

## LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** New York State Gaming Commission

**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>

### **PART 1 – Our Agency’s Services**

We prepared this 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.**<sup>1</sup> 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 N.Y.S. Gaming Commission regulates and/or provides oversight for all aspects of lawful gaming and gaming-like activity in the State, including charitable gaming, commercial casinos, horse racing and pari-mutuel wagering, Class III Indian Gaming, the State Lottery including video lottery gaming, and interactive fantasy sports, which by law is not considered gaming.

The following is a review of the services provided by each gaming business under Commission jurisdiction.

Charitable Gaming

The Division of Charitable Gaming maintains its main office in Schenectady. Division staff issue identification and registration numbers to religious, charitable, and not-for-profit organizations for charitable gaming activities and issue licenses to gaming suppliers. Charitable Gaming staff occasionally review activities at on-site visits. The Division also conducts outreach training seminars at various locations around the State and interacts with organizations that request guidance or have regulatory issues. Staff interaction with the public is limited.

Commercial Casino Gaming

The Division of Gaming maintains staff at each of New York’s four commercial gaming locations. Division staff are responsible for regulatory reviews of operations and help ensure that gaming is conducted in accordance with all applicable laws, rules and regulations. Staff interact with casino employees daily and direct facility management on proper implementation of state and federal regulations. Staff interaction with the public is limited.

Horse Racing & Pari-Mutuel Wagering

The Division of Horse Racing and Pari-Mutuel Wagering maintains its main office in Schenectady and has staff employed at each of 11 horse tracks. Division staff interaction with the public centers around the issuance or renewal of occupational licenses, and the supervision, regulation and administration of racing activity and pari-mutuel wagering activities. Staff interaction with the public is limited.

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

## Indian Gaming

Indian gaming is under the jurisdiction of the Division of Gaming. The Division maintains staff at each of New York's seven Class III Indian casinos. Division staff interaction with the public generally involves patrons dispute resolution. On-site staff also conduct interviews with employees and employee applicants during the licensing process to obtain information or clarification regarding the employee's application.

## Interactive Fantasy Sports

Interactive Fantasy Sports is under the jurisdiction of the Division of Gaming. The Division, which maintains its staff in Schenectady, is responsible for reviewing applications for registration and temporary operating permits from entities wishing to engage in Interactive Fantasy Sports. Staff interaction with the public is limited.

## Lottery

The Division of Lottery maintains its main office in Schenectady and has staff located throughout the State. These regional staff visit existing lottery retailers and engage in ongoing retailer recruitment. Much of the recruitment and sales support activities occur in the downstate region, which accounts for most of the such staff's interaction with LEP individuals. The Lottery also maintains four stand-alone regional Customer Service Centers across the state which process claims.

## Video Lottery Gaming

Video lottery gaming is under the jurisdiction of the Division of Gaming. The Division maintains its main office in Schenectady and has staff located at eight video lottery gaming facilities. Staff are responsible for regulatory reviews of operations and help ensure that gaming is conducted in accordance with all applicable laws, rules and regulations. Staff interact with video lottery gaming employees daily and direct facility management on proper implementation of state and federal regulations.

## **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.

**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 reassess the public’s language needs every two years.

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

Where vendor interpreting services are required to assist with communication with LEP individuals on telephone calls or office visits, a record is made, and this data is compiled and sent to the Commission in periodic reports.

On a quarterly basis, staff are surveyed to provide best estimates of the frequency of contacts with LEP individuals calling and visiting Commission offices, and this information is provided to the Language Access Coordinator.

**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?** Commission staff are trained to ask callers if they would like an interpreter conferenced in free-of-charge to help facilitate a conversation in real time. Staff at all public-facing service areas are provided copies of the I Speak Language Identification tool to help determine an LEP’s individual’s preferred language.

- Signs posted about language assistance services

- In areas operated by the agency and open to the public

Other (describe). Gaming operators licensed by the Commission are requested to post Language Access materials in high traffic areas.

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?**

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

**What are the LEP populations targeted?**

Social media posts directed at LEP individuals in their languages

**What are the LEP populations targeted?**

Telephonic voice menu providing information in non-English languages

**In which languages?** Arabic, Bengali, Chinese, Haitian Creole, Italian, Korean, Polish, Russian, Spanish, and Yiddish.

Other (describe). Commission websites include information about free Language Assistance services and steps to take to report a complaint regarding Language Access services. Each website also provides browser-specific instructions for translating the site into Arabic, Bengali, Chinese, Haitian Creole, Italian, Korean, Polish, Russian, Spanish, and Yiddish and other languages. In addition, the Commission provides a copy of the multi-lingual “This is an Important Document” flyer with all written documents mailed to applicable stakeholders to alert them of the availability of free interpretation services should they not understand the contents of documents requiring their review, response and/or signature.

**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)

**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). The Commission currently maintains a menu on its main telephone line that incorporates Arabic, Bengali, Chinese, Haitian Creole, Italian, Korean, Polish, Russian, Spanish, and Yiddish and others as needed with the next scheduled update. The menus enable LEP individuals to access a specific Division in their preferred language. Once connected, Division staff has been trained to conference in vendor interpreting services to provide information and/or services in real time.

**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:** Staff use their experience and best judgment to determine an individual's LEP needs. In addition, staff is trained to use State-approved "I Speak" materials to determine a person's preferred language and connect the individual to vendor interpreting services or a bilingual staff member, if available, to provide information or services in real time.
- At initial contact in the field:** Field staff is trained to use a pocket-sized version of the "I Speak" poster to ascertain the preferred language of their LEP contact. To the fullest extent possible, bilingual staff is assigned to areas where their language skills allow business to be conducted in real time.
- When speaking on the telephone:** Staff initiate real-time phone conversations via vendor interpreting services. The Commission maintains a menu on its main telephone line that incorporates Arabic, Bengali, Chinese, Haitian-Creole, Italian, Korean, Polish, Russian, Spanish, and Yiddish. The menus enable LEP individuals to access a specific Division in their preferred language. Once connected, staff has been trained to conference in vendor interpreting services to provide information and/or services in real time. Staff also can engage vendor interpreting services prior to making an outgoing call when following up on a request for more information made by an LEP individual. All

Commission staff are trained to make callers aware of the State's free interpretation services.

**For pre-planned appointments with LEP individuals:** Typically, the decision as to whether vendor interpreting services are needed has already been established prior to scheduling a pre-planned appointment. If there is a question about an LEP individual's ability to effectively communicate with a staff member at an appointment, the LEP individual is given the opportunity to make use of vendor interpreting services. If the individual declines, they are requested to sign a Waiver of Right To Free Oral Interpretation Services Form.

**Other (describe):**

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

The Commission maintains records of the:

- Number of outgoing calls made by Commission staff and/or their designees at all affiliated locations to vendor interpreting services;
- Number of incoming calls to the Commission's main number that elect to be transferred in a language other than English;
- Number of Lottery retailers opting to use the custom Spanish "Help" screen on their sales terminal and;
- Number of Lottery business recruits who request services of vendor interpreting services as well as the number who sign a Waiver of Right to Free Oral Interpretation Services Form allowing them to use an adult family member as an interpreter at their mandatory orientation meeting.

## **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:** The Commission has 21 bilingual employees who work directly with LEP individuals. Ten are fluent in Spanish, seven are fluent in Chinese; and three others are fluent in Hindi, Greek and Korean, respectively.

Bilingual staff members who provide oral interpreting services on a volunteer basis

**Number of staff and languages spoken:** The Commission has at least 25 bilingual employees who volunteer their language skills for interpretation. These include 14 fluent in Spanish, seven in Chinese, two in Hindi, and one each in Korean and Greek.

Telephonic interpreting service

**Number of staff and languages spoken:** The Commission uses vendor interpreting services.

Contracts or other arrangements with school and community organizations

**Number of staff and languages spoken:**

Other (Describe)

**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:** If a Commission employee cannot determine the language spoken, the first task is to identify which language is being spoken and communicate to the visitor that free interpreting services are available. The Commission employee can show the “Interpretation Services Available” placard which has the following statement in 40 languages: “Point to your language. An interpreter will be called. The interpreter is provided at no cost to you.” Once the language is identified, the Commission employee will take the visitor to an area designated for accessing the interpreter using the telephone. All Commission staff have been trained on how to access these services.

**At initial contact in the field:** All Commission field employees have been authorized to access vendor interpreting services for over-the-phone interpreting. Any telephone can be used for this purpose if it is equipped with conference call features and a speaker.

**When speaking on the telephone:** Commission staff have been trained how to contact vendor interpreting services.

**For pre-planned appointments with LEP individuals:** For a pre-planned appointment, vendor interpreting services are contracted upon request.

**Other (describe):** The Commission’s website also informs the public that free interpreting services are available.

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

The Commission posts all Language Access materials, including the instructions for “How to Access an Interpreter”, on its employee intranet site. In addition, all public-facing employees are trained to post a copy of the instructions in their work area. Field staff can access the instructions via State-issued cell phones and/or laptops.



**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 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 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:**

All Commission staff are informed about how to obtain oral interpreting services via mandatory language access training and distribution of follow-up information. Follow-up information is communicated via periodic agency e-mail bulletins and the distribution of hard-copy materials to all field offices.

**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:**

In practice, prior to payment, the Commission's Finance office and the LAC independently review call detail sheets provided with the invoice from the State-

contracted Language Access vendor for the previous month's telephonic interpreting activity. This review assists staff in identifying departmental activity and languages requested among other things.

All invoices received from a State-contract Language Access vendor for over-the-phone interpreting services are required to include a thorough record of the frequency of use, time of day the call was made, length of the call, the language requested, and the costs associated with the service along with other call details.

### **Cultural Competence and Confidentiality**

#### **Our agency makes sure interpreters are culturally competent<sup>2</sup> in the following ways:**

All responses received from prospective interpretation service providers are screened during the State's standard procurement process to ensure cultural sensitivity is addressed.

Where the State utilizes independent interpreting services, that vendor is required to demonstrate quality assurance standards that guarantee its interpreters are trained and certified to be linguistically and culturally competent.

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

All responses received from the prospective interpretation services providers are screened during the State's standard procurement process to be sure independent interpreters are able and willing to enforce standards of confidentiality in accordance with State law. Further, all internal staff are trained on the importance of confidentiality.

### **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:**

Annually, the LAC requests each Division Director to complete an audit of all frequently used documents within their business lines to identify those that are vital. All documents identified as such are reviewed and prioritized according to immediate and future translation per Executive Orders 26 and 26.1.

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<sup>2</sup> 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](https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring_Cultural_Competence_in_Health_Care-1999.pdf)

**Our agency’s process for making sure documents are written in plain language<sup>3</sup> before they are translated into other languages is as follows:**

The LAC contacts Division Directors or their designee(s) to request a translated document to review prior to the document being submitted and recommends changes, where necessary, to ensure brevity and clarity of the message and/or the instructions provided.

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

Contracts with vendors for translation services

**Names of vendors/languages:** The Commission uses the services of a primary vendor on State contract. We also have access to State-contracted secondary and tertiary translation service providers, as needed.

Contracts or other arrangements with schools and community organizations

**Names of schools/organizations and languages:**

Translation of documents by bilingual staff members

Other (describe)

**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:**

Any documents determined to be vital during the course of this plan will be timely translated.

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<sup>3</sup> The [Plain Writing Act of 2010](https://www.govinfo.gov/app/details/PLAW-111publ274) 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 following non-exhaustive list of documents are currently translated by our agency in the languages indicated:

Name	Top Ten Languages									
	AR	BE	CH	HA	IT	KO	PO	RU	SP	YI
Summary of Hearing Procedures (Lottery/VLT)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Summary of Hearing Procedures (Racing and Commercial Gaming)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Summary of Hearing Procedures (Charitable Gaming)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Lottery Withholdings Brochure	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Lottery Prize Claim Form	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Commission Phone System Script	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Responsible Gaming HOPELINE poster	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Notice of Underage Sales Penalties	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Any documents determined to be vital during this plan will be timely translated.

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

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

The Commission, through its vendor, ensures that proofing and editing for correctness and cultural competency are components of the translation services provided by any vendor under contract as part of the initial procurement process. In addition, the Commission ensures 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 responsible for notifying staff that Language Access training is available through the State Learning Management System is:**

Joseph Hunter, Human Resource Specialist.

**The GOER-produced 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:**

Commission staff are required to take an annual language access training via the Statewide Learning Management System. The mandatory training includes all the components listed in the previous question. Supplemental information regarding agency specific procedures and issues of cultural competence/sensitivity will also be provided. Refresher courses will be provided as needed.

## **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 compliant. Our protocols in this regard are as follows:**

The Commission's LAC requests Division Directors perform regular departmental audits to ensure Language Access materials are prominently displayed in all publicly accessible areas under their jurisdiction. In addition, the LAC regularly surveys Bureau and Office heads to determine translation needs for existing and proposed vital documents. The LAC works cooperatively with the Office of Counsel to resolve any complaints involving the agency's language access services and makes recommendations as needed to encourage continuous improvement.

## **B. Complaints**

**We provide information to the public in the top ten most commonly spoken non-English languages, 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:**

A standardized complaint form and the procedures for filing a complaint are available in ten languages in the Commission's public offices. The standardized complaint form is also available for download or online submission if accessed through our website. Additionally, information on the right to file a complaint is posted in the top ten languages on our website and on materials easily seen by the public in each of our offices. Fliers in our reception areas in all ten languages identified in Part 2 of this Plan inform the public of Executive Orders No. 26 and 26.1, and the Statewide Language Access Policy. The posted notice informs the public that complaints can be filed with the LAC. The Commission's language access complaint form is available in all ten languages upon request and through the Division's website.

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

Upon receiving a complaint, the LAC will investigate and submit recommendations to the Office of Counsel, who issues a final report. In addition, all complaints must be timely forwarded to the Statewide Language Access Coordinator.

**PART 7 – Signatures**



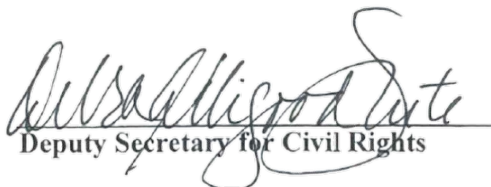
**Robert Williams  
Executive Director  
N.Y.S. Gaming Commission**

**8 September 2021**

*/s/ Carolyn Hapeman*

**Carolyn Hapeman  
Language Access Coordinator  
N.Y.S. Gaming Commission**

**1 August 2021**



**Debra Alligood  
Deputy Secretary for Civil Rights**

9/9/2021