

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: NYS Department of Economic Development

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:






	<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 mission of the Department of Economic Development/Empire State Development (DED/ESD) is to promote economic development and increase job opportunities throughout the State of New York. This is accomplished by numerous programs that attract new businesses to New York State and support the expansion of existing businesses in the State. These services include the certification of businesses as women and/or minority owned and the inclusion of such businesses in State contracting opportunities.

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:

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

Interpretation services are documented by our vendor by keeping track of the number of interactions, their duration, and the language(s) interpreted.



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?** Individuals are verbally informed of their right to free language assistance services or directed by staff to an “I Speak” poster that contains this information.
- 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? Minority/women owned businesses at least in the top 12 languages encountered, specifically within the business community.
- 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: Staff solicits informal assistance from bilingual staff, when available, to determine language spoken. “I Speak” cards/posters or an NYS Office of General Services (OGS) interpreting service vendor are utilized as needed.

At initial contact in the field: Staff utilizes “I Speak” cards/posters and NYS OGS approved interpretation vendors to determine whether interpretation services are needed.

When speaking on the telephone: Staff utilizes an NYS OGS interpreting service vendor, the Department of Taxation and Finance Call Center (“Call Center”) or solicits informal assistance from bilingual staff when available to determine language spoken.

For pre-planned appointments with LEP individuals: When appointments are scheduled, the language needs should already be identified. The certification analyst utilizes an NYS OGS interpreting service vendor to connect to an interpreter.

Other (describe):

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

LEP individuals’ language assistance needs are included as part of the intake process and are recorded in the applicant’s business file by the DMWBD certification analyst. The selected language services vendor and Call Center also provides DED/ESD with an ongoing summary of frequency of use, type of interpreter services utilized, and related costs.

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: Language Line Solutions and potentially any other vendor under the 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 verbally informs LEP individuals of the availability of free interpreting services or directs them to an “I Speak” poster which states that interpreting services are provided free of charge.

At initial contact in the field: “I Speak” signs that state that interpretation services are free of charge are utilized at marketing events and public announcements.

When speaking on the telephone: DED/ESD has redirected a dedicated language access phone line (855-697-0010) to the Call Center where staff is trained to verbally inform LEP individuals of the availability of free interpreting services.

For pre-planned appointments with LEP individuals: Staff verbally offer free interpreting services to applicants and will make arrangements for an interpreter if needed.

Other (describe):

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

Personnel that have direct contact with the public are trained to connect to the selected NYS OGS vendor for interpretation and/or to the Call Center 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, LEP individuals 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, family member or friend as an interpreter. Upon request, an LEP may use a minor, family member or friend for routine matters such as asking for location of the office; hours of operation or rescheduling an appointment. Where the interaction with the LEP individual occurs at the agency’s office, 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 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:

- Agency-wide emails from EDE/ESD’s Senior Deputy Commissioner for Finance & Administration
- Meetings with appropriate department managers
- Procedural memos circulated by the LAC
- Staff training

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 interpreting vendor utilized by DED/ESD provides the agency with an ongoing summary of frequency of use, type or interpreter services provided, and related costs by program areas.

Cultural Competence and Confidentiality

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

Where DED/ESD utilizes independent interpreting services, that vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically/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. Independent interpreters will enforce standards of confidentiality in accordance with NYS law.

C. Translations of Documents

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

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:

Quarterly meetings are held with the LAC, Senior Deputy commissioner for Finance and Administration and Senior Deputy Commissioner who advise Commissioner and Executive Director of DMWBD as needed. Determination is then made about new or existing vital documents that need to be translated pursuant to Executive Law Section 202-a.

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

All documents are written in plain language, excluding the use of business terminology. DED/ESD will ensure that all materials intended for dissemination to the public meet the plain language requirement.

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

Contracts with vendors for translation services

Vendors: Language Line Solutions and potentially any other vendor under the 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:

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>

Retrieve all necessary information from LEP individuals (information to be translated), forward information to our interpreting service, and obtain cost and timeframe for work.

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	
	*NY Forward Loan Fund Flyer	x	x	x	x	x	x	x	x	x	x	x	x	
	*Lease Handout	x	x	x	x	x	x	x	x	x	x	x	x	German, Hindi
	*Small Business Grant Flyer	x	x	x	x	x	x	x	x	x	x	x	x	German, Hindi

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:

Our contracted translation vendor reviews the document(s) for translation in the language requested, follows up with questions that arise, translates the document(s), and applies translation quality assurance before providing final translation.



PART 5 – Staff Training

The person in the agency who is responsible for training staff in language access services is:
Erica Butler, Administrative Specialist

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 staff training provided by the Office of Employee Relations for frontline DMWBD staff occurs once every year at a minimum and also periodically as deemed necessary. All new DMWBD frontline staff members meet with the Training Specialist for an explanation of the Language Access Plan and the requirements set forth in Executive Law Section 202-a.



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 holds quarterly meetings with the Agency’s Senior Deputy Commissioner for Finance & Administration and with the Executive Director of DMWBD to ensure that the Language Access Plan is being followed and that the Agency is in compliance with Executive Law Section 202-a. Feedback from our outreach efforts to immigrant business communities within the LEP community and volume of request for language assistance are taken into consideration.

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. 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:

Complaints are filed with the LAC, who will work with Agency managers to investigate the complaint. A report will be submitted to the Senior Deputy Commissioner for Finance & Administration with recommendations.

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

