LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Insurance Fund

Effective Date of Plan: October 1, 2022

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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 New York State Executive Law Section 202-a, which establishes New York's Statewide Language Access Policy. 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 Insurance Fund's (NYSIF) mission is to guarantee the availability of workers' compensation and disability insurance with the lowest possible cost to New York employers while maintaining a solvent fund. Since its inception in 1914, NYSIF has fulfilled this mission by competing with other carriers to ensure a fair marketplace while serving as a guaranteed source of coverage for employers who cannot secure coverage elsewhere. NYSIF strives to achieve the best health outcomes for injured workers and be an industry leader in price, quality and service for New York State employers.

PART 2 – The Limited English Proficient Population in Our Service Area



The Statewide Language Access Policy requires state agencies to translate vital agency documents into the top 12 most commonly spoken non-English language among limited English proficient New Yorkers. Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top 12 languages most commonly spoken by LEP individuals in New York State.

The top 12 languages spoken by LEP individuals in New York State are:

#	Language	Estimated Number of LEP Speakers
1	Spanish	1,166,777
2	Chinese	375,924
3	Russian	119,160
4	Yiddish	71,740
5	Bengali	66,980
6	Haitian Creole	53,335
7	Korean	51,285
8	Italian	44,128

9	Arabic	41,632
10	Polish	33,125
11	French	30,770
12	Urdu	28,827

New York's language access law also provides agencies, in consultation with the Office of Language Access, the option to add up to four more languages of translation beyond the top 12. The assessment about whether to include additional languages must be based on factors that are identified in the language access law. Our agency, in consultation with the Office of Language Access, has made the following determination with regard to the addition of languages beyond the top 12:

NYSIF's assessment as to the necessity of additional languages of translation beyond the top 12 remains ongoing at this time. NYSIF, in consultation with the Office of Language Access, will update this Plan when this assessment has been completed and a final determination reached. NYSIF will continue to reassess the need for additional languages of translation on an ongoing basis.

Our agency tracks encounters with LEP individuals in the following ways:

NYSIF determines the frequency of contacts with LEP individuals by acquiring data from our claims office, contact center, and district offices. We cross reference with the data received from the contracted vendors. Encounters are also tracked by the annual monitoring report and NYSIF's over the phone interpretation tracking log.



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 12 languages shown in Part 2 of this Plan:

☒ LEP individuals are directly informed by our staff

In which ways? NYSIF implemented the use of the NYS Language Identification Tool ("I Speak" poster). This allows LEP individuals to alert our staff of the need for language assistance. This aids our staff in making a determination about an LEP individual while maintaining cultural sensitivity to the LEP individual's needs. Our staff is then able to refer back to the NYS Language Identification Tool ("I Speak" poster) or inform the LEP individual via an interpreter that the service is free of charge. Additionally, NYSIF staff is trained and will continue to receive enhanced methodologies on how to best identify LEP individuals and their needs.

☒ 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 12 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? Spanish option is available in our Interactive Voice Response System.

☒ Other (describe)

NYSIF displays the NYS Language Identification Tool ("I Speak" poster) at all events. The LAC also provides a Language Access checklist to our staff attending the event, on how to reach an interpreter if needed. The events that the agency participates in include, but are not limited to, The NYS Fair, Trade Shows, MWBE Events, Forums and Expos. Our agency's website contains information regarding the availability of language assistance services.



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:

☒ NYS Language Identification Tool ("I Speak" poster) 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:** NYSIF has implemented the use of the NYS Language Identification Tool (I Speak poster). This allows LEP individuals to alert our staff of the need for language assistance. This aids our staff in making determinations about an LEP individual while maintaining cultural sensitivity to the individual's needs. While NYSIF no longer accepts walk ins at our office locations, the NYS Language Identification Tool (I Speak poster) is visible in public areas.

☒ **At initial contact in the field:** NYSIF staff via the interpreting vendor will inform our clients that interpreters are provided and that the service is free of charge.

☒ **When speaking on the telephone:** NYSIF staff using the interpreting vendor informs our clients that interpreters are provided and that the service is free of charge.

☒ **For pre-planned appointments with LEP individuals:** NYSIF staff has already identified an individual's language need and made the necessary arrangements via the interpreting or translation vendor, and informs our clients that interpreters are provided and that the service is free of charge.

☐ **Other (describe):**

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

NYSIF has developed a metric for compiling data for in person and telephonic encounters. Staff has and will continue to receive training on how to use the metric to ensure accurate reporting. NYSIF also has contracted vendors available for telephonic and in person encounters. Any data related to claims is also tracked by NYSIF and our vendors. We have instructed our claims staff to inquire about language needs, of stakeholders, employers, medical provider, etc., during initial work-up of a new claim. WCB has taken a proactive approach by including the following

question in our C-3 form: "Will you need a translator if you have to attend a Board hearing? If yes, for what language?" NYSIF also looks at that form to arrange language assistance 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
Vendors: Any vendor under the OGS Administrative Services Contract.

☐ Contracts or other arrangements with school and community organizations
Number of staff and languages spoken:

☒ Other (Describe)
NYSIF utilizes contracted vendors for oral, written and in person interpretation.

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:** While NYSIF no longer accepts walk ins at our office locations, the NYS Language Identification Tool ("I Speak" poster) is visible in public areas.

☒ **At initial contact in the field:** NYSIF staff via the interpreting vendor will inform our clients that interpreters are provided and that the service is free of charge.

☒ **When speaking on the telephone:** NYSIF staff contacts our interpreting service vendor if the caller self-reports a language need or if staff needs help identifying the caller's language.

☒ **For pre-planned appointments with LEP individuals:** NYSIF staff has already identified an individual's language need and made the necessary arrangements via the interpreting or translation vendor informs our clients that interpreters are provided and that the service is free of charge.

☐ **Other (describe):**

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

NYSIF staff has been trained to assess the need for interpreter services. Once a determination has been made that a client needs such services, NYSIF staff contact our contracted vendor in a

timely manner. If needed, NYSIF contracted vendors are well equipped to handle the languages well above the top 12.

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 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 family member, friend, or a minor as an interpreter. Upon request, an LEP individual may also be permitted to use a family member, friend of a minor 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 their choosing, they must fill out a written consent/waiver form. Where an LEP individual is engaged in official business with the agency, the agency will always provide an independent interpreter. An LEP individual will not be permitted to use an independent interpreter of their 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:

NYSIF provides a Language Access Checklist on how to reach an interpreter. All staff can access these instructions on the NYSIF Intranet at any time. This checklist is also provided to all staff participating in events such as NYS Fair, MWBE events, Trade Shows, and virtual events.

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:

NYSIF has a tracking log for over the phone interpretation, and NYSIF Claims staff maintains a list of in person encounters. The LAC also has an inventory of written translations.

<u>Cultural Competence and Confidentiality</u>

Our agency makes sure interpreters are culturally competent[1] in the following ways:

NYSIF utilizes independent interpreting services. The 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:

Where NYSIF utilizes independent interpreting services, the vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent.

C. Translations of Documents

At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents[2] that must be translated. This process is accomplished in the following ways:

The vast majority of vital documents encountered by NYSIF are promulgated by the New York State Workers' Compensation Board. NYSIF will reassess at least annually to determine if other documents need to be added to its vital document listing. A master spreadsheet of all vital documents will be maintained. NYSIF's documents will be reviewed annually to determine if any changes have occurred.

Our agency's process for making sure documents are written in plain language[3] before they are translated into other languages is as follows:

NYSIF runs a plain language test to ensure that the reading level of the document is appropriate. NYSIF uses appropriate software to determine the document meets the reading level test. NYSIF uses documents that do not exceed 8th grade reading levels.

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

☒ Contracts with vendors for translation services

Vendors: Language Today handles a variety of different languages.

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[1] 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

[2] Vital Documents is defined as any paper or digital document that contains information that is critical for obtaining agency services or benefits or is otherwise required to be completed by law.

[3] The Plain Writing Act of 2010 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

☐ Contracts or other arrangements with schools and community organizations
Names of schools/organizations:

☐ 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:

LAC contacts the contracted vendor, Language Today for written translations.

The following non-exhaustive list of documents are currently translated or in the process of translation by our agency in the languages indicated. Documents with an asterisk (*) are determined by the agency to be vital documents.

- *AR: Arabic*
- *BE: Bengali*
- *CH: Chinese*
- *FR: French*
- *HA: Haitian-Creole*
- *IT: Italian*
- *KO: Korean*
- *PO: Polish*
- *RU: Russian*
- *SP: Spanish*
- *UR: Urdu*
- *YI: Yiddish*

Form #	Name	Top 12 Languages												Additional Languages
		AR	BE	CH	FR	HA	IT	KO	PO	RU	SP	UR	YI	
	Claimant Information Packet	x	x	x	x	x	x	x	x	x	x	x	x	

	Policyholder Walk-in Information Sheet	x	x	x	x	x	x	x	x	x	x	x	x	
	Paid Family Leave Checklist	x	x	x	x	x	x	x	x	x	x	x	x	
	Pharmacy Benefits Management Prescription Services	x	x	x	x	x	x	x	x	x	x	x	x	
	Pharmacy Benefits Management Notice to post	x	x	x	x	x	x	x	x	x	x	x	x	
	Workers' Compensation Direct Deposit Form *	x	x	x	x	x	x	x	x	x	x	x	x	
	Disability Benefits Direct Deposit Form *	x	x	x	x	x	x	x	x	x	x	x	x	
	Help for New Yorkers (Covid Related)	x	x	x	x	x	x	x	x	x	x	x	x	
	Safety Resources										x			
	NYSIF Procurement One Pager										x			
	Request for Paid Family Leave										x			
OC-110A	Claimant Authorization to Disclose Workers' Compensation Records	x	x	x	x	x	x	x	x	x	x	x	x	

WA-1	Work Activity Report	x	x	x	x	x	x	x	x	x	x	x	x	
C-300.5	NYS WCB Stipulation Form										x			
E-99.16	Questionnaire for Consideration of Section 32										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:

NYSIF, through its vendor (where applicable), will ensure that proofing/editing for correctness and cultural sensitivity are components of the translation services provided by any vendor under contract as part of the publication process. NYSIF 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:
Robin Irons, Director of Training

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:

All frontline staff is required to complete the mandatory Language Access training developed by the Office of Employee Relations annually. All staff will also verify annually with the NYSIF Training Department that they have read and understood our Language Access policies and

procedures. Training will be ongoing and refresher courses will be given as needed. Any new hires will be required to take training within 30 days of their start date.



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 is readily available for all NYSIF staff. The LAC monitors the NYSIF Intranet to make sure it is continually updated with the most recent Language Access information to ensure that staff is up to date with our Language Access Plan and all Language Access services. Email reminders are also sent by the LAC to NYSIF staff. LAC will report monthly deficiencies and provide an annual monitoring report to the State Language Access Coordinator.

B. Complaints

We provide information to the public in at least the top 12 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 are available to the public upon request in all 12 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 12 languages.

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

If a complaint is received, NYSIF staff will contact the LAC as soon as possible. The LAC will discuss with the Office of Communications to address the complaint in a timely manner. NYSIF will work to improve our services going forward. All complaints received will be shared immediately with the NYS Office of Language Access.

PART 7 – Signatures

	Executive Director & CEO	9/20/22
Head of Agency	**Title**	**Date**
Melissa Cohen	CSR 4	9/21/22
Agency LAC	**Title**	**Date**
		09/23/2022
Executive Director, NYS Office of Language Access		**Date**