

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: Department of Financial Services

Effective Date of Plan: August 1, 2021

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This document is our agency’s **Language Access Plan**.

A **Language Access Plan** explains how we provide services to people who have limited English proficiency.

This **Language Access Plan** includes information about:

| | |
|--|--|
| | <p>The Limited English Proficient (“LEP”) population in our service area.</p> |
| | <p>How we notify the public about language access services.</p> |
| | <p>Our resources and methods for providing language access services.</p> |
| | <p>How we train our staff to provide language access services to the public.</p> |
| | <p>How we monitor language access services and respond to complaints.</p> |

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PART 1 – Our Agency’s Services

We prepared this Language Access Plan (“Plan”) to comply with Executive Order No. 26, as amended by Executive Order No. 26.1, which established New York’s [Statewide Language Access Policy](#).¹ This Plan explains how we make sure that Limited English Proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.

In this Plan, LEP individuals are understood as people who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

Our agency’s services to the public include:

The New York State Department of Financial Services (DFS) is the primary regulator for all state-licensed and state-chartered banks, credit unions, and mortgage bankers and brokers. All mortgage loan servicers doing business in New York State must be registered with or licensed by DFS. The Department also oversees all insurance companies operating in New York, licenses all budget planners, finance agencies, check cashers, money transmitters, and virtual currency businesses operating in New York. DFS investigates and prosecutes insurance and financial fraud, working with law enforcement and regulatory agencies at the federal, state, county, and local levels. DFS takes reports about suspected insurance fraud from the public. DFS answers consumer questions about financial products via our hotline and secure portal and accepts complaints from the public via mail, fax and online secure portal regarding financial products and services in New York and about state-chartered and licensed financial institutions. A limited number of staff are currently available to speak publicly upon request about a variety of financial products and subjects.



PART 2 – The Limited English Proficient Population in Our Service Area

Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top ten languages most commonly spoken by LEP individuals in New York State.

The estimated total number of LEP individuals in our service area is: Approximately 2.5 million LEP individuals in New York State.

¹ For additional information about our agency’s obligations to provide language access services, please visit: <https://www.ny.gov/language-access-policy>

The top ten languages spoken by LEP individuals in New York State are:

| # | Language | Estimated Number of LEP Speakers |
|----|----------------|----------------------------------|
| 1 | Spanish | 1,201,322 |
| 2 | Chinese | 379,745 |
| 3 | Russian | 119,380 |
| 4 | Yiddish | 64,070 |
| 5 | Bengali | 64,020 |
| 6 | Korean | 55,506 |
| 7 | Haitian Creole | 54,746 |
| 8 | Italian | 46,431 |
| 9 | Arabic | 40,781 |
| 10 | Polish | 34,840 |

Our agency will reassess the public’s language needs at least every two years after the effective date of this Plan.

Our agency tracks encounters with LEP individuals in the following ways:

DFS utilizes a NYS Office of General Services (OGS) approved vendor to provide language assistance services to LEP individuals. DFS receives monthly reports from the vendor that detail the number of calls serviced by an interpreter on behalf of DFS. The top 10 languages spoken by LEP individuals are confirmed to be provided by the vendor. In-person encounters are reported directly to the LAC.



PART 3 – Public Outreach About the Availability of Language Access Services

Our agency informs LEP individuals about their right to free language assistance services in the following ways, using at least the top ten languages shown in Part 2 of this Plan:

- LEP individuals are directly informed by our staff

In which ways? Staff informs LEP individuals directly, if possible, about their right to free language assistance services with the assistance of bilingual staff members if available. Staff also utilizes the vendor’s interpreter for assistance in communicating with LEP individuals about their right to free language access services.

- Signs posted about language assistance services
 - In areas operated by the agency and open to the public
 - Other (describe)

[Click here to enter text.](#)

- Information is published on our agency’s website in at least the top ten languages spoken by LEP individuals in New York State
- Outreach and presentations at schools, faith-based groups, and other community organizations
What are the LEP populations targeted? [Click here to enter text.](#)
- Local, non-English language media directed at LEP individuals in their languages
What are the LEP populations targeted? [Click here to enter text.](#)
- Social media posts directed at LEP individuals in their languages
What are the LEP populations targeted? [Click here to enter text.](#)
- Telephonic voice menu providing information in non-English languages
In which languages? Spanish
- Other (describe)
[Click here to enter text.](#)



PART 4 – Provision of Language Access Services

A. Determining the Need for Services

During *in person* encounters, our agency uses the following tools to determine whether an individual is LEP, and what their primary language is:

- “I Speak” posters or visual aids that provide information about free interpreting services in multiple languages
- Reception staff make those determinations based on training and experience.
- Bilingual staff members, where available, assist in identifying LEP individual’s language
- Other (describe) [Click here to enter text.](#)

On *telephone calls*, our agency uses the following tools to find out if an individual is LEP, and what their primary language is:

- Reception staff make those determinations based on training and experience
- Bilingual staff members, where available, assist in identifying an LEP individual’s language
- Telephonic interpreting service
- Other (describe) [Click here to enter text.](#)

Our agency’s protocols for assessing whether an individual needs *oral interpreting* services in different service situations is as follows:

- During office 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 contact the telephonic interpreting services vendor for interpreting assistance.
- At initial contact in the field:** Staff uses personal assessment skills to assess needs of the individual. If a consumer does not appear to understand information provided or appears unable to communicate their needs clearly enough for staff to provide service, staff contacts the telephonic interpreting services vendor for assistance.
- When speaking on the telephone:** Via telephonic recorded message on the Division of Taxation and Finance's (DTF) Call Center that handles the agency's first level of calls. DFS staff who receive a direct telephone call from an LEP are instructed to call an interpreter and conference in the LEP individual.
- For pre-planned appointments with LEP individuals:** Click here to enter text.
- Other (describe):** Click here to enter text.

Our agency records and maintains documentation of each LEP individual’s language assistance needs as follows:

Language needs of LEP individuals seeking services in person are recorded in their case file. Vendor reports to DFS on frequency of translation/interpretation and languages spoken are also maintained. In addition, staff report LEP interactions via email to the LAC.

B. Oral Interpreting Services

Our agency has made the following resources available for oral interpreting requests:

- Bilingual staff members who work directly with LEP individuals
Number of staff and languages spoken: Click here to enter text.
- Bilingual staff members who provide oral interpreting services on a volunteer basis
Number of staff and languages spoken: Click here to enter text.
- Telephonic interpreting service
Name of Vendors: Any vendor under the NYS OGS Statewide Administrative Services Contract.
- Contracts or other arrangements with school and community organizations
Number of staff and languages spoken: Click here to enter text.

Other (Describe)

Click here to enter text.

Our agency protocols for informing LEP individuals that free interpreting services will be provided and that they do not need to provide their own interpreters is as follows:

During office in-person encounters: Staff verbally inform LEP individuals of free interpreting services available with the assistance of “I Speak” posters or bilingual staff if and where available. 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 interpreting services vendor for assistance.

At initial contact in the field: Staff verbally inform LEP individuals of free interpreting services available with the assistance of “I Speak” cards or bilingual staff if and where available. 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 interpreting services vendor for assistance.

When speaking on the telephone: Via telephonic recorded message on the DTF Call Center. Staff who receive a direct telephone call from an LEP are instructed to call an interpreter and conference in the individual.

For pre-planned appointments with LEP individuals: Click here to enter text.

Other (describe): Click here to enter text.

Our agency’s protocols for obtaining interpreting services in a timely manner is as follows:

Vendor used for interpreting will ensure that DFS staff has access to interpreters in a timely manner. Frontline staff and the DTF Call Center are trained on how to access the vendor’s interpreters.

If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocols for deciding whether to accept or decline such an arrangement is as follows:

LEP individuals that come into contact with our agency are 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 is 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 provides 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 agency provides information to all staff members who have contact with the public about how to obtain oral interpreting services. Our protocol in this regard is as follows:

DFS trains all staff on how to connect with the oral interpreting services vendor through state mandated Statewide Learning Management System (SLMS). Training and DFS-Specific Training Module posted as an addendum to the State Training on SLMS. All staff are trained annually.

The agency’s Language Access Coordinator (“LAC”) maintains a list of oral interpreting resources that are available to staff. This resource list 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 an LEP individual’s primary language
- Languages in which each interpreter or service is qualified
- Procedures for accessing each interpreter or service

Our agency records and maintains documentation of oral interpreting services provided to LEP individuals at each encounter. Our protocol in this regard is as follows:

DFS relies on vendor’s records, which are sent to DFS annually and include frequency of use and languages spoken.

Cultural Competence and Confidentiality

Our agency makes sure interpreters are culturally competent² in the following ways:

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. Occasionally and for routine matters, DFS uses multilingual staff volunteers who are self-assessed in their own language competency.

Our agency makes sure interpreters follow state and federal confidentiality protocols in the following ways:

Training provided to staff addresses the importance of confidentiality. Furthermore, independent interpreters will enforce standards of confidentiality in accordance with NYS Law.

² Cultural Competence is defined as *a set of congruent behaviors, attitudes, and policies that come together in a system or agency or among professionals that enables effective interactions in a cross-cultural framework*. U.S. Department of Health and Human Services, Office of Minority Health. 2000. Assuring Cultural Competence in Health Care: Recommendations for National Standards and an Outcomes-Focused Research Agenda. Extracted from: https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring_Cultural_Competence_in_Health_Care-1999.pdf

C. Translations of Documents

At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents (including website content) that must be translated. This process is accomplished in the following ways:

DFS convenes the agency’s Language Access Working Group as needed, but at least once a year, to identify any new or existing vital documents that should be translated pursuant to the Executive Order. The workgroup comprises the LAC, an Administration Liaison, a Consumer Assistance Unit Liaison, a Mortgage Assistance Liaison, a Training Liaison and a Liaison from our Office of General Counsel.

The group functions to ensure DFS compliance with its LAP. The Language Access Working Group’s responsibility is to: 1) identify and timely recommend translation of vital documents, 2) ensure that identified vital documents are written in plain language prior to translation, and 3) continue to ensure that vital documents are currently translated in the languages according to the LAP.

Our agency’s process for making sure documents are written in plain language³ 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. Readability assessment and Flesch-Kincaid readability test are done by the LAC before translation.

Our agency has the following resources available for translation of documents:

Contracts with vendors for translation services

Names of vendors/languages: Language Today and potentially any other vendor under the OGS Statewide Administrative Services Contract.

Contracts or other arrangements with schools and community organizations

Names of schools/organizations and languages: [Click here to enter text.](#)

Translation of documents by bilingual staff members

Other (describe)

[Click here to enter text.](#)

³ The [Plain Writing Act of 2010](#) defines plain language as writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience. Extracted from: <https://www.govinfo.gov/app/details/PLAW-111publ274>

The agency’s Language Access Coordinator (“LAC”) maintains a list of translation resources that are available to staff. This resource list includes:

- Names and contact information for all resources
- Names and locations of staff members who are available to provide translations of documents
- Languages in which each translation service is qualified
- Procedures for accessing each translation service

Our agency translates documents that LEP individuals submit in their primary languages in a timely manner. Our protocol in this regard is as follows:

Documents in need of translation are identified and sent directly to the vendor in a timely manner.

The following non-exhaustive list of documents are currently translated by our agency in the languages indicated:

In compliance with Executive Order 26.1, our agency will complete translations of the below list of documents in the newly added top languages (Arabic, Italian, Polish, and Yiddish) by August 1, 2022.

- *AR: Arabic*
- *BE: Bengali*
- *CH: Chinese*
- *HA: Haitian-Creole*
- *IT: Italian*
- *KO: Korean*
- *PO: Polish*
- *RU: Russian*
- *SP: Spanish*
- *YI: Yiddish*

| Name | Top Ten Languages | | | | | | | | | |
|--|-------------------|----|----|----|----|----|----|----|----|----|
| | AR | BE | CH | HA | IT | KO | PO | RU | SP | YI |
| Consumer Complaint Form | | x | x | x | x | x | | x | x | x |
| External Appeal (Health Insurance) Form | | x | x | x | x | x | | x | x | x |
| Assignment of Health Benefits (AOB) Form | | x | x | x | x | x | x | x | x | x |
| Health Insurance Independent Dispute Resolution Form – Patient (IDR) | | x | x | x | x | x | x | x | x | x |

| | | | | | | | | | | |
|---|--|---|---|---|---|---|--|---|---|---|
| Health Insurance Independent Dispute Resolution Form – Provider (IDR) | | x | | x | | x | | x | x | x |
| Report Insurance Fraud Form | | x | x | x | | x | | x | x | x |
| Report a Drug Price Spike Form | | x | x | x | | x | | x | x | x |
| Student Borrower Bill of Rights | | x | x | x | | x | | x | x | x |
| Foreclosure Bill of Rights | | x | x | x | x | x | | x | x | x |
| Bail Bond Statement of Rights | | x | x | x | | x | | x | x | x |
| Reverse Mortgage Notice of Pre-Foreclosure | | x | x | x | x | x | | x | x | x |
| Bail Bond Receipt 1 | | x | x | x | | x | | x | x | x |
| Bail Bond Receipt 2 | | x | x | x | | x | | x | x | x |

New documents identified for translation after the signing of this Plan and before the 2-year reassessment will be translated in a timely manner.

The process for ensuring that translations are accurate and incorporate commonly used words is as follows:

The 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.



PART 5 – Staff Training

The person in the agency who is responsible for training staff in language access services is:
Anna Lukachik, Training Director.

The staff training includes the following components:

- The agency’s legal obligations to provide language access services
- The agency’s resources for providing language access services
- How to access and work with interpreters
- Cultural competence and cultural sensitivity

- ☒ How to obtain translation services
- ☒ Maintaining records of language access services provided to LEP individuals

The methods and frequency of training are as follows:

Yearly online training via the Statewide Learning Management System (“SLMS”). Additional DFS-Specific Training on DFS procedures and processes has been posted to SLMS as an additional required mandatory language assistance training module. Refresher courses will be given to staff as required and new staff will be trained upon entrance.



PART 6 – Monitoring the Plan and Responding to Complaints

A. Monitoring

Our agency’s Language Access Coordinator (“LAC”) will monitor implementation of the Plan to make sure we are in compliance. Our protocols in this regard are as follows:

The LAC will monitor utilized services reports by collecting all data annually for the Annual Monitoring Report and by requiring Consumer Assistance staff to forward all language access complaints directly to the LAC. The LAC will report, at least annually, to the Superintendent on the implementation of the LAP.

B. Complaints

We provide information to the public in at least the top ten most commonly spoken non-English languages in the state, advising members of the public of their right to file a complaint if they feel that they have not been provided adequate language access services or have been denied access to services because of their limited English proficiency. We do not retaliate or take other adverse action because an individual has filed a language access complaint.

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

The standardized complaint forms, along with the procedures for filing a complaint, are available in all ten languages in our public offices upon request. They are also available for download or online submission through our website. Additionally, information on the right to file a complaint is posted in the top ten languages on our website and in our offices in areas where it can be easily seen by the public.

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

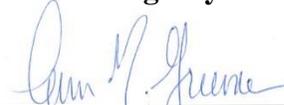
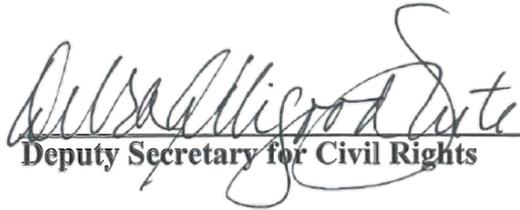
All staff are trained to know that any complaint received regarding access to language assistance, must be immediately forwarded to the agency’s Language Access Coordinator. The Language

Access Coordinator then confers directly with the Public Information Officer to address the complaint. Complaints about language access will be addressed as expeditiously as possible.

All complaints must be timely forwarded to the Statewide Language Access Coordinator,

PART 7 – Signatures



| | | |
|---|---|-------------|
|  | Superintendent of Financial Services | 07/30/2021 |
| Head of Agency | Title | Date |
|  | Director, Digital Communications & Design 0 | 7/30/2021 |
| Agency LAC | Title | Date |
|  | Deputy Secretary for Civil Rights | 7/30/2021 |
| | | Date |