



LANGUAGE ACCESS IMPLEMENTATION PLAN

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OATH LANGUAGE ACCESS PLAN

I. Agency Mission and Background

Background

The Office of Administrative Trials and Hearings (OATH) is the City's central independent administrative law court. OATH is currently comprised of two separate divisions which are responsible for hearing disputes on different types of cases. The divisions include:

1. The OATH Trials Division
2. The OATH Hearings Division

Additionally, OATH provides professional training and CLE courses for the City's Administrative Law Judges, Hearing Officers and OATH Practitioners through the [Administrative Judicial Institute \(AJI\)](#). OATH also provides conflict resolution support and resources, including offering free workplace mediation to City employees and City agencies through [The Center for Creative Conflict Resolution](#).

Vision Statement: Future of OATH

OATH was established as an independent Charter agency with the mission to provide fair and unbiased administrative trials and hearings to the City's residents, businesses and agencies. With a focus on providing convenience to the New Yorkers who are summoned to its courts, OATH has undertaken a transformation of administrative law adjudications. OATH has redesigned all of the rules, procedures, forms and documents across its hearings division, with the aim of making the hearing processes standard and understandable regardless of which of the various City enforcement agencies issued the summons. Having all hearings conducted by OATH, thus achieving the goal of having one summons, one hearing, and one process, will provide individuals and businesses with the opportunity to deal with summonses issued by any City agency before an independent and impartial administrative law court that has one uniform set of procedures that will become familiar to all.

a. The Mission of OATH

The mission of OATH is to provide fair and timely hearings on the cases that are filed with it by New York City's various agencies, boards and commissions. At its Hearings Division, OATH strives to hear cases fairly and efficiently while providing the public with access to justice. OATH's Trials Division hears cases equitably, with fairness to all parties appearing before it.

Some additional details are set out below.

OATH Trials Division

The Trials Division is allowed by law to hold administrative hearings on cases brought by any of the City's agencies, boards or commissions. Administrative Law Judges conduct OATH Trials. Most of the cases heard by the OATH Trials Division are complex cases that require full trials. The Trials Division is responsible for hearing disciplinary cases relating to the City's more than 325,000 civil servant workforce. OATH also holds trials on a diverse range of administrative matters including: human rights and discrimination cases, car seizure cases, license revocation cases, and complex contractual disputes, among other types of cases.

OATH Hearings Division

The OATH Hearings Division conducts hearings on summonses issued by nearly every single enforcement agency. OATH, however, is not the administrative court that handles parking tickets. OATH Hearings are conducted by Hearing Officers. In the OATH Hearings Division, hearings are conducted on alleged quality-of-life and public safety violations that can be filed by 16 different City agencies, such as the Departments of Sanitation, Buildings, Fire, Environmental Protection, among others. In addition, OATH holds hearings on summonses issued by the Taxi and Limousine Commission (TLC), the City's Police Department and the Port Authority of New York and New Jersey for alleged violations of TLC and other City rules. OATH also holds hearings on summonses issued by the Department of Health and Mental Hygiene (DOHMH) regarding alleged violations of the City's Health Code and other laws affecting health. As of August 22, 2016, OATH is also responsible for conducting hearings on all summonses issued by the Department of Consumer Affairs (DCA). In FY 2016, OATH received more than 820,000 summonses from City enforcement agencies.

b. The direct public services offered by OATH

Overview of the Direct Public Services Provided by OATH

The agency provides direct public services in its trials and hearings and in the operations of its Clerk's Office.

Details Regarding the Direct Services Provided by OATH

The direct public services offered by OATH include public services offered at *trials*, at *hearings*, at *Help Centers* and by its *Clerks Office*. These services are described below:

- ***Trials Division:*** OATH holds trials for City agencies, boards and commissions. Some details about the trial process are:
 - Before a trial takes place, an OATH Administrative Law Judge (ALJ) usually discusses the case with the parties. That discussion is called a settlement

conference. Sometimes cases are settled this way. If so, there is no need for a trial.

- If the case is not settled, a different ALJ hears the case by listening to witnesses and reviewing other evidence from each side. This is a trial. OATH offers limited-English proficient (LEP) persons free interpretation services at trials. Sign language interpretation is also provided for free upon request, but must be requested in advance.
- After the trial, the ALJ writes a decision. In some kinds of cases, the ALJ recommends (suggests) to the head of the agency that referred (sent) the case what action should be taken. In other kinds of cases, the ALJ makes a final decision that can only be appealed to the New York State Supreme Court.

- ***Hearings Division:***

The OATH Hearings Division adjudicates (issue decisions) on summonses that have been issued by the City's various enforcement agencies.

- When a City agency writes a summons, the person or business named as "respondent" on the summons must contact OATH to take care of the summonses.
 - Some summonses can be admitted to and paid without attending a hearing; however, other summonses require the respondent to attend a hearing at the OATH Hearings Division. OATH offers Limited-English proficient (LEP) persons free interpretation services at all hearings.
- If the person or business named as the respondent wants to contest (fight) the charges contained in the summons but doesn't want to come to a hearing at OATH in person, most cases can be resolved by submitting a defense to the charges (and thus having a hearing) online, by mail or over the phone. OATH offers limited-English proficient (LEP) persons free interpretation services for these types of hearings.
 - OATH will accept defenses that are written in foreign languages and have those written defenses translated by a third party vendor, free of charge, before the defense is assigned to a Hearing Officer for adjudication.
 - OATH offers free, professional over the phone translation in up to 200 languages for Hearings by Phone and Hearings in Person.
- After a hearing is held, the person or business named on the summons gets a written decision that says if the person or business won or lost the case (in other words, if the case was "dismissed," or found "in violation").
- OATH Hearings Division also has an Appeals Units which decides appeals of hearing decisions. An appeal may be filed by the party who lost the case. This may be the person or business named as "respondent" on the ticket or the City agency that wrote the summons and filed it with OATH for a hearing. To appeal, the party (person, business, or City agency) that disagrees with the decision sends an appeal application to the OATH Hearings Division and to the agency that issued the summons. The party writing the appeal must say

why, in its view, the hearing decision was wrong. The Rules for appealing cases can be found on the OATH website.

- OATH now makes appeal application forms available in up to eight (8) languages. OATH also offers appeals online.
- Under LL 30, OATH will increase the number of languages that it makes its forms available in to ten (10) languages. However, respondents will still be able to submit written defenses, appeals and forms in any languages, regardless of whether a form is provided in that language. Respondents will be alerted to this fact with notices on the website and on form pages.
- When OATH accepts forms written in a foreign language, it has the form translated into English by a professional, third party vendor, free of charge to the respondent before it is given to the appropriate unit for further action.

- When a hearing decision is appealed, both parties (the person or business named on the ticket and the City agency) receive a written appeal decision in the mail that says who won or lost the appeal.
 - OATH has explored the idea of having its hearing decisions and appeals decision translated into the languages used by the respondent at the hearing. However, due to the nuanced nature of administrative law decisions, fact that decisions are subject to appeal and Article 78 review by the State Supreme Court, OATH does not have a way to do this without possible adverse legal affects in lawsuits filed against OATH for its decision or appeal in a matter.

- ***OATH Help Centers at all Hearings Division Office locations***

OATH will receive for adjudication nearly 1 million summonses in calendar year 2018 from City enforcement agencies. OATH, as an administrative law court, is meant to be accessible and a court where one can go and be self-represented. No representatives, attorneys or expeditors are necessary. However, many people, especially immigrants, may feel as though they do not understand the proper way to handle a summons when they receive one. To ensure that both the respondent and agency are on equal footing and can both come prepared to their hearings, in 2017 OATH established Help Centers at every Hearing Division location to provide unrepresented persons with legal information and other resources so that they can handle their case on their own. All Help Center locations are staffed with Procedural Justice Coordinators, the Help Centers are overseen by the OATH Ombudsperson. Procedural Justice Coordinators have access to and have been trained on and use over the phone interpretation which is available in over 200 languages when they encounter an LEP at the Help Center.

- The Help Centers help unrepresented persons to: understand the charges against them; learn their legal rights; learn the meaning of legal terminology; navigate the procedural process; fill out necessary forms; understand the nature, methods and format of hearings; request a reschedule date or an adjournment; file an appeal; vacate a default judgment; navigate the rules of the City agency that issued the summons so that they understand what is and what is not allowed; and more.
- In the first 6 months of operation, Help Center staff encountered 31,214 people at OATH Hearing locations throughout the five boroughs. Of those, it provided substantive assistance to 22,001 self-represented people who were trying to fight their City summons.

- ***OATH Clerks Office***

Clerks in the Clerk's Office are responsible for assisting those respondents who come to OATH for in-person hearings or call OATH with questions about the status of their case or seek information about the options available to them. Clerks also manage the hearing calendar for the OATH Hearings Divisions; they field requests to reschedule hearings as well as help cases flow throughout the day by making sure OATH's Hearing Officers have the case files and other necessary materials needed to conduct hearings in an efficient, fair and orderly manner. The Clerk's Office is also responsible for accepting payments, processing penalties, and mailing out the Hearing Officers' decisions and other notices. OATH Clerks can be reached by calling OATH's helpline at 1-844-OATH-NYC, by email at ClerksOffice@oath.nyc.gov or by visiting an OATH Hearing Center in person.

- ***Clerks at Trials Division***

Among other jobs, the OATH Calendar Unit clerks get interpreters for LEP persons. This happens most often in vehicle-seizure trials and in trials in which taxi drivers might lose their licenses.

- ***Clerks at Hearings Division***

Clerks work at desks in public waiting areas and also respond to questions from the public by phone. Clerks are trained on, and use, Language Line to communicate in over 200 languages with LEP respondents who call over the phone and who appear in person. The public can get information and assistance from clerks on many topics including the following:

- Signing in for hearings (at that time, the clerk will arrange for an interpreter for the hearing, if needed).
- Getting a new hearing date.
- Getting information on the status of their cases.
- Getting information on penalties they need to pay.

In addition, OATH's Interactive Voice Response (IVR) telephone system (1-844-OATH-NYC) provides information to the public in 8 different languages. Information contained in the IVR includes recorded information about the hearing and appeal processes. For most cases, the IVR also provides callers with case-specific information regarding the status of the case, the case outcome, outstanding payments and other information, if the caller has their summons number or their Trials Division docket number.

II. OATH's Language Access Goals

a. The goals of OATH Language Access Plan.

The overall goal of OATH's Language Access Plan (LAP) is to provide language access services so that persons with limited English proficiency (LEP) have meaningful access to OATH's direct public services. This includes making sure that LEP persons can get information about OATH's direct public services. (See Point I.(b) above for description of OATH's direct public services.)

Part of this goal is to provide a welcoming environment to LEP persons, including an environment that makes it easy for OATH employees to communicate with members

of the LEP community. OATH will work towards providing seamless communication with LEP persons. More specific goals are set out below.

Goals Already Achieved Prior to Local Law 30

OATH had already made significant progress towards its goal of providing language access services, as follows:

- OATH already had free professional language interpretation services for all languages at trials and hearings,
- The Trials Division had provided interpretation at trials since the 1990s. Interpretation is usually done over conference phones using a professional, third-party interpretation service, such as Language Line Inc. The service is available in over 200 languages. However, an Administrative Law Judge may decide it is necessary to use a professional in-person interpreter and one will be scheduled for a future trial date.
- The Hearings Division started providing professional language interpretation service in November of 2007. When OATH took over the operations of the Health Department's (DOHMH) administrative hearings and the administrative hearings conducted by the Taxi and Limousine (TLC) in 2011, OATH ensured that these hearings had the same language assistance services it was employing for the other hearings it was already conducting.
- Interpretation for LEP persons at the OATH Hearings Divisions is done over conference phones, using a professional, third-party interpretation service, such as Language Line Inc. (unless the LEP person requests to use his or her own interpreter and the Hearing Officer will determine whether that request is that appropriate under the circumstances).
- OATH clerks have assisted in identifying and then assisting LEP persons using over the phone interpretation services since 2010.
- Once the language is identified by a clerk or with the aid of the third-party interpretation service, OATH clerks arrange for an interpreter at the hearing.
- OATH reception counters and windows and OATH hearing offices have desk top signs, written in sixteen different languages, saying that free interpretation service is available to respondents.

Additional achievements include:

- Documents: OATH has translated key documents into the top eight (8) foreign languages. In 2018, in order to come into compliance with Local Law 30, OATH will have these available in the ten (10) languages mandated by the law.
- Clerks who receive calls from LEP respondents can use over-the phone interpretation to speak to the caller in their preferred language. This has been possible since 2010.
- Clerks who deal with LEP respondents in person have instruction sheets written in ten LEP languages. These sheets tell LEP persons that staff is

contacting an interpreter to proceed with the hearing. Sometimes, the third-party interpretation service is used to communicate this fact.

- The OATH website has a built-in translation feature. This feature allows someone looking at any OATH website page or online form to translate that page or form easily.
- OATH has re-written or revamped documents of key importance in plain language and then translated them into the top eight (8) languages which include Spanish, Arabic, Bengali, Chinese, French-Creole, Korean, Russian, and Urdu.
- OATH displays posted signs using universal symbols, or English and Spanish.
- Where the text of a posted sign is informational and of key importance, OATH makes that text available in the six top LEP languages by other means, such as by PowerPoint presentation in waiting areas and/or by translated handouts.
- OATH has also designed a PowerPoint presentation that includes messages about OATH in at least the top six LEP languages, to be shown continuously on video monitors in OATH waiting areas where waiting area conditions permit.
- OATH has created “palm cards” that are handed out to respondents when they appear for a hearing in person. The palm card explains their right to a hearing with an impartial hearing officer, what they can expect at the hearing, and what they should bring to the hearing. The palm cards are given to every respondent by a clerk when they check-in for a hearing and are available in nine (8) foreign languages: Spanish, Arabic, Bengali, Chinese, French-Creole, Korean, Russian, and Urdu.

b. How OATH decides if it has successfully implemented its Language Access Plan.

To decide if OATH has successfully implemented its Language Access Plan (in other words, done everything it should do under the Plan) OATH staff:

- Looks at data from its language interpretation contractor to be sure that its interpretation service is being used on a regular basis.
- Conducts surveys of OATH staff about their experiences with LEP persons to be sure their experiences indicate they are effectively communicating with LEP persons.
- Conducts surveys of the LEP persons who use OATH translation services.
- Provides training to clerks and Hearing Officers on how and when to use interpretation services with respondents.
- Reviews the OATH Language Access Plan periodically.
- Has a Language Access Coordinator to implement and monitor compliance with the Language Access Plan on an ongoing basis.
- Maintains records of compliance with the Language Access Plan, including the submission of an annual report to the Mayor’s Office of Operations.

III. LEP Population Assessment

a. As mandated by LL30, OATH will use the top 10 LEP languages in its Language Access Plan.

OATH has previously used the top eight (8) languages in its plan.

The newly created Hearings Division has made all of its applications, forms and informational brochures available in the top 8 languages as reported by interpreter requests at the agency and from guidance and input from the Mayor's Office. They include: English, Spanish, Arabic, Bengali, Chinese, French-Creole, Korean, Russian and Urdu. The forms and brochures can be on the [OATH website](#).

How OATH has traditionally determined its foreign languages.

Per Local Law 30, language access services must be provided in at least the top 10 LEP languages as those languages are determined by the Department of City Planning and also "as those languages are relevant to services offered by each agency".

To determine the top ten (10) foreign languages of its service populations, OATH has reviewed data on how many trials and hearings have been interpreted at each of its divisions, and the languages used during those trials and hearings. This data is a good indicator of the languages spoken by each division's service population because OATH's service population is in large part made up of persons who are required to contact OATH's divisions to respond to charges that have been filed at each respective division. OATH has also reviewed City Planning data.

b. How OATH will execute the U.S. DOJ "Four-Factor Analysis."

City entities have flexibility to decide what language assistance is appropriate for their service populations. In deciding, the agency must do an analysis based on the four factors set out by the U.S. Department of Justice (DOJ). Those four factors are:

Factor 1: The number or proportion of LEP persons in the eligible service population.

Factor 2: The frequency with which LEP persons come in contact with the agency.

Factor 3: The importance of the benefit, service, information, or encounter to the LEP person (including the consequences of lack of language services or inadequate interpretation/translation).

Factor 4: The resources available to the agency and the costs of providing various types of language services.

The proportion of LEP persons in the service population and the frequency with which they come into contact with the agency.

OATH can estimate the proportion of LEP persons in the service population and the frequency with which LEP persons come into contact with OATH by comparing the number of hearings that are done with professional third-party interpreters with the number of hearings that are done without interpreters. This will let OATH estimate the proportion of LEP persons in its service population.

OATH can estimate how often LEP persons come in contact with OATH by reviewing

reports from its interpretation contractor to see how often LEP persons have hearings. Those reports indicate the number hearings at OATH's divisions in which interpretation services were provided in a given period of time. The reports also indicate the languages in which the hearings were conducted. This will let OATH estimate the frequency (how often) LEP persons come in contact with each of OATH's divisions and the languages LEP persons were using.

A review of translation usage data for 2017 indicates that the top ten (10) languages used by OATH are the same languages that are mandated by Local Law 30 and no additional supplemental languages will be needed.

The importance of the benefit, service, information, or encounter to the LEP person

OATH looks at the importance of its services to its LEP population in the following ways:

Trials and Hearings: Fair and impartial trials and hearings are essential to due process. Accordingly, OATH's first step was to provide interpretation services at pretrial conferences and trials at the OATH Trials Division and at hearings at its Hearings Division. This is because it is important that LEP respondents:

- Make themselves clearly understood at trials and hearings.
- Understand everything that occurs at trials and hearings.

Clerks: Clerks provide important information about OATH services.

- OATH provides interpretation services for conversations with its clerks.

Documents: It is important that key documents, including key informational and website materials, be translated.

- OATH has translated all informational brochures about the hearing processes at each of its divisions into the top eight (8) languages spoken by respondents at those tribunals.
 - OATH has made its website easily translatable so that online information as well as online application forms can be easily translated into different languages.
 - Forms can be submitted in any language, regardless of whether or not the form is available in that language. In other words, OATH will have the foreign language submission translated free of charge to the respondent, regardless of the language it is submitted in.

The resources available to the agency and the costs of providing various types of language services.

OATH has designated the following resources for language assistance services:

Personnel: OATH has designated a Language Access Coordinator, who will be assisted by OATH staff as needed.

Translation & Interpretation: OATH has set aside money in its budget for contractors on an ongoing basis for the following purposes:

- Interpretation contractor for interpretations at trials and hearings and for interpretations of clerk conversations and settlement conferences.

- Translator contractor for translations of documents, brochures, signs and any document submitted by a respondent in a foreign language.

Equipment: OATH has already set aside money in its budget, or does soon on an ongoing basis, for the following costs:

- Signage.
- Telephone equipment needed for interpretation services.
- Other equipment, including computers and formatting programs used for the creation of PowerPoint or other informational materials.
- Supplies such as toner, special brochure paper and folding machines to create, update and continuously provide, translated informational materials for the public in OATH waiting rooms.

Training: OATH staff is trained using the following resources:

- In conjunction with the interpretation contractor, employees are trained on using equipment needed for over the phone interpretation services.
- In conjunction with its interpretation contractor, employees are trained (and retrained as needed) on working with interpreters.
- OATH's Administrative Judicial Training Institute (AJI) provides training on cultural competency, diversity and cultural sensitivity.

Surveys: OATH will set aside staff resources as necessary to conduct periodic surveys of both the LEP persons and OATH staff who use OATH's interpretation and translation services to assess the quality and sufficiency of those services.

All four factors will be considered.

OATH will be taking the four U.S. DOJ factors into account on an ongoing basis, as it implements, revises and revamps its Language Access Plan.

IV. Provision of Language Access Services: Implementation Plan Logistics

a. What has already been achieved?

The key parts of the Language Access Plan that have already been implemented are:

- **Over the Phone Translation:** Interpretation of trials and hearings is available for LEP persons in through the use of over the phone interpretation in up to 200 languages.
- Interpretation is also available for LEP persons who call or visit the hearings divisions with questions in over 200 languages through the use of over the phone interpretation.
- **Signs:** OATH has translated important permanent entry-way signs posted in its offices into Spanish or other LEP languages if space provides. Translated information in up to eight (8) languages at OATH offices has already been placed on Powerpoint-type presentations. In 2018, in order to come into compliance with Local Law 30, OATH will have these available in the ten (10) languages mandated by the law.
- **Documents:** OATH has translated key documents into the top eight (8) foreign languages. In 2018, in order to come into compliance with Local Law 30, OATH will have these available in the ten (10) languages

mandated by the law.

- *Emergency communications:* The communications are done primarily through website postings and through calls to our Clerk's Office. Clerks provide information to LEP individuals during an emergency with the aid of the over the phone translation service it has contracted with. The OATH website is completely translatable and plain-language notices on the homepage page and other pages during an emergency can be easily translated by users.
- *Media and Outreach:* OATH translates its press releases and event flyers into relevant languages. If, for instance, OATH is holding an event in Chinatown or in Flushing, then those documents are translated into Traditional Chinese. OATH also has in-person translators available at all events where there has been outreach to the service population. These documents are written in plain language before they are translated and then disseminated.

b. What needs to be done in order to be in compliance with LL 30?

- *Signs:* Review and document all existing signs in all OATH offices and decide which signs should be translated and into what format (posted sign; PowerPoint or handout). *This will be completed by the deadline as mandated by the law. OATH will use its professional, third party vendor to complete the translations for its signs*
- *Document Translation:* All informational brochures at all OATH divisions must be translated into two additional languages: French and Polish. *This will be completed by the deadline as mandated by the law. OATH will use its professional, third party vendor to complete Desktop Publishing of the translations for its forms and brochures.*

a. Interpretation services

1. OATH will continue to provide interpretation both over the phone and at its offices.

OATH already provides interpretation at trials, hearings, Help Centers and with clerk staff at its divisions.

i. OATH will use one of the vendors approved by the City (DCAS) for telephonic language interpretation service. OATH will use another DCAS approved vendor in the transcription service category as well as another DCAS approved vendor for document translation. OATH will use existing bilingual staff only on a limited basis.

- OATH's over the phone interpretation service provider is currently Language Line.
- OATH's document translation interpretation service provider is currently Geneva Worldwide Inc.
- OATH's transcription service provider is currently Geneva Worldwide, Inc.
- OATH's plan does not include a formal role for bilingual OATH staff.
 - As an independent administrative law court, it is important for OATH to maintain its impartiality in the decision-making process. By using third-party independent contractors, OATH ensures that all hearings and trials that require interpretation proceed fairly and are impartial and

neutral and that all documents submitted that require translation are translated accurately.

ii. How OATH identifies someone as an LEP person.

- **Hearing Support Clerks:** All OATH locations have desk top signs, written in sixteen different languages, at its front desks. An LEP person can point to his or her language on the sign. This is one way that clerks will know that someone is an LEP person. In addition, clerks may determine a person needs language assistance by speaking with that person.
- **Hearings:** In most instances, Clerks tell the Hearing Officer or Administrative Law Judges (ALJs) before the hearing begins that an interpreter is needed at the hearing. If this has not been done, the Hearing Officer or ALJ will know someone is an LEP person because either (i) the person will ask for an interpreter after being asked at the very beginning of the hearing if an interpreter is needed, or (ii) the Hearing Officer or ALJ realizes when talking to the person that he or she is an LEP person.
- If the methods described above still do not help OATH staff find out what language the LEP person speaks, OATH staff will call the interpretation service. The interpreters will help find the correct language.

b. Translation of Written Material

With new rules in affect and the formation of the “Hearings Division” new forms and brochures were created in 2017. OATH used Geneva Worldwide, Inc. to translate its informational brochures into the top eight (8) languages when it revamped all of its forms and brochures in 2016. OATH will continue to use a vendor to translate new signs, forms, brochures and other applicable documents into the two additional languages by the deadlines mandated by Local Law 30.

1. How OATH will identify essential public documents.

The term “essential public documents” is defined as documents which contain or elicit important and necessary information regarding the provision of “basic City services” and that are commonly distributed to the public. OATH’s documents do not fall within the literal terms of this definition because OATH does not provide “basic City services” (for example, it does not provide government benefits). Regardless of the words used to describe its documents, OATH does have key documents that will be translated (and other documents may also be translated). For example, a sign that says that free translation services are available is a key document that will be translated. A document that gives the public information about their rights, their options and the rules and procedures of OATH’s divisions are key documents.

Decisions about which documents will be translated, and in what order, and into what languages, are made by OATH’s Language Access Coordinator, in consultation with the Mayor’s Office of Immigrant Affairs, other OATH executive staff as needed, or as by mandate under Local Law 30. These decisions will also take into consideration the U.S. DOJ’s four-factor analysis.

Decisions about which documents will be translated will be made on a document-

by- document basis. Different types of translation will be considered for different types of documents. For example, an approach that will be considered in connection with document types will be as follows:

- **Signs:** For posted signs, a universal symbol will be used or the sign will be in English and Spanish. Where the text of a posted sign is informational and of key importance, that text will be available in the top ten (10) LEP languages by other means, such as by PowerPoint presentation in waiting areas and/or by translated handouts.
- **Informational documents:** OATH uses annual data from the previous year to determine which languages it should use in its translations and reviews this usage on an annual basis in order to ensure that OATH is servicing its current LEP populations. When the text of a key document is translated, it will be translated into the top ten (10) languages used by OATH respondents. A review of 2017 usage of its interpretation and translation services from its vendors show that the top ten (10) languages used by OATH last year are the same ten (10) languages that are required under Local Law 30 and so no additional or supplemental languages are necessary for document translation. Current documents will be translated into the two (2) additional languages of French and Polish, as mandated by LL30.
- **Forms:** Forms are documents on which the name (the field name) of each blank area on the form is always the same, but on which one-of-a-kind (unique) information is filled in. Some forms are filled in by OATH staff (such as Orders of Adjournment); and some forms are filled in by persons appearing at OATH (such as Notices of Appearance). OATH has translated all forms for its Hearings Division into the top eight (8) languages. Even if the language used on a form is not one of the languages in which a form has been translated, OATH will accept that form and will translate the submission, free of charge to the respondent, before it is assigned to the proper unit for further action. All forms will be translated into the two (2) additional languages of French and Polish, as mandated by LL30.
- **Quality Assurance Check:** OATH will do a quality assurance check on forms and the brochures that it has translated to ensure that the translation is accurate. OATH has traditionally used volunteers from the City's Language Bank or OATH employees to assist with the review process.

2. Use of plain language guidelines and standards.

OATH's goal is to use plain language as much as possible. Before translating a document into another language, OATH continues its practice- started in 2010- of rewriting the document using plain language principles. It is the plain language version of the documents that will become commonplace and will be used as the basis for translated versions.

3. Website

The OATH website has a built-in translation function. The website is written in plain language so that much of the website translations are accurate. An added benefit is

that many of OATH's electronic forms are not in PDF format, but rather are webpage-based forms that are processed through the City's 311 electronic routing system. These types of forms that are webpage based can also be translated by pressing the "translate this page" button on the OATH website. Instructions to this effect are provided on pages containing these forms, stating the following:

Please note that the online form can be translated by using the "Translate This Page" black button on the top of the page. You can submit this form in the language you feel most comfortable using.

Additionally, OATH has added numerous announcements on various locations of its website that alert respondents that documents can be submitted in the language of their choice. For example, on the "Forms" section of the OATH Hearings Division website the page states the following:

Translation Services

If you feel more comfortable writing your responses on these forms in a language other than English, please do so. Your responses can be written on these forms in the language of your choice. The OATH Hearings Division will have all applications and forms translated into English, free of charge.

c. Signage at Public Hearings Centers

OATH currently has 6 public locations across its divisions.

1. Public notices about OATH's free language assistance.

OATH has already installed desk top signs at its reception and check-in window. These signs inform the public that OATH provides free interpretation services.

2. Translation of directional signage in OATH offices

OATH has already translated signage into English and Spanish and will be doing a review of signage and translating directional signs. See Point V(b)(1) above.

d. Letting the public know about services offered for LEP persons

OATH will continue to let the public know about services offered for LEP persons in the following ways:

- The OATH Language Access Implementation Plan will be posted online.
- OATH has signs at its reception in-take desks that are written in sixteen different languages which state that OATH provides free interpretation services.
- OATH Clerks assist in finding out if someone is an LEP person, and then let them know that interpretation is available, and arranges for a hearing with an interpreter.
- Informational materials and brochures state that free translation services are available at OATH's divisions.
- The OATH websites have numerous references to the agency's free interpretation and references to its free document translation services for any forms that are submitted in foreign languages.

e. Emergency Preparedness

During an emergency, OATH posts notices about office closures and any automatic rescheduling of hearings on our website and on our IVR (1844-OATH-NYC). Our website is translatable so visitors to our site see the message. During an emergency, Clerks at Call Centers are sent approved messaging once it has been approved by AC for Public Affairs & Communications and the Commissioner. The clerk's in our call centers always have the ability to get a translator on the line when a person calls that doesn't speak English.

Unfortunately, our over-the-phone translation vendor may experience high call volume if an entire area such as NYC is experiencing an emergency which can mean that the vendor may make our staff wait for an extended amounts of time before a translator is available to assist. In this instance, we would use staff who are fluent in other languages to communicate with callers but they are instructed to only use the pre-approved messaging. Each call center and branch office is aware of staff that are fluent in other languages and emergencies would be the only time when these staff are asked to use their language capabilities since it would be improper for us to act as translators during an interaction that involves providing language assistance with a hearing or a case, but the information that would be relayed in these instances would be limited to information regarding office closings and/or hearings be automatically rescheduled.

V. Training

a. Training on OATH's Language Access Plan.

Training on OATH's Language Access Plan will include the following:

- OATH staff who have regular contact with LEP persons receive training on OATH's Language Access Plan. This staff includes OATH hearing officers, Administrative Law Judges and clerks. The training will be on-the-job training, training by Memo, online training or classroom training, as needed.
- Language Access Plan information will be incorporated into new employee orientation.
- Language Access Plan training will include information on the following topics:
 - OATH's legal obligation to provide language assistance.
 - A review of when OATH provides language assistance.
 - A review of their role in providing language assistance.
 - Tips on working with interpreters.
 - Who to contact at OATH if they have questions about language access issues.
- The Language Access Coordinator will meet with managers to explain the Language Access Plan and to explain their roles in implementing the plan and in training staff.

b. Training on identifying a person's primary language: use of dual hand-set phones and conference phones for interpretation.

Use of dual-handset phones and conference phones:

- Hearing officers and Administrative Law Judges and Clerks have received on-the-job training in using phone interpretation services and conference phones.

- This training occurs at orientation for employees at the Clerk's Office.
- This training occurs during a two week intensive "New Judge/Hearing Officer" training for new ALJS and Hearing Officers which takes place twice a year. This intensive in-person training is administered by [OATH's Administrative Judicial Institute \(AJI\)](#).
- Under this version of the Language Access Implementation Plan, new staff in these positions will continue to receive this training upon their arrival at OATH.

c. Cultural competency training

Cultural competency training is training to increase awareness about and sensitivity to diversity and cultural differences.

- OATH's Administrative Judicial Training Institute (AJI) provides cultural competency training to hearing officers and Administrative Law Judges and customer service staff.

d. Tracking Training

All training conducted by OATH's Administrative Judicial Institute (AJI) is tracked and records are maintained. The AJI reports its initiatives and training numbers to Executive Staff.

VI. Record Keeping and Evaluation

a. Ensuring quality of language access services.

OATH will ensure the quality of its language access services by doing the following:

- OATH will conduct periodic surveys of the LEP persons and of OATH staff who use OATH's interpretation and translation services to determine quality of language access services.
- OATH will continue to use professional third-party interpreters for its interpretation services at hearings and for clerk office interactions with LEP persons, and also for translation of documents.

b. Maintaining records of the language services OATH provides.

OATH will maintain records of the language services it provides by doing the following:

- Obtaining statistics from the interpretation provider that indicate how many interpretations were done at each OATH location and what languages were interpreted.
- Keeping file copies of all translated documents.
- Documenting any formal classroom training provided and keeping file copies of training materials.
- Keeping copies of the results of any surveys it conducts in connection with services provided to LEP persons.

c. Ensuring compliance with Local Law 30

OATH will ensure compliance with Local Law 30 in the following ways:

- Hearing Officers, ALJs and Clerks will be trained in the use of language assistance services.
- OATH will get monthly reports from the interpretation contractor, and from OATH staff, to ensure that interpretation services are being used, and understand how they are being used.
- The Language Access Coordinator will regularly communicate and work with OATH staff to ensure they are implementing the Language Access Plan.
- The OATH Language Access Coordinator will work with other OATH executive staff as needed, to continue deciding issues relevant to compliance- including deciding which newly created documents should be translated and in what order and into which languages.
- OATH will review the Language Access Plan at least once every year.

VII. Resource Analysis and Planning

a. Using current agency resources to implement the Language Access Plan.

Some parts of the initial OATH Language Access Plan could be afforded in its budget as one-time costs, including:

- o Signage.
- o Purchase of dual-handset phones, conference phones, or equivalent technology.
- o Training of current clerks in the use of dual-handset phones and use of interpretation services.
- o Re-writing of document(s) into plain language
- o Translation of document(s) into LEP languages.
- o Preparation of a PowerPoint presentations for waiting room televisions.
- o Providing on-line translation capability for all website pages and online forms.

Other parts of OATH's Language Access Plan, such as interpretation at hearings, involve ongoing costs which OATH includes in its budget annually.

1. Using existing contracts for services or training.

The current telephonic interpretation requirements contract will be used for interpretation services, data retrieval, and possibly for staff training.

2. Use of a volunteer language bank.

OATH does not intend to use a volunteer language bank at this time due to the nature of the service (*impartial* administrative hearings) that OATH provides to the public. It will use the volunteer language bank to check document translations of important outreach materials when those translations are made by a third party vendor under contract with OATH.

b. Use of citywide resources.

When possible, OATH will use citywide resources to help provide language access services at OATH. To learn about citywide resources (such as pre-printed language cards), OATH's Language Access Coordinator will be in contact with the Mayor's Office of Immigrant Affairs. That Office helps City agencies to get language services to the public and gives technical assistance to City agencies in providing language services.

VIII. Outreach and Public Awareness

a. Ethnic Media and Advertising

OATH does not have a media, advertising or PSA budget. OATH does, however, engage ethnic media through its Public Relations activities. OATH partners with elected officials and civic organizations when it holds outreach events in the community. OATH relies on these groups and offices to advise as to the constituency they are trying to target with the event. Ethnic media receive press releases in the languages of the service population of the event. For example, when OATH is in Harlem or Inwood, the press release and event flyers that are disseminated would be in English and Spanish. When the event is in Flushing, Queens, the materials would be translated into Chinese.

b. Interpreters at Public Outreach Events

As stated above, OATH conducts many dozens of outreach events each year in communities around the City. When OATH does outreach for these events in foreign languages, it will have live interpreters present at the events that speak in the language that the flyers or website postings were translated into. This provides comprehensive, end to end interpretation for OATH outreach activities. OATH will continue to provide translators at public events with diverse populations and have our promotional materials for those events translated into the targeted languages so that residents feel welcomed to join us at our events and can get as much out of the events as those who come who are native English speakers.

IX. Language Access Complaints

a. Process for LEPs to file complaints related to language access services

OATH has signage in its hearing centers that tells respondents that they have the right to complain about the interpretation services provided by OATH. They are instructed to call 311 with their complaint or they can visit the OATH website and file a complaint online. The complaint would be routed to the Assistant Commissioner for Public Affairs, who is also the agency's Language Access Coordinator. She would send the complaint to document translation vendor if the complaint was in another language. She would investigate the complaint and then answer the correspondence directing it to the complainant after investigating the complaint. If the original complaint was in another language, she would have the response translated by our vendor before sending the translated response to the complainant.

b. How complaints are handled by OATH for service disruption by vendor and quality assurance

OATH submits complaints to vendors if we encounter quality control problems and we respectfully request plans of action from them if the problem is persistent. In regards to over the phone translation, OATH has a secondary contract that can be used when the problem is not solved to our satisfaction by our primary vendor. There is a protocol for using the second vendor, including documenting instances and making formal complaints with the primary and giving them the opportunity to resolve the issue.

In terms of quality assurance for document translation, OATH has translated documents reviewed by employees who are fluent in the languages we are getting forms or outreach materials translated into. We also use City Volunteer Language Bank to review document translations for accuracy.

X. Implementation Plan

a. Persons at OATH involved in implementing the Language Access Plan.

OATH's Language Access Coordinator is Marisa Senigo, Assistant Commissioner for Public Affairs & Communications. She is the person who will be implementing the Language Access Plan.

The responsibilities of the Language Access Coordinator include:

- Achieve the specific goals of the Initial and subsequent LAPs.
- Work on an ongoing basis with the senior staff at OATH's divisions to achieve those goals and ensure that the public has access to translated materials and interpretation services.
- Submit an "Annual Report" on the agency's language access efforts and accomplishments to the Mayor's Office of Operations (MOO) and the Mayor's Office of Immigrant Affairs (MOIA).
- Act as the point person for the Mayor's Office on language access evaluation programs, such as Language Access Secret Shopper (LASS) evaluations.
- Act as the point person for the public, for LEP persons and for people with disabilities.
- Work with the Director of the Administrative Judicial Institute (AJI) at OATH, and also with other OATH executive staff as needed, in connection to the training of Hearing Officers and judges in order to achieve the goals of the Language Access Plan.
- Maintain records of the language services provided by OATH including maintaining copies of all translated document submissions, brochures, applications and forms.
- Conduct an annual review of the Language Access Plan.
- Investigate and respond to any direct correspondence or correspondence to 311 in which a constituent files a complaint about OATH's language accessibility or interpretation services.
- Alert the General Counsel's office, and also other OATH executive staff as needed, of any significant problems that arise regarding the Language Access Plan.
- Ensure that communications (event flyers, press releases, etc.) are available and disseminated in applicable languages according to service area.

b. Implementation of plan for compliance with LL30

Language Access Goal	Milestones	Responsible Staff	Deadline
Translate all essential documents into final 2 languages- Polish and French	Gather essential documents and submit to vendor for desktop publishing (brochures) and document translation (forms)	Marisa Senigo, Assistant Commissioner for Public Affairs & Communications	July 1, 2018
Review Language Access Implementation Plan	Annually	Marisa Senigo, Assistant Commissioner for Public Affairs & Communications	February 2019

CONTACT US

Contact OATH's Language Access Coordinator:

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