

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Department of Public Service (Department)

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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.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 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.



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

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

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:

DPS interacts with the public through the agency’s consumer complaint process. The agency tracks all complaints received from utility customers and notes which customers are LEP and their preferred language. For the twelve-month period ending September 2020, five percent of the Department’s consumer contacts were Spanish-speaking individuals. Contacts with consumers in all other languages combined, excluding English, made up six 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 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?** The Department staff member informs the LEP individual(s) at the time of contact that free interpreting services are available.
- 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?** Spanish and Chinese
- 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)

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 10 languages.



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: Staff asks individuals to point to the “I Speak” poster, which is available in spaces used for intake. Bilingual staff may also be used when available.

At initial contact in the field: Consumer services representatives have appropriate forms, including “I Speak” cards, available to assess an individual’s languages needs at outreach events, inspections, and site visits.

When speaking on the telephone: Staff offers language interpreting services to LEP individuals by adding an interpreter to the telephone call.

For pre-planned appointments with LEP individuals: In instances of pre-planned appointments, staff sends out a notice to the LEP individual notifying them of the Department’s free interpreting services.

Other (describe):

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

The telephonic interpreting service vendor 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.

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: Two staff who speak Spanish

Telephonic interpreting service

Number of staff and languages spoken: Potentially 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: The Department 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.

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.

When speaking on the telephone: Staff is trained to identify and inform LEP individuals of free interpreting services once contact is made with a telephonic interpreter.

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

Other (describe):

Our agency’s protocols for obtaining interpreting 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.

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 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 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 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.

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 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.

Cultural Competence and Confidentiality

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

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.

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

The 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

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 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

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:

A Chief in the Office of Consumer Services along with the assistance of the managers of the call center and outreach divisions has 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.

Our agency's process for making sure documents are written in plain language³ 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.

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

Contracts with vendors for translation services

Names of vendors/languages: Potentially 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:

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

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>

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 below list of documents in the newly added top languages (Arabic, Italian, Polish, and Yiddish) by August 1, 2022.

- *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
Take the Chill Out of Your Winter Energy Bills (brochure)		X	X	X		X		X	X	X
Your Rights & Protections – Residential (brochure)		X	X	X		X		X	X	X
Your Rights & Protections – Non-Residential (brochure)		X	X	X		X		X	X	X
Guide to Filing Complaints (brochure)		X	X	X		X		X	X	X
How to Contact the PSC (tip strip)		X	X	X		X		X	X	X
ESCO Bill of Rights		X	X	X		X		X	X	X

Electric and Natural Gas Safety (brochure)		X	X	X		X		X	X	X
Utility service interruption		X	X	X		X		X	X	X

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 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.



PART 5 – Staff Training

The person in the agency who is responsible for training staff in language access services is: Lilli Carroll, Office of Administration.

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:

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 – 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:

LAC reports information to the Department’s appropriate offices to ensure adherence to Executive Order No. 26.1. 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.

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:


A brochure explaining the complaint process is available to the public in all ten 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 ten languages. The complaint forms are also available for download or online submission through our website.


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

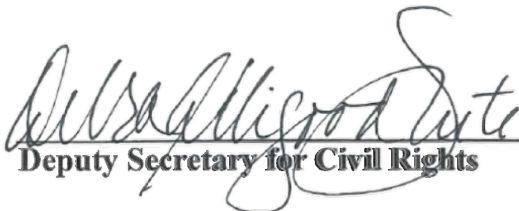
All complaints are forwarded to the Department’s Language Access Coordinator for investigation and resolution.

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

PART 7 – Signatures

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Head of Agency **Title** **CHAIR** **Date** 4/28/21


Agency LAC **Title** **LAC** **Date** 7/28/21


Deputy Secretary for Civil Rights **Date** 7/30/2021