

LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: New York State Department of Public Service

Effective Date of Plan: April 1, 2016

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PART 1 – INTRODUCTION

Pursuant to Executive Order No. 26 (“Statewide Language Access Policy”), we have prepared this Language Access Plan (“Plan”) that sets forth the actions we will take to ensure that persons with limited English proficiency (“LEP”) have meaningful access to agency services, programs, and activities.

Statement of Agency Services to the Public:

The Department of Public Service (“Department”) assists consumers in resolving difficulties or disputes involving their electric, natural gas, steam, private water and telecommunication utility services, and carries out an extensive consumer outreach and education initiative on a wide range of subjects and issues.

In developing this Plan, we have understood LEP individuals to be persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. We will reassess language needs periodically as needed, but at least every two years starting from the effective date of this plan.

PART 2 – ASSESSING LEP POPULATION LANGUAGE NEEDS

The estimated total number of individuals in our service area: 19,651,127.

The top six languages spoken by LEP individuals that our agency serves or could potentially serve are as follows:

Language	Estimated Number of LEP Individuals Who Speak this Language
Spanish	1,230,302
Chinese	329,482
Russian	130,961
Italian	65,243
Korean	64,426
French (Haitian) Creole	64,046

Source: U.S. Census Bureau, 2008-2012 American Community Survey

We use the following resources to determine the top six languages spoken by LEP individuals:

- U.S. Census data (including American Community Survey data)
- Agency data on client contacts
- School system data
- Information from community organizations that serve LEP individuals

Names of organizations:

- Information from other government agencies

Names of agencies:

- Other (describe)

We have determined the frequency of our contacts with LEP individuals as follows:

Currently, 2 percent of our consumer contacts are with Spanish-speaking individuals. Spanish-speaking customers identified by Call Center staff are noted in the Complaint Management database. Our Complaint Management database provides information on all LEP customers that contact our Department through telephone, letter, and walk-ins. Reports from the information obtained are provided to the LAC on a monthly basis.

PART 3 – PUBLIC OUTREACH AND NOTICE OF AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES

We inform LEP individuals, in the languages indicated in the chart in Part 2 of this Plan, about their right to free language assistance services by using the following measures:

- LEP individuals are informed directly by our staff

In what ways? LEP individuals are provided an opportunity for free interpreting services upon entering our consumer services office as well as when they call our consumer Helpline and Hotline numbers.

- Brochures or flyers about language assistance services

- In public areas of the agency

Elsewhere in the agency's service areas

Signs posted about language assistance services

In public areas of the agency

Elsewhere in the agency's service areas

Outreach and presentations at schools, faith-based groups, and other community organizations

What are the LEP populations targeted? Traditional Chinese, Korean, French (Haitian) Creole, Italian, Russian, and Spanish. At outreach events, Department staff provides visual aids about LEP assistance services.

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

Telephonic voice menu providing information in non-English languages

In which languages:

Other (describe) Public statement hearing notices, news releases, and fact sheets will contain information about our free interpreting services. We also use a specifically developed webpage to house our Plan documents, contact information, and process.

PART 4 – PROVISION OF LANGUAGE ASSISTANCE SERVICES

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *in person*:

"I Speak" posters or visual aids

Reception staff make those determinations based on experience, with the assistance of bilingual staff members where available

Other (describe)

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *by telephone*:

Reception staff make those determinations based on experience, with the assistance of bilingual staff members where available

Telephonic interpreting service

┌ Other (describe)

We record and maintain documentation of each LEP individual's language assistance needs as follows:

In addition to consumer services staff entering relevant data in the Complaint Management database, the vendor providing interpreting services is required to provide a monthly report on LEP services provided, including language spoken and the duration (length of time) of the call. The Department also tracks the number of complaint forms filed by specific language. Our Complaint Management database provides information on all LEP customers that contact our Department through telephone, letter, and walk-ins. Reports from the information obtained are provided to the LAC on a monthly basis.

A. Oral Interpreting Services

Our protocol(s) for assessing whether an LEP individual needs oral interpreting services is as follows:

For in-person encounters: Staff asks individuals to point to the "I Speak" poster, if needed. Bilingual staff, may be used when available.

By telephone: Staff offers language interpreting services to LEP individuals by connecting to an interpreting service for assistance. Staff is trained to identify LEP individuals.

At initial contact in the field: Consumer representatives have appropriate forms, including "I Speak" cards, available to assess an individual's language need at outreach events, inspections and site visits.

For pre-planned appointments with LEP individuals: In instances of pre-planned appointments, staff sends out a notice to the customer informing them of our free interpreting services.

Other (describe):

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

For in-person encounters: The staff member informs the LEP individual(s) at the time of contact that free interpreting services are available. Posters and brochures in public areas of the agency also inform individuals that free interpreting services are available.

By telephone: Staff offers language interpreting services to LEP individuals by connecting to an interpreting service for assistance and informing them of the free service. Staff is trained to identify and inform LEP individuals of free interpreting services once contact is made.

At initial contact in the field: Consumer representatives inform LEP individual(s) who appear (s) to need language assistance that free interpreting services are available through the use of appropriate forms and/or notice.

For pre-planned appointments with LEP individuals: In instances of pre-planned appointments, staff sends out a notice to the customer informing them of our free interpreting services.

Other (describe):

If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocol(s) for determining 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. When the interaction with the LEP individual is done telephonically, a DPS employee will have the consent/waiver form read to the LEP individual in the appropriate language.

Our protocol(s) for obtaining interpreter services in a timely manner is as follows:

Staff is trained to connect LEP individuals with the interpreting services as soon as one is requested or the staff has determined one is needed.

We record and maintain documentation of oral interpreting services provided to LEP individuals at each encounter as follows:

The telephonic interpreting service provider provides the Department with an ongoing summary of frequency of use, type of interpreter service provided and usage costs. The Department is able to cross-compare these summaries to the paper office logs that indicate the date, name of customer, language assistance needed, and total handling time.

Competency and confidentiality

The linguistic and cultural competence of interpreters is addressed as follows:

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

The issue of confidentiality pertaining to the use of interpreters is addressed as follows:

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

Maintaining a list of oral interpreting resources

We use, or have available for oral interpreting, the following resources:

- Bilingual staff members who work directly with LEP individuals

Number of staff and languages spoken: 2 (Spanish)

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: 2 (Spanish)

- Telephonic interpreting service

Names of vendors: Language Line Solutions, Inc. or potentially any other vendor under the OGS Statewide Administrative Services Contract.

- Contracts or other arrangements with community organizations or individuals for oral interpreting services

Names of individuals/organizations and languages:

- Other (describe)

The agency's Language Access Coordinator maintains the list of oral interpreting resources that are available to staff, which 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 the LEP individual's primary language
- Languages in which each interpreter or service is qualified
- Procedure for accessing each interpreter or service

We inform all staff members who have contact with the public how to obtain oral interpreting services as follows:

Staff receives mandatory training on how to acquire the assistance of an interpreting service when a person does not speak English as their primary language and has a limited ability to read, speak, write or understand English.

B. Translations of Written Documents

A process to determine and reassess, at least every two years starting from the effective date of this plan, those vital documents (including website content) which must be translated is as follows:

A staff person has been assigned to determine, reassess, and monitor our Department's vital documents with the guidance of the LAC. Literature includes a print date.

The process to timely translate documents that LEP individuals submit in their primary languages is as follows:

Documents submitted by LEP individuals are submitted to the Department's selected vendor(s) for translation within a reasonable time frame.

The process for ensuring that documents are written in plain language before they are translated into other languages is as follows:

Staff is trained to write in plain language before documents are translated into other languages. Available bilingual staff reviews documents for content accuracy in that language.

The following documents are currently translated by the agency in the languages indicated:

Spanish only (20 non –vital documents): NY's Natural Gas Outlook 2011/2012 (Fact Sheet); Help Your Home Heat Better poster; Controlling Your Lighting Costs; Vampire Voltage: Energy Waste is Draining; Water Conservation Savings for All; It's your telephone. It's your call. It's your choice; Telephone Service: Make the right call; Lifeline Telephone Service (brochure & application); Partner with Lifeline; Lifeline poster; Chatlines; VOIP Service; Prepaid Calling Cards; Cable TV.

Spanish, Chinese, Italian, Haitian Creole, Korean, and Russian (vital documents): Take the Chill Out of Your Winter Energy Bills (brochure); Household Electricity Use and Energy Saving (tip strip); Lifeline Telephone Service (brochure); Your Rights & Protections - Residential (brochure); Your Rights & Protections (non-residential brochure); Guide to Filing Complaints (brochure); How to Contact the PSC (tipstrip); ESCO Bill of Rights (also in Arabic). Electric and Natural Gas Safety (brochure) and Utility Service Interruptions (brochure).

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

The Department, 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 Department will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.

We use, or have available for translating, the following resources:

Contracts with language service vendors

Names of vendors: Language Line Solutions, Inc. and potentially any other vendor under the OGS Statewide Administrative Services Contract.

Contracts or other arrangements with community organizations or individuals for oral interpreting services

Names of individuals/organizations and languages:

Oral translations of written documents by bilingual staff members

Oral translations of written documents by other individuals or community organizations

Other (describe)

The agency's Language Access Coordinator maintains the list of written translation resources that are available to staff, which includes:

Names and contact information for all resources

- Names and locations of staff members who are available to provide oral translations of written documents
- Languages in which each translation service is qualified
- Procedure for accessing each translation service

PART 5 – STAFF TRAINING

The person(s) in the agency who is responsible for the provision of training to staff in language access issues is: Lilli Carroll, Office of Administration.

The staff training includes the following components:

- The legal obligations to provide meaningful access to benefits and services to LEP individuals
- How to access language assistance services
- How to work with interpreters
- Cultural competence and cultural sensitivity
- Documenting the language needs of LEP individuals and the language services provided to them by the agency
- How to obtain written translation services

The methods and frequency of training are as follows:

Mandatory annual training is provided to all employees who come in contact with the public, including their managers and/or supervisors. The initial training given to all staff would be supplemented with additional training and refresher courses as needed. Newly hired employees who will interact with the public would be scheduled for language access training. In addition, job aids have been developed and distributed as needed to assist employees in meeting the needs of LEP individuals.

PART 6 – ADMINISTRATION

Monitoring

To ensure compliance with the Plan, the LAC will monitor its implementation as follows:

LAC holds quarterly meetings with appropriate offices to ensure adherence to Executive Order No. 26.

Complaints

We provide information to the public, including to LEP individuals in languages regularly encountered in this service area, advising them of the right to file a complaint if they feel that they have been the subject of discrimination. The information we provide describes how and/or where to file a complaint. We do not retaliate or take other adverse action because an individual has filed a complaint alleging discrimination based on LEP status or needs.

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

The standardized complaint forms are available to the public upon request in all six languages and through our website. Additionally, information on the right to file a complaint is posted in areas where it is easily seen by the public in the top six languages.

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

Complaints go to the office supervisor first; if the issue is not resolved, it will go to the Section Chief, and then to the LAC. The LAC will work with the appropriate offices to ensure that LEP requirements have been met.

PART 7 - SIGNATURES


Head of Agency - Audrey Zibelman Title Chair Date 3/17/16


Agency LAC - Michael Corso Title Consumer Advocate Date 3/16/16

Deputy Secretary for Civil Rights Date