

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Department of Public Service

Effective Date of Plan: 5/30/2019

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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 limited English proficient (“LEP”) individuals 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 program regarding Commission policies and initiatives on a wide range of utility 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 is: Approximately 19,798,228 million, the New York State population in 2017.

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	1,249,541
Chinese	386,290
Russian	122,150
Haitian Creole	63,615
Bengali	62,219
Korean	60,405

Source: U.S. Census Bureau, 2013-2017 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)
- Agency data on client contacts
- School system data
- Information from community organizations that serve LEP individuals

Names of organizations: Click here to enter text.

- Information from other government agencies

Names of agencies: Click here to enter text.

- Other Click here to enter text.

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

For the twelve-month period ending September 2018, 3.5 percent of the Department’s consumer contacts were with Spanish-speaking individuals. Contacts with consumers in all other languages combined, excluding English, made up less than 1 percent of all consumer contacts. Consumers who do not speak English as their primary language are identified by the Office of Consumer Services (OCS) call center staff and noted in the complaint management database. The complaint management database provides information on all LEP consumers that contact OCS through telephone, letter, and walk-ins. Reports from the information obtained by OCS are provided to the LAC on an annual 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? When consumers call the Department to file a complaint, the Office of Consumer Services staff notify LEP individuals that free language assistance is available. The hotline and helpline IVR also state that language services are available.

- 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

What are the LEP populations targeted? Bengali, Chinese, Korean, Haitian Creole, 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: Click here to enter text.

Other (describe) Public statement hearing notices, news releases, and fact sheets contain information about the Department's free interpreting services. The Department also uses a specifically developed webpage which contains the Language Access Plan (LAP), additional language access materials, contact information, and the process for filing a complaint. The website also lists the publications and forms published by the Department in the top 6 languages.

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

Other Click here to enter text.

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

Telephonic interpreting service

Other [Click here to enter text.](#)

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

In addition to OCS staff entering relevant data in the complaint management database, the vendor providing interpreting services is required to provide a monthly report on 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. The complaint management database provides information on all LEP customers that contact OCS 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.

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 consumer informing them of the Department's free interpreting services.

Other (describe): [Click here to enter text.](#)

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 is trained to identify and inform LEP individuals of free interpreting services once contact is made with a telephonic interpreter.

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 using appropriate forms and/or notice including the “I Speak” cards.

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): Click here to enter text.

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 the Department 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 Department’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 Department, the Department 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 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 vendor provides the Department with an ongoing summary of frequency of use, type of 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: Click here to enter text.

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: Three (3) Office of Consumer Services staff speak Spanish.

- 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 community organizations or individuals for oral interpreting services

Names of individuals/organizations and languages: Click here to enter text.

- Other Click here to enter text.

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

The 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 Chief in the Office of Consumer Services along with the assistance of the managers of the call center and outreach divisions have been assigned to determine, reassess, and monitor the Department's vital documents with the guidance of the LAC. Literature includes a print date to ensure that the most relevant and up to date information is included.

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

Documents provided 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.

The following table contains a non-exhaustive list of translated documents by the agency in the languages indicated:

Form #	Name	Top Six Languages						Additional Languages
		Spanish	Chinese	Russian	Haitian Creole	Korean	Bengali	
	Take the Chill Out of Your Winter Energy Bills (brochure)	✓	✓	✓	✓	✓	✓	Italian
	Household Electricity Use and Energy Saving (tip strip)	✓	✓	✓	✓	✓	✓	Italian
	Your Rights & Protections– Residential (brochure)	✓	✓	✓	✓	✓	✓	Italian
	Your Rights & Protections– Non-Residential (brochure)	✓	✓	✓	✓	✓	✓	Italian
	Guide to Filing Complaints (brochure)	✓	✓	✓	✓	✓	✓	Italian
	How to Contact the PSC (tip strip)	✓	✓	✓	✓	✓	✓	Italian
	ESCO Bill of Rights	✓	✓	✓	✓	✓	✓	Arabic, Italian
	Electric and Natural Gas Safety (brochure)	✓	✓	✓	✓	✓	✓	Italian
	Utility Service Interruptions (brochure)	✓	✓	✓	✓	✓	✓	Italian

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

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: Potentially any vendor under the NYS OGS Statewide Administrative Services Contract.

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

Names of individuals/organizations and languages: Click here to enter text.

- Oral translations of written documents by bilingual staff members

- Oral translations of written documents by other individuals or community organizations

- Other [Click here to enter text.](#)

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 from the Governor's Office of Employee Relations 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 is supplemented with additional training and refresher courses as needed. Newly hired employees who will interact with the public are 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 reports information to the Department's appropriate offices to ensure adherence to Executive Order No. 26. The LAC, in coordination with other Department staff reviews the Language Access Plan to determine if updates are needed, ensures that the necessary signage is posted in public areas, provides guidance to staff regarding the required accommodations given to LEP individuals. In addition, the LAC reviews and submits the quarterly deficiency reports, the annual monitoring plan and ensures the Department's website contains the most updated information regarding language access.

Complaints

We provide information to the public in at least the top six languages, 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:

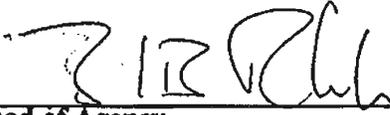
A brochure explaining the complaint process is available to the public in all six languages and distributed at all outreach events and posted on the DPS website. Additionally, information on the right to file a complaint is distributed to state consumer leaders and posted in DPS areas where it is easily seen by the public in the six languages.

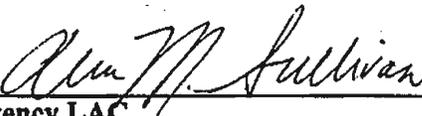
We handle complaints made to the agency regarding the provision of language assistance services in the following manner:

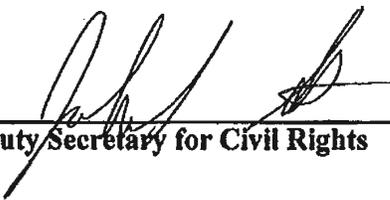
All complaints must be timely forwarded to the Department's Language Access Coordinator for investigation and resolution.

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

PART 7 – SIGNATURES


Head of Agency Title Chair Date May 3, 2019


Agency LAC Title Deputy Counsel Date May 2, 2019


Deputy Secretary for Civil Rights Date 5/30/19