

LANGUAGE ACCESS PLAN FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY

State Agency: Public Employment Relations Board

Effective Date of Plan: January 29, 2025

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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:

As an adjudicatory agency responsible for administering the State’s labor relations statutes, the New York State Public Employment Relations Board (PERB) provides representation and dispute resolution services to public and private employers and the organizations that represent their employees, for the purpose of collective bargaining. We do not provide services to the general public.



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:

PERB has not determined a need for additional languages beyond the 12 listed however, PERB will continue to reassess the need for additional languages of translation on an ongoing basis.

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

Program staff logs any engagement with an individual with LEP, listing the date, time, location, name of the individual (if provided), language, assistance utilized, interaction type (in-person, telephone, postal or electronic mail), and if follow-up is needed. The administration office utilizes this information to track all encounters.



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? Individuals are verbally informed with the assistance of telephonic interpreters and when written correspondence is exchanged, by postal or electronic mail.

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?

Local, non-English language media directed at individuals with LEP in their languages
What are the populations with LEP targeted?

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

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)

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:** These encounters are rare. As needed, the “I Speak” tool is used.
- At initial contact in the field:**
- When speaking on the telephone:** Staff are trained to utilize telephonic interpreting services as needed.
- For pre-planned appointments of individuals with LEP:** Telephonic interpreting services are utilized. There have been rare instances where an in-person interpreter was needed, and the agency was able to schedule this in advance.
- Other (describe):**



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

Program staff logs any engagement with an individual with LEP, listing the date, time, location, name of the individual (if provided), language, assistance utilized, interaction type (in-person, telephone, postal or electronic mail), and if follow-up is needed. Administration office utilizes the information to track all encounters.

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: PERB has one employee in the Albany office and one employee in the Brooklyn office that are fluent in both English and Spanish. The Albany employee was hired as a Spanish speaker to assist directly with Spanish speaking customers.

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

Number of staff and languages spoken: PERB has two employees. One in the Albany office and one in the Brooklyn office that speak Spanish.

- Telephonic interpreting service

Number of contractors and languages spoken: One contractor that provides on demand interpreting 240+ languages found under the NYS Office of General Services (OGS) Statewide Administrative Services Contract.

- Contracts or other arrangements with school and community organizations

Number of contracts or other arrangements and languages spoken:

- Other (Describe)

Our agency protocols for informing individuals with LEP that free interpreting services will be provided and that they do not need to provide their own interpreters is as follows:

- During office in-person encounters:** Staff utilizes available resources such as posted “I Speak” signs and its selected contractor to inform individuals of the availability of free interpreting services.

- At initial contact in the field:** Staff utilizes the “I Speak” poster or card to inform individuals of the availability of free interpreting services.

- When speaking on the telephone:** Staff utilizes the telephonic interpreting service to verbally inform individuals of the availability of free interpreting services.



For pre-planned appointments of individuals with LEP: Prior to coming to one of our offices, staff verbally informs the individual of the availability of free interpreting services. Staff will schedule telephonic interpreting service in advance if needed. On rare occasions an in-person interpreter has been scheduled.

Other (describe):

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

PERB’s staff is trained to connect to the selected interpreting contractor in a timely manner. In our experience telephonic interpreting services tend to operate in a timely manner. PERB will continue to make use of those services.

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

Individuals with LEP that come into contact with our agency will be informed of the availability of free interpreting services. Generally, individuals with LEP may not have a family member, friend, or a minor interpret. However, **during emergencies** an individual with LEP may be permitted to have a minor, a family member or friend interpret. Upon request, an individual with LEP may also be permitted to have a minor, a family member or friend interpret for routine matters, such as asking the location of the office, hours of operation or rescheduling an appointment.

Where the interaction with the individual with LEP occurs at the agency’s office, and an individual is permitted to have an interpreter of his or her choosing, he or she 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:

Distribution of instructions for obtaining oral interpreting services, annual training, and reminders of procedures are provided to staff.

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:

Program staff logs any engagement with an individual with LEP, listing the date, time, location, name of the individual (if provided), language, assistance utilized, interaction type (in-person, telephone, postal or electronic mail), and if follow-up is needed. The administration office utilizes this information to track all encounters.

Cultural Competence and Confidentiality

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

We use only the services of contractors that have been pre-approved. Where PERB 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. We use only the services of contractors that have been pre-approved.

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:

The LAC periodically, but at least once every year, reviews and identifies any new documents that need to be translated pursuant to the Executive Law Section 202-a.

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

PERB program managers responsible for the documents engage no fewer than two associates to review each document to ensure plain language is used in the materials before translation, thus assuring the information is accessible to a range of literacy levels.

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>



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

- Contractors for translation services
Number of contractors: One contractor available under the NYS Office of General Services (OGS) Statewide Administrative 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

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:

Utilizing the services of any contractor available under the NYS Office of General Services (OGS) Statewide Administrative Services Contract, any such document is immediately submitted to a contractor for translation. PERB recently translated many of our forms. Additionally, PERB provides assistance in filling out documents through interpreting services to anyone with limited English proficiency. Notification of this assistance is provided with the Board’s forms. Any additional documents identified for translation after the signing of this Plan and before the 2-year reassessment will be translated in a timely manner.

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	
	PETITION FOR CERTIFICATION AND/OR DECERTIFICATION (PUBLIC)										X			
	SHOWING OF INTEREST (PUBLIC)										X			
	PETITION FOR UNIT CLARIFICATION AND/OR UNIT PLACEMENT (PUBLIC)										X			
	EMPLOYER APPLICATION FOR DESIGNATION OF PERSONS AS MANAGERIAL OR CONFIDENTIAL (PUBLIC)										X			
	PETITION FOR DECLARATORY RULING (PUBLIC)										X			
	WITHDRAWAL REQUEST (PUBLIC)										X			
	PETITION FOR A CERTIFICATION INVESTIGATION (Private)										X			
	PETITION FOR UNIT CLARIFICATION – FLFLPA Only										X			



PETITION FOR DECLARATORY RULING (Private)											X			
WITHDRAWAL REQUEST FORM (Private)											X			

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

PERB, through its contractor (where applicable), will ensure that proofreading/editing for correctness and cultural sensitivity are a component of the translation services provided by any contractor under contract as part of the publication process. PERB will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.



PART 5 – Staff Training

The person in the agency who is responsible for training staff in language access services is:
Sandra Koslow, Language Access Coordinator

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:

Staff is required to take the Language Access training annually. The mandatory training provided by the Governor’s Office of Employee Relations includes and addresses all components listed in the previous question. Training materials and any resources or materials on Language Access matters are posted on the agency’s server and/or distributed by email.



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 maintains a log of all interpreting services provided, documents translated, training materials, complaints and other applicable materials. The LAC also monitors mandatory training compliance in the area of language access.

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:

If complaints are received, they would be reviewed and any necessary action to be taken would be reviewed with the Statewide Language Access Coordinator. Complaints are investigated by the PERB Language Access Coordinator. All complaints must be timely forwarded to the Statewide Language Access Coordinator and the Office of Language Access.



PART 7 – Signatures



X

	PERB Chair	1/29/2025
Head of Agency	Title	Date

X Kate Koslow

Kate Koslow	Administrative Officer	1/29/2025
Agency LAC	Title	Date

X 

Margarita Larios		01/29/2025
Executive Director, NYS Office of Language Access		Date