

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Gaming Commission

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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 Gaming Commission (Commission) regulates and/or provides oversight for all aspects of lawful gaming and gaming-like activity in the State, including charitable gaming, commercial casinos, horse racing and pari-mutuel wagering, the State Lottery including video lottery gaming, Class III Indian gaming, mobile sports wagering, and interactive fantasy sports, which by law is not considered gaming.

The following is a review of the services provided by each gaming business under the Commission’s jurisdiction.

Charitable Gaming

The Division of Charitable Gaming maintains its main office in Schenectady. Division staff consider and issue identification and registration numbers to religious, charitable, and not-for-profit organizations for charitable gaming activities. Division staff also consider and issue licenses to suppliers. Interaction between Division staff and the public is limited to occasional on-site visits to review activities or to conduct site-specific training seminars at organizations that request guidance or have regulatory issues.

Commercial Casinos

The Gaming Division maintains staff at each of New York’s four commercial gaming locations. Staff perform rolling regulatory reviews of operations and help to ensure that gaming is conducted in compliance with all applicable laws, rules, and regulations. Staff interact with casino employees daily and direct facility management on proper implementation of state and federal regulations. Staff interaction with the public is limited.

Horse Racing & Pari-Mutuel Wagering

The Division of Horse Racing & Pari-Mutuel Wagering maintains its main office in Schenectady and has employees at 11 in-state horse tracks. Division staff interaction with the public is limited

to the consideration, issuance and renewal of occupational licenses, and the supervision, regulation and administration of horse racing and pari-mutuel wagering.

New York Lottery

The Division of the Lottery maintains its main office in Schenectady and has staff located throughout the State. Regional staff visit existing Lottery retailers and engage in ongoing retailer recruitment. Sales staff interaction with the public is limited to these activities.

The Lottery also maintains four regional customer service centers where players may claim prizes. Staff interactions with the public at these locations is limited to verifying a claimant's identity via a government-issued photo ID, validating winning tickets, and paying prizes. The downstate claiming process is conducted by appointment only.

Video Lottery Gaming

Video Lottery Gaming is under the jurisdiction of the Division of Gaming. The business line maintains its main office in Schenectady and has staff located at eight regional video lottery gaming facilities. Staff are responsible for regulatory reviews of operations and help to ensure gaming activities comply with all applicable laws, rules and regulations. Commission staff interact with facility employees daily and direct facility management on proper implementation of state and federal regulations.

Indian Gaming

Class III Indian Gaming falls under the jurisdiction of the Division of Gaming. Staff located at each of New York's seven Class III Indian casinos help resolve patron disputes and conduct licensing-related interviews with current employees and job seekers.

Mobile Sports Wagering

Mobile Sports Wagering falls under the jurisdiction of the Division of Gaming and maintains its main office in Schenectady. Staff consider and issue licenses, perform ongoing regulatory reviews of operations, and help to ensure that gaming is conducted in compliance with all applicable laws, rules, and regulations. Staff has little to no interaction with the public given the online nature of the business.

Interactive Fantasy Sports

Interactive (Daily) Fantasy Sports maintains an office in Schenectady. Staff help register interested operators; consider and issue temporary permits to those who qualify; and perform regular reviews to ensure operators adhere to the Commission's regulatory framework. Staff interaction with the public is limited to the consideration, issuance, and renewal of temporary permits.

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:

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

Where vendor interpreting services are required to assist with communication with LEP individuals on telephone calls or office visits, a record is made, and this data is compiled and sent to the Commission in periodic reports.

On a quarterly basis, staff are surveyed to provide best estimates of the frequency of contacts with LEP individuals calling and visiting Commission offices, and this information is provided to the Language Access Coordinator.



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? Commission staff are trained to ask callers if they would like an interpreter conferenced in free-of-charge to help facilitate a conversation in real time. Staff at all public-facing service areas are presented with a copy of the State-issued “I Speak” Language Identification Tool to help determine an LEP individual’s preferred language.

- Signs posted about language assistance services
 - In areas operated by the agency and open to the public
 - Other (describe)

Gaming operators licensed by the Commission are requested to post Language Access materials in high traffic areas.

- 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? Arabic, Bengali, Chinese, Haitian-Creole, Italian, Korean, Polish, Russian, Spanish, and Yiddish. French and Urdu menu options are in progress.

- Other (describe)
Commission websites have been enhanced to include Language Switcher technology at the top of each page that allows users to instantly translate content into Arabic, Bengali,

Chinese, French, Haitian-Creole, Italian, Korean, Polish, Russian, Spanish, Urdu, and Yiddish. A similar enhancement found at the bottom of each page allows users to translate individual pages into the same languages offered via the Language Switcher. Commission websites also provide browser-specific instructions for translating the site into the languages referenced above. In addition, Commission sites offer information about free Language Assistance services and steps to take to report a complaint regarding Language Access services. Also, the Commission provides a copy of the multi-lingual “This is an Important Document” flyer with all written documents mailed to applicable stakeholders to alert them of the availability of free interpretation services should they not understand the contents of documents requiring their review, response and/or signature.



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) [Click here to enter text.](#)

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) The Commission currently maintains a menu on its main telephone line that incorporates Arabic, Bengali, Chinese, Haitian-Creole, Italian, Korean, Polish, Russian, Spanish, and Yiddish. The next scheduled update will include the addition of French and Urdu, and other languages as needed. The multi-lingual telephone menu allows LEP individuals to access a specific Division in their preferred language. Once connected, Division staff has been trained to conference in vendor interpreting services to provide information and/or services in real time.

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 use their experience and best judgment to determine an individual’s LEP needs. In addition, staff is trained to use State-approved “I Speak” materials to determine a person’s preferred language and connect the individual to vendor interpreting services or a bilingual staff member, if available, to provide information or services in real time.

At initial contact in the field: Field staff is trained to use a pocket-sized version of the “I Speak” poster to ascertain the preferred language of their LEP contact. To the fullest extent possible, bilingual staff is assigned to areas where their language skills allow business to be conducted in real time.

When speaking on the telephone: Staff initiate real-time phone conversations via vendor interpreting services. The Commission maintains a menu on its main telephone line that incorporates Arabic, Bengali, Chinese, Haitian-Creole, Italian, Korean, Polish, Russian, Spanish, and Yiddish. The next scheduled update will include the addition of French and Urdu, and other languages as needed. The telephone menu enables LEP individuals to access a specific Division in their preferred language. Once connected, staff has been trained to conference in vendor interpreting services to provide information and/or services in real time. Staff also can engage vendor interpreting services prior to making an outgoing call when following up on a request for more information made by an LEP individual. Commission staff is trained to make callers aware of the state’s free interpretation services.

For pre-planned appointments with LEP individuals: Typically, the decision as to whether vendor interpreting services are needed has already been established prior to scheduling a pre-planned appointment. If there is a question about an LEP individual’s ability to effectively communicate with a staff member at an appointment, the LEP individual is given the opportunity to make use of an interpreting service on State contract. If the individual declines, they are asked to sign a Waiver of Right to Free Oral Interpretation Services form, which is available in Arabic, Bengali, Chinese, French, Haitian-Creole, Italian, Korean, Polish, Russian, Spanish, Urdu, and Yiddish. If the LEP individual’s preferred language is not one of the 12 most spoken languages in New York as listed here, staff has been trained to connect the individual to vendor interpreting services or a bilingual staff member, if available, to verbally confirm the LEP individual’s decision to decline the State’s offer of free oral interpretation services.

Other (describe):

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

The Commission maintains records of the:

- Number of outgoing calls made by Commission staff and/or their designees at affiliated locations to vendor interpreting services;
- Number of incoming calls to the Commission’s main number that elect to be transferred in a language other than English;
- Number of Lottery retailers opting to use the custom Spanish “Help” screen on their sales terminal;
- Number of Lottery business recruits and the number of Lottery jackpot winners who sign a State-approved Waiver of Right to Free Oral Interpreting Services Form allowing them to use an adult of their own choice, e.g., an adult business partner or family member, to interpret vital documents requiring their signature.

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: The Commission has two employees who have successfully completed a Civil Service language parenthesis exam and have been appointed to language parenthesis titles. Both employees are fluent in Spanish. The Commission employs 23 additional bilingual staff who volunteer their language skills, as needed, to ensure services are provided to LEP individuals in real time. Eleven of those 23 employees are fluent in Spanish, seven are fluent in Chinese; three are fluent in Hindi; and the remaining are fluent in Greek and Korean, respectively. One of our Hindi-speaking employees is also fluent in Malayalam.

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

Number of staff and languages spoken: Fifteen of the Commission’s 25 bilingual employees serve as regional sales reps who have the most frequent encounters with LEP individuals. The remaining 10 bilingual staff serve in regional offices and may be accessed via telephone to provide interpretation support, if needed. Collectively, these employees can provide interpretation assistance in the following languages other than English: Chinese, Spanish, Hindi, Korean, Greek, and Malayalam.

- Telephonic interpreting service

Vendors: The Commission uses State-approved vendor interpreting services.

- 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:** Commission staff is trained to use the “I Speak” poster to determine a person’s preferred language. A Commission employee can point to the poster which features the following statement in 40 languages: “Point to your language. An interpreter will be called. The interpreter is provided at no cost to you.” Once the language is identified, the employee may connect the visitor with an interpreter via telephone or to a bilingual staff member, if available.

☒ **At initial contact in the field:** Commission field staff have been authorized to access State-approved vendor interpreting services for over-the-phone interpreting. Any telephone equipped with conference call features and a speaker can be used for this purpose.

☒ **When speaking on the telephone:** Commission staff have been trained on how to contact vendor interpreting services. Information and related materials are also available in the Language Access tab on the Commission’s intranet site.

☒ **For pre-planned appointments with LEP individuals:** For a pre-planned appointment, vendor interpreting services are contacted upon request.

☒ **Other (describe):** Information about free, State-approved vendor interpreting services is displayed prominently on the Commission’s websites.

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

The Commission posts Language Access materials, including instructions for “How to Access an Interpreter,” on its employee-facing intranet site. In addition, all public-facing employees are trained to post a copy on the same instructions in their work area. Field staff can access the instructions via State-issued cell phones and/or laptops.

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:

Limited English Proficient individuals who interact with Commission staff are informed of the State’s free interpreting services available to them. Generally, an LEP individual may not use a family member, friend, or a minor as an interpreter. However, during emergencies, an LEP person may be permitted to use a minor, family member or friend as an interpreter. Upon request, an LEP individual also may be permitted to use a minor, family member or friend as an interpreter for routine matters such as asking the location of an office, hours of operation or rescheduling an appointment. Where the interaction with the LEP person occurs at the agency’s office, and an individual elects to use an interpreter of their choosing, they must fill out a State-approved Waiver of Right to Free Oral Interpretation Services 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 other vital documents 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:

Commission staff is required to complete annual language access training through the Statewide Learning Management System (SLMS). Changes to the law are communicated to staff in a timely manner.

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:

In practice, prior to payment, the Commission’s Finance officer and LAC independently review call detail sheets provided with the invoice from the State-contracted Language Access vendor for the previous month’s telephonic interpreting activity. This review assists staff in identifying departmental activity and languages requested.

The Commission requires invoices received from a Language Access vendor on State contract to include a thorough record of the frequency of use, time of day a call was made, length of the call, the language requested, and the costs associated with the service, along with other call details.

Cultural Competence and Confidentiality

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

All responses received from prospective interpretation service providers are screened during the State’s standard procurement process to ensure cultural sensitivity is addressed.

Where the State utilizes independent interpreting services, that vendor is required to demonstrate quality assurance standards that guarantee its interpreters are trained and certified to be linguistically and culturally competent.

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

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

All responses received from prospective interpretation service providers are screened during the State’s standard procurement process to be sure independent interpreters can and are willing to enforce standards of confidentiality in accordance with State law. Further, internal staff are trained on the importance of confidentiality.

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:

Annually, the LAC requests each Division Director to complete an audit of all frequently used documents within their business lines to identify those that are vital. Documents identified as such are reviewed and prioritized according to immediate and future 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 contacts Division Directors or their designee(s) to request a translated document to review prior to the document being submitted for estimate and determines and recommends changes, where necessary, to ensure brevity and clarity of the message and/or the instructions provided.

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

- Contracts with vendors for translation services

Vendors: The Commission uses the services of a primary vendor on State contract and may use the services of a State-contracted secondary or tertiary translation service provider, as needed.

- Contracts or other arrangements with schools and community organizations

Names of schools/organizations:

- Translation of documents by bilingual staff members

- Other (describe)

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>

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:

Any documents determined to be vital during the course of this plan will be translated 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	
	Summary of Hearing Procedures (Lottery/Video Lottery)*	√	√	√	√	√	√	√	√	√	√	√	√	
	Summary of Hearing Procedures (Racing and Commercial Gaming)*	√	√	√	√	√	√	√	√	√	√	√	√	
	Summary of Hearing	√	√	√	√	√	√	√	√	√	√	√	√	

Procedures (Charitable Gaming)*														
Lottery Withholdings Brochure*	√	√	√	√	√	√	√	√	√	√	√	√	√	
Lottery Prize Claim Form*	√	√	√	√	√	√	√	√	√	√	√	√	√	Armenian, Gujarati, Hindi, Latvian, Punjabi, Turkish,
Commission Phone System Script	√	√	√	√	√	√	√	√	√	√	√	√	√	
Responsible Gaming HOPELINE poster	√	√	√	√	√	√	√	√	√	√	√	√	√	
Notice of Underage Sales Penalties*	√	√	√	√	√	√	√	√	√	√	√	√	√	

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 Commission, through its vendor, ensures that proofing and editing for correctness and cultural competency are components of the translation services provided by any vendor under contract as a part of the initial procurement process. In addition, the Commission ensures 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:
Joseph Hunter, Human Resource 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:

Commission staff are required to complete annual language access training via the Statewide Learning Management System (SMLS). Supplemental information regarding agency specific procedures and issues of cultural competence/sensitivity are provided as well. Refresher courses are available for employees in SLMS.



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 Commission’s LAC requests Division Directors perform regular departmental audits to ensure Language Access materials are prominently displayed in all publicly accessible areas under their jurisdiction. In addition, the LAC regularly surveys Bureau and Office heads to determine translation needs for existing and proposed vital documents. The LAC works cooperatively with the Office of Counsel to resolve complaints involving the agency’s language access services and makes recommendations as needed to encourage continuous improvement.

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 standardized complaint form available in Arabic, Bengali, Chinese, French, Haitian-Creole, Italian, Korean, Polish, Russian, Spanish, Urdu, and Yiddish as well as the procedures for filing a complaint are available in the Commission's public offices. The same standardized forms may be accessed through the Commission's websites and are available for submission through the websites or via email at LEPComplaint@gaming.ny.gov. Additionally, signage on the public's right to file a complaint is displayed in the Commission's public-facing service areas.

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


Upon receiving a complaint, the Commission's LAC investigates and submits recommendations to the Office of Counsel, who issues a final report. In addition, all complaints are forwarded in a timely manner to the Office of Language Access.

PART 7 – Signatures



 Executive Director September 19, 2022

Head of Agency Title Date

 Language Access Coordinator 9/19/22

Agency LAC Title Date


Executive Director, NYS Office of Language Access 09/23/2022

Executive Director, NYS Office of Language Access Date