

## LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** Information Technology 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:

	<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:**

NYS Information Technology Services (ITS) provides IT services for 50-plus New York State agencies and authorities. ITS does not provide direct public services and does not maintain vital documents.

## 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:**

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

ITS does not provide direct public services, so we do not track encounters with LEP individuals on an agency-wide basis.



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

ITS as an agency does not provide direct public services. However, in order to increase access to State services, ITS has begun reviewing options to translate the my.ny.gov website and online forms into the 12 most commonly spoken non-English languages in New York State. The ITS website is also automatically translated into these 12 most commonly spoken non-English languages.

**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? N/A**

Signs posted about language assistance services

In areas operated by the agency and open to the public

Other (describe) N/A

Information is published on our agency’s website in at least the top 12 languages spoken by LEP individuals in New York State. The ITS website is translated into the top 12 languages spoken by LEP individuals using automatic translation tools. ITS maintains an email address for language access complaints that is monitored daily to check for these complaints.

Outreach and presentations at schools, faith-based groups, and other community organizations

**What are the LEP populations targeted? N/A**

- Local, non-English language media directed at LEP individuals in their languages

**What are the LEP populations targeted?** N/A

- Social media posts directed at LEP individuals in their languages

**What are the LEP populations targeted?** N/A

- Telephonic voice menu providing information in non-English languages

**In which languages?** N/A

- Other (describe) N/A



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

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

ITS does not provide direct services to the public. In the instance ITS becomes aware that an individual may need translation services, such as for an appointment or meeting, ITS will procure a translator or interpreter as needed.

**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) N/A

**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) N/A

**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:** N/A

- At initial contact in the field: N/A**
- When speaking on the telephone: N/A**
- For pre-planned appointments with LEP individuals: N/A**
- Other (describe): N/A**

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

N/A

**B. Oral Interpreting Services**

**Our agency has made the following resources available for oral interpreting requests:** ITS does not provide direct services to the public. In the instance ITS becomes aware that an individual may need translation services, such as for an appointment or meeting, ITS will procure a translator or interpreter as needed.

- Bilingual staff members who work directly with LEP individuals

**Number of staff and languages spoken: N/A**

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

**Number of staff and languages spoken: N/A**

- Telephonic interpreting service

**Vendors: N/A**

- Contracts or other arrangements with school and community organizations

**Number of staff and languages spoken: N/A**

- Other (Describe) N/A

**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: N/A**
- At initial contact in the field: N/A**
- When speaking on the telephone: N/A**
- For pre-planned appointments with LEP individuals: N/A**
- Other (describe): N/A**

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

This is not applicable at this time. In the instance ITS becomes aware that an individual may need translation services, such as for an appointment or meeting, ITS will procure a translator or interpreter as 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:**

This is not applicable at this time, but ITS would determine if the friend or family member can meet the agency’s and LEP individual’s needs. If not, ITS would obtain other interpreting services.

**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:**

ITS Help Desk staff do not regularly interact with the public. However, all staff receive annual training on Language Access to assist in the instance that a member of the public contacts the help desk.

**The agency’s Language Access Coordinator (“LAC”) maintains a list of oral interpreting resources that are available to staff. This resource list includes:** The ITS LAC maintains information about available services for procurement, and in the rare instance translation services are needed, the LAC will work with the relevant staff to procure the services.

- 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:**

N/A

**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)

Where ITS utilizes independent interpreting services, the vendor has implemented quality assurance standards to guarantee that its interpreters are trained and linguistically and culturally competent.

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

Where ITS uses the services of independent interpreters from the NYS Office of General Services centralized contract for interpretation and translation services, the contract sets forth confidentiality requirements which are enforced by the contract holder in accordance with the contract provisions and NYS Law.

**C. Translations of Documents**

**At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents<sup>2</sup> that must be translated. This process is accomplished in the following ways:**

The ITS Division of Legal Affairs reviews the agency’s services and websites, as well as interviews relevant stakeholders to determine whether any substantial changes have occurred since the last review.

**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:**

ITS attempts to use plain language in all documents. However, certain documents, such as security and technology policies, do require technical language. ITS does not translate any of these documents except as otherwise described by this plan and has not designated any of these as vital documents.

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

- Contracts with vendors for translation services

**Vendors:** N/A

- Contracts or other arrangements with schools and community organizations

**Names of schools/organizations:** N/A

- Translation of documents by bilingual staff members

- Other (describe) N/A

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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:**

The ITS LAC maintains information about available services for procurement, and in the rare instance translation services are needed, the LAC will work with the relevant staff to procure the services.

- 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:**

ITS does not have an active translation program or any translated documents as it does not provide direct public services. However, the ITS website is automatically translated.

**The process for ensuring that translations are accurate and incorporate commonly used words is as follows:**

ITS does not translate vital documents. The ITS website is translated using automated translation technology.



## **PART 5 – Staff Training**

**The person in the agency who is responsible for training staff in language access services is:**

ITS does not have an active translation program as it does not provide direct public services. However, ITS does require Level 1 Help Desk personnel to take language access training and plans to procure on-demand language translation services to use if needed.

**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:**

This is an annual statewide training provided by the Office of Employee Relations.



## 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:**

ITS does not have an active translation program as it does not provide direct public services. However, the ITS website is translated into the top 12 most spoken non-English languages, and ITS taking steps to increase access to State services through translation of State websites and applications.

### 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 complaint form is available on the ITS website in the required languages. There is a dedicated mailbox for receipt of these complaints which is monitored daily.


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

ITS does not have an active translation program as it does not provide direct public services. In the instance we do receive a complaint, ITS will attempt to address it promptly or refer the individual to the relevant agency that provides the services the individual is seeking access to. Complaints must also be forwarded to the Office of Language Access in a timely manner.

**PART 7 – Signatures**

  
Deputy Chief Information Officer for Operations 09/22/2022  
Head of Agency Title Date

  
Senior Attorney 09/22/2022  
Agency LAC Title Date

  
Executive Director, NYS Office of Language Access 09/29/2022  
Date