LANGUAGE ACCESS PLAN FOR
LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: The Public Employment Relations Board

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:

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<td>The Limited English Proficient (“LEP”) population in our service area.</td>
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<td>How we notify the public about language access services.</td>
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<td>Our resources and methods for providing language access services.</td>
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<td>How we train our staff to provide language access services to the public.</td>
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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:

As an adjudicatory agency responsible for administering the State's labor relations statutes, the New York State Public Employment Relations Board (PERB) provides representation and dispute resolution services to public and private employers and the organizations that represent their employees, for the purpose of collective bargaining. We do not provide services to the general public.

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:

<table>
<thead>
<tr>
<th>#</th>
<th>Language</th>
<th>Estimated Number of LEP Speakers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Spanish</td>
<td>1,166,777</td>
</tr>
<tr>
<td>2</td>
<td>Chinese</td>
<td>375,924</td>
</tr>
<tr>
<td>3</td>
<td>Russian</td>
<td>119,160</td>
</tr>
<tr>
<td>4</td>
<td>Yiddish</td>
<td>71,740</td>
</tr>
<tr>
<td>5</td>
<td>Bengali</td>
<td>66,980</td>
</tr>
<tr>
<td>6</td>
<td>Haitian Creole</td>
<td>53,335</td>
</tr>
<tr>
<td>7</td>
<td>Korean</td>
<td>51,285</td>
</tr>
</tbody>
</table>
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:

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

Program staff logs any engagement with an LEP individual, listing the date, time, location, name of the individual (if provided), language, assistance utilized, interaction type (in-person, telephone, postal or electronic mail), and if follow-up is needed. The office of administration utilizes the information to track all encounters.

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, with the assistance of telephonic interpreters, and when written correspondence is exchanged, by postal or electronic mail.

☒ 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?

☐ 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: These encounters are rare. As needed, the “I Speak” tool is used.

☐ At initial contact in the field:

☒ When speaking on the telephone: Staff are trained to utilize telephonic interpreting services as needed.

☒ For pre-planned appointments with LEP individuals: Telephonic interpreting services are utilized. There have been rare instances where an in-person interpreter was needed, and the agency was able to schedule this in advance.

☐ Other (describe):

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

Program staff logs any engagement with an LEP individual, listing the date, time, location, name of the individual (if provided), language, assistance utilized, interaction type (in-person, telephone, postal or electronic mail), and if follow-up is needed. Administration office utilizes the information to track all encounters.

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: PERB has one employee in the Brooklyn office that is fluent in both English and Spanish.

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

   Number of staff and languages spoken:

☒ Telephonic interpreting service

   Vendors: Any vendor under the NYS Office of General Services (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 utilizes available resources such as posted “I Speak” signs and its selected vendor to inform individuals of free interpreting services.

☑ At initial contact in the field: Staff utilizes the “I Speak” poster or card to inform individuals of free interpreting services.

☑ When speaking on the telephone: Staff utilizes the telephonic interpreting service to verbally inform individuals of free interpreting services.

☑ For pre-planned appointments with LEP individuals: Prior to coming to one of our offices, staff verbally informs the individual of the availability of free interpreting services. Staff will schedule telephonic interpreting service in advance if needed. On rare occasions an in-person interpreter has been scheduled.

☐ Other (describe):

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

PERB’s staff is trained to connect to the selected interpreting vendor in a timely manner. In our experience telephonic interpreter services tend to operate in a timely manner. PERB will continue to make use of those services.

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 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:**

Distribution of instructions for obtaining oral interpreting services, annual training, and reminders of procedures are provided to 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:**

Program staff logs any engagement with an LEP individual, listing the date, time, location, name of the individual (if provided), language, assistance utilized, interaction type (in-person, telephone, postal or electronic mail), and if follow-up is needed. Administration office utilizes the information to track all encounters.

**Cultural Competence and Confidentiality**

Our agency makes sure interpreters are culturally competent\(^1\) in the following ways:

We use only the services of vendors that have been pre-approved. Where PERB 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:**

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The training provided to staff addresses the importance of confidentiality. Furthermore, independent interpreters will enforce standards of confidentiality in accordance with NYS Law. We use only the services of vendors that have been pre-approved.

C. Translations of Documents

At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents\(^2\) that must be translated. This process is accomplished in the following ways:

The LAC periodically, but at least once every year, reviews and identifies any new 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 language\(^3\) before they are translated into other languages is as follows:

PERB program managers responsible for the documents engage no fewer than two associates to review each document to ensure plain language is used in the materials before translation, thus assuring the information is accessible to a range of literacy levels.

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

- Contracts with vendors for translation services
  
  **Vendors:** Language Line.

- Contracts or other arrangements with schools and community organizations
  
  **Names of schools/organizations:** None at this time.

- 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

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\(^2\) 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 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
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:

Utilizing the services of any vendor available under the NYS OGS statewide administrative contract, any such document is immediately submitted to a vendor for translation.

Though no vital documents are currently designated because services are provided to employers, employee organizations, and law offices representing these parties, PERB provides assistance in filling out documents through interpreting services to anyone with limited English proficiency. Notification of this assistance is provided with the Board’s forms.

Any 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:

PERB, 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. PERB 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:
Jonathan J. O’Rourke, Language Access Coordinator

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:
Staff is required to take the Language Access training annually. The mandatory training provided by the Office of Employee Relations includes and addresses all components listed in the previous question. Training materials and any resources or materials on Language Access matters are posted on the agency’s server and/or distributed by email.

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 maintains a log of all interpreting services provided, documents translated, training materials, complaints and other applicable materials. The LAC also monitors mandatory training compliance in the area of 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:

The standard complaint forms are available to the public upon request in all twelve languages and in reception areas. Additionally, information on the right to file a complaint is posted in areas where it is easily seen by the public. This information will be included with documents provided to the public as well. Complaint forms can also be accessed and submitted through our website.

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

Any complaints will be investigated by the PERB Language Access Coordinator and any necessary actions will be reviewed with the Office of Language Access.

All complaints must be timely forwarded to the Office of Language Access.
PART 7 - Signatures

Head of Agency: [Signature]  Title: Chair  Date: 9/20/22

Agency LAC: [Signature]  Executive Director  Title  Date: 9/21/22

Executive Director, NYS Office of Language Access  Date: 09/26/2022