

# LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** New York State Liquor Authority

**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](#).<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 State Liquor Authority (SLA) regulates and controls the manufacture, sale and distribution of alcoholic beverages within the state; issues licenses and permits to manufacturers, distributors, wholesalers and retailers; works with local law enforcement agencies and localities across the state to ensure compliance with the Alcoholic Beverage Control Law; and regulates trade and credit practices for the sale and distribution of alcoholic beverages. The SLA is responsible for the regulation of over 53,000 active licensees and 35,000 permittees annually.

### Direct Services

Licenses: The SLA receives on average 7,000 new applications annually. The three basic applications (on-premises, grocery store, and liquor store) are obtained by submitting a comprehensive 25-page document, requiring information on the applicant(s), including financial records, personal information, (employment history and criminal background checks), and information regarding the proposed establishment and the municipality they plan to locate.

Permits: The SLA issues approximately 35,000 permits each year. Approximately half of these permits are for large manufacturers, wineries and distilleries with existing licenses. The remaining are issued to licensees to cater events; individuals in the process of obtaining a liquor license; and individuals for a one-time special event.

Renewals: All licenses issued by the SLA must be renewed on a one to three-year basis, depending on the type of license. The SLA processes an average of 33,000 renewal applications each year.

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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>

**Enforcement:** The SLA 's Enforcement Bureau receives over 7,000 complaints each year, one quarter of which are complaints from the public received via phone calls or through the SLA's online complaint form.

**Hearing Bureau:** Licensees charged with violations, such as sales of alcoholic beverages to underage purchasers, have the right to fair and impartial hearings. The Hearing Bureau, comprised of part-time Administrative Law Judges, conducts over 500 hearings annually for such disciplinary proceedings.



## **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:**

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

The SLA utilizes the interpreting and translation vendors to determine the frequency of contacts with LEP individuals.



## 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?** SLA staff informs LEP individuals orally using an interpreter about their right to free language assistance services. "I Speak" posters are posted in all reception areas to assist LEP individuals and staff in identifying the language needed. In addition, the SLA includes a notice on all Notices of Pleadings notifying individuals of the right to free interpreting services. Notices of Pleadings are official charges of a violation of the Alcoholic Beverage Control law or regulations by a licensee. All Notices of Pleading issued by the SLA state, "Pursuant to Section 30 I of the State Administrative Procedures Act and Executive Order Number 26, interpreter services shall be made available to licensees, at no charge, by the Authority."

- 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?**

- 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)

**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:** SLA frontline staff are trained to inform LEP individuals at the time of initial contact that they are entitled to free interpretation services. If the person cannot speak English or appears to have difficulty communicating their needs, staff utilizes the “I Speak” cards or posters to determine the individual’s preferred language. Frontline staff will utilize interpretation services provided through the OGS contracted telephonic interpreting vendor for assistance.

**At initial contact in the field:** The SLA utilizes “I Speak” cards or posters for investigators in the field, allowing LEP individuals to point to the language he or she speaks so the investigator may inform the OGS contracted telephonic interpreting vendor of the appropriate assistance required.

**When speaking on the telephone:** SLA phone unit staff offers interpreter assistance when requested or when they believe an individual may be having difficulty communicating in English. Decisions to use interpreting services are made by frontline staff, under the direction of the Deputy Commissioner of Licensing or the Director of Enforcement, depending on the nature of the inquiry.

**For pre-planned appointments with LEP individuals:** Upon making the request for an appointment, the LEP individual is informed of our free interpreting services by staff. The licensing file or investigative case file notates that the individual requires free language assistance services

**Other (describe):**

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

The Language Access Coordinator tracks the monthly billing of the OGS contracted telephonic interpreting vendor services. Invoices include a detailed record on the frequency of use, time of the call, language spoken, and the costs associated with the services.

**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

**Number of staff and languages spoken:** The SLA utilizes the Department of Taxation and Finance for level I calls, those that can be answered without accessing the internal SLA licensing and compliance database. Level 2 calls, those requiring access to the databases or more specialized knowledge, are transferred back to the SLA. At the time of contact, phone unit staff informs the LEP individuals of free interpreting services. When phone unit staff believe an individual may be having difficulty communicating in English, they conference with the OGS contracted telephonic interpreting vendor to provide the appropriate language assistance.

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:** SLA frontline staff are trained to inform LEP individuals at the time of initial contact that they are entitled to free interpretation services. If the person cannot speak English or appears to have difficulty communicating their needs, staff utilizes the “I Speak” cards or posters to determine the individual’s preferred language. Frontline staff will utilize interpretation services provided through the OGS contracted telephonic interpreting vendor for assistance.

**At initial contact in the field:** The SLA utilizes “I Speak” cards or posters for investigators in the field, allowing LEP individuals to point to the language he or she speaks so the investigator may inform the OGS contracted telephonic interpreting vendor of the appropriate assistance required.

**When speaking on the telephone:** SLA phone unit staff offers interpreter assistance when requested or when they believe an individual may be having difficulty communicating in English. Decisions to use interpreting services are made by frontline staff, under the direction of the Deputy Commissioner of Licensing or the Director of Enforcement, depending on the nature of the inquiry.

**For pre-planned appointments with LEP individuals:** Upon making the request for an appointment, the LEP individual is informed of our free interpreting services by staff. The licensing file or investigative case file notates that the individual requires free language assistance services.

**Other (describe):**

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

All employees who deal directly with the public, whether in person, on the phone, or in the field, are trained on how to effectively connect persons needing language assistance with the vendor. For interpretation services for hearings, an interpreter is contacted upon the attorney's request. If an interpreter is not available on the hearing date, the hearing is adjourned.

**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 employees who deal directly with the public, whether in person, on the phone, or in the field, are trained on how to effectively connect persons needing language assistance with the vendor. For interpretation services for hearings, an interpreter is contacted upon the attorney's request. If an interpreter is not available on the hearing date, the hearing is adjourned.

**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 Language Access Coordinator tracks the monthly billing of the OGS contracted telephonic interpreting vendor services. Invoices include a detailed record on the frequency of use, time of the call, language spoken, and the costs associated with the services.

**Cultural Competence and Confidentiality**

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

The SLA utilizes independent interpreting services through an OGS contracted vendor. The vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent. Additionally, agency staff also determines the efficacy of the information provided, and whether multiple contacts between the interpreter and LEP individuals were needed in order to acquire accurate information.

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

Where the interpreting services are provided by staff persons, the SLA adheres strictly to Article 6-A of the Public Officers law regarding the protection of personal privacy. In addition, SLA frontline staff is trained in handling confidential information, including social security numbers, banking statements and criminal records. The training provided to staff also addresses the importance of confidentiality. Furthermore, 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:**

The Language Access Coordinator meets with Division Directors annually to identify any new or existing vital documents that should be translated pursuant to Executive Order 26, as amended by EO 26.1.

**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 SLA analyzes all important public documents to ensure they are written in plain language. This process includes ensuring all titles and headings are meaningful, clear and informative, that important information appears first, with exceptions appearing last, that all material is organized chronologically, and that use of jargon and bureaucratic language is eliminated where possible.

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

- Contracts with vendors for translation services  
**Names of vendors/languages:** Vendors under the Office of General Services (OGS) Statewide Administrative Services Contract.
- Contracts or other arrangements with schools and community organizations  
**Names of schools/organizations and languages:**
- Translation of documents by bilingual staff members
- Other (describe)

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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 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 received by SLA that are in need of translation are sent to the OGS contracted vendor in a timely manner.

**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
Handbook for Retail Licensees	x		x						x	

Any 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 SLA analyzes all important public documents to ensure they are written in plain language. This process includes ensuring all titles and headings are meaningful, clear and informative, that important information appears first, with exceptions appearing last, that all material is organized chronologically, and that use of jargon and bureaucratic language is eliminated where possible. The SLA, 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. The SLA 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:**  
All SLA staff are trained and provided with proper procedures to follow when assisting an individual with limited English proficiency including instructions on how to access the OGS contracted telephonic interpretation vendor and SLA 's client ID number.

**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:**

The SLA conducts mandatory, annual training via the Statewide Learning Management System. This training includes legal obligations, how to access language assistance services, how to work with interpreters, cultural competence and cultural sensitivity, documenting the language needs of limited English proficient individuals, and how to obtain written translation services. Additionally, new employees receive information and instruction at the time of employment processing. The SLA tracks language services utilized and holds regular meetings with supervisors and managers to discuss language services and whether current services are meeting the needs of LEP individuals.



## **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 reviews data collected from the vendor, the posting of "I Speak" signage, reviews translated materials, and reviews establishment criteria for determining if translation is required for the website. The LAC holds meeting with Department Heads to discuss ongoing issues and to ensure language access services are compliant with the plan and Executive Order 26.1.

### **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. 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 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:**

The LAC will correspond with the complainant acknowledging their request/concern. The LAC will review the complaint and obtain all pertinent information from the complainant. The LAC will initiate an investigation of the allegations outlined in the complaint within 10 business days. The LAC will send a correspondence to the appropriate department where the complaint was filed in connection to.

After the completion of the investigation, the LAC will forward its findings to our Counsel's Office for proposed resolution. The LAC will follow up with the appropriate department providing guidance as to how to resolve the issue. The LAC will correspond with the complainant providing information on the steps we have taken to address their complaint.


The LAC will maintain a list of complaints and its resolution confidentially in order to maintain these records for the general course.


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

### PART 7 – Signatures



 Chairman 8/25/2021  
Head of Agency Title Date

 Public Affairs Officer 8/25/2021  
Agency LAC Title Date

 8/25/2021  
Deputy Secretary for Civil Rights Date