



HUMAN RESOURCES ADMINISTRATION
180 WATER STREET
NEW YORK, NEW YORK 10038

Local Law 73 Implementation Plan February 2006

Introduction

This implementation plan presents the next series of steps that the New York City Human Resources Administration/Department of Social Services (HRA/DSS) has taken and will take in order to be in compliance with Local Law 73 of 2003. This plan is a continuation of HRA/DSS's commitment to provide meaningful access to all individuals seeking benefits and services, including individuals with limited English proficiency.

HRA/DSS has a long history of providing the public with language services assistance. In continuing this tradition of serving limited English proficient individuals within the City, HRA/DSS created a dedicated unit in 2000, the Office of Refugee and Immigrant Affairs (ORIA), to monitor the Agency's client contact points, centralize contract management of translation and interpretation contracts, assist program areas in drafting and implementing policies regarding service to limited English speaking ability (LESA) customers, contract for testing of prospective bilingual workers, and provide training to Agency staff on LESA related matters.

1. Identification of Primary Language

Relevant Portion of Law:

Upon initial contact, whether by telephone or in person, with an individual seeking benefits and/or services offered by the agency or an agency contractor, the agency or agency contractor shall determine the primary language of such individual. If it is determined that such individual's primary language is not English, the agency or agency contractor shall inform the individual in his/her primary language of the right to free language assistance services.

"Primary language" means the language in which a limited English proficient individual chooses to communicate with others.

Implementation Plan:

Upon initial contact, whether by telephone or in person, with an individual seeking benefits and/or services offered by HRA/DSS, the employee shall determine the primary language of such individual and whether the person requires language assistance services.

Of those making the initial contact by telephone, the majority call 311 or HRA's InfoLine where bilingual staff are available and have access to telephone interpreter services for languages not spoken by staff.

For individuals presenting in person, and for whom the language is not immediately recognized, employees utilize the Language Card to help make the determination. The HRA Language Card Form W-194 (01/05/05) instructs employees, "If you do not know the language of the person who wants your help, use this card. The person can point to the language needed and you can arrange for an interpreter."

The Language Card then proceeds to ask in 21 languages (Albanian, Arabic, Bengali, Bosnian, Cantonese, Mandarin, Creole, French, Greek, Hebrew, Hindi, Italian, Khmer, Korean, Polish, Russian, Spanish, Ukrainian, Urdu, Vietnamese, and Yiddish), including the covered languages, plus a Hearing Impaired notation, "Do you speak [language?] Please be seated, I will call an interpreter for you."

ORIA worked with agency programs to develop LESA procedures for staff at all Job Centers, Non Public Assistance Food Stamp Centers, the Medical Insurance and Community Services Administration (MICSA), the HIV/Aids Services Administration (HASA), Investigation, Revenue and Enforcement Administration (IREA), and the Special Needs Region to determine the primary language and the need for language assistance by LESA applicants and clients.

2. Notice Regarding Free Language Assistance**Relevant Portion of Law:**

Upon initial contact, whether by telephone or in person, with an individual seeking benefits and/or services offered by the agency or an agency contractor, the agency or agency contractor shall determine the primary language of such individual. If it is determined that such individual's primary language is not English, the agency or agency contractor shall inform the individual in his/her primary language of the right to free language assistance services.

The agency shall provide in all application and recertification packages an 8 ½ inch x 11 inch or larger notice advising participants that free language assistance services are available at its offices and where to go if they would like an interpreter. This notice shall appear in all covered languages.

The agency and each agency contractor shall post conspicuous signs in every covered language at all agency offices and agency contractor offices informing limited English proficient individuals of the availability of free language assistance services.

Implementation Plan:

- A. The majority of HRA/DSS public offices currently have New York State mandated language signage pursuant to 05-INF-08 issued on March 21, 2005 by the Office of Temporary and Disability Assistance. The State sign advising that interpreter services are available in English, Albanian, Arabic, Bengali, Bosnian, Chinese, Farsi, French, Haitian Creole, Hindi, Italian, Korean, Polish, Russian, Spanish, Tagalong, Ukranian, Urdu, Vietnamese, Yiddish, and also included the symbol for Deaf / Hearing Impaired services. The sign reads, "If you need an interpreter we provide free interpreter services on request. Please go to the reception desk now and we will call someone to interpret for you." Of those making initial contact by telephone, the majority call 311 or HRA's InfoLine where bilingual staff are available and have access to telephone interpreter services for languages not spoken by staff.
- B. All HRA/DSS centers have LESA Liaisons who are designated to procure interpreter services for an applicant/participant. LESA Liaisons are authorized to have a bilingual worker assigned to assist the client, call for a contracted telephone interpreter, or order a contracted on-site interpreter to report to the location.
- C. All public assistance and food stamp application kits currently contain an insert advising of the availability of free language services.

3. Language Assistance Services

Relevant Portion of Law:

When a limited English proficient individual seeks or receives benefits or services from an agency office or agency contractor, the agency office or agency contractor shall provide prompt language assistance services in all interactions with that individual, whether the interaction is by telephone or in person. The agency office or agency contractor shall meet its obligation to provide prompt language assistance services for purposes of this subdivision by ensuring that limited English proficient individuals do not have to wait unreasonably longer to receive assistance than individuals who do not require language assistance services.

Where an application or form requires completion in English by a limited English proficient individual for submission to a state or federal authority, the agency or agency contractor shall provide oral translation of such application or form as well as certification by the limited English proficient individual that the form was translated and completed by an interpreter.

The agency shall make all reasonable efforts to provide language assistance services in person by bilingual personnel.

The agency shall translate all documents into every covered language as of the first day of the sixtieth month after the effective date of the local law that added this chapter.

"Covered language" means Arabic, Chinese, Haitian Creole, Korean, Russian or Spanish.

The agency shall phase in language assistance services for covered functions as follows:

1. *As of the first day of the twenty-fourth month after the effective date of the local law that added this chapter, no less than 20% of covered functions provided by agency offices.*

2. *As of the first day of the forty-eighth month after the effective date of the local law that added this chapter, no less than 40% of covered functions provided by agency offices.*
3. *As of the first day of the sixtieth month after the effective date of the local law that added this chapter, 100% of covered functions provided by agency offices.*

Contractors:

1. *In all covered contracts entered into or renewed after January 1, 2005, the contractor shall certify that it shall make available language assistance services and maintain and provide access to records as required by this chapter.*
2. *Every covered contract must contain a provision in which the contractor acknowledges that the following responsibilities constitute material terms of the contract:*
 - a. *to provide language assistance services as required by this chapter;*
 - b. *to comply with the recordkeeping requirements set forth in this chapter;*
 - c. *to provide the city access to its records for the purposes of audits or investigations to ascertain compliance with the provisions of this section, to the extent permitted by law; and*
 - d. *to provide evidence to the city that the contractor is in compliance with the provisions of this section, upon request.*

If an agency contractor enters into a subcontract agreement to provide any benefits or services under a covered contract, that subcontract will be considered a covered contract for purposes of this section and the provisions of this section will bind the subcontractor. Each contractor is required to include the contract provision set forth in paragraph 2 of this subdivision in any such subcontract agreement.

“Covered contract” means a contract between the agency and a contractor to perform a covered function.

“Covered function” means any of the following functions:

1. *Benefits or services offered or provided at agency offices;*
2. *Benefits or services provided by agency contractors to provide employment services in connection with participation of individuals engaged in activities required by sections 335 through 336-c of the social services law;*
3. *Home care services; and*
4. *Determinations regarding eligibility for subsidized childcare.*

Implementation Plan:

- A. HRA/DSS has invested in technology solutions to provide customers with computer-generated notices in English, Spanish, Arabic, Chinese, Haitian Creole, Korean, and Russian.
- B. HRA/DSS’s Office of Constituent and Community Affairs manages the Infoline Call Center, a crucial telephone "help line" available to the general public seeking information on all HRA/DSS programs. Infoline posters, Form W-184 (revised 08/05), are 11x17 posters in English, Spanish, Arabic, Chinese, Haitian Creole, Korean, and Russian, which state, “For assistance with any HRA Program-Call This Toll-Free Number. For information about other city agencies and their programs, call 311.” These posters are conspicuously posted in all

waiting rooms throughout the Agency where people present themselves in person for assistance.

- C. Homebound applicants may call the Infoline number to request an application or a home visit. Automated information is available 24 hours a day through a multilingual toll-free service. During business hours, Infoline is staffed by bilingual representatives who are available to answer questions in English, Spanish, Chinese, Russian, and Vietnamese. Language access for all other languages is provided with the help of the Agency's telephone interpreter contracts.
- D. There have not been any new Employment Services and Placement ("ESP") or Skills Assessment and Job Placement ("SAJP") contracts or renewals since January 1, 2005. HRA is currently in the process of issuing a new Request for Proposals for the HRA Back to Work Program. If any contracts are registered pursuant to this RFP, they will contain the required Local Law 73 language.
- E. ORIA contacted program areas throughout HRA/DSS from February 2004-September 2004 to notify them of the passage of Local Law 73. ORIA asked each program area to fill out a survey to identify "documents," as defined by this law, which includes city-generated:
- Application forms and corresponding instructional materials
 - Notices that require a response from the participant
 - Notices that concern the denial, termination, reduction, increase or issuance of a benefit or service
 - Notices regarding the rights of participants to a conference and fair hearing
 - Notices describing regulation changes that affect benefits

From September 2004-February 2005, ORIA conducted the second phase of HRA/DSS's implementation process to rank documents by frequency of use. As of December 2005, HRA has exceeded the translation schedule outlined in the matrix presented in our last report. The matrix below represents the translation of documents identified by program areas in Phase Two.

LL 73 Effective date	24 months after effective date
February 5, 2004	February 1, 2006
City-generated Forms and Documents Translated	48%
Program Area:	
Family Independence Administration	41.5%
Medical Insurance Community Services Administration	56%
Office of Policy and Program Development	55%
Office of Revenue and Investigation	53.5%
Customized Assistance Services	100%
CUMULATIVE PERCENTAGE	48%

4. Quality Assurance Measures

Relevant Portion of Law:

No later than the first day of the sixtieth month after the effective date of the local law that added this chapter, the agency and each agency contractor shall maintain records of the primary language of every individual who seeks or receives benefits or services from the agency or agency contractor. At a minimum, the agency and each agency contractor shall maintain specific records of the following:

- 1. The number of limited English proficient individuals served, disaggregated by agency, agency contractor or contractor, agency office, type of language assistance required and primary language;*
- 2. The number of bilingual personnel and the number of interpreter personnel employed by the agency, disaggregated by language translated or interpreted by such personnel;*
- 3. Whether primary language determinations are recorded properly; and*
- 4. Whether documents are translated accurately and disseminated properly.*

The agency and each agency contractor shall screen bilingual personnel and interpreter personnel for their ability to provide language assistance services. The agency and each agency contractor shall provide annual training for bilingual personnel and interpreter personnel and ensure that they are providing appropriate language assistance services.

Implementation Plan:

- A. ORIA monitors HRA/DSS's contact points to assess whether primary language determinations are recorded properly and whether documents are translated accurately and disseminated properly.
- B. ORIA contracts for testing of the oral, written and reading language skills of prospective bilingual employees.
- C. ORIA currently reviews Agency aggregate coding of LESA cases to identify potential errors by searching for anomalies. Possible miscodes are referred to Job Centers for investigation and, if appropriate, corrective action. This process is continuing under Local Law 73.

The matrix below reflects the number of limited English proficient individuals served by the Agency and is disaggregated by language translated or interpreted. The data is broken down by program area (Food Stamps [FS]; Public Assistance [PA]; and Medical Insurance [MA]). The program areas are cross tabulated with the spoken language of the case head. Each case may consist of one or more than one individual. All individuals who are receiving any of the three stated benefits, and who are part of the same household, are counted as one case.

The same case may be receiving services from more than one program area. So if one or more individuals on a case were receiving services from FS, and one or more from PA and one or more from MA, the case would be counted once under each of the three areas. Some cases may be counted in only one area because no one on that case is receiving services in any other area. But each case is counted just once in any single program area, regardless, of how many individuals are a part of that case, or how many times the case was opened and closed and reopened during the calendar year.

We believe this is the most accurate way of presenting this data because the recorded spoken language reflects the spoken language of the Case Head and not of each individual member of a

case. We do not collect language proficiency information concerning others than the case head, and it would be incorrect and misleading to presume that the other members of a case with a limited English proficient case head are themselves limited in English proficiency.

	2004	2004	2004	2005	2005	2005
Language	Food Stamp Program	Medicaid Assistance	Public Assistance	Food Stamp Program	Medicaid Assistance	Public Assistance
Arabic	998	4961	522	1211	5727	528
Chinese Mandarin	5320	32398	470	6121	43751	598
Chinese-Cantonese	2863	3899	1290	3311	4278	1561
Chinese-Other	542	10620	522	683	9894	741
French Creole	801	3489	532	849	3896	594
Korean	1121	3375	223	1268	4314	265
Russian	13015	11354	3190	12622	12164	2997
Spanish	103424	217668	42266	105239	230146	42391

- D. ORIA currently performs case file reviews using professional standards for sampling and statistical analysis. In the future, case file reviews meeting professional standards will be designed and implemented to fulfill the requirements imposed by Local Law 73.
- E. ORIA reviews the assignment of LESA public assistance cases semi-monthly to identify trends and ensure that LESA cases are being matched to available bilingual staff. This process is continuing under Local Law 73.
- F. HRA/DSS will conduct recruitment of bilingual staff based on the data shared by ORIA which tracks the number of bilingual staff assigned to cases. All prospective bilingual hires will be tested as outlined above.
- G. HRA contracts with a quality assurance firm to review the accuracy of vendor-provided translations.

5. Training

Relevant Portion of Law:

The agency and each agency contractor shall provide annual training for bilingual personnel and interpreter personnel and ensure that they are providing appropriate language assistance services.

Implementation Plan:

ORIA has contracts to provide on-site, in-person interpreter services in 38 languages at HRA locations and clients' homes, if necessary, and telephone interpreter services in over 125 languages accessible by staff at HRA locations. In 2005, ORIA held 23 training sessions to instruct language assistance liaisons, designated LESA liaisons, in all HRA locations how to use the telephone interpreter services and on-site interpreter services. ORIA designed and distributed its own training materials, including a multilingual palm card, a poster describing the InfoLine services, and step-by-step instructions for both interpreter services. Currently, HRA has 235

LESA liaisons at its various locations who have been trained to use the interpreter services for applicants and recipients.

ORIA also conducted three (3) half-day conferences for nearly 100 bilingual staff working at HRA locations. These bilingual workers included those who had been specifically hired for their bilingual abilities as well as those bilingual staff who volunteer to use their language skills to assist non-English speaking clients. Experts in immigration and refugee services, psychologists and mental health professionals, and job counselors discussed the backgrounds of the city's immigrant populations and best practices to help them.

ORIA gave five (5) presentations on New York City demographics and HRA's language assistance resources to classes of HRA's new fraud investigators, eligibility workers, and employment specialists. ORIA instructed managers and caseworkers at HRA's Adult Protective Services on using on-site interpreters in home visits, and met with supervisors in the Investigation, Revenue and Enforcement Administration to reinforce usage of the interpreter services in their staffs' work.

ORIA assisted HRA's Family Independence Administration (FIA), the Medical Insurance and Community Services Administration (MICSA), the HIV/Aids Services Administration (HASA), and the Equal Employment Opportunity (EEO) Office to draft policy directives that inform staff of the procedures regarding the use of interpreter services, including sign language for the deaf/hearing-impaired. Once the FIA policy directive was issued, ORIA conducted a train-the-trainer workshop on the procedures for FIA's training unit, and will continue this role with other trainers as other units issue their respective policy directives.

ORIA has actively participated in the Language Access Interagency Taskforce of the Mayor's Office of Immigrant Affairs, which has presented monthly workshops on language assistance issues and resources to other New York City agencies.

6. Record Keeping and Monitoring

Relevant Portion of Law:

No later than the first day of the sixtieth month after the effective date of the local law that added this chapter, the agency and each agency contractor shall maintain records of the primary language of every individual who seeks or receives benefits or services from the agency or agency contractor. At a minimum, the agency and each agency contractor shall maintain specific records of the following:

- 1. The number of limited English proficient individuals served, disaggregated by agency, agency contractor or contractor, agency office, type of language assistance required and primary language;*
- 2. The number of bilingual personnel and the number of interpreter personnel employed by the agency, disaggregated by language translated or interpreted by such personnel;*
- 3. Whether primary language determinations are recorded properly; and*
- 4. Whether documents are translated accurately and disseminated properly.*

Implementation Plan:

- A. ORIA tracks the percentage and number of limited English speaking ability customer cases within the Family Independence Administration.
- B. ORIA tracks the assignment of LESA clients to bilingual workers. Based on the tracking of bilingual workers and the number of LESA cases, ORIA issues a bimonthly report on the Agency's performance in assigning LESA clients to appropriate bilingual workers.

7. Coordination

ORIA serves as the coordinating body within HRA/DSS to ensure compliance with Local Law 73 and this implementation plan.