

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: Division of Homeland Security and Emergency Services

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 Division of Homeland Security and Emergency Services (DHSES) provides leadership, coordination, and support to prevent, protect against, prepare for, respond to, recover from, and mitigate disasters and other emergencies. The Division accomplishes this core mission through its offices – Counter Terrorism, Emergency Management, Fire Prevention and Control, Interoperable and Emergency Communications, and Disaster Recovery. Agency responsibility includes coordinating the response of state agencies in support of local government. Information is provided to local governments and state agencies as part of DHSES’s mission.

There are two program areas where DHSES interacts directly with the public on a regular basis: (1) the DHSES website (www.dhSES.ny.gov), which provides personal preparedness information and access to local, state and federal emergency services and programs; and (2) emergency preparedness outreach to groups and individuals through the Citizen Preparedness Corps Training Program, conducted in conjunction with the Division of Military and Naval Affairs, or other trainings offered by DHSES.

DHSES staff may interact with members of the public when phone lines from other agencies are forwarded to the State Watch Center, when not-for-profit organizations or emergency services organizations apply for grant or loan monies, or during a disaster or emergency. For example, Disaster Recovery Centers may be established in affected areas with several local, federal and state agencies to provide information and services to the public. However, such interaction with the public is coordinated by local government. Additionally, DHSES has the potential to interact with the public via the NY Alert website (www.alert.ny.gov) when posting an alert or notification of emergency events and severe weather. However, these notices are unplanned, infrequent, occur with short notice and are specific to the emergency situation. These notices are not written in advance.

During large scale disasters and emergencies, DHSES will work with the NYS Department of Taxation and Finance to activate their Contact Center, which receives requests for information

from the public. The Department of Taxation and Finance Contact Center has access to interpreting services in a variety of languages for LEP individuals.

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:

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

DHSES has recently updated its website which includes mirror sites for the top 12 most commonly spoken non-English languages among limited English proficient New Yorkers. The agency will work with the New York State Office of Information Technology Services to track the number of individuals visiting each translated site.

Interaction with LEP individuals in the field (e.g., during disasters) is recorded in accordance with standard log procedures and in coordination with local government/community organizations.

DHSES and its vendor have established a procedure for the collection of the following information for each use of telephonic interpretation services: the name of the Division’s employee requesting interpretation services and the unit they work in within the agency; the length of time of the interaction; and the language interpreted. The information is reported to the Language Access Coordinator who may then verify use of the vendor’s services with the DHSES employee.



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 staff encounter an individual in need of language assistance, they are directed to make the individual aware of services available. This may occur in the field or by telephone and may include the use of the Language Identification Tool. The Language Identification Tool has been posted on the Division’s public website Homepage and DHSES’ internal network making it readily accessible to both the public and Division’s employees.

- 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? Anyone at risk (e.g., a potential disaster victim), which could include both LEP and non-LEP populations. The list of community organizations we work with includes, but is not limited to, the American Red Cross, municipalities, local emergency services organizations, and other non-profit organizations and local faith-based organizations.

- 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)

Information about free language services is posted on the DHSES public website.



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) DHSES and its buildings are secure sites and are not open to the public. Work conducted by DHSES does not typically lend itself to in-person contacts. Most contact that occurs with the public is conducted via telephone or through written correspondence. However, the Language Identification Tool (poster) is available to staff for encounters in person.

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) An LEP individual will very often express their preferred language in English, or a third party will communicate the preferred language on the individual's behalf.

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: An LEP individual may ask for an interpreter, or a staff member may offer interpretation services if the individual has difficulty communicating in English. The NYS Language Identification Tool is utilized by staff to determine the individual's primary language. The vendor will be contacted for interpretation services if needed.

At initial contact in the field: An LEP individual may ask for an interpreter, or a staff member may offer interpretive services if the individual has difficulty communicating in English. The NYS Language Identification Tool is utilized by staff to determine the individual's primary language.

When speaking on the telephone: An LEP individual may ask for an interpreter, or a staff member may offer interpretive services if the individual has difficulty communicating in English. DHSES contacts telephonic vendor if interpretation services are needed.

For pre-planned appointments with LEP individuals: For pre-planned appointments, the LEP individual is notified of free interpreting services either verbally or with the use of the NYS Language Identification Tool at the point of contact.

Other (describe):

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

Language assistance needs are primarily requested for Citizen Preparedness Corps Trainings via email, website or phone for classes in the individual's language. DHSES then utilizes a NYS Office of General Services (OGS) approved vendor to provide interpretation services.

The Department of Taxation and Finance Contact Center, which is activated during large scale disasters, records and maintains documentation of LEP individuals' language assistance needs. Additionally, the vendor(s) used by DHSES for interpretation services provides an ongoing summary of the frequency of use, type of language assistance services utilized and usage costs, along with the names and offices of employees requesting interpretation 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: The NYS OGS approved vendor used by DHSES provides interpreters for more than 240 languages.

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 use the New York State Language Identification Tool which informs the public of the availability of free interpretation services.

At initial contact in the field: At the point of contact with DHSES staff, LEP individuals are notified of the availability of free interpreting services. Staff in the field have access to the Language Identification Tool, which informs the public of the availability of free interpretation services.

When speaking on the telephone: At the point of contact, LEP individuals are verbally notified of the availability of free interpreting services.

For pre-planned appointments with LEP individuals: At the point of contact, LEP individuals are notified of the availability of free interpreting services either verbally or with the use of the NYS Language Identification Tool.

Other (describe): A phone number, listed as free of charge, is provided for free language assistance services on the DHSES website.

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

In emergencies, DHSES utilizes the Department of Taxation and Finance Contact Center services which include interpreting services. Once implemented, services are available for extended hours during the duration of the emergency/disaster. During non-emergencies, DHSES staff are trained to access the agency's interpreter services in a timely manner.

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 our agency 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 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 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:

All DHSES staff are required to take the Language Access training provided by the Office of Employee Relations at least once per year. The language interpretation vendor's number and the agency account are available to all DHSES 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:

NYS OGS approved vendors used by DHSES provide records on frequency of interpretation use, duration, languages spoken and all related service costs. Additionally, DHSES has worked with the current vendor to require DHSES staff to identify themselves and their Office within DHSES when using telephonic interpretation services so that the LAC may call to verify with the

employee that services were used. Records are also maintained by the Department of Taxation and Finance Call Center and provided to DHSES upon request.

DHSES has recently updated its website which includes mirror sites for the top 12 most commonly spoken non-English language among limited English proficient New Yorkers. The agency will work with the New York State Office of Information Technology Services to track the number of individuals visiting each translated site.

Cultural Competence and Confidentiality

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

DHSES only uses language translation services from a list of NYS OGS approved vendors. These vendors 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:

DHSES only uses language translation services from a list of NYS OGS approved vendors. These vendors implement quality assurance standards to guarantee that their 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 documents² that must be translated. This process is accomplished in the following ways:

Documents that are shared with the public are reviewed by the Public Information Officer (“PIO”). When appropriate, the PIO will schedule a meeting with the LAC and Counsel’s Office to discuss whether a document should be deemed vital and/or to reassess any documents previously deemed vital. All documents deemed vital will be sent to the NYS OGS approved vendor for immediate translation.

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

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](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>

DHSES’s deputies, managers, supervisors and staff are aware of the important of using plain language in public-facing agency documents. All vital documents intended for public dissemination from all the DHSES offices, specifically where services and benefits are concerned, shall meet the plain language requirement. Prior to translation of documents, the Language Access Coordinator will be consulted and advised of the intended audience, which will set forth the process of evaluating the level in which translations shall be made.

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

Contracts with vendors for translation services

Vendors: DHSES currently contracts with NYS OGS approved vendors for translation services on an as needed basis.

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:

Documentation submitted to DHSES by an LEP individual in their primary language will be sent to the DHSES Language Access Coordinator for submission to the selected NYS OGS vendor for immediate translation.

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	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	*Fire Extinguisher	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	*Prepare NY	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	*Mass Gathering Locations Poster	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Hebrew
	*Run, Hide, Fight Brochure	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Hebrew
	*Safeguard, Agriculture	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Hebrew
	*Safeguard, Aviation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Hebrew
	*Safeguard, Fire/EMS	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Hebrew
	*Safeguard, Maritime	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Hebrew
	*Safeguard, Mass Transit	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Hebrew

*General Indicators and Warnings of Criminal or Terrorist Activity	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Hebrew
*Potential Indicators of Terrorist Activity at Religious Facilities	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Hebrew
*See Something, Say Something	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Pashto Dari Hebrew
*Suspicious Package Awareness	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Hebrew

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:

DHSES 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. DHSES 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:
Barbara Lee Steigerwald, Deputy Commissioner

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:

DHSES staff are required to complete Language Access training provided by the New York State Office of Employee Relations annually.



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 DHSES Language Access Coordinator will:

- Review and update the DHSES Language Access Plan
- Review language access complaints
- Monitor use of translation vendor services to ensure timely translation of documentation
- Monitor use of telephonic translation services
- Assess provision of staff 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 twelve languages in our public offices 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 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:

A dedicated email was established to receive Language Access complaint forms. The mailbox is monitored, and complaints are reviewed for action by the agency's Language Access Coordinator.

Complaints are also forwarded to the Office of Language Access in a timely manner.

PART 7 – Signatures



Jessie Bray Commissioner 9/22/2022
Head of Agency Title Date

Subram Hegual DEPUTY COMMISSIONER 9/19/2022
Agency LAC Title Date

J. J. Jones 09/23/2022
Executive Director, NYS Office of Language Access Date