

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: NYS Office of Parks, Recreation and Historic Preservation

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:

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

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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 Office of Parks, Recreation and Historic Preservation (OPRHP) is responsible for the operation and stewardship of New York State parks and historic sites. Administratively, under the Parks, Recreation and Historic Preservation Law, New York State is divided into 12 separate park regions: Allegany, Saratoga-Capital District, Central, Finger Lakes, Genesee, Long Island, New York City, Niagara, Palisades, Taconic, Thousand Islands and the Adirondacks/Catskills. OPRHP has jurisdiction over 11 park regions; public lands in the separate Adirondack Park and the Catskills Park are managed by the Department of Environmental Conservation.

Collectively through its regions, OPRHP is responsible for managing a vast array of public services within its 250 facilities that encompass over 350,000 acres. New York has one of the most developed state park systems in the nation and OPRHP operates an extensive network of public recreational facilities including 5,000 buildings, 26 golf courses, 36 swimming pools and spraygrounds, 63 beaches, 27 marinas, 40 boat launch sites, 25 nature centers, 830 cabins, 128 cottages, 8,555 campsites, more than 2,000 miles of trails, 106 dams, 604 bridges, hundreds of miles of roads, and dozens of historic structures listed on the State and National Registers of Historic Places.

New York’s parks and historic sites provided affordable outdoor recreation and cultural opportunities to more than 78 million patrons in 2020. Our patrons engage in a myriad of recreational activities at our facilities including camping, hiking, swimming, picnicking, programs for seniors, youths and the physically challenged, league or other sporting programs and events, skating, dance, music, and other cultural programs and events, festivals and shows. OPRHP may provide programs and special events directly for our patrons, but for the most part,

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

the agency issues permits for recreational activities and large group gatherings like picnics or weddings at our facilities. If OPRHP is providing the activity/service directly to the public, it is said to be “sponsoring” the event. Otherwise, it is “permitting” another entity to host the event or activity at its facility by reserving a particular area of a facility for exclusive use.

In operating its facilities, OPRHP provides security through the New York State Park Police, park rangers, security guards and lifeguards. OPRHP has a relationship with our local and State Police forces to assist with security as needed. At some larger facilities, staff provides emergency services for the public.

OPRHP’s headquarters are located in Albany, New York for administrative coordination of policy and program development. Generally, all direct patron programs and recreational services are administered locally at individual facilities within the eleven different park regions. Although each region has a central office where some permits are issued, most permits are obtained at individual park offices. Many of the services at our facilities, such as food services and special attractions are provided to the public by private concessions/vendors under long-term, often competitively bid contracts. Examples of concessionaire-run venues include the Jones Beach Theatre, food and beverage services, and canoe/kayak rentals.

OPRHP also administers a program of boating safety education where it issues boating safety certificates to participants. The program is primarily provided through private instructors. OPRHP also offers special admission programs, including: (i) the “Access Pass” program designed to implement section 13.19 of the Parks, Recreation and Historic Preservation Law, which requires the State to provide its services to persons with certain disabilities (defined by statute) without the payment of the ordinary and customary fees; (ii) the “Empire Pass” that provides unlimited vehicle entry to most NYS parks’ facilities for a fixed annual price or free; (iii) the Empire Pass/Patriot Plan that provides free park access to certain active duty members of the New York State Militia or any branch of the New York State National Guard or military reserves; and (iv) the “Golden Park” program that provides New York State residents over the age of 62 free vehicle use entry during weekdays.



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 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:

Our facilities are located throughout the entirety of New York State without defined entry/exit points at some parks. As a tourist and recreational destination, OPRHP’s administered State parks and historic sites are visited by people from all over the world. Therefore, it is difficult to accurately determine the number of LEP individuals who visit our parks.

While the Agency has no hard data on frequency of contacts with LEP patrons, the Agency undertook a qualitative survey and obtained regional estimations of the languages most frequently spoken by patrons at our facilities. Spanish was encountered most frequently overall, particularly in the Long Island, New York City, Palisades and Taconic regions. OPRHP utilizes vendor reports to track encounters with LEP individuals, whether over the phone, through written communication, or face to face.



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? There are “I Speak” signs posted in the common area of the park office and visitor centers informing LEP patrons of free interpretation services. All OPRHP staff receives annual training on language access including how to access an interpreter by using the vendor’s interpreting service.

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

- 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?** The top ten languages

- 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?**

- Other (describe)



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) If an OPRHP staff person encounters an LEP patron outdoors or at a location that has no office with a telephone, the employee, when possible, uses a cellular phone to access the vendor’s interpreters. If the situation appears to be an emergency, the employee contacts the Park Police immediately for assistance.

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)

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: All employees who have direct contact with patrons have access to "I Speak" cards. If the patron speaks a language other than English, then the employee uses the "I Speak" card to identify the language spoken and use the telephonic interpreting services.

At initial contact in the field: We use the same protocol as for in-person encounters. All employees who have direct contact with patrons have access to "I Speak" cards. If the patron speaks a language other than English, then the employee uses the "I Speak" card to identify the language spoken and use the telephonic interpreting services.

When speaking on the telephone: The need for oral interpreting services is assumed by employees if the caller does not appear to communicate in English or the caller is requesting interpreting services. To make sure the communication between the employee and caller is completed to provide the service requested, telephonic interpreting services are used.

For pre-planned appointments with LEP individuals: These occurrences are rare, but for those few instances, we use the same protocol as for telephone encounters. The need for oral interpreting services is assumed by employees if the caller does not appear to communicate in English.

Other (describe):

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

Currently, with the exception of the Park Police, who depending on the surrounding circumstances may record their contacts with LEP patrons through police reports, the agency does not maintain individual records of each LEP patron's language assistance needs. There are thousands of places where patrons are encountered by thousands of employees. For LEP patrons who are repeat contacts at our offices, the telephonic vendor is our source of keeping a record of the patron's language needs since we utilize it for language assistance.

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:

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

Number of staff and languages spoken:

- Telephonic interpreting service

Names of vendors: Any vendor under the NYS Office of General Services (OGS) Statewide Administrative Services Contract.

- 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: OPRHP employees inform LEP visitors that free interpreting services are available. Staff directs LEP patrons to the “I Speak” posters that include this information. When encountering LEP patrons in settings that do not have these posters, OPRHP employees employ the “I Speak” cards or a pocket version of the poster. Telephonic interpreting services are then used.

At initial contact in the field: We use the same protocol as for in-person encounters. OPRHP employees direct LEP visitors to displayed “I Speak” posters that include this information. When encountering LEP patrons in settings that do not have these posters, OPRHP employees employ the “I Speak” cards or a pocket version of the poster.

When speaking on the telephone: If the caller appears unable to communicate in English, the vendor’s interpreting services are used and LEP patron is informed of free interpretation services through the interpreter.

For pre-planned appointments with LEP individuals: These occurrences are rare, but for those few instances we use the same protocol as for telephone encounters.

- Other (describe):**

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

We use the contracted vendor in all instances when possible to obtain interpreter services in a timely manner.

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:

OPRHP issued a guidance document to all agency staff explaining how to obtain oral interpreting services. This document is posted in all Park Offices, the agency's Intranet, and included with new employee training materials.

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:

The Park Police may record contacts with LEP patrons through police reports. OPRHP maintains records of oral interpreting services provided to LEP patrons through the interpreting services vendor. The telephonic vendor is our main source of keeping a record of the patron's language needs since we reach out to the vendors for language assistance.

Cultural Competence and Confidentiality

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

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

On a case-by-case basis, OPRHP uses multilingual staff volunteers who are self-assessed in their own language competency. Where OPRHP utilizes independent interpreting services, that vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent.

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

Except for police matters, the subject matters that would be discussed regarding the services provided by OPRHP do not typically include matters involving confidentiality. However, staff members are trained to address the issue of confidentiality. Independent interpreters will enforce standards of confidentiality in accordance with NYS Law.

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:

OPRHP trains key supervisors, managers and front-line employees who have contact with LEP patrons regarding the determination of what are vital documents. They provide feedback to the Language Access Coordinator at least once every two years.

Our agency’s process for making sure documents are written in plain language³ before they are translated into other languages is as follows:

Any new or existing documents intended for public dissemination is reviewed by a committee of central agency staff including a “writer” from the public information bureau, an attorney from the Counsel’s Office and a “floating” staff member from a bureau or position that has some nexus to the type of material being reviewed. OPRHP will ensure that documents are written into plain English prior to translation.

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

- Contracts with vendors for translation services

Names of vendors/languages: Any vendor under the NYS OGS Statewide Administrative Services Contract.

- Contracts or other arrangements with schools and community organizations

Names of schools/organizations and languages:

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

³ 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>

- 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 agency staff member who receives a document that is not in English or requires translation into another language is promptly submitted to their Facility Manager. The respective Facility Manager then contacts the LAC, and the LAC sends the document to the contracted vendor for translation services for timely translation.

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

- *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
Acknowledgement of Risk and Release	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
General Comment/Complaint Form	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Accessibility Policy	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Language Complaint Form	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Safety & Warning Signs without Universal/International Symbols	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

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:

OPRHP, 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. OPRHP 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:

The Language Access Coordinator in concert with the Agency’s Director of Training and Affirmative Action Bureau provide the Governor’s Office of Employee Relations-mandated Language Access training on an annual basis for all permanent and seasonal employees who have contact with patrons. The Agency recognizes that language access training is an integral component of diversity/cultural sensitivity training.

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:

OPRHP requires supervisors, managers and front-line employees who have contact with LEP patrons to take the mandated language access training annually. Language access training is an integral component in the annual training curriculum for all OPRHP staff. The Director of Training is responsible for identifying staff that has missed the scheduled annual language access training, and said staff will be directed to complete the training upon their return to work.



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:

- Routinely assure that the contracted vendor(s) services are functional and request any available reports regarding its use by OPRHP.
- Annually request feedback from Facility Managers regarding LEP encounters, usefulness or difficulties with provided resources, and suggestions for improvement.
- Annually request and fulfill need for replenishment of “I Speak” posters and “I Speak” cards.

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:

We have a standardized complaint form for language access related complaints translated in the top ten languages and available upon request. The Language Access Coordinator assures posting of the complaint procedure in areas where it is easily seen by the public in the top ten languages. Posters and brochures indicating the availability of free language assistance services is also publicly visible in our facilities.

The complaint forms 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

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

The Language Access Coordinator is responsible for receiving, responding to, and resolving all language access related complaints.

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

PART 7 – Signatures



	Commissioner	7/29/21
Head of Agency	Title	Date

	LAC	7/29/21
Agency LAC	Title	Date

		7/30/2021
Deputy Secretary for Civil Rights		Date