

LANGUAGE ACCESS PLAN FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY

State Agency: New York State Division of Human Rights

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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 New York State Division of Human Rights ("Division") provides individuals in New York the opportunity to file complaints of discrimination in employment, housing, credit and places of public accommodations pursuant to the provisions of the New York State Human Rights Law. If after an investigation the Division concludes there is reason to believe State Human Rights Laws were violated, the complaint will be prosecuted, and parties afforded the opportunity to have a hearing before an administrative law judge.



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:

In addition to the top 12 languages spoken by New Yorkers with LEP, DHR translated vital documents into Burmese, Japanese, Albanian and Portuguese in consultation with the state Office of Language Access, as provisioned by the language access law. These additional languages help the agency engage the general public as it relates to the services and benefits we provide.



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

Where contractor interpretation services are required to assist in communication with individuals with LEP, a record is made, and this data is compiled and sent to DHR in periodic reports. When an individual who is a party in a complaint is identified as requiring language assistance, the Division employee assigned to the case inputs information about the language needs in the agency’s case management system. The system has a box marked “Special Needs.” By marking this box, all subsequent employees who are assigned to the case and/or who are tasked with communicating with the individual are charged with checking the “Special Needs” box to see if language services are required. Frequency of contact with the individual must be tracked by agency staff as the case moves along from investigation to conclusion.

On a regular basis, reception staff provide data on the frequency of contacts with individuals with LEP engaging with the Division’s offices and/or units, and this information is provided to the Language Access Coordinator.



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? All Division employees have received training on how to access an interpreter using the telephone. For individuals with LEP that speak Spanish, Spanish language staff, where available, are responsible for communicating with the individual and informing them that free language assistance is available. It is important to note that the Division has a number of bilingual employees with their language specialization added to their Civil Service title. These individuals are tested for basic language competency. In August 2024, the agency had 12 employees with Civil Service tested Spanish language skills. When no Spanish language Division staff are available or when the language spoken by an individual with LEP is not Spanish, Division employees are required to inform individuals with LEP that free language assistance is available and access telephonic interpreting services. Staff may also use the Language Identification poster which informs the public of the availability of free interpreting services and allows individuals with LEP to identify their preferred language.

- 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? Spanish, Arabic, Bengali, Chinese, French, Haitian Creole, Italian, Korean, Polish, Russian, Urdu, and Yiddish.

Local, non-English language media directed at individuals with LEP in their languages
What are the populations with LEP targeted? Spanish, Arabic, Bengali, Chinese, French, Haitian Creole, Italian, Korean, Polish, Russian, Urdu, and Yiddish.

Social media posts directed at individuals with LEP in their languages
What are the populations with LEP targeted? Spanish

Telephonic voice menu providing information in non-English languages
In which languages?

Other (describe)



PART 4 – Provision of Language Access Services

A. Determining the Need for Services

During *in person* encounters, our agency uses the following tools to determine whether an individual 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) Utilizing selected contractors (conference call/speaker phone).

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: How to communicate and interact with individuals with LEP is an important part of the Division’s ongoing training of staff. Issues with language communication may or may not be apparent to the Division employee from an initial brief conversation. In order to make that assessment we have the following protocols in place:

Spanish-speaking individuals: Many of the Division’s offices have bilingual Spanish-speaking staff who are either at or near the reception area. These individuals are assigned to speak with Spanish-speaking visitors requesting language assistance. In offices with no Spanish-speaking staff (or when a Spanish-speaking employee is not available), telephonic interpreting services are used in offices or conference rooms designated for these purposes. Our protocol is to ask individuals with LEP: “Do you speak Spanish?” and “Do you want to speak with someone who speaks Spanish?” We also have “Interpretation Services Available” placards which have the following statement in 40 languages: “Point to your language. An interpreter will be called. The interpreter is provided at no cost to you.”

For guests speaking other languages: If the visitor is speaking a language other than Spanish or the Division employee cannot determine the language spoken, the first task is to identify which language is being spoken and communicate to the visitor that free interpreting services are available. The Division employee will show the “Interpretation Services Available” placard which has the following statement in 40 languages: “Point to your language. An interpreter will be called. The interpreter is provided at no cost to you.” Once the language is identified, the



Division employee will take the visitor to an area designated for accessing the interpreter using the telephone. All Division staff have been trained on how to access these services.

At initial contact in the field: All investigators and those employees who need access to the contractors for over-the-phone interpreting to identify language needs of individuals with LEP in the field can do so using their unit access codes and/or the Division’s code. Any telephone can be used for this purpose if it is equipped with conference call features and a speaker.

When speaking on the telephone: The Division’s receptionist is a Spanish bilingual employee. All telephone calls from Spanish-speaking callers are answered by her and, if necessary, re-directed to appropriate bilingual Spanish language staff. Selected contractors for over-the-phone interpreting are used to identify the language needs of individuals with LEP in all other situations or in those offices which do not have Spanish bilingual staff.

For pre-planned appointments of individuals with LEP: Spanish language staff or contractors for over-the-phone interpreting are available to communicate this information to the individual with LEP, and all office reception areas also display placards which convey the information about free language services. The Division employee may ask the individual if they would feel more comfortable in communicating in their native language. If the individual answers in the affirmative, the Division employee enters information about the language services needed in the “Special Needs” box of the Division’s computerized CMS – the agency’s case tracking system. All staff have the responsibility to check if language services are arranged prior to a pre-planned appointment. Individuals with LEP are not always identified in the initial phase. Once a Division employee becomes aware that language services are required, that employee has the responsibility to enter that information in the CMS and make the appropriate arrangements for interpretation or translation services.

Other (describe):

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

Individual parties identified as LEP are flagged in the Division’s Case Management System (CMS). The Division’s Language Access Coordinator and the Language Access Working Group have oversight over the documentation of language assistance needs of LEP.

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: Twelve staff members who Spanish.



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: One primary contractor selected under the NYS Office of General Services (OGS) Language Services Contract, that offers services in approximately over 200 languages and dialects.

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: Information about free interpreting services is displayed in the public reception areas of the Division’s offices (on posters and/or placards). In addition, as soon as the need is identified, individuals with LEP are informed of the availability of free language services at the earliest point of contact with Division staff, usually by the Division’s receptionists.

At initial contact in the field: This information is conveyed by any Division employee in the field who needs to communicate with an individual with LEP.

When speaking on the telephone: The information is conveyed by receptionists answering the Division’s telephones.

For pre-planned appointments of individuals with LEP: Division staff are directed to determine if agency records indicate language services are required (either by telephone or in person). In those instances where the need for language services has not been entered in the “Special Needs” box of the CMS, Division employees are responsible for making arrangements for interpreting or translation services as soon as it becomes apparent.

Other (describe): The Division’s website also informs the public that free interpreting services are provided.

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

1) Spanish-speaking individuals with LEP are by far the greatest percentage of individuals with LEP using the Division’s services. Our Central Office Receptionist is bilingual in Spanish and

English and refers all Spanish-speaking individuals with LEP to available Spanish bilingual staff once the individual indicates that they prefer to speak in Spanish.

2) Most Regional Offices have one or more Spanish bilingual Civil Service employee who work directly with individuals with LEP that speak Spanish.

3) In those offices without such staff or if the bilingual staff is unavailable, staff can access selected contractors for over-the-phone interpreting, and specific areas and telephones are designated for these purposes.

4) For lengthier interviews, such as two-party conferences, appointments are made in advance to engage selected contractors to provide professional 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. **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:

All agency staff receive training on language access protocols at a live, mandatory training in addition to the Statewide Learning Management System (SLMS). This information is also on the agency's intranet site.

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:

The Language Access Coordinator receives a log of contracted oral interpreting services provided to individuals with LEP by the selected contractors for over-the-phone interpreting. Calls made using the approved contractor require the entry of an access code. This enables the Division to capture data on language use by employees.

Cultural Competence and Confidentiality

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

Where the Division utilizes independent interpreting services, that contractor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent. The Division has language parenthetic staff that have been tested by Civil Service. In addition, the Division integrates cultural competency into its training programs.

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, the selected interpretation contractors will enforce standards of confidentiality in accordance with NYS and federal 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 "Vital Document Working Group" consisting of Division professionals familiar with the law enforcement processes of the agency have identified 15 form letters and 14 publications as "vital documents." These documents have been translated into twelve languages: Spanish, Russian, Chinese, Haitian Creole, Bengali, Yiddish, Italian, Korean, Arabic, Polish, French, and Urdu. They

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.



are posted and available for use on the Division's website. This includes the Division's complaint form.

Periodically, and at least once a year, the Language Access Working Group reviews requests from the "Vital Document Working Group" as well as from others in the Division. A determination is made as to how best to provide this information to individuals with LEP. In some instances, the Division will decide to translate additional documents.

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

The Division's External Relations Unit reviews all Division materials to ensure that they are written in plain language.

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

Contractors for translation services

Number of contractors: One primary translation contractor with approximately over 290 languages available, and potentially any contractor made available under the NYS OGSLanguage 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

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>



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:

The Division’s complaint form has been translated into twelve languages. All complaints must be signed and dated. All complaints submitted by individuals with LEP must be in the language they understand, and the selected contractors for translation are utilized for this purpose. Most other documents submitted as part of the Division’s administrative procedures (e.g. respondent’s answer, complainant’s rebuttal) will either be interpreted or translated by the selected contractors for translation. Designated Division employees oversee these procedures in each unit where an investigation is being processed. This ensures a professional level of timely translation and/or interpretation. After consultation and upon approval by the Language Coordinator and the appropriate supervisory employee, bilingual Division staff may also serve this purpose in some circumstances where the documents are simply written and brief.

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*

Form #	Name	Top 12 Languages												Additional Languages
		AR	BA	CH	FR	HA	IT	KO	PO	RU	SP	UR	YI	
	Basic Guide to the Human Rights Law (Publication)*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	Age Discrimination (Publication) *	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	Guide to Employment	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	



Discrimination (Publication) *														
Discrimination Based Upon Military Status (Publication) *	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Domestic Violence & Employment (Publication) *	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Employment Disability and Reasonable Accommodation (Publication) *	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Fair Housing Guide (Publication) *	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Gender Identity Discrimination (Publication) *	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Housing Rights of Persons with Disabilities (Publication) *	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Obligations of Business Owners & Operators of Places of Public Accommodations (Publication) *	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Pregnancy Discrimination in the Workplace (Publication) *	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	



Protections for People Convicted of Criminal Offenses (Publication) *	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Rights of People with Disabilities in of Places of Public Accommodations (Publication) *	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Sexual Harassment (Publication) *	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
LGBTQ+ Discrimination (Publication) *	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
35-day letter*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
21-day letter*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Determination of Probable Cause*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Determination of No Probable Cause*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Notice of Conference*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Notice of Final Order After Hearing*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Notice of Final Order Dismissal*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Notice of Hearing*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	



Withdrawal Letter*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Request for Rebuttal*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Continuation Letter*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Hearing Letter*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Stipulation of Settlement Cover Letter*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Recommended Order Cover Letter*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

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 Division, through its contractor (where applicable), will ensure that proofing/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. The Division 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 Division also has "Lexicons" in twelve languages providing the translations of commonly used phrases and terms to ensure standardization of terms.



PART 5 – Staff Training

The person in the agency who is responsible for training staff in language access services is:
In cooperation with the Division’s training unit, the agency’s language access coordinators will provide appropriate training.

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:

The Division's staff is required to take an annual language access training via the Statewide Learning Management System. The mandatory training includes all the components listed in the previous question. Supplemental information regarding agency specific procedures and issues of cultural competence/sensitivity are also provided. Refresher courses are provided as needed.



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 Language Access Coordinators (LAC) will evaluate the implementation of this Plan by on a regular basis, using tools including internal and external survey instruments, and some testing. The LAC will also work one-on-one with Division staff, and also utilize the Language Access Working Group to ascertain best practices regarding implementation and compliance.

B. Complaints

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

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

The standardized complaint forms, along with the procedures for filing a complaint, are available in all twelve languages in our public offices upon request. The complaint forms are also available

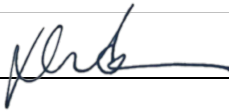


for download or online submission through our website. Additionally, information on the right to file a complaint is posted in the top twelve languages on our website and in our offices in areas where it can be easily seen by the public.

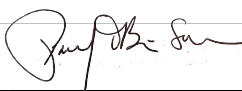
We handle complaints made to the agency regarding the provision of language assistance services in the following manner:

Upon receiving a complaint, the LAC will conduct an investigation and submit recommendations to the Commissioner, who issues the final report. In addition, all complaints must be timely forwarded to the Office of Language Access.

 **PART 7 – Signatures**

X 

Denise M. Miranda, Esq. Acting Commissioner 10/31/2024
Head of Agency Title Date

X 

Paula J. O'Brien-Soler, Esq. Deputy Commissioner, 10/31/2024
Agency LAC Legislative and External Affairs Date

X 

Magarita Larios 10/31/2024
Executive Director, NYS Office of Language Access Date