

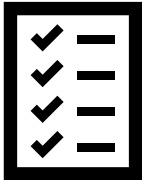
## LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** New York State Department of Public Service

**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 Department of Public Service ("Department") assists consumers in resolving difficulties or disputes involving their electric, natural gas, steam, private water and telecommunication utility services, and carries out an extensive consumer outreach and education program regarding the Public Service Commission (Commission) policies and initiatives on a wide range of utility subjects and issues.

## 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

<b>11</b>	French	30,770
<b>12</b>	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:**

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

DPS interacts with the public through the agency’s consumer complaint process. The agency tracks all complaints received from utility customers and notes which customers are LEP and their preferred language. For the twelve-month period ending September 2021, five percent of the Department’s consumer contacts were Spanish-speaking individuals. Contacts with consumers in all other languages combined, excluding English, made up six percent of all consumer contacts. Consumers who do not speak English as their primary language are identified by the Office of Consumer Services (OCS) call center staff and noted in the complaint management database. The complaint management database provides information on all LEP consumers that contact OCS through telephone, letter, and walk-ins. Reports from the information obtained by OCS are provided to the LAC on an annual basis.



**PART 3 – Public Outreach About the Availability of Language Access Services**

**Our agency informs LEP individuals about their right to free language assistance services in the following ways, using at least the top 12 languages shown in Part 2 of this Plan:**

- LEP individuals are directly informed by our staff
  - In which ways?** The Department staff member informs the LEP individual(s) at the time of contact that free interpreting services are available.
- Signs posted about language assistance services
  - In areas operated by the agency and open to the public

- Other (describe)
- Information is published on our agency’s website in at least the top 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?** Spanish and Chinese
- Local, non-English language media directed at LEP individuals in their languages  
**What are the LEP populations targeted?**
- Social media posts directed at LEP individuals in their languages  
**What are the LEP populations targeted?**
- Telephonic voice menu providing information in non-English languages  
**In which languages?**
- Other (describe)  
Public statement hearing notices, news releases, and fact sheets contain information about the Department’s free interpreting services. The Department also uses a specifically developed webpage which contains the Language Access Plan (LAP), additional language access materials, contact information, and the process for filing a complaint. The website also lists the publications and forms published by the Department in the top 12 languages.



## **PART 4 – Provision of Language Access Services**

### **A. Determining the Need for Services**

**During *in person* encounters, our agency uses the following tools to determine whether an individual is LEP, and what their primary language is:**

- “I Speak” posters or visual aids that provide information about free interpreting services in multiple languages
- Reception staff make those determinations based on training and experience
- Bilingual staff members, where available, assist in identifying LEP individual’s language
- Other (describe)

**On telephone calls, our agency uses the following tools to find out if an individual is LEP, and what their primary language is:**

- Reception staff make those determinations based on training and experience
- Bilingual staff members, where available, assist in identifying an LEP individual's language
- Telephonic interpreting service
- Other (describe)

**Our agency's protocols for assessing whether an individual needs oral interpreting services in different service situations is as follows:**

- During office in-person encounters:** A consumer is provided oral interpretation services through the Department's contractor – Language Line. Staff provides a speaker phone connected to Language Line which allows both sides of the conversation to be interpreted.
- At initial contact in the field:** If a consumer is Limited English Proficient (LEP), the staff offers interpretation services by connecting to the Department's call center and Language Line.
- When speaking on the telephone:** If a consumer is LEP, the staff offers interpretation services at the initiation of the call. If LEP services are accepted, staff, contacts Language Line and proceeds with the call.
- For pre-planned appointments with LEP individuals:** When it is known ahead of time that the consumer is LEP, then staff arranges for interpretation services with Language Line at the onset of the interaction.
- Other (describe):**

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

Our telephonic interpreting service vendor provides the Department with an ongoing summary of frequency of use, type of interpreter service provided, and usage costs. The Department is able to cross-compare these summaries to the paper office logs that indicate the date, name of customer, language assistance needed, and total handling time.

### **B. Oral Interpreting Services**

**Our agency has made the following resources available for oral interpreting requests:**

- Bilingual staff members who work directly with LEP individuals

**Number of staff and languages spoken:**

- Bilingual staff members who provide oral interpreting services on a volunteer basis

**Number of staff and languages spoken:** 4 staff – 2 Spanish and 2 Russian.

- Telephonic interpreting service

**Vendors:** The Department utilizes Language Line for this service.

- Contracts or other arrangements with school and community organizations

**Number of staff and languages spoken:**

- Other (Describe)

**Our agency protocols for informing LEP individuals that free interpreting services will be provided and that they do not need to provide their own interpreters is as follows:**

**During office in-person encounters:** The Department prominently displays the “I Speak” poster in all areas accessible to the public. Staff also offers the “I Speak” cards to individuals which details the free interpreting services available.

**At initial contact in the field:** Staff would offer the “I Speak” cards to individuals which details the free interpreting services available.

**When speaking on the telephone:** Staff is trained to offer free interpreting services and Language Line is connected to any call with LEP individuals to provide those services.

**For pre-planned appointments with LEP individuals:** Individuals are notified in a letter that free interpreting services are available.

- Other (describe):**

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

Staff is trained to connect LEP individuals with interpreting services as soon as an interpreter is requested, or the staff has determined one is needed.

**If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocols for deciding whether to accept or decline such an arrangement is as follows:**

LEP individuals that come into contact with the Department will be informed of the availability of free interpreting services. Generally, an LEP individual may not use a family member, friend, or a minor as an interpreter. However, **during emergencies** an LEP individual will be permitted to use a minor, a family member or friend as an interpreter. Upon request, an LEP individual

may also be permitted to use a minor, a family member or friend as an interpreter for routine matters, such as asking the location of the office, hours of operation or rescheduling an appointment. Where the interaction with the LEP individual occurs at the Department’s office, and an individual is permitted to use an interpreter of their choosing, they must fill out a written consent/waiver form.

Where an LEP individual is engaged in official business with the Department, the Department will provide an independent interpreter at all times. An LEP individual will not be permitted to use an independent interpreter of 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:**

Staff receives mandatory training on how to acquire the assistance of an interpreting service when a person does not speak English as their primary language and has a limited ability to read, speak, write or understand English.

**The agency’s Language Access Coordinator (“LAC”) maintains a list of oral interpreting resources that are available to staff. This resource list includes:**

- Names and contact information for all resources
- Names and locations of staff members who are available to act as interpreters or provide services directly in an LEP individual’s primary language
- Languages in which each interpreter or service is qualified
- Procedures for accessing each interpreter or service

**Our agency records and maintains documentation of oral interpreting services provided to LEP individuals at each encounter. Our protocol in this regard is as follows:**

The telephonic interpreting service vendor provides the Department with an ongoing summary of frequency of use, type of service provided, and usage costs. The Department is able to cross-compare these summaries to the paper office logs that indicate the date, name of customer, language assistance needed, and total handling time.

**Cultural Competence and Confidentiality**

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

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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)



On a case-by-case basis, the Department uses multilingual staff volunteers who are self-assessed in their own language competency. Where the Department utilizes independent interpreting services, that vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent.

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

The training provided to staff addresses the importance of confidentiality. Furthermore, independent interpreters will enforce standards of confidentiality in accordance with NYS Law.

**C. Translations of Documents**

**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:**

A Chief in the Office of Consumer Services, along with the assistance of the managers of the call center and outreach divisions, has been assigned to determine, reassess, and monitor the Department's vital documents with the guidance of the LAC. Literature includes a print date to ensure that the most relevant and up to date information is included.

**Our agency's process for making sure documents are written in plain language<sup>3</sup> before they are translated into other languages is as follows:**

Staff is trained to write in plain language before documents are translated into other languages.

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

Contracts with vendors for translation services

**Vendors:** Potentially any vendor under the NYS Office of General Services 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)

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<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’s Language Access Coordinator (“LAC”) maintains a list of translation resources that are available to staff. This resource list includes:

- Names and contact information for all resources
- Names and locations of staff members who are available to provide translations of documents
- Languages in which each translation service is qualified
- Procedures for accessing each translation service

Our agency translates documents that LEP individuals submit in their primary languages in a timely manner. Our protocol in this regard is as follows:

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

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	
	*Take the Chill Out of Your Winter Energy Bills (brochure)	X	X	X	X	X	X	X	X	X	X	X	X	
	*Your Rights & Protections	X	X	X	X	X	X	X	X	X	X	X	X	

	– Residential (brochure)													
	*Your Rights & Protections – Non-Residential (brochure)	X	X	X	X	X	X	X	X	X	X	X	X	
	*Guide to Filing Complaints (brochure)	X	X	X	X	X	X	X	X	X	X	X	X	
	*How to Contact the PSC (tip strip)	X	X	X	X	X	X	X	X	X	X	X	X	
	*ESCO Bill of Rights	X	X	X	X	X	X	X	X	X	X	X	X	
	*Electric and Natural Gas Safety (brochure)	X	X	X	X	X	X	X	X	X	X	X	X	
	*Utility service interruption	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:**

The Department, through its vendor (where applicable), will ensure that proofing/editing for correctness and cultural sensitivity are a component of the translation services provided by any vendor under contract as part of the publication process. The Department will also ensure that plain

language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.



## **PART 5 – Staff Training**

**The person in the agency who is responsible for training staff in language access services is:**  
Kelly Hildenbrandt, Office of Administration

**The staff training includes the following components:**

- The agency’s legal obligations to provide language access services
- The agency’s resources for providing language access services
- How to access and work with interpreters
- Cultural competence and cultural sensitivity
- How to obtain translation services
- Maintaining records of language access services provided to LEP individuals

**The methods and frequency of training are as follows:**

Mandatory annual training from the Office of Employee Relations is provided to all employees who come in contact with the public, including their managers and/or supervisors. The initial training given to all staff is supplemented with additional training and refresher courses as needed. Newly hired employees who will interact with the public are scheduled for Language Access training. In addition, job aids have been developed and distributed as needed to assist employees in meeting the needs of LEP individuals.



## **PART 6 – Monitoring the Plan and Responding to Complaints**

### **A. Monitoring**

**Our agency’s Language Access Coordinator (“LAC”) will monitor implementation of the Plan to make sure we are in compliance. Our protocols in this regard are as follows:**

LAC reports information to the Department’s appropriate offices to ensure adherence to Executive Law Section 202-a. The LAC, in coordination with other Department staff, reviews the Language Access Plan to determine if updates are needed, ensures that the necessary signage is posted in public areas, provides guidance to staff regarding the required accommodations given to LEP individuals. In addition, the LAC reviews and submits required language access reports and ensures the Department’s website contains the most updated information regarding language access.

## **B. Complaints**

**We provide information to the public in at least the top 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:**

A brochure explaining the complaint process is available to the public in all twelve languages and distributed at all outreach events and posted on the DPS website. Additionally, information on the right to file a complaint is distributed to state consumer leaders and posted in DPS areas where it is easily seen by the public in the top twelve languages. The complaint forms are also available for download or online submission through our website.


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


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

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

**PART 7 – Signatures**



	Chair and CEO	09/16/2022
<b>Head of Agency</b>	<b>Title</b>	<b>Date</b>

	Deputy Counsel	09/16/2022
<b>Agency LAC</b>	<b>Title</b>	<b>Date</b>

		09/23/2022
<b>Executive Director, NYS Office of Language Access</b>		<b>Date</b>