

LANGUAGE ACCESS PLAN FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY

State Agency: Department of Financial Services

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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 population with Limited English Proficiency (“LEP”) 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 people with Limited English Proficiency (“LEP”) have meaningful access to agency services, programs, and activities.

In this Plan, individuals with LEP 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 Department of Financial Services (DFS) supervises and regulates the activities of more than 3,000 financial institutions and financial services companies doing business in New York including insurance companies, agents and brokers, mortgage companies, banking and other financial institutions, including state-chartered banks and credit unions, foreign bank branches and agencies, student loan servicers, check cashers, money transmitters, credit rating agencies, virtual currency companies, pharmacy benefit managers, and more. DFS also registers, approves, permits, and authorizes certain other entities to do business in New York state.

DFS investigates, and prosecutes insurance and financial fraud, working with law enforcement and regulatory agencies at the federal, state, county, and local levels.

DFS answers consumer questions via our Call Center and subject matter experts and accepts and manages complaints, appeals, and disputes from the public regarding financial institutions, products,



and services offered in New York. DFS accepts complaints appeals, and disputes via mail, fax and online via a secure portal.

DFS staff also respond to emergency and disaster sites to help coordinate state response.

PART 2 – The Population with Limited English Proficiency 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 New Yorkers with limited English proficiency. Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top 12 languages most commonly spoken by individuals with LEP in New York State.

The top 12 languages spoken by individuals with LEP in New York State are:

#	Language	Estimated Number of Speakers with LEP (ACS 2018-2022)
1	Spanish	1,198,032
2	Chinese	377,524
3	Russian	124,422
4	Yiddish	90,199
5	Bangla	74,342
6	Haitian Creole	51,947
7	Korean	48,581
8	Arabic	42,907
9	Italian	41,155
10	French	34,304
11	Polish	33,122
12	Urdu	29,983

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:

Currently the agency hasn’t identified the need to add languages. DFS will continue to assess the need for additional languages of translation on an ongoing basis and as need arises.



Our agency tracks encounters with individuals with LEP in the following ways:

DFS utilizes an Office of General Services (OGS) approved contractor to provide language assistance services to individuals with LEP. DFS receives reports from the contractor that detail the number of calls serviced by an interpreter on behalf of DFS. The top 12 languages spoken by individuals with LEP are confirmed to be provided by the contractor. In-person and field encounters are reported directly to the LAC via email.



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

Our agency informs individuals with LEP 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:

Individuals with LEP are directly informed by our staff

In which ways?

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 individuals with LEP in New York State

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

What are the populations with LEP targeted? [Click here to enter text.](#)

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

What are the populations with LEP targeted? [Click here to enter text.](#)

Social media posts directed at individuals with LEP in their languages

What are the populations with LEP targeted? [Click here to enter text.](#)

Telephonic voice menu providing information in non-English languages

In which languages? Spanish

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 has 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 the language of individuals with LEP
- Other (describe)

On *telephone calls*, our agency uses the following tools to find out if an individual has 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 the language of individuals with LEP
- 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: In the event that an individual does not appear to understand information provided or appears unable to communicate their needs clearly enough for staff to provide service, staff will contact the telephonic interpreting services contractor for interpreting assistance.

At initial contact in the field: Staff uses personal assessment skills to assess needs of the individual. If an individual does not appear to understand information provided or appears unable to communicate their needs clearly enough for staff to provide service, staff contacts the telephonic interpreting services contractor for assistance.



When speaking on the telephone: Via telephonic recorded message on the Department of Taxation and Finance's (DTF) Call Center which handles the agency's first level of calls. DFS staff who receive a direct telephone call from an individual with LEP are instructed to call an interpreter and conference in the LEP individual.

For pre-planned appointments with individuals with LEP: Staff uses personal assessment skills to assess needs of the individual. If an individual does not appear to understand information provided or appears unable to communicate their needs clearly enough for staff to provide service, staff contacts the telephonic interpreting services contractor for assistance.

Other (describe):

Our agency records and maintains documentation of language assistance needs of individuals with LEP as follows:

Call Center contractor collects data on calls; Consumer complaints managed in other languages are recorded in complaint database with specific language noted.

B. Oral Interpreting Services

Our agency has made the following resources available for oral interpreting requests:

Bilingual staff members who work directly with individuals with LEP

Number of staff and languages spoken:

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

Number of staff and languages spoken:

Telephonic interpreting service

Number of contractors and languages spoken: Callers that require assistance in a language other than English are assisted via conference call using a contractor interpreter who speaks the chosen language of the caller. We have one primary telephonic interpreting contractor that's under the NYS Office of General Services (OGS)

Contracts or other arrangements with school and community organizations

Number of contracts or other arrangements and languages spoken:

Other (Describe)

Our agency protocols for informing individuals with LEP 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 inform individuals with LEP of free interpreting services available with the assistance of “I Speak” posters. If a consumer does not appear to understand information provided or appears unable to communicate their needs clearly enough for staff to provide service, staff will contact the telephonic interpreting services contractor for assistance.

At initial contact in the field: Staff inform individuals with LEP of free interpreting services available with the assistance of “I Speak” cards. If a consumer does not appear to understand information provided or appears unable to communicate their needs clearly enough for staff to provide service, staff will contact the telephonic interpreting services contractor for assistance.

When speaking on the telephone: Via telephonic recorded message on the Call Center line. Staff who receive a direct telephone call from an individual with LEP are instructed to call an interpreter and conference in the individual.

For pre-planned appointments of individuals with LEP: Staff inform individuals with LEP of free interpreting services available with the assistance of “I Speak” materials and the “Notice of Important Document.” If a consumer does not appear to understand information provided or appears unable to communicate their needs clearly enough for staff to provide service, staff will contact the telephonic interpreting services contractor for assistance.

Other (describe):

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

Contractor used for interpreting will ensure that DFS staff has access to interpreters in a timely manner. Frontline staff and the Call Center staff are trained on how to access the contractor’s interpreters.

If an individual with LEP insists on having a family member, friend, or other person interpret, our protocols for deciding whether to accept or decline such an arrangement is as follows:

Individuals with LEP that come into contact with our agency will be informed of the availability of free interpreting services. Generally, individuals with LEP may not have a family member, friend, or a minor interpret. However, **during emergencies** an individual with LEP may be permitted to have a minor, a family member or friend interpret.

Upon request, an individual with LEP may also be permitted to have a minor, a family member or friend interpret for routine matters, such as asking the location of the office, hours of operation or rescheduling an appointment.

Where the interaction with the individual with LEP occurs at the agency’s office, and an individual is permitted to have an interpreter of their choosing, they must fill out a written consent/waiver form. Where an individual with LEP is engaged in official business with the agency, the agency will provide an independent interpreter at all times.



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: DFS trains all staff on how to connect with the oral interpreting services contractor through state mandated Office of Employee Relations training and a DFS-specific training module posted as an addendum to the state training on the Statewide Learning Management System. All staff are trained annually.

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 the primary language of an individual with LEP
- 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 individuals with LEP at each encounter. Our protocol in this regard is as follows:

DFS relies on contractor records which are sent to DFS annually and include frequency of use and languages spoken.

Cultural Competence and Confidentiality

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

Where DFS utilizes independent interpreting services, the contractor will implement quality assurance standards to ensure 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:

Training provided to staff addresses the importance of confidentiality. Furthermore, independent interpreters will enforce standards of confidentiality in accordance with NYS Law.

C. Translation of Documents

¹ Cultural Competence is defined as a set of congruent behaviors, attitudes, and policies that come together in a system or agency or among professionals that enables effective interactions in a cross-cultural framework. U.S. Department of Health and Human Services, Office of Minority Health. 2000. Assuring Cultural Competence in Health Care: Recommendations for National Standards and an Outcomes-Focused Research Agenda. Extracted from: https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring_Cultural_Competence_in_Health_Care-1999.pdf



At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents² that must be translated. This process is accomplished in the following ways:

DFS convenes the agency’s Language Access Working Group as needed, but at least once a year, to identify any new or existing vital documents that should be translated pursuant to Executive Law Section 202-a. The Working group comprises the LAC, an Executive Liaison, an Administration Liaison, a Consumer Assistance Unit Liaison, a Mortgage Assistance Liaison, a Training Liaison, and a Liaison from our Office of General Counsel.

The group functions to ensure DFS compliance with its Language Access Plan.

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

All vital documents intended for public dissemination from DFS are edited to meet the plain language requirement. Readability assessment and Flesch-Kincaid readability test are done by the LAC before translation.

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

Contractors for translation services

Number of contractors: One primary translation services contractor that’s under the NYS Office of General Services (OGS) Statewide Administrative Services Contract and covers over 50 languages, as well as potentially any contractor under the same contract.

Contracts or other arrangements with schools and community organizations

Names of schools/organizations: [Click here to enter text.](#)

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

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 individuals with LEP submit in their primary languages in a timely manner. Our protocol in this regard is as follows:

Documents in need of translation are identified and sent directly to the contractor on the day that they are read and identified as requiring translation, or the next business day if they are received late in the day or require further discussion with a supervisor or the agency LAC.

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*
- *BA: Bangla*
- *CH: Chinese*
- *FR: French*
- *HA: Haitian-Creole*
- *IT: Italian*
- *KO: Korean*
- *PO: Polish*
- *RU: Russian*
- *SP: Spanish*
- *UR: Urdu*
- *YI: Yiddish*

DOCUMENT/FORM NAME		TOP 12 LANGUAGES											
VITAL DOCUMENTS		AR	BA	CH	HA	IT	KO	PO	RU	SP	YI	FR	UR
1	Authorization to Release Information (MTG/SPU)	X	X	X	X	X	X	X	X	X	X	X	X
2	Bail Bond Receipt 1	X	X	X	X	X	X	X	X	X	X	X	X
3	Bail Bond Receipt 2	X	X	X	X	X	X	X	X	X	X	X	X
4	Bail Bond Statement of Rights	X	X	X	X	X	X	X	X	X	X	X	X
5	Consumer Complaint Form	X	X	X	X	X	X	X	X	X	X	X	X
6	Drug Price Spike Reporting Form	X	X	X	X	X	X	X	X	X	X	X	X
7	Foreclosure Consumer Bill of Rights	X	X	X	X	X	X	X	X	X	X	X	X
8	Insurance Fraud Reporting Form	X	X	X	X	X	X	X	X	X	X	X	X
9	External Appeal of Health Denial Form	X	X	X	X	X	X	X	X	X	X	X	X
10	External Appeal Helpful Tips	X	X	X	X	X	X	X	X	X	X	X	X



11	External Appeal Response Letter Templates	X	X	X	X	X	X	X	X	X	X	X	X
12	Health Insurance Designee Standard NY Form	X	X	X	X	X	X	X	X	X	X	X	X
13	Letter of Authorization for Mortgage and Student Loan Servicer Complaints	X	X	X	X	X	X	X	X	X	X	X	X
14	Mortgage Pre-Foreclosure Notice		X	X	X	X		X	X	X			
15	Reverse Mortgage Pre-Foreclosure Notice		X	X	X	X		X	X	X			
16	Surprise Medical Bill Patient Application for IDR	X	X	X	X	X	X	X	X	X	X	X	X
17	Surprise Medical Bill Provider Application for IDR	X	X	X	X	X	X	X	X	X	X	X	X
18	Surprise Medical Bill IDR Certification Form	X	X	X	X	X	X	X	X	X	X	X	X
19	Surprise Medical Bill Assignment of Benefits	X	X	X	X	X	X	X	X	X	X	X	X
20	Student Borrower Bill of Rights	X	X	X	X	X	X	X	X	X	X	X	X
21	Home Repair Scams Brochure	X	X	X	X	X	X	X	X	X	X	X	X
22	Storm Recovery Brochure	X	X	X	X	X	X	X	X	X	X	X	X
23	Elder Financial Exploitation Brochure								X				
24	Identity Theft Brochure								X				
25	Avoiding Foreclosure Brochure								X				
26	About DFS	X	X	X	X	X	X	X	X	X	X	X	X

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

DFS, through its contractor(where applicable), will ensure that proofreading/editing for correctness and cultural sensitivity are a component of the translation services provided by any contractor under contract as part of the publication process. DFS 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: Anna Lukachik, Training Director.

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 individuals with LEP

The methods and frequency of training are as follows:

Yearly online training via the Statewide Learning Management System (SLMS) is provided to all staff. Additional DFS-specific training on DFS procedures and processes IS ALSO posted to SLMS as an additional required mandatory language assistance training module. Refresher courses are provided to staff as required.



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 will monitor utilized services reports by collecting all language access data annually. The LAC meets with the Language Access Working Group at least annually. The LAC requires all staff to forward all language access complaints directly to the LAC. The LAC will report, at least annually, to the Superintendent on the implementation of the Language Access Plan.

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:

In signage at every public-facing access point, and on our website at www.dfs.ny.gov/language_assistance

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

All staff are trained to immediately forward any complaint received regarding access to language assistance to the agency’s LAC. The LAC confers directly with the Consumer Assistance Unit and Mortgage Assistance Unit to determine whether the complaint is legible and related to language services or is a consumer complaint to be handled by the Consumer Assistance Unit or Mortgage Assistance Unit. If the complaint is determined to be about language access, the LAC will confer directly with the Public Information Officer to address the complaint. Complaints about language access will be addressed as quickly as possible. All complaints must be timely forwarded to the Office of Language Access.

PART 7 – Signatures



X 	Superintendent	August 27, 2024
Head of Agency	Title	Date
X 	Eileen Greene	Director of Communication Design
		June 28, 2024
Agency LAC	Title	Date
X 	Margarita Larios	09/24/2024
Executive Director, NYS Office of Language Access		Date