

## LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** Workers' Compensation 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:

	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 Workers’ Compensation Board’s (Board) core mission is to protect the rights of employees and employers by ensuring the proper delivery of benefits to those who are injured or ill, and by promoting compliance with the law. Injured workers may be eligible for a range of benefits including the complete cost of medical care, wage replacement benefits and vocational rehabilitation and counseling. It is estimated that New York’s workers’ compensation system covers 8 million workers and half a million employers. Some employers buy workers’ compensation insurance from private insurance companies or from the New York State Insurance Fund. Some employers apply to become self-insured. Public sector employers (municipal, county and state government entities) may also become self-insured. The Board is responsible for the resolution of issues that may arise with respect to claims for workers’ compensation benefits, monitors carrier compliance with prompt payment of lost wage benefits to injured workers and ensures all employers provide the required coverage for their workers in compliance with the law. The Board is a 1,100-employee public agency. Over 145,000 claims are assembled each year. Each year, the Board receives over 11 million documents filed by a variety of system stakeholders including health care providers, injured workers, employers, attorneys and insurance carriers. As the regulator of workers’ compensation, the Board has an obligation to provide language access services when needed to ensure parties understand all aspects of their workers’ compensation case.

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

The Board obtains generated reports quarterly from each vendor and Board staff maintain records on the number of encounters, duration, type of service, time of day and language provided.



### **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?** At any public contact (in person) by utilizing “I Speak” language identification posters, which inform the public of the availability of free interpreting services, or by phone utilizing contracted interpretation vendors.

- 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?** At every engagement the public is notified that language assistance is available to anyone by displaying the “I Speak” language identification poster, which provides information about the availability of free interpreting services. The Communication & Outreach Unit at the Board conducts outreach on a regular basis throughout the year. The Board’s Language Access and Communications teams partner together to incorporate best practices to ensure we are able to communicate with our constituency on a regular ongoing basis. In addition, the Board’s Chair has done several Spanish-language outreach events and the WCB’s Advocate for Injured Workers and Advocate for Business speak to hundreds of injured workers and employers each year.
- 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?** Spanish speaking claimants
- Telephonic voice menu providing information in non-English languages

**In which languages?** Spanish
- Other (describe)

Information about the availability of free language access services is provided with claimant notices generated from our system.



## 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:** LEP individual self-identifies need (either through limited proficiency or by having another person initiate contact) or staff assesses LEP individual and makes a determination based on experience, utilizing signs/posters where applicable. If the LEP individual is attending a hearing, the Workers’ Compensation Law Judge will ask if they need an interpreter. If yes, one will be connected into the hearing telephonically or via video conferencing.

**At initial contact in the field:** LEP individual self-identifies need (either through limited proficiency or by having another person initiate contact) or staff assesses LEP individual and makes determination based on experience, utilizing signs/posters where applicable.

**When speaking on the telephone:** LEP individual self-identifies need (either through limited proficiency or by having another person initiate contact) or with the help of the telephonic interpreter.

**For pre-planned appointments with LEP individuals:** In instances where an LEP individual has a previous self-identified need, that information is recorded in the case file. Staff refers to the case file and ensures interpretation services are available for scheduled hearings. In

instances where there is no prior contact, the employee claim (Form C-3) is reviewed to determine preferred language and the file is updated accordingly.

**Other (describe):**

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

The Employee Claim Form (C-3) allows a LEP individual to indicate the need for an interpreter and to identify their preferred language. This information (which also may be identified during initial contacts) is recorded in the electronic case folder. Initial contact could be a walk-in claimant to a Hearing Center or a telephone call from the claimant. In addition, the Notice of Retainer or Substitution (OC-400) allows the claimant's attorney to identify if an interpreter is needed and the preferred language. Once Claims is aware, the language field is populated in the system so future hearings will be flagged as needing interpreter services.

**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:** Seven Assistant Workers Compensation Examiners (Spanish), two Workers' Compensation Examiners (Spanish) and one Senior Workers Compensation Examiner (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 informs the LEP individual directly while utilizing the interpreting services; utilizing signs/posters where applicable.

**At initial contact in the field:** Staff informs the LEP individual directly while utilizing the interpreting services.

☒ **When speaking on the telephone:** Staff informs the individual directly while utilizing the interpreting services.

☒ **For pre-planned appointments with LEP individuals:** Staff informs the LEP individual of the availability of interpreting services as part of the notification in scheduling the appointment. Our Claims Information Systems application contains a field for language so any staff member, at any time, can identify the LEP individual's primary language. For hearings purposes, this is noted and an interpreter is pre-scheduled or contacted on demand to service the LEP individual.

☒ **Other (describe):** Our website informs LEP individuals how to contact us via telephone and explains that free interpreter assistance is provided. In addition, a notification stating the availability of free language access services is included in approximately 200 system-generated documents mailed to the claimant.

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

Vendor services are available over the phone on demand. Staff are authorized to contact vendors directly; supervisory approval is not required.

**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 will be informed of the availability of free interpreting services. Generally, an LEP individual is not allowed to use a family member, friend, or a minor as an interpreter for hearings. However, **during emergencies** an LEP individual will be permitted to use a minor, a family member or friend as an interpreter. Emergencies defined by the Judge or the inability to secure 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.

The agency will provide an independent interpreter at all times, except during emergencies as noted above. 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:**

Availability of oral translation services and procedures for accessing those services are currently maintained on the Board's dedicated Language Access Intranet site. This information is also incorporated into the staff training program described in Part 5.

**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 Board does not have a systematic way to capture and record oral interpreting services provided to LEP individuals at each in-person encounter at a Board office that is outside of a hearing.

**Cultural Competence and Confidentiality**

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

Where the Board 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:**

Independent interpreters will enforce standards of confidentiality in accordance with NYS Law. The agreement with all vendors states: "The Contractor, its officers, agents and employees and subcontractors, shall treat all information, with particular emphasis on information relating to recipients and providers, as confidential information to the extent required by the Laws of the State of New York and of the United States."

All Board staff, and those who contract with the Board, must comply with Workers' Compensation Law §110-a, which prohibits the release of any of the information in a case file except to those who are party to the claim (including employer, employer's workers' compensation insurance carrier, employer's attorney and claimant's attorney), anyone to whom has been given written permission to access claim information, or anyone who has obtained a court-order authorizing them to access claim information. Staff are trained on the requirements of this law at the time of hire and annually thereafter. The training provided to staff addresses the importance of confidentiality.

**C. Translations of Documents**

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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)

**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:**

Consideration of language access service requirements is currently part of the Board's form revision and clearance process. All proposed new forms are submitted to the Language Access Coordinator for review. Also, on an annual basis (or more often as needed), the Language Access Coordinator will convene the LAP Working Group to review the items monitored (documented in Part 6) to ensure compliance and propose any updates or changes needed.

**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:**

The Board aims to have all documents read at a 7th grade level and regularly makes use of online tools (such as Google's Reading Level Analyzer) to achieve this goal.

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

Contracts with vendors for translation services

**Vendors:** Geneva Worldwide, LanguageLine Solutions, American Sign Language, Corporate Translation, LinguaLinx, 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:**

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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>

Our Quality Assurance Office (QA) and our scanning vendor pull vital documents in languages other than English at the time of receipt. QA staff is notified and submits the documents to the written translation vendor with an order priority of 2-3 business days.

**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	
A-9*	Notice that you May be Responsible for Medical Costs	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
AFF-1*	Affidavit For Death Benefits	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
BN-INJ-ADV-injuredworker-fs-v1 8/16*	Advocate for Injured Workers Factsheet	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
C-121*	Claim for Compensation and Notice of Commencement of Third-Party Action	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	

Form #	Name	Top 12 Languages												Additional Languages
		AR	BE	CH	FR	HA	IT	KO	PO	RU	SP	UR	YI	
C-25*	Application for Reopening of Claim, More Than Seven Years After Accident	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
C-257*	Claimant's Record of Medical and Travel Expenses and Request for Reimbursement	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
C-258*	Injured Worker's Record of Job Search Efforts/Contacts	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
C-258.1*	Injured Worker's Record of Independent Job Search Efforts	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
C-3*	Claimant's Claim for Compensation	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
C-3.1*	Notice of Right to Select A Workers' Compensation	x	x	x	X-In pro	x	x	x	x	x	x	X-In pro	x	

Form #	Name	Top 12 Languages												Additional Languages
		AR	BE	CH	FR	HA	IT	KO	PO	RU	SP	UR	YI	
	Board Authorized Health Care Provider				gress							gress		
C-3.3*	Limited Release of Health Information (HIPAA)	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
C-300.34*	Statement of Unresolved Issues (Special Part for Expedited Hearings)	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
C-300.5*	Employee (and Attorney or Representative, if represented) and Carrier/Board-approved self-insurer	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
C-312.5*	Agreed Upon Findings And Awards For Proposed Conciliation Decision (Represented Claimants Only)	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	

Form #	Name	Top 12 Languages												Additional Languages
		AR	BE	CH	FR	HA	IT	KO	PO	RU	SP	UR	YI	
C-32*	Settlement Agreement - Section 32	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
C-32.1*	Settlement Agreement - Section 32 - Claimant Release	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
C-32-I*	Settlement Agreement - Section 32 WCL Indemnity Only Settlement Agreement	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
C-35*	Extreme Hardship Redetermination Request	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
C-430S	Statement of Rights	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
C-62*	Claim for Compensation in a Death Case	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
DB271-S*	Statement of Rights; NYS	x	x	x	X-In	x	x	x	x	x	x	X-In	x	

Form #	Name	Top 12 Languages												Additional Languages
		AR	BE	CH	FR	HA	IT	KO	PO	RU	SP	UR	YI	
	Disability Benefits				pro gre ss							pro gres s		
DB-450*	Notice and Proof of Claim for Disability Benefits	x	x	x	X- In pro gre ss	x	x	x	x	x	x	X- In pro gres s	x	
DB-450.1*	Claimant's Statement Regarding No Fault or Personal Injury	x	x	x	X- In pro gre ss	x	x	x	x	x	x	X- In pro gres s	x	
DC-120*	Discharge or Discrimination Complaint	x	x	x	X- In pro gre ss	x	x	x	x	x	x	X- In pro gres s	x	
DD-1*	Direct Deposit Authorization Sample Form	x	x	x	X- In pro gre ss	x	x	x	x	x	x	X- In pro gres s	x	
DD-2*	Biannual Recertification to Entitlement to Benefits	x	x	x	X- In pro gre ss	x	x	x	x	x	x	X- In pro gres s	x	
DT-1*	Notice That Claimant Must Arrange for Diagnostic Tests & Examinations	x	x	x	X- In pro gre ss	x	x	x	x	x	x	X- In pro gres s	x	

Form #	Name	Top 12 Languages												Additional Languages
		AR	BE	CH	FR	HA	IT	KO	PO	RU	SP	UR	YI	
	through a Network Provider													
INJ-FileAClaim-1-v2 10/17*	What to Expect When You File a Claim	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
INJ-gen-pc1-v1 8-17*	Injured on the Job- what now? (Injured Worker Palm Card)	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
LAC-1*	Language Access Comment Form	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
OC-110A*	Claimant's Authorization to Disclose Workers' Compensation Records	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
PFL DC-120*	PFL Discrimination/ Retaliation Complaint	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
PFL DC-130*	Employer's Response to Paid Family Leave Discrimination	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	



Form #	Name	Top 12 Languages												Additional Languages
		AR	BE	CH	FR	HA	IT	KO	PO	RU	SP	UR	YI	
	n/Retaliation Complaint													
PFL_Waiver*	PFL Waiver	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
PFL-120*	PFL Notice of Compliance; Controlled form; at request.	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
PFL-271S*	PFL Statement of Rights	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
PFL-32-D*	Section 32 Waiver Agreement: Paid Family Leave Discrimination/Retaliation Claim	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
PFL-DC-119*	PFL Formal Request for Reinstatement Regarding PFL	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
RB-89*	Application for Board Review	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	

Form #	Name	Top 12 Languages												Additional Languages
		AR	BE	CH	FR	HA	IT	KO	PO	RU	SP	UR	YI	
RB-89.1*	Rebuttal of Application for Board Review	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
RB-89.2*	Application for Reconsideration / Full Board Review	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
RB-89.3*	Rebuttal of Application for Reconsideration / Full Board Review	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
RFA-1W*	Request for Assistance by Injured Worker	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
VDF-1*	Loss of Wage Earning Capacity, Vocational Data Form	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
WCB-Claimant - QuickGuide-v1 (1-21)*	Quick Guide For Injured Workers (Claimant Information Packet)	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
WCB-FatalityC	Filing a Fatality Claim	x	x	x	X-In pro	x	x	x	x	x	x	X-In pro	x	

Form #	Name	Top 12 Languages												Additional Languages
		AR	BE	CH	FR	HA	IT	KO	PO	RU	SP	UR	YI	
laim-fs-v1 8-20*					gress							gress		
WTC-12*	Registration of Participation in World Trade Center Rescue, Recovery and/or Clean-Up Operations	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
WTC-HIPAA*	World Trade Center Volunteer Health Insurance Portability and Accountability Act Authorization	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
WTC-VCF-AUTH*	World Trade Center September 11th Victim Compensation Fund (VCF) Authorization	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	
WTC-VOL 3*	World Trade Center Volunteer's Claim for Compensation	x	x	x	X-In progress	x	x	x	x	x	x	X-In progress	x	

Additionally, the Board issues a “Notice of Interpreter Services” in the top twelve languages in approximately 200 system generated decisions, notices and correspondence with the following language:

If you need help reading this important document or interpretation services at your hearing, please call the Workers’ Compensation Board’s toll-free number: **1-877-632-4996**. An interpreter will be provided at no cost to you.

If you feel that the Board has not provided you with adequate interpretation services, please let us know by contacting us using the form found at: **wcb.ny.gov/lac**.

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 Board, 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 Board will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels. The vendor utilizes glossary technology for consistency and uniformity.



**PART 5 – Staff Training**

**The person in the agency who is responsible for training staff in language access services is:** Training of staff in language access services is completed by the Associate Director of Training 1.

**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:**

- Mandated annual online training program via the Statewide Learning Management System for all staff with performance support materials (may include job aids for handling callers while accessing services and sensitivity-building videos, etc.).

- Annual refresher programs will be done to reinforce and build knowledge and skills.
- Periodic reminders from the Language Access Office mailbox.



## **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 Board monitors its document submissions (both overall and by language) to confirm the appropriate documents and languages have been provided timely. The Board also monitors requests for oral translation services and confirms that services have been provided timely. Finally, the Board tracks complaints (both about existing services and missing services) to determine where potential issues exist and take action as appropriate.

### **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:**

This information is incorporated into the brochures and signage identified in Part 3 to advertise the Board’s language assistance services. The standardized complaint forms, along with the procedures for filing a complaint, are also available in all twelve languages in our public offices upon request. The complaint forms 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:**

A dedicated e-mail account and complaint form (LAC-1) has been established to receive complaints directly. All complaints submitted to this account, [LanguageAccessCoordinator@wcb.ny.gov](mailto:LanguageAccessCoordinator@wcb.ny.gov), or expressed to Board staff (either online, over the

phone, in person or in writing) will be forwarded to the Language Access Coordinator for evaluation, resolution and response as part of our LAC-1 process.

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

**PART 7 – Signatures**



*Steven M. Scotti*      *Executive Director*      *9/19/22*  
\_\_\_\_\_  
**Head of Agency**      **Title**      **Date**  
*Steven M. Scotti*

*Dean K Jones*      *Director, Operations*      *9/19/22*  
\_\_\_\_\_  
**Agency LAC**      **Title**      **Date**

*J. Jones*  
\_\_\_\_\_  
**Executive Director, NYS Office of Language Access**      **09/26/2022**  
**Date**