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Administration**
Department of
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2010 Language Access Services Annual Report

Introduction

The Annual Report describes the steps taken during 2009 by the New York City Human Resources Administration/Department of Social Services (HRA/DSS) to comply with Local Law 73 of 2003. This report underscores HRA/DSS's continued commitment and progress in providing meaningful access to individuals seeking benefits and services, particularly those with limited English proficiency.

HRA/DSS has a long history of providing the public with language services. In continuing this tradition of serving Limited English Speaking Ability (LESA) individuals within the City, HRA/DSS created the Office of Refugee and Immigrant Affairs (ORIA) in 2000, a unit dedicated to monitoring client contact points within the Agency, centralizing management of translation and interpretation contracts, assisting program areas in drafting and implementing policies regarding service to LESA clients, testing prospective bilingual workers, and providing training to Agency staff on LESA related matters.

In addition to this report, HRA submits Quarterly Reports to the Mayor's Offices of Operations and Immigrant Affairs regarding its efforts to provide access to benefits for LESA individuals as required under Mayoral Executive Order 120.

1. Coordination & Outreach

ORIA has served as the coordinating body within HRA/DSS to ensure compliance with Local Law 73 from the time the law was enacted. In 2009, ORIA was also designated as the coordinating body within HRA/DSS to ensure compliance with Executive Order 120, which addressed many of the issues raised in Local Law 73. Operating under the provisions of Executive Order 120, ORIA established an internal language access committee. As a foundation for the formal establishment of this committee, ORIA conducted ten briefings for the upper management and their representatives for every client-contact program area within HRA. These program areas include: Family Independence Administration (FIA), Medical Insurance and Community Services Administration (MICSA, which includes the Medicaid Assistance Program, the Home Care Services Program, Adult Protective Services, and the HIV/AIDS Service Administration), Customized Assistance Services (CAS), the Office of Citywide Health Insurance Access (OCHIA), the Office of Domestic Violence and Emergency Intervention Services (ODVEIS), the Office of Community and Constituent Affairs (OCCA), the Office of Child Support Enforcement (OCSE), and Investigation, Revenue and Enforcement Administration (IREA). These briefings included a discussion of HRA's ongoing commitment to and implementation of Local Law 73, as well as HRA's commitments under Executive Order 120. Approximately 80 participants attended these briefings.

At these briefings, ORIA asked each program to assign a liaison to serve as a primary program contact for ORIA and a member of an ongoing Internal Language Access Committee in order to continue to track HRA's ongoing compliance with Local Law 73 as well as tracking the implementation of Executive Order 120 and other language access matters. ORIA issued written guidance on the Liaison's role, recommendations for appointment and a summary of the purpose of the internal language access committee.

Each program appointed a liaison and ORIA held its first Internal Language Access Committee meeting in November 2009, and a second in February 2010. Liaisons were present from each program for both meetings. At these meetings, ORIA issued guidance on Executive Order 120 and Local Law 73, as well as shared national best practices on language access through video presentations and discussion.

Going forward, ORIA will continue its coordination functions within HRA both by interfacing with HRA's individual program areas on an ongoing basis, and through the semi-annual formal meetings of the Internal Language Access Committee. It shall also continue to be an active participant in interagency initiatives undertaken in the spirit of Local Law 73, and other relevant statutes and orders.

2. 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. See NYC Administrative Code § 8-1005(a).

"Primary language" means the language in which a limited English proficient individual chooses to communicate with others. See NYC Administrative Code § 8-1002(q).

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. See NYC Administrative Code § 8-1003(b),

HRA's Compliance with the previously cited portion of Local Law 73:

Upon initial contact with an individual seeking benefits and/or services offered by HRA/DSS, whether by telephone or in-person, the HRA employee will determine the primary speaking and reading language(s) of the individual and whether the individual requires language assistance services.

The majority of individuals make initial contact with HRA by telephone, by calling 311 or HRA's InfoLine where bilingual staff is available in multiple languages and all staff have access to immediate telephone interpreter services for languages not spoken by bilingual staff.

For individuals appearing in-person, and for whom the language is not immediately recognized, employees utilize the HRA Language Card to help determine which language(s) they speak. 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 asks in 21 languages, including the languages covered by Local Law 73, plus a Hearing Impaired notation, "Do you speak [language?] Please be seated, I will call an interpreter for you." The languages on the Language Card are Albanian, Arabic, Bengali, Bosnian, Cantonese, Mandarin, Haitian Creole, French, Greek, Hebrew, Hindi, Italian, Khmer, Korean, Polish, Russian, Spanish, Ukrainian, Urdu, Vietnamese, and Yiddish. Once an employee determines that an individual's primary language is not English, the HRA employee shall inform the individual in his/her primary language of the right to free language assistance services.

ORIA works 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), Customized Assistance Services (CAS), Adult Protective Services (APS), Investigation, Revenue and Enforcement Administration (IREA), the Office of Child Support Enforcement (OCSE) and the Office of Domestic Violence and Emergency Intervention Services (ODVEIS) to determine the primary speaking and reading languages and the need for language assistance by LESA applicants and clients. ORIA continues to work with these programs to revise and update their procedures.

3. 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. See NYC Administrative Code § 8-1005(a)

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. See NYC Administrative Code § 8-1005(b).

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. See NYC Administrative Code § 8-1005(c).

HRA's Compliance with the previously cited portion of Local Law 73:

All HRA/DSS public offices currently have New York State mandated signage, which 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, by calling 311 or HRA's InfoLine, bilingual staff are available and all staff have access to telephone interpreter services for languages not spoken by staff.

All HRA/DSS centers have LESA Liaisons who are designated to procure interpreter services for an applicant/participant. LESA Liaisons are authorized to assign a bilingual worker to assist the client, call for a contracted telephone interpreter, or order a contracted on-site interpreter to report to the location. In 2009, ORIA expanded staff access to contracted telephone interpreters by providing all client-contact units with discrete access codes for telephonic interpretation services. Over the last year, more than 400 additional access codes have been issued to staff, in addition to the access codes held by LESA Liaisons. Due to increased staff access to the telephonic interpretation services, FIA's usage of the contract has increased by nearly four times in the calendar year 2009 compared to the previous year.

All cash assistance and non-cash assistance (Food Stamps) application kits currently contain an insert advising of the availability of free language services. In addition, HRA/DSS invested in technology solutions to provide customers with computer-generated notices in English, Spanish, Arabic, Chinese, Haitian Creole, Korean, and Russian.

HRA/DSS's Office of Constituent and Community Affairs manages the Infoline Call Center, a crucial telephone "help line" available to the general public. In all Agency waiting rooms, HRA conspicuously posts an 11x17 inch poster 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."

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, Russian, Chinese (Mandarin, Cantonese and Toishee), Haitian Creole, Yoruba, Armenian, and Bengali. Infoline staff use the Agency's telephone interpretation contract for other languages.

4. Language Assistance Services

Relevant Portion of Law:

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. See NYC Administrative Code § 8-1004.

HRA's Compliance with the previously cited portion of Local Law 73:

HRA successfully completed the translation schedule outlined in the matrix presented in the February 2006 Implementation Plan by the target 2009. The matrix below represents the translation of documents identified by program areas in Phase Three. In addition, documents meeting the Local Law 73 definition which were generated after February 2006 have also been translated into the covered languages.

LL 73 Effective date	60 months after effective date
February 5, 2004	February 1, 2009
City-generated Forms and Documents Translated	
Program Area:	
Family Independence Administration	100%
Medical Insurance Community Services Administration	100%
Office of Constituent Services and Policy Improvement	100%
Office of Revenue and Investigation	100%
Customized Assistance Services	100%
CUMULATIVE PERCENTAGE	100%

Relevant Portion of Law

“Covered language” means Arabic, Chinese, Haitian Creole, Korean, Russian or Spanish. See NYC Administrative Code § 8-1002(j).

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. See NYC Administrative Code § 8-1008(b)

“Covered contract” means a contract between the agency and a contractor to perform a covered function. See NYC Administrative Code § 8-1002(h).

“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. See NYC Administrative Code § 8-1002(i).*

HRA’s Compliance with the previously cited portion of Local Law 73:

In 2007, ORIA added boilerplate language to all pending and future human services contracts requiring contractors to comply with Local Law 73, as follows:

ARTICLE 13. CONTRACTORS COMPLIANCE WITH LOCAL LAW NO.73

13.1 Local Law No. 73 of 2003 became effective on January 1, 2005 and added chapter 10 to Title 8 of the Administrative Code of the City of New York. This agreement is subject to Local Law No. 73 entitled “Equal Access to Human Services Act of 2003.” The law provides that all agency contractors must provide free language assistance services to limited English proficient individuals. A limited English proficient individual is an individual who identifies as being, or is evidently, unable to communicate meaningfully with the contractor because English is not his/her primary language. When a limited English proficient individual seeks or receives benefits or services from a contractor, the contractor shall provide prompt language assistance services in all interactions with that individual, whether the interaction is by telephone or in person. The contractor shall meet its obligation to provide prompt language assistance services 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 completions in English by a limited English proficient individual for submission to a state or federal authority, the 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 the interpreter.

13.2 Upon initial contact, whether by telephone or in person, with an individual seeking benefits and/or services offered by a contractor, the contractor shall determine the primary language of such individual. If it is determined that such individual’s primary language is not English, the contractor shall inform the individual in his/her primary language of the right to free language assistance services. In addition, each contractor shall post conspicuous signs in every covered language at all contractor offices informing limited English proficient individuals of the availability of free language assistance service. Covered languages, for purposes of this Article are: Arabic, Chinese, Haitian Creole, Korean, Russian and Spanish.

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

13.4 The contractor shall maintain records of the primary language of every individual who seeks or receives benefits or services from the agency or the contractor. At a minimum, the contractor shall maintain specific records of the following:

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

13.5 If the contractor enters into a subcontract agreement to provide benefits or services under this contract, that subcontractor will be bound by the provisions of this Article.

13.6 The contractor shall provide the city access to its records for the purpose of audits of audits or investigations to ascertain compliance with the provisions of this Article, to the extent permitted by law. The contractor shall provide evidence to the City that the contractor is in compliance with the provisions of this law upon request.

5. Record Keeping, Monitoring and Quality Assurance

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; See NYC Administrative Code § 8-1007(a).

HRA's Compliance with the previously cited portion of Local Law 73:

ORIA receives weekly reports from HRA's Management and Information System (MIS) which provide aggregate statistics regarding the distribution of LESA cases within HASA, FIA, and MICSA. In 2009, ORIA received 52 of these reports.

The matrix below reflects the number of LESA individuals served by HRA and is disaggregated by language. The data is broken down by program area (Non-Cash Assistance [NCA]; Cash Assistance [CA]; and Medical Assistance [MA]). The program areas are cross-tabulated with the spoken language of the case head. Each case may consist of one or more individual. Individuals who are receiving any of the three above-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; 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 part of that case, or how many times the case was opened, 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 beyond the case head, and it would be incorrect and misleading to presume that the other members of a case with a LESA case head are themselves limited in English proficiency.

	2008	2008	2008	2009	2009	2009
Language	Non-Cash Assistance	Medical Assistance	Cash Assistance	Non-Cash Assistance	Medical Assistance	Cash Assistance
Arabic	1374	10749	344	1753	15209	501
Chinese Mandarin	10382	90617	1132	11860	119973	1466
Chinese-Cantonese	9661	14890	1974	13619	16732	2475
Chinese-Other	1767	17462	937	2757	26498	1143
Haitian Creole	1047	3370	454	1683	5096	674
Korean	2131	8082	279	2551	11284	381
Russian	16278	27851	1372	19843	35650	2142
Spanish	146032	363196	24590	209561	505231	38729

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:

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; See NYC Administrative Code § 8-1007(a).

HRA's Compliance with the previously cited portion of Local Law 73:

HRA/DSS has successfully recruited bilingual staff as a result of data shared by ORIA. ORIA keeps records regarding the number of bilingual staff members who voluntarily submit to testing of their language skills.

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:

3. Whether primary language determinations are recorded properly; and

4. Whether documents are translated accurately and disseminated properly. See NYC Administrative Code § 8-1007(a).

HRA's Compliance with the previously cited portion of Local Law 73:

HRA/DSS's contact points with clients are internally monitored to assess whether primary language determinations are recorded properly in each case and whether documents are translated accurately and disseminated appropriately.

ORIA periodically reviews Agency aggregate coding of LESA cases to identify potential errors by searching for inconsistencies. Possible miscodes are referred to the responsible area for investigation and corrective action, where necessary. HRA has also performed case file reviews using professional standards for sampling and statistical analysis, which comply with Local Law 73.

HRA also contracts with vendors to provide translation services. Included in these contracts are quality assurance components.

HRA has also taken steps regarding quality assurance by creating a new Language Access Tracking screen in its Paperless Office System (POS) to ensure both that the LESA client's language is properly assessed and that the LESA client is receiving the interpretative services he or she requires. This screen allows POS to track both the language assistance required by the LESA client and the means by which such interpretative services are being provided. Specifically the system captures the following information:

- Type of interview (in-person or via telephone);
- Preferred language for speaking;
- Preferred language for receiving written notices;
- Interpreter services needed (yes or no); and
- Type of interpreter services being used.

During the interview with the LESA client, if the HRA worker answers "Yes" to the question "Do you require Free Interpreter Services?", a drop-down Menu appears asking the worker to indicate "Which type of Interpreter Services is being used?" for each applicant/participant, enabled with the following options:

- Bilingual Worker provided interpretative services;
- HRA's On-Site Interpreter Contract was used;
- HRA's Telephone Interpreter Contract was used;
- Client brought his/her own interpreter; and
- Client refused interpretative services.

This window appears whenever a Worker conducts an initial application intake/interview. In order to ensure comprehensive coverage, the window will also appear if POS lists the applicant's/participant's preferred language for speaking (**Lang SP**) or for receiving written notices (**Lang Read**) is blank or listed as a language other than English or if no preferred language is listed in POS and the Worker accesses one of the following activities:

- CA Application Intake;
- CA Application Interview;
- CA Change Case Data;
- CA Recertification Interview;
- Case Member Addition;
- Non-Food Emerg/Special Grant;
- Client Intake and D&C Referrals
- Document Intake;
- IN/EFS Issuance (CA/FS Case); or
- Application Modification.

6. 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. See NYC Administrative Code § 8-1006.

HRA's Compliance with the previously cited portion of Local Law 73:

In 2009, ORIA actively developed and improved training materials targeted to HRA's client contact staff. ORIA completely revised two training modules to serve as customizable templates for use across HRA's diverse program areas. The first module is a two-hour comprehensive training covering language access guidelines and laws, including Local Law 73, clients' rights, internal procedures accessing and working with interpreters and cultural competency. The second module is a brief refresher training and it is intended to be used more frequently. This second module shall be used for the refresher training that HRA plans to do in 2010.

ORIA also incorporated feedback from all of HRA's program areas and finalized an Agency-wide "Info Card" as a helpful tool for all frontline workers. These cards provide responses to frequently asked questions regarding HRA's language access services. To date, over 11,000 of these cards have been distributed to HRA's front-line staff in all of its programs.