

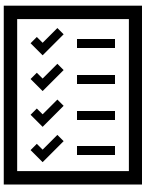
# LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** Thruway Authority

**Effective Date of Plan:** August 1, 2021

**Language Access Coordinator:** Frances Rosales






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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](#).<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 New York State Thruway Authority offers a user-fee supported highway that delivers high levels of safety and service. For more than 60 years, the Thruway System has been essential for commerce and travel in the Northeast. About one-third of all vehicles using the Thruway are from out of state. The Thruway System also plays a vital role in New York State's economy. This 570-mile superhighway, with 814 bridges, 118 interchanges, 11 toll barriers, 27 service areas and three welcome centers, connects New York's principal cities, rural areas, and tourist destinations. Thruway Authority personnel interact with the public on limited occasions related to E-ZPass, Tolls by Mail and roadside assistance.



## 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

<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>

<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 E-Z Pass Call Center tracks calls from Spanish speaking 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?** When calls from LEP customers are connected via conference call with either an Authority multilingual staff member or the Authority-contracted language service provider, they are informed that language assistance services are provided for free.

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

- 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?** Outreach is for recruitment purposes and on an as need basis. All groups are welcomed regardless of LEP.

- 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?** Spanish

- Other (describe)

The E-ZPass Website (E-ZPassNY.com) is translated into English and Spanish



**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:** Authority employees are instructed to utilize the New York State Language Identification Tool to make an assessment of an LEP individual’s oral interpreting needs.
- At initial contact in the field:** Employees are instructed to utilize the New York State Language Identification Tool to make an assessment of an LEP individual’s oral interpreting needs.

**When speaking on the telephone:** The Authority-contacted language service provider is utilized, or calls are transferred to Authority multilingual staff when available

**For pre-planned appointments with LEP individuals:** At the initial contact with the individual their language need is identified and an interpreter will be provided.

**Other (describe):**

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

All contact with Authority multilingual staff by LEP individuals will be documented on the Language Skills Volunteers Contact Form (TA-N3157). The form, which can be found on the Bureau of Equal Opportunity and Diversity Development's Intranet page, will then be submitted to the LAC for review.

Vendor contact with LEP individuals is documented through the monthly statement. Staff reviews and tracks use by each department within the organization.

### **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:** 16 volunteer multilingual staff members provide basic oral interpreting when necessary during business hours in the following languages: Amharic, Arabic, Bengali, Burmese, Chinese, Haitian Creole, French, Greek, Hindi, Italian, Malayalam, Mandarin, Spanish, Taiwanese, Tamil, Tigre, and Tigrigna.

Telephonic interpreting service

**Number of staff and languages spoken:** 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:**

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:** The New York State Language Identification Tool is utilized. The tool clearly states in multiple languages that “An interpreter will be called. The interpreter is provided at no cost to you.”

**At initial contact in the field:** Authority multilingual staff are instructed to inform LEP individuals that interpreting services are available and are provided at no cost. The New York State Language Identification Tool is also utilized.

**When speaking on the telephone:** Authority multilingual staff are instructed to inform LEP individuals that interpreting services are available and are provided at no cost.

**For pre-planned appointments with LEP individuals:** Authority multilingual staff are instructed to inform LEP individuals that interpreting services are available and are provided at no cost.

**Other (describe):**

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

- The toll-free number of the 24-hour Authority contracted language service provider has been widely distributed with instructions and can be accessible in a timely manner by staff.
- Authority multilingual staff also provide interpretation for routine matters and when available.

**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 a 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 individuals 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:**

- Staff members most likely to have contact with LEP individuals are annually trained via the Statewide Management Learning System and refreshers are provided if needed.
- An Administrative Services Bulletin with information on the Language Access Program has been sent to all employees and posted on the Intranet.
- Supervisors have been directed to brief their staff regarding the program.

**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:**

All contacts between LEP individuals and Authority multilingual staff are documented on the Language Skills Volunteers Contact Form (TA-N3157) and submitted to the LAC for review.

Vendor contacts are documented through the monthly statement. Staff reviews and tracks use by each department within the organization.

### **Cultural Competence and Confidentiality**

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

With regard to linguistic and cultural competence, approved vendor interpreters ensure they meet sufficient standards. Additionally, Authority staff receive cultural competency training.

**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.

### **C. Translations of Documents**

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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)



**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 LAC instructs supervisors to provide information of any documents that must be translated. The LAC will review any request for translation services. This effort is ongoing.

**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 Authority has developed a team to review documents and ensure that plain language is utilized. The Authority will ensure that plain language is used in materials produced before translation so that information is accessible to a range of literacy levels. The Authority, through its contracted language service provider where applicable, will ensure that proofing/editing for correctness and cultural sensitivity are components of the translation services.

**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:**

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:**

In-house or contracted vendors are utilized to translate the documents submitted by LEP individuals into English.

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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:**

In compliance with Executive Order 26.1, our agency will complete translations of the vital document in the newly added top languages (Arabic, Italian, Polish, and Yiddish) by August 1, 2022. The below list contains non-vital documents that are currently translated into the languages indicated in the table. Non-vital documents may not be translated into the E.O. 26.1 languages.

- *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
E-ZPass Application		✓	✓	✓				✓	✓	
E-ZPass On-the-Go with handouts									✓	
Save Time & Money with E-ZPass									✓	

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 Authority, 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 Authority 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:**  
Ms. Frances Rosales, Director, Equal Employment Opportunity and Diversity Development.

**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:**

Training is provided on an annual basis throughout the year. It is incorporated into annual supervisor training and illegal workplace discrimination prevention training.



## **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 program is monitored on a consistent basis by checking logs and meeting with appropriate staff. The LAC also receives updated statistical data and training materials are updated annually.

### **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 at service 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:**

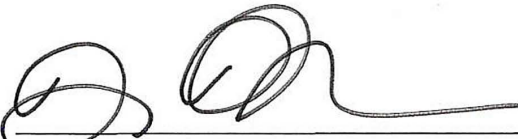
Complaints are sent to the Bureau of Equal Opportunity and Diversity Development for evaluation and investigation.

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

**PART 7 – Signatures**



	Chief of Staff	July 30, 2021
Head of Agency	Title	Date

	PM of EEO and Diversity	7/30/2021
Agency LAC	Title	Date

		7/30/2021
Deputy Secretary for Civil Rights		Date