

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: NYS Department of Civil Service

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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 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 Department of Civil Service (Civil Service) has two main functions: administration of the merit system and administration of the New York State Health Insurance Plan (NYSHIP) and related benefits. In administering the merit system, Civil Services provides services to state agencies, local governments, and state employees. The public accesses these services when seeking information on employment opportunities in New York State government and as candidates for competitive Civil Service examinations. Services related to the administration of NYSHIP are provided to state agencies, participating agencies and employers and their employees, retirees, and their dependents. In addition, the State employees, local government employees, retirees and their families enrolled in the NYSHIP program communicate with Civil Service regarding their benefits.

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:

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

Through the Client Portal provided by the vendor Civil Service uses for translation and interpretation services.



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?** When individuals self-identify as being in need of language access services, staff informs them that free language access service is available. The vendor utilized will perform additional assessment as needed, ensuring that LEP individuals understand that they do not need to provide their own interpreters and that the service is provided free of charge.
- 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

Other (describe)

The State has Health Benefit Administrators (HBAs) in each agency to provide information and support to State employees and retirees regarding health benefits. HBAs are equipped with “I Speak” cards and posters that are utilized to inform enrollees and other personnel about 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:

“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) Individuals make a request for language assistance services when contacting the Employees Benefits Division (EBD) Call Center or when calling Civil Service’s general number.

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) Individuals make a request for language assistance services when contacting the EBD Call Center or when calling Civil Service's general number.

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:** By utilization of the "I Speak" cards and posters that are provided by the vendor.
- At initial contact in the field:** By utilization of the "I Speak" cards and posters that are provided by the vendor.
- When speaking on the telephone:** Civil Service responds to request for language assistance services based on self-identification by the caller.

For pre-planned appointments with LEP individuals:

Other (describe):

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

Any time an LEP individual requires language access assistance and our vendor is contacted for translation or interpretation services, the vendor collects the language service requested and notes the duration for the call. The vendor also keeps a tally of the total number of such calls they have received.

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 Agency retains a vendor for all telephonic interpretation under the NYS 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:**

At initial contact in the field: When an LEP individual has contact with our agency in the field, the Language Identification Tool is used to communicate that they do not need to provide their own interpreters, and that the service is free of charge.

When speaking on the telephone: When an LEP individual contacts our agency via telephone, telephonic interpreting services are used to communicate that they do not need to provide their own interpreters, and that the service is free of charge.

For pre-planned appointments with LEP individuals: If an interaction with an LEP individual occurs at the agency's office, depending on how the appointment is made (in-person/over the telephone) the Language Identification Tool and/or telephonic interpreting services are used to communicate that they do not need to provide their own interpreters, 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:

Once aware that an individual needs language assistance, Civil Service staff takes action to provide interpreting services by using telephonic interpreting services.

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:

An LEP individual may only use a friend, family member or a minor to interpret in the event of an emergency, or upon request when asking for routine information such as the location of the office or hours of operation. When an LEP individual is engaged in official business with the

agency, the agency will always provide the interpreter. The 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:

All Civil Service staff and HBAs are provided with instruction on how to access the NYS OGS approved telephonic interpreting vendor services. The information is also available on the Civil Service’s intranet and the EBD public website for HBAs and staff.

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:

OGS approved vendors used by Civil Service track statistics on the number of calls they receive. In addition, the Language Access Coordinator tracks calls for annual reporting purposes.

Cultural Competence and Confidentiality

Our agency makes sure interpreters are culturally competent¹ in the following ways:

Where Civil Service utilizes independent interpreting services, that vendor has implemented quality assurance standards to guarantee that its interpreters are trained and 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. As noted above, Civil Service uses the services of independent interpreters from the OGS centralized contract for

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

interpretation and translation services. The contract sets forth confidentiality requirements, which are enforced by the contract holder in accordance with the contract provisions and NYS Law.

C. Translations of Documents

At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents² that must be translated. This process is accomplished in the following ways:

The Language Access Coordinator (LAC) reviews Civil Service’s publications at least every two years to determine which, if any, publications are vital and require translation.

Our agency’s process for making sure documents are written in plain language³ before they are translated into other languages is as follows:

The LAC and staff review vital documents to ensure they are written in plain language prior to being translated.

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

Contracts with vendors for translation services

Vendors: Language Link and potentially any vendor under 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

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](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>

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 received from an LEP individual in their primary language are reviewed by staff and submitted to the vendor for translation in consultation with the staff’s supervisor. Documents are forwarded within a reasonable timeframe.

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	
	*Language Access Complaint Form	X	X	X	X	X	X	X	X	X	X	X	X	
	*Right to File Language Access Complaint and Complaint Form	X	X	X	X	X	X	X	X	X	X	X	X	
	*Right to File Language Access Complaint Poster	X	X	X	X	X	X	X	X	X	X	X	X	
	*Waiver of Rights to Free Interpretation Services	X	X	X	X	X	X	X	X	X	X	X	X	
	*Website Multilingual Message	X	X	X	X	X	X	X	X	X	X	X	X	

*NYS Notice of Important Document	X	X	X	X	X	X	X	X	X	X	X	X	X	
*Language Identification Tool	X	X	X	X	X	X	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:

Civil Service through its vendor, will ensure that proofing/editing for correctness and cultural sensitivity are a component of the translation services. Civil Service will also ensure that plain language is used in materials produced before translation to ensure information is accessible.



PART 5 – Staff Training

The person in the agency who is responsible for training staff in language access services is: Jeffrey Doring, Training Coordinator and Mia Timmons, 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:

New employees are provided handouts/training as part of their orientations. In addition, Civil Service employees take the Office of Employee Relations (OER) mandatory annual training, with refreshers provided as needed.



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 verifies, on an annual basis, that the plan is being followed. This includes verifying that information on accessing language services is available online and ensuring staff participates in training.

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 all 12 languages in our public office upon request. The complaint forms are also available for download or online submission through our website. Additionally, information on the right to file a complaint is posed in the top 12 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:

Civil Service provides a form for the intake of complaints to standardize the information received. The form is then sent to the LAC for review and resolution. All complaints must be timely forwarded to the Office of Language Access.

PART 7 – Signatures



<i>Z. R. Hogues</i>	Commissioner	9/23/2022
Head of Agency	Title	Date

<i>Mia Timmons</i>	Diversity and Inclusion Specialist 3	9/23/2022
Agency LAC	Title	Date

<i>J. [Signature]</i>	Executive Director, NYS Office of Language Access	09/29/2022
Executive Director, NYS Office of Language Access		Date