

## LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** Adirondack Park Agency

**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 mission of the Adirondack Park Agency (APA) is to protect the public and private resources of the Adirondack Park through the exercise of the powers and duties of the Agency as provided by law. The Adirondack Park Agency was created in 1971 pursuant to Article 27 of the Executive Law (the Adirondack Park Agency Act) as an independent agency in the Executive Department. According to Section 801 thereof, the basic purpose of the Act is “to insure optimum overall conservation; protection; development and use of the unique scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Adirondack Park.”

The Regulatory Programs Division implements the statutory and regulatory provisions of the Adirondack Park Agency Act; the Freshwater Wetlands Act; and the Wild, Scenic and Recreational Rivers System Act. Staff provides pre-application project guidance and assessment; determines application completeness; and applies review standards and prepares permits, variance or denial orders. Staff also processes permit applications by meeting face-to-face with applicants in the Agency offices, over the telephone, and by making field visits to the actual application site and walking through the property with an applicant or an applicant’s representative.

The Agency’s Planning Division is responsible for local government services; updates and amendments to the Adirondack Park Land Use and Development Plan Map; State lands coordination; Park policy; Geographic Information System; cartographic services; and website management. The Planning Division also reaches out to the public via the local government program.

The Local Government Services Unit assists individual towns in the Park to develop local planning and zoning laws as well as to administer Agency -approved local land use programs. Staff attends community meetings, provides written advice, and designs training workshops.

State Land Program staff of the Planning Division works with the NYS Department of Environmental Conservation (DEC) to prepare and review Unit Management Plans consistent with the Adirondack Park State Land Master Plan (SLMP); provides guidance and interpretation regarding the SLMP to DEC staff and the Agency's Board; consults with DEC on long-range plans for the future of State lands; reviews proposed DEC projects on State lands to ensure conformance with the SLMP; and works with DEC to develop staff proposals for the classification or reclassification of State lands.

The Jurisdictional Inquiry Unit, part of the Legal Division, interacts with the public daily by providing advice to landowners and potential project sponsors regarding Agency jurisdiction, including informal phone advice and written jurisdictional determinations. The public's first point of contact with the Agency is often a letter or a phone call handled by the Jurisdictional Inquiry Unit. Staff within this Unit provides advice to landowners and others regarding Agency jurisdiction. Staff helps citizens determine if an Agency permit or variance is required for proposed land use and development or the subdivision of land within the Park. Determinations often require a full deed history and other legal and factual research. This is the Agency's initial and most common point of contact with the public; hence, a high priority is placed on prompt and accessible responses.

The Enforcement Unit seeks to resolve violations of the laws the Agency is charged to administer. The Unit interacts with the public by telephone, written correspondence and site visits with the potential violator or their representative.

The Resource Analysis and Scientific Services Division provides scientific and technical analysis supporting all Agency transactions. The Agency's scientists provide expertise on engineering, soils analysis, forestry, invasive species, wildlife habitat, wetlands and other aquatic systems. Staff performs valuable field services including wetland delineations, mean high water mark determinations, structure height determinations, deep-hole test pit determinations, on-site waste- water treatment system review and storm-water management analysis.

## **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:

APA's assessment as to the necessity of additional languages of translation beyond the top 12 remains ongoing at this time. APA, in consultation with the Office of Language Access, will update this Plan when this assessment has been completed and a final determination reached. APA 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:**

Contact with LEP individuals occurs through multiple channels, including in-person; over the telephone; and written interaction. Contact may occur once or be long-term and ongoing, depending on the individual’s application(s) or request(s). Data from APA’s contacts with LEP individuals is collected and reported on a quarterly basis to the APA Language Access Coordinator (LAC).



### **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?** LEP individuals are informed over the phone and in-person through an interpretation contractor.
- 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?**
- Other (describe)



## **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:** The LEP individual may self-identify their preferred language. Also, the Agency utilizes the "I Speak" poster to assist staff in identifying the language needed and provides oral interpreting services via the contracted interpreter service.

**At initial contact in the field:** The Agency contacts all individuals prior to a site visit to determine if any language assistance is required. In addition, staff carry "I Speak" palm cards and utilize a cell phone to access oral interpreting services when in the field, if cell phone service is available. If oral interpretation is required but cell service is unavailable, the site visit will be rescheduled.

**When speaking on the telephone:** The Agency provides LEP individuals with information using a contracted interpreter service. Staff also utilize the contracted interpreter service when having conversations via telephone with a LEP individual.

**For pre-planned appointments with LEP individuals:** If in the field, the Agency contacts all individuals prior to a site visit to determine if any language assistance is required. In addition, staff will carry "I Speak" palm cards and utilize a cell phone to access oral interpreting services when in the field, if cell phone service is available. If oral interpretation is required but cell service is unavailable, the site visit will be rescheduled. If in the office, the Agency staff will utilize oral interpreting services via the contracted interpreter service.

**Other (describe):**

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

All Agency staff utilize a spreadsheet that tracks the LEP individual's language, the services requested, and the response. Each encounter, when completed, is forwarded to the LAC.

## **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:** The APA utilizes vendors 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:** Staff, using a contracted interpreter, inform LEP individuals that they do not need to provide their own interpreters and that free interpreting services will be provided.

**At initial contact in the field:** The Agency contacts all individuals prior to a site visit to determine if any language assistance is required. Staff, using a contracted interpreter, inform LEP individuals that they do not need to provide their own interpreters and that free interpreting services will be provided.

**When speaking on the telephone:** Staff, using a contracted interpreter, inform LEP individuals that they do not need to provide their own interpreters and that free interpreting services will be provided.

**For pre-planned appointments with LEP individuals:** Staff has already identified an individual's language need and made the necessary arrangements through an interpretation contractor.

**Other (describe):**

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

Once an LEP individual is identified, Agency staff contacts an interpretation contractor immediately. For pre-planned appointments, arrangements are made in advance for an interpreter.

**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 encounter our Agency will be informed of the availability of free interpreting services. Generally, a LEP individual may not use a family member, friend, or a minor as an interpreter. However, **during emergencies** a 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 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:**

The Agency provides training to all staff on how to assist LEP individuals, which includes contacting the Language Access Coordinator for assistance. In addition, all staff members who have contact with the public have a palm card or an information sheet that explains how to connect to the telephonic interpreting service. If the call is received by the Agency switchboard, the switchboard staff make the direct contact to the outside vendor for telephonic interpretation to determine how the call needs to be routed within the Agency.

**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 Agency staff utilize a spreadsheet that tracks the individual’s language, the services requested and the response. Each encounter, when completed, is forwarded to the Language Access Coordinator.

### **Cultural Competence and Confidentiality**

**Our agency makes sure interpreters are culturally competent<sup>1</sup> in the following ways:**

The Agency utilizes interpretation contractors. The contractor, under the terms and conditions of the contract, is expected to implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent. Issues regarding interpreters’ competence and/or professionalism are reported back to the interpretation contractor via their online reporting system and on a monthly vendor deficiency report.

**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, interpretation contractors under the terms and conditions of the contract are expected to adhere to standards of confidentiality in accordance with NYS Law.

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

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

The Agency’s executive staff reviews each new document, as it is developed, to determine if the document is “vital” and therefore needs to be translated into the top 12 languages as required by the language access law.

**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:**

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<sup>1</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)

<sup>2</sup> 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.

<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 Agency utilizes its public information staff to ensure that plain language is used in materials before translation to ensure information is accessible to a range of literacy levels.

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

- Contracts with vendors for translation services

**Vendors:** Vendors procured pursuant to the NYS OGS Statewide Administrative Services Contract.

- 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:**

The Agency forwards the documents to an OGS approved translation service in a timely manner.

**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	
	APA Citizen's Guide*	**	**	✓	**	✓	✓	✓	**	✓	✓	**	**	

\*\* In the process of translation.

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 Agency, 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 Agency 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:**  
The Agency's Language Access Coordinator.

**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 Language Access training is given to all staff annually via the Statewide Learning Management System. Refresher training will be provided as necessary.



## **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 reviews the Agency’s Language Access Plan to determine if any updates are necessary, including updates to the staff training materials, frequency of trainings and list of vital documents.

The LAC also conducts spot checks to review that the necessary Language Access signs are appropriately posted in the public areas of the Agency building. The LAC also reviews and addresses any complaints filed by LEP individuals and assesses the staff training for any necessary updates.

### **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, along with the procedures for filing a complaint, are available in the top twelve languages in our public offices upon request. They 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 twelve languages on our website and in our offices in 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:**

Anyone who wishes to lodge a complaint about language access services is directed to our complaint form and provided information about how to submit a complaint. All complaints received on the prescribed form are provided to the LAC who will review and obtain additional information, if necessary. The completed form, any additional information, and the

recommended response are provided to the Agency's Executive Director. The Executive Director will then review the information and will issue a written decision to the complainant within two weeks of the date of receipt of all material with a copy to the Language Access Coordinator.

All complaints must be timely forwarded to the Office of Language Access.



### PART 7 – Signatures

<i>Barbara Rice</i>	Executive Director	09/23/2022
Head of Agency	Title	Date

<i>Taina Caldwell</i>	Deputy Director, Administration	09/23/2022
Agency LAC	Title	Date

<i>Janos</i>		09/29/2022
Executive Director, NYS Office of Language Access		Date