

LANGUAGE ACCESS PLAN FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY

State Agency: New York State Gaming Commission

Effective Date of Plan: October 1, 2024

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This document is the New York State Gaming Commission’s **Language Access Plan**.

A **Language Access Plan** explains how the Commission provides services to people who have limited English proficiency.

This **Language Access Plan** includes information about:






	<p>The population with Limited English Proficiency (“LEP”) in the Commission’s service area.</p>
	<p>How the Commission notifies the public about language access services.</p>
	<p>The Commission’s resources and methods for providing language access services.</p>
	<p>How the Commission trains staff to provide language access services to the public.</p>
	<p>How the Commission monitors language access services and responds to complaints.</p>



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PART 1 – Our Agency’s Services



The Gaming Commission (Commission) 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 the Commission makes sure that people with Limited English Proficiency (“LEP”) have meaningful access to agency services, programs and activities. This report considers individuals with LEP as those 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 Commission regulates and/or provides oversight for all aspects of lawful gaming and gaming-like activity in the State.

Charitable Gaming: The Division of Charitable Gaming maintains staff in Schenectady. Division staff consider and issue identification and registration numbers to religious, charitable, and not-for-profit organizations for charitable gaming activities. Division staff also consider and issue licenses to games of chance and bingo suppliers. Staff interaction with the public is generally limited to interactions with charitable organizations that engage in charitable gaming.

Commercial Casinos: The Division of Gaming maintains staff in Schenectady and at commercial casinos across the state. Staff perform regulatory reviews of operations to ensure gaming is conducted in compliance with all applicable laws, rules, and regulations. Staff interact with casino employees daily. Staff interaction with the public is generally limited.

Horse Racing & Pari-Mutuel Wagering: The Division of Horse Racing & Pari-Mutuel Wagering maintains staff in Schenectady and at 11 tracks across the state. Division staff interact with track management, horse trainers and their employees, jockeys and other involved parties. Staff interaction with the public is generally limited to occupational licensing matters.

New York Lottery: The Division of Lottery maintains staff in Schenectady and sales and marketing staff across the state. Regional staff interact with existing Lottery retailers and recruit new retailers. Sales staff interaction with the public is generally limited. The Division of Lottery maintains three regional customer service centers where players may



claim prizes. Customer service staff regularly interact with the public, including verifying a prize claimant’s identity, the validity of the ticket(s) presented, and paying prizes. Prizes are claimed by appointment-only.

Video Lottery Gaming: The Division of Gaming maintains staff in Schenectady and at video lottery facilities across the state. Staff perform regulatory reviews of operations to ensure gaming activities comply with all applicable laws, rules, and regulations. Staff interact with video lottery facility employees daily. Staff interaction with the public is generally limited.

Indian Gaming: The Division of Gaming maintains staff at Class III Indian Gaming facilities across the state pursuant to compacts between New York State and the applicable Nation or Tribe. Staff at each facility interact with casino employees daily and with the public via current and potential employee suitability reviews and the resolution of patron disputes. Staff interaction with the public is generally limited.

Mobile Sports Wagering and Interactive Fantasy Sports: The Division of Gaming regulates sports wagering and interactive fantasy sports via staff in Schenectady. Staff interact with licensed operators to ensure wagering and play is conducted in compliance with all applicable laws, rules, and regulations. Staff interaction with the public is generally limited.



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. The Commission 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. The Commission, 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 Commission has determined that the addition of languages beyond the top 12 is not necessary at this time. The Commission continually reassesses the need for additional translation needs across all public-facing areas of operation and will adjust its Language Access Plan as needed.

The Commission tracks encounters of individuals with LEP in the following ways:

The Commission’s language access contractor maintains a log of any request for interpretation services by individuals with LEP during telephone calls or office visits. The contractor provides periodic reports of such data.



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



The Commission 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? Commission staff are trained annually to ask individuals with LEP who contact the agency phone if they require free contractor provided telephone interpretive services. Commission staff are trained annually to ensure that State-issued language identification poster is clearly displayed in all public-facing settings to determine an individual with LEP’s preferred language.

Signs posted about language assistance services

In areas operated by the agency and open to the public

Other (describe)

Gaming licensees must post Language Access materials in high traffic areas.

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

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

Social media posts directed at individuals with LEP in their languages

Telephonic voice menu providing information in non-English languages

In which languages? The top 12 languages spoken by individuals with LEP in New York State (Arabic, Bangla, Chinese, French, Haitian-Creole, Italian, Korean, Polish, Russian, Spanish, Urdu, and Yiddish).

Other (describe)

All websites maintained by the Commission include State-approved translation technology on each page, allowing instant translation into the any of the top 12 languages spoken by individuals with LEP in New York State. This is in addition to translation services included by the users’ internet browser or service provider. The Commission also provides the public information on how to make a complaint regarding language access services. The Commission also provides multilingual “This is an



Important Document” material along with all official documentation to members of the public doing business with the Commission.



PART 4 – Provision of Language Access Services

A. Determining the Need for Services

During *in person* encounters, the Commission 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*, the Commission 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) The Commission’s phone number includes a menu that incorporates the top 12 languages spoken by individuals with LEP in New York State, allowing the caller to access a specific Division within the agency in their preferred language. Commission staff are trained to conference in contractor-provided language access services once the call is connected. Future updates will incorporate additional languages as necessary.

The Commission’s protocols for assessing whether an individual needs *oral interpreting services* in different service situations is as follows:



During office in-person encounters: Staff are trained annually to use State-approved language access toolkit materials to determine a person’s preferred language and connect the individual to contractor-provided translation services or, if appropriate, bilingual staff or volunteer. Staff also employs best judgment to determine language needs of individuals with LEP.

At initial contact in the field: Field staff are trained to use the State-business card-sized “I Speak” cards to determine the language needs of an individual with LEP and connect the individual to contractor-provided translation services. To the fullest extent possible, bilingual staff are assigned to areas where their language skills allow for seamless communication.

When speaking on the telephone: The Commission’s main phone number includes a menu that incorporates the top 12 languages spoken by individuals with LEP in New York State, allowing the caller to access a specific Division within the agency in their preferred language. Commission staff are trained to conference in contractor-provided language access services once the call is connected. Staff may engage contractor-provided language access services prior to calling an individual with LEP. Commission staff are also trained to notify callers of the State’s free interpretation services.

For pre-planned appointments of individuals with LEP: Contractor-provided language access services for individuals with LEP are arranged as part of the appointment scheduling process. If the individual with LEP declines such services or elects to use their own interpreter, they are asked to sign a “Waiver of Right to Free Interpretation Services” form available in New York’s 12 most spoken languages. If the individual with LEP’s preferred language is not included, Commission staff are trained to connect the individual to contractor-provided language access services or, if appropriate, a bilingual staff member or volunteer to verbally confirm the individual’s decision to decline the offer of free interpretation services. Family members and persons under the age of 18 are not generally allowed to serve as an interpreter for an individual with LEP.

Other (describe):

The Commission’s records and maintains documentation of language assistance needs of individuals with LEP as follows:

Number of outgoing calls made by Commission staff and/or their designees to contractor interpreting services;



Number of incoming calls to the Commission’s main number that elect to be transferred in a language other than English;

Number of Lottery retailers opting to use the custom Spanish “Help” screen on their sales terminal.

Number of Commission licensees, Lottery retailer applicants, and Lottery jackpot winners who sign the State-issued “Waiver of Right to Free Oral Interpreting Services” form

B. Oral Interpreting Services

The Commission 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: Three Commission employees have completed a Civil Service language exam and have been appointed to language parenthetic titles. One employee is fluent in Chinese. Two employees are fluent in Spanish.

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

Number of staff and languages spoken: Three Commission employees have completed a Civil Service language exam and have been appointed to language parenthetic titles. One employee is fluent in Chinese. Two employees are fluent in Spanish.

Telephonic interpreting service

Number of contractors and languages spoken: The Commission uses a single State-approved contractor with access to more than 20,000 interpreters representing 380 languages for its language access service.

Contracts or other arrangements with school and community organizations

Number of contracts or other arrangements and languages spoken:

Other (Describe)



The Commission’s 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:** Commission staff are trained annually to use the State-issued language access toolkit materials to determine a person’s preferred language. Once the language is identified, staff may connect the individual with an interpreter via telephone or to a bilingual staff member or volunteer, if available.

☒ **At initial contact in the field:** Commission staff are trained to use the State-issued language access toolkit materials to determine a person’s preferred language. Once the language is identified, the employee may connect the individual with an interpreter via telephone or to a bilingual staff member or volunteer, if available. Commission has access to State-approved contractor-provided language access services in conjunction with conference call features.

☒ **When speaking on the telephone:** Commission staff has been trained on how to contact contractor-provided language access services. Information and related materials are also available in the Language Access tab on the Commission’s intranet.

☒ **For pre-planned appointments of individuals with LEP:** For a pre-planned appointment, contractor interpreting services are contacted upon request.

☒ **Other (describe):** Information about free, State-approved contractor-provided language access services is displayed prominently on the Commission’s websites.

The Commission’s protocol for obtaining interpreting services in a timely manner is as follows:

The Commission posts Language Access materials, including instructions for “How to Access an Interpreter,” on its employee-facing intranet. In addition, all public-facing employees are trained to post a copy of the same instructions in their work area. Field staff can access the instructions via State-issued cell phones and/or laptops.

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

Individuals with LEP that come into contact with the Commission will be informed of the availability of free interpreting services. Generally, individuals with LEP may not have a family member, or anyone under the age of 18 interpret. However, during emergencies,



an individual with LEP may be permitted to have a minor, family member or friend interpret. Upon request, an individual with LEP may be permitted to have a minor, family member or friend interpreter for routine matters such as asking the location of an office, hours of operation or rescheduling an appointment. When the interaction with an individual with LEP occurs at a Commission office, and the individual elects to have an interpreter of their choosing, they must fill out a State-approved “Waiver of Right to Free Oral Interpretation Services” form.

Where an individual with LEP is engaged in official business with the Commission, the Commission will provide an independent interpreter at all times.

The Commission provides information to all staff members who have contact with the public about how to obtain oral interpreting services. The Commission’s protocol in this regard is as follows:

Commission staff complete annual Language Access training through the Statewide Learning Management System (SLMS). Changes to the Language Access Law are communicated to staff via the Language Access Coordinator a timely manner.

The Commission’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

The Commission records and maintains documentation of oral interpreting services provided to individuals with LEP at each encounter. The Commission’s protocol in this regard is as follows:

The Commission’s Finance office and Language Access Coordinator review call detail sheets provided with the invoice from the State-contracted Language Access contractor for the previous month’s activity. This review assists staff in identifying departmental activity and languages requested. The invoices include a record of the frequency of use, time of day a call was placed/received, length of call, subject of the call, the language requested, and the cost associated with the service, along with other call details.

Cultural Competence and Confidentiality

The Commission makes sure interpreters are culturally competent¹ in the following ways:

All responses received from prospective interpretation service providers are screened during the State’s standard procurement process to ensure cultural sensitivity is addressed.

Where the State utilizes independent interpreting services, that contractor is required to demonstrate quality assurance standards that guarantee its interpreters are trained and certified to be linguistically and culturally competent.

The Commission makes sure interpreters follow state and federal confidentiality protocols in the following ways:

All responses received from prospective interpretation service providers are screened during the standard procurement process to ensure independent interpreters can and are willing to enforce standards of confidentiality in accordance with State law. Further, internal staff is trained on the confidentiality.

C. Translations of Documents

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

In preparation for the biennial Language Access Plan submission, the Commission’s LAC requests each Division director complete an audit of all frequently used documents and identify those that meet the definition of vital documents. Documents identified as “vital” are reviewed and prioritized for translation.

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

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](https://www.govinfo.gov/app/details/PLAW-111publ274) defines plain language as writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience. Extracted from: <https://www.govinfo.gov/app/details/PLAW-111publ274>



The Commission’s Division directors, in conjunction with the Commission’s Office of Communications and Public Affairs, review all public-facing documents to ensure they are written in plain language.

The Commission has the following resources available for translation of documents:

- Contractors for translation services

Number of contractors: The Commission has contracted the services of a State-approved contractor with access to more than 20,000 interpreters representing 380 languages and may solicit other services providers if needed.

- Contracts or other arrangements with schools and community organizations

Names of schools/organizations:

- Translation of documents by bilingual staff members

- Other (describe)

The Commission’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

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

Any documents submitted to the Commission that require translation are routed through the LAC for address, including solicitation of language access services in a timely manner.

The following non-exhaustive list of documents are currently translated or in the process of translation by the Commission in the languages indicated. Documents with an asterisk (*) are determined by the Commission 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

Form #	Name	Top 12 Languages												Additional Languages
		AR	BA	CH	FR	HA	IT	KO	PO	RU	SP	UR	YI	
	NY Lottery Withholding Brochure (featuring new "\$600 and" more cashing threshold).	√	√	√	√	√	√	√	√	√	√	√	√	
	Player correspondence				√									
	Summary of Hearing Procedures (Lottery/Video Lottery)*	√	√	√	√	√	√	√	√	√	√	√	√	
	Summary of Hearing Procedures (Racing and Commercial Gaming)*	√	√	√	√	√	√	√	√	√	√	√	√	
	Summary of Hearing Procedures	√	√	√	√	√	√	√	√	√	√	√	√	



	(Charitable Gaming)*													
	Lottery Prize Claim Form*	√	√	√	√	√	√	√	√	√	√	√	√	Armenian, Gujarati, Hindi, Latvian, Punjabi, Turkish
	Commission Phone System Script	√	√	√	√	√	√	√	√	√	√	√	√	
	Responsible Gaming HOPEline Poster	√	√	√	√	√	√	√	√	√	√	√	√	
	Notice of Underage Sales Penalties*	√	√	√	√	√	√	√	√	√	√	√	√	
	Responsible Gaming Public Service Announcements Waiver of Right to Free Oral Interpretation Services	√	√	√	√	√	√	√	√	√	√√	√	√	Albanian, Burmese, Greek, Hindi, Japanese, Nepali, Pashto, Portuguese, Punjabi, Ukrainian, Vietnamese, and Yoruba
	Responsible Gaming Public Service										√			



Announcements														

New documents identified for translation after the signing of this plan and before the two-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:

Accurate translations incorporating commonly used words are a required component of the procurement of translation services. The Commission employs plain language in all communications, including those that would be translated.



PART 5 – Staff Training

The person at the Commission who is responsible for training staff in language access services is: Joseph Hunter, Human Resource Specialist 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 individuals with LEP

The methods and frequency of training are as follows:

Commission staff are required to complete annual language access training via the Statewide Learning Management (SLMS). Supplemental information regarding agency specific procedures and issues of cultural competence/sensitivity are provided as well. Refresher courses are available for employees via SLMS.



PART 6 – Monitoring the Plan and Responding to Complaints

A. Monitoring

The Commission’s Language Access Coordinator (“LAC”) will monitor implementation of the Plan to make sure we are in compliance. The Commission’s protocols in this regard are as follows:

Division directors perform departmental audits to ensure Language Access materials are prominently displayed in all publicly accessible areas and provides any updates regarding translation needs for existing and proposed vital documents to the LAC. The LAC works with the Commission’s Counsel to resolve any language access service complaints and makes recommendations as needed to ensure compliance.



B. Complaints

The Commission provides information to the public in at least the top 12 most commonly spoken non-English languages in the State, advising 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. The Commission does not retaliate or take other adverse action because an individual has filed a language access complaint.

The Commission displays information on the individual’s right to file a complaint, and the procedures for filing a complaint, in the following manner:

The Commission maintains a standard complaint form available in Arabic, Bangla, Chinese, French, Haitian-Creole, Italian, Korean, Polish, Russian, Spanish, Urdu, and Yiddish as well as the procedures for filing such complaints in all public-facing offices, service areas, and websites.

The Commission handles complaints made to the agency regarding the provision of language assistance services in the following manner:


Upon receiving a complaint, the Commission’s LAC investigates and submits recommended action(s) to the Office of Counsel, which issues a final report. In addition, all complaints are forwarded in a timely manner to the NYS Office of Language Access.

PART 7 – Signatures



	EXECUTIVE DIRECTOR	OCT 2024
Head of Agency	Title	Date

	Director of Corporate Social Responsibility/Responsible Gaming	10/29/24
Agency LAC	Title	Date

	Margarita Larios	10/29/2024
Executive Director, NYS Office of Language Access		Date