

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Department of Public Service

Effective Date of Plan: October 1, 2024

Language Access Coordinator (LAC): Aaron J. Schwartz

Language Access Coordinator Phone: (518) 402-1537

Language Access Coordinator E-mail: languageaccess@dps.ny.gov



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 Proficiency (“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.

Table of Contents

PART 1 – Our Agency’s Services.....	2
PART 2 – The Limited English Proficient Population in Our Service Area.....	3
PART 3 – Public Outreach About the Availability of Language Access Services....	4
PART 4 – Provision of Language Access Services	4
PART 5 – Staff Training	11
PART 6 – Monitoring the Plan and Responding to Complaints	12
PART 7 – Signatures.....	13



PART 1 – Our Agency’s Services

This Language Access Plan (Plan) has been prepared to comply with New York State Executive Law Section 202-a, which establishes New York’s Statewide Language Access Policy. This Plan explains how DPS makes sure that people with Limited English Proficiency (LEP) have meaningful access to Agency services, programs, and activities.

In this Plan, people with LEP are understood as people who do not speak English as their primary language and/or who have a limited ability to read, speak, write, and/or understand English.

Our Agency’s services to the public include:

The Department of Public Service (Department or DPS) assists consumers in resolving difficulties or disputes involving their electric, natural gas, steam, private water, and telecommunication utility services, and carries out an extensive consumer outreach and education program regarding the Public Service Commission (Commission) policies and initiatives on a wide range of utility subjects and issues.

PART 2 – People 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 languages 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 people with LEP in New York State.

The top 12 languages spoken by people 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	Bengali	74,342
6	Haitian Creole	51,947
7	Korean	48,581
8	Arabic	42,907
9	Italian	41,155
10	Polish	34,304
11	French	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 regarding the addition of languages beyond the top 12:

DPS continues to internally monitor requests in order to determine if additional languages of translation beyond the top 12 are necessary.

Our Agency tracks encounters with people with LEP in the following ways:

DPS interacts with the public through the Agency’s consumer complaint process. The Agency tracks all complaints received from utility customers and notes which people have LEP and

what their preferred language is.



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

Our Agency informs people with LEP about their right to free language assistance services in the following ways, using the top 12 languages shown in Part 2 of this Plan:

- Individuals with LEP are directly informed by DPS staff:
 - The Department staff member informs the person(s) with LEP at the time of contact that free interpreting services are available and makes use of written resources to identify their language needs.
- Signs posted about language assistance services.
 - In areas operated by DPS and open to the public, such as the Agency’s website.
- Information is published on our Agency’s website in the top 12 languages spoken by people with LEP in New York State.
- Outreach and presentations at schools, faith-based groups, and other community organizations.
- Other
 - Public statement hearing notices to inform people across New York State about upcoming hearings where consumers may come and voice their opinions and concern, news releases, and fact sheets containing information about the Department’s free interpreting services. The Department also uses a specifically developed [webpage](#) which contains the Language Access Plan (LAP), additional language access materials, contact information (800-342-3377) or languageaccess@dps.ny.gov, and the process for filing a complaint ([complaint form](#)). The website also lists the publications and forms published by the Department in the top 12 languages.



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 a person has LEP, and what their primary language is:

- Language identification posters or visual aids that provide information about free interpreting services in multiple languages

Reception staff make those determinations based upon the SMLS Language Access (2024) for Frontline Employees, additional internal training, and experience.

Bilingual staff members, where available, assist in identifying a person with LEP's language

On *telephone calls*, our Agency uses the following tools to find out if a person has LEP, and what their primary language is:

Reception staff make those determinations based upon the SMLS training Language Access (2024) for Frontline Employees, additional internal training, and experience.

Telephonic interpreting service

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: A consumer is provided oral interpretation services through the Department's contractor. Staff provides a speaker phone connected to the contractor which allows both sides of the conversation to be interpreted.

At initial contact in the field: If a person has limited English proficiency (LEP), the staff offers interpretation services by connecting to the Department's call center and our telephonic interpretation contractor.

When speaking on the telephone: If a person has LEP, the staff offers interpretation services at the initiation of the call. If interpretation services are accepted, staff contacts our telephonic interpretation contractor and proceeds with the call.

For pre-planned appointments with person with LEP: When it is known ahead of time that the person reaching out has LEP, then staff arranges for interpretation services with our contractor at the onset of the interaction.

Our Agency records and maintains documentation of each person with LEP's language assistance needs as follows:

Our telephonic interpreting service contractor provides the Department with an ongoing summary of frequency of use, type of interpreter service provided, and usage costs. The Department can cross-compare these summaries to the paper office logs that indicate the date, name of customer, language assistance needed, and total handling time.

B. Oral Interpreting Services

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

The Department utilizes one primary interpreting contractor that's under the NYS Office of General Services (OGS) Statewide Language Services Contract and covers over 200 languages and dialects for this

service.

Our Agency protocols for informing people 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:** The Department prominently displays the language identification poster in all areas accessible to the public. Staff also offers the language identification cards to individuals which details the free interpreting services available.
- ☒ **At initial contact in the field:** Staff offers the language identification cards to individuals which details the free interpreting services available.
- ☒ **When speaking on the telephone:** Staff is trained to offer free interpreting services and our interpreting contractor is connected to any call with people with LEP to provide those services.
- ☒ **For pre-planned appointments with individuals with LEP:** Individuals are notified in writing that free interpreting services are available.

Our Agency’s protocols for obtaining interpretation services in a timely manner is as follows:

Staff is trained to connect people with LEP with interpretation services as soon as an interpreter is requested, or the staff has determined one is appropriate.

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:

People with LEP who interact with the Department will be informed of the availability of free interpreting services. Generally, people with LEP may not have a minor, a family member, or friend interpret. However, during emergencies a person with LEP may be permitted to have a minor, a family member, or friend interpret. Upon request, a person 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 person with LEP occurs at the Department’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 Department, the Department 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:

Staff receives mandatory training on how to acquire the assistance of our interpreting contractor when a person does not speak English as their primary language and has a limited ability to read,

speak, write, or understand English.

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
- 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 people with LEP at each encounter. Our protocol in this regard is as follows:

The telephonic interpreting contractor provides the Department with an ongoing summary of frequency and length of use, type of service provided, and usage cost. The Department then compares these summaries to the paper office logs that indicate the date, name of customer, language assistance needed, and total handling time.

Cultural Competence and Confidentiality

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

On a case-by-case basis, the Department uses multilingual staff volunteers whose competency in their own language is self-assessed. Where the Department utilizes independent interpreting services, that contractor 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:

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

C. Translations of Documents

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

A Chief in the Office of Consumer Services, along with the assistance of the managers of the call center and outreach divisions, has been assigned to determine, reassess, and monitor the Department's vital documents with the guidance of the LAC. Literature includes a print date to ensure that the most relevant and up to date information is included.

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

Staff is trained to write in plain language before documents are translated into other languages.

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

Contractors for translation services

Contractors: Potentially any contractor under the NYS Office of General Services Statewide (OGS) Language Services Contract.

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

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>

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
- Languages in which each translation service is qualified
- Procedures for accessing each translation service

Our Agency translates documents that people with LEP submit in their primary languages in a timely manner. Our protocol in this regard is as follows:

Documents used by people with LEP are submitted to the Department's selected contractor(s) for translation within a reasonable time frame.

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

Form #	Name	Top 12 Languages												Additional Languages
		AR	BA	CH	FR	HA	IT	KO	PO	RU	SP	UR	YI	
	*Take the Chill Out of Your Winter Energy Bills (brochure)	X	X	X	X	X	X	X	X	X	X	X	X	
	*Your Rights & Protections – Residential (brochure)	X	X	X	X	X	X	X	X	X	X	X	X	
	*Your Rights & Protections – Non-Residential (brochure)	X	X	X	X	X	X	X	X	X	X	X	X	
	*Guide to Filing Complaints (brochure)	X	X	X	X	X	X	X	X	X	X	X	X	
	*How to Contact the PSC (tip strip)	X	X	X	X	X	X	X	X	X	X	X	X	
	*ESCO Bill of Rights	X	X	X	X	X	X	X	X	X	X	X	X	
	*Electric and Natural Gas Safety (brochure)	X	X	X	X	X	X	X	X	X	X	X	X	
	*Utility service interruption	X	X	X	X	X	X	X	X	X	X	X	X	

New documents identified for translation after the signing of this Plan and before the 2-year reassessment will be translated in a timely manner. For a more complete list of documents, please refer to the [Language Access Policy – Publications](#) page on the DPS website.

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

The Department, through its contractor (where applicable), will ensure that proofreading/editing for correctness and cultural competence are a component of the translation services provided by any contractor under contract as part of the publication process. The Department 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 are responsible for training staff in language access services is:
Aaron J. Schwartz

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 people with LEP

The methods and frequency of training are as follows:

Mandatory annual training from the Office of Employee Relations is provided to all employees who engage with the public, including their managers and/or supervisors. The initial training given to all staff is supplemented with additional training and refresher courses as needed. Newly hired employees who will interact with the public are scheduled for Language Access training. In addition, job aids have been developed and distributed as needed to assist employees in meeting the needs of people with LEP.

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 reports information to the Department’s appropriate offices to ensure adherence to Executive Law Section 202-a. The LAC, in coordination with other Department staff, reviews the Language Access Plan to determine if updates are needed, ensures that the necessary signage is posted in public areas, provides guidance to staff regarding the required accommodations given to people with LEP. In addition, the LAC reviews and submits required language access reports and ensures the Department’s website contains the most updated information regarding language access.

B. Complaints

We provide information to the public in the top 12 most commonly spoken non-English languages in the State, advising members of the public of their right to file a complaint if they feel that they have not been provided adequate language access services or have been denied access to services because of their limited English proficiency. We do not retaliate or take other adverse action because an individual has filed a language access complaint.

We display information on the right to file a complaint, and the procedures for filing a complaint, in the following manner:

A brochure explaining the complaint process is available to the public in all twelve languages and distributed at all outreach events and posted on the DPS website ([DPS Language Access Policies and Plan](#)). Additionally, information on the right to file a complaint is distributed to State consumer leaders and posted in DPS areas where it is easily seen by the public in the top twelve languages. The complaint forms are also available for download or online submission through our website here [DPS Language Access Complaint Form](#).




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

All complaints are forwarded to the Department’s Language Access Coordinator for investigation and resolution.

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

PART 7 – Signatures



	Chair and CEO	10/22/2024
Head of Agency	Title	Date
	Equal Opportunity	
	Specialist 2	10/21/2024
Agency Language Access Coordinator	Title	Date
	Margarita Larios	10/30/2024
Executive Director, NYS Office of Language Access		Date