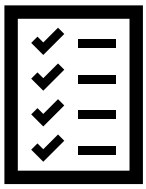
LANGUAGE ACCESS PLAN FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY

State Agency: Information Technology Services

Effective Date of Plan: October 1, 2024

Language Access Coordinator (LAC): Samantha Lindsay-Gaddy

LAC Phone / E-mail: 518-534-4158 / Samantha.lindsay-gaddy@its.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 population with Limited English Proficiency ("LEP") 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 3
PART 2 – The Population with Limited English Proficiency in Our Service Area 3
PART 3 – Public Outreach About the Availability of Language Access Services 4
PART 4 – Provision of Language Access Services 5
PART 5 – Staff Training 10
PART 6 – Monitoring the Plan and Responding to Complaints 11
PART 7 – Signatures 12

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:

NYS Information Technology Services (ITS) provides IT services for over 60 New York State agencies and authorities. The NY.gov ID program, managed by ITS, provides centralized access to various agency services. For example, individuals can use their NY.gov profile to renew their registration with DMV or apply for certain public assistance programs, such as unemployment through DOL. ITS also provides a help desk for assistance with the NY.gov ID. The help desk is administered by an ITS vendor, which is responsible for implementing a language assistance program for their services.

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 NY.gov ID website is automatically translated into 12 languages. At this time, the agency has not identified the need to add languages but will continue to monitor services, requests and relevant information to reassess if needed.

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

The Help Desk contractor is responsible for tracking and managing the language assistance program for the Help Desk. In the instance ITS becomes aware that an individual may need translation services outside of the NY.gov ID or Help Desk program, such as an appointment or meeting, ITS will procure a translator or interpreter as needed.

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

ITS continually reviews options to translate the websites and online forms into the 12 most commonly spoken non-English languages in New York State. The ITS website is also automatically translated into these 12 most spoken non-English languages.

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? The Help Desk contractor provides direct language assistance services to individuals with LEP as needed.

☐ Signs posted about language assistance services

☐ In areas operated by the agency and open to the public

☐ Other (describe)

N/A

☒ 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? N/A

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

What are the populations with LEP targeted? N/A

☐ Social media posts directed at individuals with LEP in their languages

What are the populations with LEP targeted? N/A

☐ Telephonic voice menu providing information in non-English languages

In which languages? N/A

☐ Other (describe)

PART 4 – Provision of Language Access Services

A. Determining the Need for Services

In the instance ITS becomes aware that an individual may need translation services outside of the NY.gov ID or Help Desk program, such as an appointment or meeting, ITS will procure a translator or interpreter as needed.

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): ITS Offices are generally not visited by members of the public. However, ITS is in the process of procuring on-demand interpretation services to assist any individual who may need interpretation services outside of the NY.gov ID or Help Desk environment.

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): If a person with LEP contacts the Help Desk, the service desk agents are trained to inform the caller that they are prohibited from using family members or friends as interpreters and that they are encouraged to use the contractor provided free interpreter services. The desk agent will contact the interpretation service as needed and conference the interpreter. If a person with LEP contacts ITS outside the Help Desk, ITS will procure language interpretation services as needed.

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:** N/A

☐ **At initial contact in the field:** N/A

☒ **When speaking on the telephone:** Help Desk staff are trained to utilize the contractor provided language assistance program.

☒ **For pre-planned appointments of individuals with LEP:** ITS will procuring interpreter services as needed through relevant State contracts.

☐ **Other (describe):** N/A

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

The Help Desk contractor maintains a language assistance program for individuals with LEP.

B. <u>Oral Interpreting Services</u>

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: N/A

☐ Bilingual staff members who provide oral interpreting services on a volunteer basis
Number of staff and languages spoken: N/A

☒ Telephonic interpreting service
Number of contractors and languages spoken: The Help Desk contractor is responsible for implementing the language assistance program.

☐ Contracts or other arrangements with school and community organizations
Number of contracts or other arrangements and languages spoken: N/A

☐ Other (Describe)
N/A

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:** N/A

☐ **At initial contact in the field:** N/A

☒ **When speaking on the telephone:** The Help Desk contractor provides a language assistance program.

☒ **For pre-planned appointments of individuals with LEP:** ITS will procure interpreter services from relevant State contracts.

☐ **Other (describe):** N/A

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

Outside of NY.gov ID and the Help Desk, ITS currently procures interpreting services on an as needed basis. However, ITS is in the process of obtaining on-call interpreter services to citizens who need it outside NY.gov ID and help Desk environment.

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:

The Help Desk staff are trained to direct individuals with LEP to free translation services. For other interpreter services, ITS would determine if the friend or family member can meet the needs of the agency and individual with LEP. If not, ITS would obtain other interpreting services.

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:

ITS Help Desk staff receive annual training on Language Access.

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:

Each month the LAC contacts all relevant ITS program areas for any language accesss vendor usage and or deficiency reports, which are then reported to the Office of Language Access.

Cultural Competence and Confidentiality
Our agency makes sure interpreters are culturally competent[1] in the following ways:

Where ITS utilizes independent interpreting services, the contractor has implemented quality assurance standards to guarantee that its interpreters are trained and linguistically and culturally competent.

Our agency makes sure interpreters follow state and federal confidentiality protocols in the following ways:

Where ITS uses the services of independent interpreters from the NYS OGS Statewide Language Services Contract for interpretation and translation services, the contract sets forth confidential requirements which are enforced by the contract holder in accordance with the contract provisions and NYS Law.

C. Translations 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 documents[2] that must be translated. This process is accomplished in the following ways:

The ITS Division of Legal Affairs reviews the agency's services and websites, as well as interviews relevant stakeholders to determine whether any substantial changes have occurred since the last review.

Our agency's process for making sure documents are written in plain language[3] before they are translated into other languages is as follows:

ITS attempts to use plain language in all documents. However, certain documents, such as security and technology policies, do require technical language. ITS does not translate any of these documents except as otherwise described by this plan and has not designated any of these as vital documents.

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

☐ Contractors for translation services

Number of contractors: N/A

☐ Contracts or other arrangements with schools and community organizations

Names of schools/organizations: N/A

☐ Translation of documents by bilingual staff members

☒ Other (describe) ITS will procure translation services from the OGS centralized contractor list when or if there are any documents that require translation.

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

[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

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 ITS website and NY.gov ID websites are automatically translated.

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	

The ITS website and NY.gov ID websites are translated using automated translation technology.

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

The ITS website and NY.gov ID website are translated using automated translation technology.

PART 5 – Staff Training

The person in the agency who is responsible for training staff in language access services is: ITS training in conjunction with the language access coordinator will be responsible for administering the 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:

This is an annual statewide training provided by the Office of Employee Relations.

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 ITS website and NY.gov ID websites are translated into the top 12 non-English languages in New York State. The Help Desk contractor maintains a language assistance program for individuals with LEP. ITS is working with State agencies and the Office of Language Access to determine if additional languages should be added in the future to the NY.gov ID website and program.

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 complaint form is available on the ITS website in the required languages. The form will be delivered to the Department of Legal Affairs mailbox, which is monitored daily.

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

In the instance we do receive a complaint, ITS will attempt to address it promptly or refer the individual to the relevant agency that provides the services the individual is seeking access to. Complaints are forwarded to the Office of Language Access in a timely manner.

PART 7 – Signatures

X

Dru Rai	CIO	10/24/24
Head of Agency	**Title**	**Date**

X Samantha Lindsay-Gaddy

Samantha Lindsay-Gaddy	Attorney/LAC	10/17/24
Agency LAC	**Title**	**Date**

X

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