



**Human Resources
Administration**
Department of
Social Services

Office of Constituent
Services and Policy
Improvement

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Local Law 73 Implementation Plan February 2008

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 the Office of Refugee and Immigrant Affairs (ORIA) in 2000, a dedicated unit 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 HRA Language Card to help make the determination. The Language Card 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, including the covered languages, plus a Hearing Impaired notation, "Do you speak [language?] Please be seated, I will call an interpreter for you." The languages are (Albanian, Arabic, Bengali, Bosnian, Cantonese, Mandarin, Creole, French, Greek, Hebrew, Hindi, Italian, Khmer, Korean, Polish, Russian, Spanish, Ukrainian, Urdu, Vietnamese, and Yiddish).

ORIA worked with agency programs to develop LESA procedures for staff at all Family Independence Administration (FIA) Job Centers, Non Cash Assistance Food Stamp offices, the Medical Insurance and Community Services Administration (MICSA), the HIV/Aids Services Administration (HASA), Community Alternatives and Support Administration (CASA), Adult Protective Services (APS), Investigation, Revenue and Enforcement Administration (IREA), and the Office of Domestic Violence and Emergency Intervention Services (ODVEIS) 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. All HRA/DSS public offices currently have New York State mandated language signage pursuant to instructions from the New York State Office of Temporary and Disability Assistance. The sign advises that interpreter services are available in English, Albanian, Arabic, Bengali, Bosnian, Chinese, Farsi, French, Haitian Creole, Hindi, Italian, Korean, Polish, Russian, Spanish, Tagalog, Ukrainian, Urdu, Vietnamese, Yiddish, and also includes the symbol for Deaf / Hearing Impaired services. In each of these languages 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 cash assistance and non-cash assistance (Food Stamps) 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. HRA conspicuously posts in all waiting rooms throughout the Agency where people present themselves in person for assistance an 11x17 inch broadside in English, Spanish, Arabic, Chinese, Haitian Creole, Korean, and Russian, which provides Infoline’s number and states, “For**

assistance with any HRA Program-Call This Toll-Free Number. For information about other city agencies and their programs, call 311.” .

- C. Homebound applicants, including LESA individuals, 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. Infoline staff make use of the Agency’s telephone and on-site interpretation contracts for other languages.
- D. HRA awarded eight Back to Work Program contracts with start dates of July 1, 2007, which replaced the agency’s Employment Services and Placement (“ESP”) or Skills Assessment and Job Placement (“SAJP”) contracts. The Back to Work Contracts require vendors to comply with LL 73 requirements.
- E. In July 2006, HRA awarded five BEGIN contracts with start dates of July 1, 2007. The BEGIN contracts require vendors to comply with LL 73 requirements.
- F. In 2007, language requiring contractors to comply with Local Law 73 was added to the “boilerplate” specifications for all pending and future human services contracts.
- G. 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.

HRA has exceeded the translation schedule outlined in the matrix presented in our February 2006 report. The matrix below represents the translation of documents identified by program areas in Phase Three.

LL 73 Effective date	48 months after effective date
February 5, 2004	February 1, 2008
City-generated Forms and Documents Translated	
Program Area:	
Family Independence Administration	60%
Medical Insurance Community Services Administration	79%
Office of Constituent Services and Policy Improvement	100%
Office of Revenue and Investigation	100%
Customized Assistance Services	100%
CUMULATIVE PERCENTAGE	80.5%

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 appropriately.
- 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 the responsible area for investigation and, if appropriate, corrective action.

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 (Non-Cash Assistance [NCA]; Cash Assistance [CA]; 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 NCA, and one or more from CA 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.

	2006	2006	2006	2007	2007	2007
Language	Non-Cash Assistance	Medicaid Assistance	Cash Assistance	Non-Cash Assistance	Medicaid Assistance	Cash Assistance
Arabic	1376	9117	393	1446	10078	353
Chinese Mandarin	8321	64273	684	10232	82970	881
Chinese-Cantonese	6302	14613	1494	7178	14394	1779
Chinese-Other	746	12139	849	899	14275	827
French Creole	767	3396	428	822	3242	421
Korean	1811	6989	254	2023	7777	274
Russian	14007	24479	1746	15507	26955	1545
Spanish	131096	341872	31035	140606	363003	27439

- D. ORIA currently performs case file reviews using professional standards for sampling and statistical analysis. These case file reviews 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. Based on these reviews ORIA makes recommendations to FIA.
- 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 vendors to provide translation services. Included in these contracts are quality assurance components.

5. Training

Relevant Portion of Law:

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

Implementation Plan:

ORIA has contracts to provide on-site, in-person interpreter services in more than 100 languages at HRA locations and clients' homes, if necessary, and telephone interpreter services in more than 180 languages accessible by staff at HRA locations.

In 2008, ORIA held a Training Conference for MICSA LESA liaisons, providing an overview of immigration and the impact that a client's immigration status plays on their receiving benefits from the City or State. ORIA also did three presentations for FIA Regional Managers, Center Directors and on-site training personnel providing an overview of the interpretation and translation contracts and other services handled by ORIA.

In 2008, ORIA introduced a new telephone interpretation provider, Language Line Services. Two train-the-trainer sessions were held to demonstrate to the LESA coordinators and designated LESA liaisons from all HRA program locations how to use the telephone interpreter services. ORIA distributed training materials, including step-by-step instructions for accessing interpreter services, to

all LESA coordinators, liaisons and back-ups. In addition, ORIA has conducted individual training sessions with over 50 of the 221 LESA liaisons and 114 back-ups to review the use of the interpreter services for applicants and recipients.

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 (FIA).
- B. ORIA tracks the assignment of LESA clients to bilingual workers in FIA. 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.
- C. ORIA tracks the language contract usage across the agency each month, by language, site, and type (telephone or on-site).

7. Coordination

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