

LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: Office of Temporary and Disability Assistance (OTDA)

Effective Date of Plan: October 5, 2012

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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:

OTDA's Mission is:

- To enhance the economic security of low-income working families.
- To assist work-capable public assistance recipients in achieving entry into the workforce.
- To assist individuals with priority needs other than work-readiness in accessing appropriate benefits and services.
- To enhance child well-being and reduce child poverty.

Please note: *By statute, OTDA supervises programs within local social services districts which are county administered and therefore are not covered by this Executive Order. For this reason, no mention of the local district delivery will be made in this Plan. Likewise, OTDA's efforts to provide appropriate language access through our existing Administrative Directive to our Local Districts are also excluded from this document.*

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:

The numbers presented here may overlap.

TANF	264,107	(October 2011)
Non-TANF SNA	301,943	(October 2011)
NTA FS	1,354,494	(November 2011)
Child Support NTA	950,964	(November 2011)

The top seven languages spoken by LEP individuals that our agency serves or could potentially

serve are as follows:

Language	Estimated Number of applicant/payees whose primary language is other than English
Spanish	207,983
Russian	16,262
Chinese	31,419
Korean	2,532
French (Haitian) Creole	1,914
Arabic	1,900
Italian	452

We use the following resources to determine the top seven languages spoken by LEP individuals:

- US 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):** Estimated numbers are based on the “2010 American Community Survey for Rest of State” added to OTDA’s NYC welfare management system data on language read for applicant/payees. Individual is defined as Case applicant/payee for this purpose. The Upstate Welfare Management System does not capture language.

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

OTDA captures the nature of our contacts with all individuals including LEP individuals through in-person interaction, phone and written contact, and electronically through the State’s web portal titled “MyBenefits” (used for Health and Human Services Programs) as well as the OTDA’s website.

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? OTDA informs the public about these services through in-person contact by Fair Hearing Officers and Fair Hearing intake workers. The Center for Employment and Economic Supports (CEES) Hotline Operators and the NYS Child Support Helpline's contractor will also inform the public.

- Brochures or flyers about language assistance services
 - In public areas of the agency
 - Elsewhere in the agency's service area(s)

- Signs posted about language assistance services
 - In public areas of the agency
 - Elsewhere in the agency's service area(s)

- Outreach and presentations at schools, faith-based groups, and other community organizations

What are the LEP populations targeted? Primarily Spanish, Russian, Chinese, Korean, French (Haitian Creole), Arabic and Italian.

- Collaborations with community organizations that serve LEP individuals

What are the LEP populations targeted? OTDA collaborates through outreach efforts listed above as well as to all newly arriving refugees.

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

- Telephonic voice menu providing information in non-English languages

In which languages: The Office of Fair Hearings (FH), CEES Hotline and the NYS Child Support Helpline use the Spanish option voice menu.

- Other (describe): OTDA uses over 12 million mailing envelopes per year, which displays a statement in 9 languages telling the reader that if they need help reading the notice inside, they should contact their worker. All CEES client notices are mailed in these envelopes.

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): Hearing Officers, Intake for Audit & Quality Improvement (A&QI) and Fair Hearings, A&QI home visits.

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): When a call is received anywhere in the agency, and there is a question about language, the call is routed to one of two places. It is either sent to the CEES hotline or the Bureau of Refugee and Immigrant Assistance (BRIA) Language Services Unit. The Office of Fair Hearings uses an interactive voice response in Spanish as does the NYS Child Support Helpline.

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

OTDA maintains a record of "language spoken" and "language read" in OTDA's Welfare Management System for New York City for applicant/payees. We also collect those data elements on MyBenefits for applicants. The Fair Hearings Information System collects data on interpreter requests.

A. Oral Interpreting Services

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

For in-person encounters: The LEP individual may self-identify or, where staff is unable to communicate with the LEP individual, staff may use "I Speak" cards and "If you need an interpreter" desk aid.

By telephone: The LEP individual may self-identify or, where staff is unable to communicate with the LEP individual, staff may use Language Line in the Office of Fair Hearings (FH).

At initial contact in the field: The LEP individual may self-identify or, where staff is unable to communicate with the LEP individual, staff may use “I Speak” cards and “If you need an interpreter” aid.

For pre-planned appointments with LEP individuals: Generally, staff has already identified an individual’s language need and made the necessary arrangements through the contractor (Geneva). OTDA may also use in-house language specialists.

Other (describe): The LEP individual may self-identify or, where staff is unable to communicate with the LEP individual, staff may use automated non-English recognition software for Fair Hearings.

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 point to “I Speak” cards and “If you need an interpreter” desk aid, or once an interpreter is contacted, the interpreter will inform the LEP individual that the service will be provided free of charge.

By telephone: Once Language Line has been contacted, the staff person, through the interpreter, will inform the LEP individual that the service will be provided free of charge.

At initial contact in the field: Staff will use “I Speak” signs and written material to inform the LEP individual that the service will be provided free of charge, or once an interpreter is contacted, the interpreter will inform the LEP individual that the service will be provided free of charge.

For pre-planned appointments with LEP individuals: same as above.

Other (describe): Fair Hearing scheduling notices mailed to individuals state that interpreting assistance is available free of charge.

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:

Once an LEP individual has self-identified, or staff is unable to communicate with an LEP individual, OTDA staff uses the Language Services Unit and contactors (Language Line, Geneva and LinguaLinx) in a timely manner.

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

FH has a field to record use of interpreter on their automated FH Information System.

Competency and confidentiality

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

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

Center for Employment and Economic Support (CEES) - 1 Spanish
Office of Fair Hearings (FH) - 15 Spanish (parenthetical)

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken:

CEES - 3 Spanish, FH - 5 (Albany) 12 (NYC) Spanish, 1(NYC) Creole

CSS – 6: 1 Chinese, 2 Spanish, 1 Russian, 1 Arabic, 1 Hindi

FH - 17 Spanish, 1 Creole

- Telephonic interpreting service

Names of vendors:

Language Line and Geneva used by Fair Hearings (FH). Lingualinx is used by the Center for Specialized Services (CSS).

- 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:

We inform all staff through our training program and handouts on how to contact interpreting services once the need has been identified.

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:

OTDA will determine whether a document is considered "vital" based on importance of the program information or service to the LEP person and/or the consequence to the LEP person if the information is

not provided accurately or in a timely manner. We will periodically (every two years, or more often as deemed necessary) review new documents and revisions to existing documents, to determine if they remain vital or if other documents are identified as vital for translation purposes. The Language Access Coordinator, in coordination with legal counsel and program areas, will determine if documents are vital.

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

Language assistance is provided in a manner that does not delay an LEP individual's access to benefits or services. Documents received from an LEP individual in his or her native language will either be translated in-house or sent to an outside vendor under contract with the State within a reasonable time after receipt.

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

Certain language is determined by policy, regulations and statutes (federal and state). Each program area is responsible for ensuring that documents are written in language appropriate for the audience it is intended for, before being translated. This will be reiterated in our training package.

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

Common Application (LDSS-2921): LDSS-2921 Arabic, LDSS-2921 Chinese, LDSS-2921 Haitian/Creole, LDSS-2921 Russian, LDSS-2921 Spanish.

How To Complete The Common Application (LDSS-1301): LDSS-1301 Arabic, LDSS-1301 Chinese, LDSS-1301 Haitian/Creole, LDSS-1301 Russian, LDSS-1301.

Recertification Form (LDSS-3174): LDSS-3174 Arabic, LDSS-3174 Chinese, LDSS-3174 Haitian/Creole, LDSS-3174 Russian, LDSS-3174 Spanish.

How To Complete The Recertification Form (LDSS-1313): LDSS-1313 Arabic, LDSS-1313 Chinese, LDSS-1313 Haitian/Creole, LDSS-1313 Russian, LDSS-1313 Spanish.

Home Energy Assistance Program Application and Instructions (LDSS-3421): LDSS-3421 Spanish.

Food Stamp Benefits Application (LDSS-4826): LDSS-4826 - Arabic, LDSS-4826 - Chinese, LDSS-4826 - Haitian/Creole, LDSS-4826 - Korean, LDSS-4826 - Russian, LDSS-4826 – Spanish.

How To Complete The Food Stamp Benefits Application (LDSS-4826A): LDSS-4826A - Arabic, LDSS-4826A - Chinese, LDSS-4826A - Haitian/Creole, LDSS-4826A - Korean, LDSS-4826A - Russian, LDSS-4826A – Spanish.

Food Stamp Program Authorized Representative Request Form (LDSS-4942): LDSS-4942 – Spanish.

TANF Services Certification (LDSS-4726): LDSS-4726 - Spanish.

Youth Application for TANF Services (LDSS-4770): LDSS-4770-Spanish.

What You Should Know About Your Rights and Responsibilities (LDSS-4148A): LDSS-4148A Arabic, LDSS-4148A Chinese, LDSS-4148A French, LDSS-4148A Haitian-Creole, LDSS-4148A Korean, LDSS-4148A Russian, LDSS-4148A Spanish, LDSS-4148A Vietnamese, and LDSS-4148A Yiddish.

What You Should Know About Social Services Programs (LDSS-4148B): LDSS-4148B Arabic, LDSS-4148B Chinese, LDSS-4148B French, LDSS-4148B Haitian-Creole, LDSS-4148B Korean, LDSS-4148B Russian, LDSS-4148B Spanish, LDSS-4148B Vietnamese, and LDSS-4148B Yiddish.

What You Should Know If You Have An Emergency (LDSS-4148C): LDSS-4148C Arabic, LDSS-4148C Chinese, LDSS-4148C French, LDSS-4148C Haitian-Creole, LDSS-4148C Korean, LDSS-4148C Russian, LDSS-4148C Spanish, LDSS-4148C Vietnamese, and LDSS-4148C Yiddish.

Mailing envelopes for CEES client notices (9 languages currently; will add Italian at next printing).

General Publications

NYS OTDA - Programs & Services (4740): Albanian (4740), Arabic (4740), Chinese (4740), French (4740), Korean (4740), Polish (4740), and Spanish (4740).

Helping Hands for People in Need (4916): Spanish (4916).

Work Pays NY (Work Supports)

myBenefits.ny.gov (Palm Card) (4951)

Work Pays NY (Flyer) (4952): Arabic (4952), Chinese (4952), Haitian-Creole (4952), Korean (4952), Russian (4952), and Spanish (4952).

Work Pays NY (Poster) (4952A): Arabic (4952A), Chinese (4952A), Haitian-Creole (4952A), Korean (4952A), Russian (4952A), Spanish (4952A).

Work Supports for Working Families — Employer Resource Guide (4953): Chinese (4953), Spanish (4953).

Child Support

A Driver's Manual for New Dads (4901): Arabic (4901), Chinese (4901), Haitian-Creole (4901), Korean (4901), Russian (4901), and Spanish (4901).

Support Your Child Financially and Emotionally (4944): Arabic (4944), Chinese (4944), Russian (4944), and Spanish (4944).

Every Child Has the Right to Support From Both Parents (1950): Arabic (1950), Chinese (1950), Russian (1950), Spanish (1950).

Establishing Paternity - What You Should Know (4719): Arabic (4719), Chinese (4719), Russian (4719), and Spanish (4719).

Teen Parents and the Law (4720): Spanish (4720).

What Non-Custodial Parents Need to Know About Child Support (4721): Spanish (4721).

If Life Has Changed... So Can Your Child Support (4960): Arabic (4960), Chinese (4960), Russian (4960), and Spanish (4960).

Child Only Cases

Having a Voice and a Choice - New York State Handbook for Relatives Raising Children (4957): 4957 Spanish.

Supplemental Nutrition Assistance Program (SNAP) (New name for the Food Stamp Program)

Every Day, Older Adults Just Like You - Get SNAP (4716): Spanish (4716)

Every Day, Older Adults Just Like You - Get SNAP (Poster) (4716A): Spanish (4716A)

Your Family May Be Eligible for SNAP (4983): Spanish (4983)

Your Family May Be Eligible for SNAP (Poster) (4983A): Spanish (4983A)

Find Help... It's a SNAP (Palm Card) (4984)

Earned Income Tax Credit (EITC)

Earned Income Tax Credit (EITC) Can Go a Long Way To Help You and Your Family (4786):

Arabic (4786), Chinese (4786), Haitian –Creole (4786), Italian (4786), Korean (4786), Russian (4786), and Spanish (4786).

Electronic Benefits Transfer (EBT)

Electronic Benefits Transfer (EBT) Brochure (4596): Arabic (4596), Chinese (4596), French (4596) Haitian-Creole (4596), Korean (4596), Russian (4596), Spanish (4596), Vietnamese (4596), and Yiddish (4596).

EBT Cardholder Account Overview Guide (4914): Arabic (4914), Chinese (4914), French (4914)

Haitian-Creole (4914), Korean (4914), Russian (4914), Spanish (4914), Vietnamese (4914), and Yiddish (4914).

Home Energy Assistance Program (HEAP)

Keep the Heat on With HEAP (4735): Spanish (4735)

Bureau of Refugee and Immigrant Assistance (BRIA)

What is BRIA? (4846): Arabic (4846), Chinese (4846), Russian (4846), and Spanish (4846).

OTDA's website program pages for TA, FS, HEAP, FH, BRIA, SSA Disability, EBT, Employment, EITC, Non-custodial EITC, VITA, Contact OTDA page, Accessibility, Privacy, and Disclaimer will be translated in seven languages within a reasonable time after the effective date of this plan.

The following documents will be translated into the languages identified in Part 2 of this Plan within a reasonable time after the effective date of this Plan:

- Program Pages for Child Support, Acknowledgement of Paternity,
- Office of Fair Hearings Request Form –Fax or mail,
- Office of Fair Hearings Transmittal of Fair Hearing Decision to Appellant,
- MyBenefits (currently in Spanish, adding six)
- Paper application (4826 & 4826A) in Italian
- Application for Child Support Services (LDSS-4882). It will replace LDSS-2521. It will be a very large information booklet with tear out application form.

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.)

OTDA, through its vendor(s) 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. OTDA 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: Lingualinx, Geneva, and Language Line

- Contracts or other arrangements with community organizations or individuals for written translation 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

Names of individuals/organizations and languages:

- Other (describe): In-house professional translators

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: Dodie Wheeler and Ruchika Jaggi, Bureau of Refugee and Immigrant Assistance, OTDA

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:

OTDA's staff is trained about our Language Access Plan, using webinars and in-person training strategies. Training will take place at least once every two years, with refreshers more often as necessary. The E.O. 26 will be included in the policy section of the New Hire orientation packet and our language access policy will be addressed in their orientation training. Handouts and other written material used during trainings will be provided to staff as a reminder of E.O. 26.

PART 6 -ADMINISTRATION

Monitoring

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

The LAC, in conjunction with other assigned staff, will review OTDA's Language Access Plan to determine if any updates are necessary, including updates to the staff training materials, frequency of trainings and list of vital documents. The LAC will also conduct spot checks to review that the necessary Language Access signs are appropriately posted in the Agency's public areas. The LAC will also review and address any complaints filed by LEP individuals and assess the staff training for any necessary updates.

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.

