste and abuse awareness and include the creation of a flyer on fraud, waste and abuse to be distributed to all employees of entities receiving ARRA funds.

OSIG does not provide direct services to the public. OSIG interacts with individuals who allege or have knowledge of misconduct and other abuses listed above in connection with the activities of State entities under its jurisdiction. Individuals can report abuses by filing a complaint with OSIG in an effort to combat corruption and promote greater efficiency in State government.

PART 2 – ASSESSING LEP POPULATION LANGUAGE NEEDS

The estimated total number of individuals in our service area is:

OSIG is an oversight agency for agencies and authorities under its jurisdiction in the State of New York and as such could potentially serve LEP individuals of all languages. Our data reflects that the LEP individuals who contact OSIG are primarily Spanish speaking individuals. Our data does not reflect a dominance of any other language. OSIG’s documentation indicates that of the estimated 20 to 25 LEP individuals who contact OSIG annually, the majority is Spanish speaking and the remainder is divided among various languages. The most recent records indicate that this Office was contacted by 1 LEP individual who spoke Russian and 1 LEP individual who spoke Chinese.

The top six languages spoken by LEP individuals that OSIG serves or could potentially serve are as follows: Please note, this information is based on the data provided by the U.S. Census Data, and reflects the top six languages (other than English) spoken in New York City.

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:

- Information from other government agencies

Names of agencies: US Census, US Department of Labor

- Other (describe)

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

The frequency of contacts with LEP individuals is based on information collected through the OSIG Intake Unit, which processes all complaints.

To date the number of LEP individuals who contact OSIG on an annual basis is small. Of the estimated 2,400 complaints received annually by OSIG, less than 25 are LEP individuals. As previously noted, OSIG's documentation indicates that of the estimated 20 to 25 LEP individuals who contact OSIG annually, the majority are Spanish speaking and the remainder is divided among various languages. The most recent records indicate that this Office was contacted by 1 LEP individual who spoke Russian and 1 LEP individual who spoke Chinese.

OSIG is currently implementing a standardized practice and agency-wide policy for monitoring the frequency of contacts with LEP individuals by entering and tracking this data in OSIG's centralized case management system.

PART 3 – PUBLIC OUTREACH AND NOTICE OF AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES

OSIG informs 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 an LEP individual contacts one of our three locations via phone or in person, trained staff members who are fluent in the language of the LEP individual inform the LEP individuals of free language assistance services. If the LEP individual's language is not among the languages in which OSIG staff members are fluent, these individuals will be connected to a telephonic interpreting service where the LEP individual will be informed of the free language assistance services available to them.

- 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

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)

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) OSIG's trained intake unit personnel or trained investigators make this determination in most cases.

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

OSIG has developed and is in the process of standardizing protocols where all contacts with LEP individuals and the languages spoken are tracked in OSIG's centralized case management system.

OSIG's tracking system is currently in place and will be standardized following our agency-wide staff training on OSIG's Language Access Plan.

A. Oral Interpreting Services

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

For in-person encounters: Though in-person encounters are minimal, OSIG's protocol for assessing whether an LEP individual needs oral interpreting services will be through the use of "I Speak" cards, when OSIG's front line staff cannot determine the LEP individual's language. Once the LEP individual's language is determined, he/she will be assisted by an OSIG bilingual staff member (if available) or connected with a telephonic interpreting service for further assistance.

By telephone: OSIG assesses whether an LEP individual needs oral interpreting services when evident that communication is impaired. Trained intake unit personnel or investigators will first determine, if possible, the language spoken by the LEP individual. If a trained staff member is fluent in the language spoken by the LEP individual, the individual will receive immediate assistance from OSIG. When the LEP individual's language is not among those spoken by OSIG staff, OSIG will follow the protocol in place to assist the LEP individual by use of OSIG's telephonic interpreting service.

At initial contact in the field: Though the incidence of contact with LEP individuals in the field is minimal and is addressed on a case by case basis, OSIG's staff is trained to first ask open-ended questions to determine language proficiency. If necessary, OSIG staff will contact a bilingual staff member as an interpreter for the LEP individual. In the event the LEP's language is not spoken by a trained OSIG staff member, OSIG staff will connect the LEP individual with OSIG's free telephonic free interpreting service for assistance.

For pre-planned appointments with LEP individuals: Prior to meeting with LEP individuals, OSIG will determine the language of the LEP individual and OSIG will use a trained staff member to act as interpreter or solicit an interpreting service listed on the NYS Contracts.

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: OSIG will first determine the language of the LEP individual and either recruit a trained staff member to act as interpreter or solicit an interpreting service listed on the NYS contracts to inform the individual of our free interpreting services.

By telephone: OSIG's staff will be trained to inform the LEP individuals of our free interpreting services via an OSIG bilingual staff member or a telephonic interpreting service.

At initial contact in the field: OSIG's staff will be trained to inform the LEP individuals of our free interpreting services via an OSIG bilingual staff member or a telephonic interpreting service.

For pre-planned appointments with LEP individuals: Prior to meeting with LEP individuals, OSIG will inform the individual(s) of OSIG's free interpreting services, either through the use of a trained staff member who is fluent in the LEP individual's language or through an interpreting service.

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:

OSIG has trained the staff to promptly contact an interpreter in a timely manner upon request by an LEP individual or upon making a determination that an interpreter is needed. OSIG will utilize only interpreting services listed on OGS approved contracts, who guarantee what OSIG determines to be an acceptable response time.

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

OSIG's staff will follow a protocol involving the documenting and monitoring of each oral interpreting service provided to LEP individual. This information will be entered into OSIG's State wide case management system.

Competency and confidentiality

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

The linguistic competence of bilingual staff is self-assessed and cultural competence is covered through OSIG staff training. Where the 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. In addition, OSIG will implement its own confidentiality agreement with selected vendors.

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: Spanish (3 Staff Members);
Russian (1 Staff Member); Mandarin and Cantonese (1 Staff Member)

- Telephonic interpreting service

Names of vendors: Language Services Associates, Inc., Willow Grove, PA.,
(MWBE)

- 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:

OSIG's Director of Training will provide staff training for all current employees as well as new employees, regarding OSIG's Language Access Plan, which will include procedures on how to obtain interpreting services, cultural sensitivity and confidentiality.

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:

Since the issuance of Executive Order #26, OSIG has developed a Language Access Assessment Team, and its mission includes reassessing OSIG's documents, including website content, at least every two years, to determine which documents must be translated, if any.

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

Whenever possible, OSIG will first utilize staff members who are fluent in the language in which the documents are written. When this is not an option, OSIG will solicit an outside translation service who must guarantee a reasonable response time in the translation of documents.

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

OSIG's Language Access Assessment Team will be tasked with ensuring that documents are written in plain language before they are translated into other languages.

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

To date OSIG has identified the following documents for translation: OSIG's mission statement, complaint form and instructions on how to file a complaint with OSIG.

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.)

OSIG, through its vendor, 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. OSIG 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 Services Associates, Inc. Willow Grove, PA. 19090.
- 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: Richard Dillon, Director of Training and Edward Meyer, Assistant 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:

OSIG will add language access training as a part of OSIG's all staff training curriculum annually and new staff as they are hired. OSIG's Director of Training and Assistant Director of Training will utilize and incorporate information obtained from the Language Access Policy "Train the Trainer" session held by the Governor's Office of Employee Relations (GOER).

PART 6 – ADMINISTRATION

Monitoring

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

OSIG's Language Access Assessment Team will monitor the adherence to OSIG's established protocols and review all data collected on an annual basis.

Complaints

OSIG provides 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:

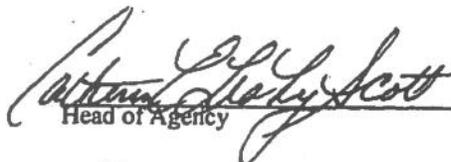
Information on the right to file a complaint with this agency alleging discrimination based on LEP status or needs and the standard complaint form will be posted on OSIG's website, and will be translated into the six languages listed above.

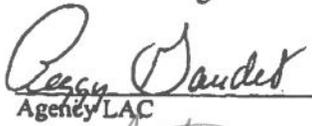
We handle complaints made to the agency regarding the provision of language assistance services in the following manner:

Complaints made to OSIG regarding the provision of language assistance services, will be directed to OSIG's Chief of Staff and Chief Counsel for review and handling.

OSIG's Language Access Team is currently developing a policy and protocol for the handling of all complaints.

PART 7 - SIGNATURES

 Acting Inspector General
Head of Agency Title Date 9/4/2012

 Director of Administration
Agency LAC Title Date 9/4/2012


Deputy Secretary for Civil Rights Date 9/17/12