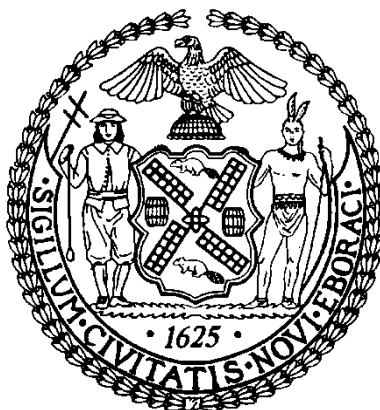


**CITY OF NEW YORK
OFFICE OF THE COMPTROLLER**

**John C. Liu
COMPTROLLER**

IT AUDIT and RESEARCH

**H. Tina Kim
Deputy Comptroller for Audit**



**Audit Report on the Adherence of the
New York City Taxi and Limousine
Commission to Executive Order 120
Concerning Limited English Proficiency**

7R10-151A

November 26, 2010



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
1 CENTRE STREET
NEW YORK, N.Y. 10007-2341

John C. Liu
COMPTROLLER

November 26, 2010

To the Residents of the City of New York:

My office has audited the New York City Taxi and Limousine Commission's (TLC) compliance with Executive Order 120 (EO 120).

EO 120 requires public-facing agencies to develop and implement language access policy and implementation plans to accommodate Limited English Proficiency (LEP) persons. Agencies were required to have their plans in place by January 1, 2009.

The audit found there are several areas where efforts are in need of improvement. For example, we found that TLC does not provide interpretation services consistently across all agency locations and does not adequately post signage. Also, its LEP Plan does not identify and provide for translation of essential public documents. We also found that TLC's customer call services for LEP persons are not consistent and that its public outreach can be strengthened.

The results of the audit have been discussed with TLC and the Mayor's Office, and their comments have been considered in preparing this report. Their complete written responses are attached to this report.

If you have any questions concerning this report, please e-mail my audit bureau at audit@Comptroller.nyc.gov.

Sincerely,

John C. Liu

Table of Contents

AUDIT REPORT IN BRIEF 1

 Audit Findings and Conclusions 2

 Audit Recommendations 2

INTRODUCTION 4

 Background 4

 Objective 5

 Scope and Methodology 6

 Discussion of Audit Results 7

FINDINGS AND RECOMMENDATIONS 8

 Does Not Provide Interpretation
 Services Consistently Across All Agency Locations 8

 Does Not Adequately Post Signage 9

 LEP Plan Does Not Identify and Provide for
 Translation of Essential Public Documents 9

 Customer Call Services for LEP Persons are Not Consistent 10

 Monitor LEP Customer Needs and Reevaluate Language Access Plan 11

 Public Outreach Can Be Improved 11

OTHER ISSUES 11

 Enhancements to Executive Order 120 12

 Information Received from Agencies is Difficult to Corroborate 12

RECOMMENDATIONS 13

APPENDIX I Compliance Chart

APPENDIX II Descriptions of Tests Conducted

ADDENDUM I TLC Response

ADDENDUM II Joint Response from the Mayor’s Offices of Operations and Immigrant
 Affairs

*The City of New York
Office of the Comptroller
IT Audit and Research*

**Audit Report on the Adherence of the
New York City Taxi and Limousine
Commission to Executive Order 120
Concerning Limited English Proficiency**

7R10-151A

AUDIT REPORT IN BRIEF

We performed an audit of the New York City Taxi and Limousine Commission's (TLC) compliance with Executive Order 120 (EO 120). TLC is a public-facing agency that is responsible for licensing and regulating New York City's medallion (yellow) taxicabs, for-hire vehicles (community-based liveries and black cars), commuter vans, para-transit vehicles (ambulettes) and certain luxury limousines.

EO 120 requires public-facing agencies to develop and implement language access policy and implementation plans to accommodate Limited English Proficiency (LEP) persons. Agencies were required to have their plan in place by January 1st, 2009. In implementing a program of language assistance, EO 120 requires that each agency designate a Language Access Coordinator to oversee the creation and execution of the agency's language access policy and implementation plan; conduct a population needs assessment utilizing guidelines from the U.S. Department of Justice; train front line staff; establish an appropriate monitoring and measurement system; and provide free language assistance based on at least the top six LEP languages¹ spoken in the City (as determined by the NYC Department of City Planning), including the identification and translation of essential public documents, telephonic and on-site interpretation services, and posting of signage notifying the public of their rights to access these services free of cost.

Our fieldwork was conducted from July 2010 to August 2010, a year and a half after the deadline by which agencies' were required to have completed their language access policy and implementation plans (see Compliance Chart in Appendices I and II of the Audit Report). As the Executive Order calls for the Mayor's Offices of Operations (Operations) and Immigrant Affairs (MOIA) to play a leadership role overseeing agencies' language access initiatives, and to provide technical assistance and promote access to LEP customers

¹ The designated top six LEP languages spoken by the population in New York City are: Spanish, Chinese, Russian, Korean, Italian, and Haitian Creole.

through public outreach in its statute, we also included a review of the Mayor's Office's oversight efforts in our audit scope.

Audit Findings and Conclusions

We found that TLC was generally compliant with EO 120 and has pursued meaningful language access initiatives. However, there are several areas where efforts are in need of improvement. For example, we found that TLC does not provide interpretation services consistently across all agency locations, does not adequately post signage, and their LEP Plan does not identify and provide for translation of essential public documents. We also found that TLC's customer call services for LEP persons are not consistent. Additionally, TLC's public outreach can be strengthened.

Audit Recommendations

This report makes a total of 9 recommendations. To address the issues we found during this audit, we recommend that TLC should:

1. Provide consistent interpretation services across all agency locations by ensuring that all front line staff have access to language access tools ("I Speak..." cards) and are able to provide effective language assistance services.
2. Assess signage at each field office and conspicuously post signage notifying the public of their right to free language assistance and in the covered languages at all agency locations.
3. Identify Essential Documents directly in the Language Access and Implementation Plan and make a schedule for translating these documents in the covered languages or those otherwise identified in the Plan's language needs assessment as resources become available; in addition, these documents should be made available to the public on the internet and at all office locations.
4. Improve customer call services to include assistance in the top six LEP languages and reduce unreasonable wait times.
5. Update the Language Access and Implementation Plan to reflect new information such as the language needs of the agency's constituents, and may require "periodic" review to be more specific; furthermore, the agency should consider incorporating data on complaints filed due to language access issues into its monitoring and measurement system.
6. Take stronger steps to ensure that LEP customers are made aware of TLC's public services/workshops/events and the agency's provision of language assistance services.

To address other issues we found during this audit, the Mayor's Office of Operations should revise EO 120 to include:

7. A list of consequences an agency would face if its milestones for plan deadlines are not met.
8. Requiring agencies to produce Annual Reports that contain details of what agencies have already done.
9. What agencies plan to do in the future to meet or enhance their LEP plans.

INTRODUCTION

Background

New York with more than 3 million foreign-born residents from more than 200 different countries is home to one of the most diverse populations in the world. New Yorkers come from every corner of the globe and speak over 200 different languages. Nearly one-half of all New Yorkers speak a language other than English at home, and almost 25 percent, or 1.8 million persons, are limited in English proficiency. For these New Yorkers, interacting with City Government can often be a challenge.

Local Law 73 and Executive Order 120

This Law's purpose was to enhance the ability of City residents with LEP to interact with city government and more specifically to obtain needed social services. The law pertains to four social service agencies: Human Resources Administration, Department of Homeless Services, Administration for Children's Services and the Department of Health and Mental Hygiene. The law requires free language assistance services be provided for clients at job centers, food stamps offices, and in obtaining other services.

In response to Local Law 73, Mayor Bloomberg, in July 2008, signed EO 120. EO 120 required all City agencies to provide opportunities for limited English speakers to communicate and receive public services. EO 120 requires all City agencies that provide direct public services to ensure meaningful access to those services to LEP persons. To accomplish this EO 120 requires these agencies to develop and implement agency-specific language assistance plans regarding LEP persons.

In implementing a program of language assistance EO 120 requires that each agency shall:

- Designate a Language Access Coordinator within 45 days of the date of EO 120 to oversee the creation, and the execution of an agency specific internal language access policy and implementation plan.
- Develop such language access policy and implementation plan by January 1, 2009 using a four factor analysis including: the number or proportion of LEP persons in the eligible service population; the frequency with which LEP individuals come in contact with the agency; the importance of the benefit, service, information, or encounter to the LEP person, and the resources available to the agency and the costs of providing various types of language services.
- Provide services in languages based on at least the top six LEP languages spoken by the population of New York City, as those languages are determined by the Department of City Planning, based on United States Census data, and as those languages are relevant to services offered by each agency. The designated top six

LEP languages spoken by the population in New York City are: Spanish, Chinese, Russian, Korean, Italian, and Haitian Creole.

- Ensure that the language access policy and implementation plan includes: identification and translation of essential public documents; interpretive services, including telephone interpretation for the top six languages and others as appropriate; training of frontline workers on language access policies; postage of signage in conspicuous locations about the availability of free interpretation services; establishment of an appropriate monitoring and measurement system regarding the provision of agency language services.

EO 120 notes that the New York City Charter provides that the Mayor's Office of Operations (Operations) shall coordinate the provision of language services to the public and provide technical assistance to City agencies in providing such services. The Mayor's Office of Immigrant Affairs (MOIA) is responsible for promoting access to City services by immigrants through developing appropriate policies and outreach programs to educate immigrant and foreign language speakers of such services.

The Customer Service Group (CSG) of Operations, in partnership with MOIA, plays a leadership role overseeing various language access initiatives undertaken to support agencies' compliance with EO 120. CSG established quarterly Language Access Coordinator meetings and developed a quarterly reporting system to track agencies' progress in achieving the milestones outlined in their respective Language Access Plans; the Office reviews submissions to monitor citywide compliance with EO 120, and provides agencies with feedback on their progress. CSG also developed training guidance on language access policies and procedures and cultural sensitivity. Additional initiatives developed and coordinated by Operations to support agencies' compliance with EO 120 include the Language Access Gateway, an online portal that allows translated documents to be stored in one central location, and NYCertified, a citywide program for multilingual city employees who volunteer their language skills to provide translation and/or interpretive services to LEP customers.

The New York City Taxi and Limousine Commission

TLC is responsible for licensing and regulating New York City's medallion (yellow) taxicabs, for-hire vehicles (community-based liveries and black cars), commuter vans, para-transit vehicles (ambulettes) and certain luxury limousines. The TLC licenses and regulates over 60,000 for-hire and taxi vehicles and approximately 100,000 drivers, performs safety and emissions inspections of the more than 13,000 medallion taxicabs three times each year, and holds numerous hearings for violations of City and TLC rules and regulations, making it the most active taxi and limousine licensing regulatory agency in the United States.

Objective:

The objective of this audit is to determine whether TLC has complied with Executive Order 120.

Scope and Methodology

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

Our fieldwork was performed from July 2010 to August 2010. To achieve our audit objectives we:

- Reviewed EO 120 and Local Law 73;
- Reviewed and analyzed TLC’s Language Access Policy and Implementation Plan;
- Created Compliance Charts to assess TLC’s compliance with EO 120²;
- Interviewed agency officials involved, specifically the designated Language Access Coordinator;
- Interviewed officials from the MOIA and Operations and reviewed documents requested;
- Asked the agency to respond to the “Checklist for EO 120” which outlines a series of questions corresponding with the requirements for providing language access as described in EO 120 (agency’s response is included as part of Appendix I);
- Conducted various audit procedures as noted below³;
- Reviewed and assessed whether TLC’s EO 120 Plan was developed in accordance with the required four factor analysis;
- Tested whether TLC provided public services in at least the top six LEP languages spoken by the population of New York City;
- Obtained documentation and assessed whether TLC identified and translated essential public documents provided to or completed by the public;
- Tested whether interpretation services, including the use of telephonic interpretation services are available;
- Tested whether training of frontline workers and managers on language access policies and procedures is being done;
- Obtained training materials and/or written policies and procedures, conducted interviews with TLC’s staff members;
- Tested whether posting of signage in conspicuous locations about the availability of free interpretation services is being done by visiting all office locations to determine if the signage was posted;

² See Appendix I for the complete list

³ See Appendix II for further descriptions of the tests we conducted

- Assessed whether TLC established an appropriate monitoring and measurement system regarding the provision of agency language services; and
- Assessed whether TLC created appropriate public awareness strategies for the agency's service population.

Discussion of Audit Results

The matters covered in this report were discussed with officials from TLC, MOIA and Operations, during and at the conclusion of this audit. A preliminary draft report was sent to TLC, MOIA, and Operations officials and discussed at an exit conference held on October 1, 2010. On October 18, 2010, we submitted a draft report to TLC, MOIA, and Operations officials with a request for comments. We received TLC's response on November 4, 2010, which generally agreed with our findings and recommendations. Their response is included in the addendum of this report. We received Operations' and MOIA's joint response on November 1, 2010, which generally agreed with our findings and recommendations. Their response is included in the addendum of this report.

FINDINGS AND RECOMMENDATIONS

TLC was generally in compliance with EO 120 where it is mandated that TLC ensure meaningful access of agency resources to LEP persons. TLC also implemented a program for language assistance that reflects the principles of plain language communication. However, there are a few areas where TLC was partially in compliance with EO 120 and its efforts should be enhanced to provide better services to LEP persons.

Does Not Provide Interpretation Services Consistently Across All Agency Locations

EO 120 states that agencies must provide interpretation services in languages based on at least the top six LEP languages spoken by the population of New York City. TLC uses Language Line,⁴ and it has created an internal language bank of multilingual staff volunteers. However, we observed instances where agency offices were unable to consistently provide basic information on interpretation services and demonstrated limited interpretation assistance at various locations. Specifically, we found:

- TLC will not provide interpretive services at any public hearing, even if a request is made in advance.
- A customer service worker at the TLC Staten Island facility, when asked by a LEP person for assistance on filling out the for-hired vehicle driver application in Chinese, was neither able to assist the customer nor refer the individual to another staff person to provide language assistance.
- The Language Access Plan states that “I Speak...” cards⁵ are to be used in all TLC facilities. However, “I Speak...” cards were not observed at the Queens, Staten Island and Manhattan offices. Furthermore, we are concerned that the agency is not using “I Speak...” cards appropriately, based on how the procedure for using this tool is described in their Language Access Plan.

TLC should revisit the agency’s procedures for using “I Speak . . .” cards as currently described in the Language Access Plan. Contrary to the description in the TLC Plan, “I Speak...” cards are not meant to be used after the person’s language has already been identified. In order for TLC to make more effective use of the “I Speak . . .” cards, this section of the plan should be modified. Additional staff training should also be provided where necessary to ensure that the proper technique is being utilized when using “I Speak . . .” cards.

⁴ Language Line provides a telephonic interpretation service that allows staff to communicate with customers in over 170 languages. Language Line interpreters serve as a communications conduit between agency staff and limited English proficient customers through a three-way call function. Language Line staff can also assist employees identify a customer’s foreign language.

⁵ “I Speak . . .” cards are designed as a tool for staff to use to identify the foreign language that a LEP person speaks, reads or understands upon initial contact with a LEP customer.

Does Not Adequately Post Signage

EO 120 states that agencies must post signage about the availability of free interpretation services. The TLC Language Access Coordinator described how the agency has made recent efforts to improve its signage at field offices. However, we found instances where some offices did not post signage about the availability of free interpretation services. Our observations found that:

- The Manhattan and Staten Island facilities lacked signage in any foreign language to help customers locate application forms.
- The Queens facility posts signage to help customers locate application forms in only Spanish, rather than all six covered languages.

Based on our observations, TLC does not adequately ensure that signage indicating the availability of free language assistance services is posted in each of its offices where services are provided directly to the public. TLC should use the signage provided by Operations to comply with this provision of EO 120.

LEP Plan Does Not Identify and Provide for Translation of Essential Public Documents

EO 120 states that the language access policy and implementation plan should identify and translate essential public documents to accommodate LEP customers. We found that TLC's Language Access Policy and Implementation Plan (developed in January 2009) fails to identify essential public documents that should be translated. Moreover, it states that the agency is not currently planning to translate essential documents due to limited resources. It should also be noted that the plan has not been updated since its original creation in January 2009, so there is no update of the current status of resource availability.

We did however find that some documents had been translated. The *For Hire Vehicles Rules* and *For Hire Vehicle Passenger Guides* were translated into four foreign languages (Russian, Arabic, French and Spanish); and the *Vehicle Application Processing for Bases* was translated into Spanish only. However, none of these documents were translated into the top six LEP languages as required by EO 120 or languages otherwise identified in the Plan's language needs assessment.

We found that other documentation is provided in English only. Specifically:

- No documents are provided in foreign languages at public hearings.
- While TLC translated the *For Hire Vehicle Passenger Guides* into four foreign languages, only the description of basic information about passenger rights, such as the process for filing a complaint and how to contact the agency, was translated into the four languages. The brochures failed to translate the actual passenger bill of rights in three of the four languages (only the Arabic Passenger Bill of Rights was translated), so LEP customers are not able to access the actual rights themselves.

- No customer complaint forms or lost and found claim forms are available in any foreign language. TLC officials told us that most of their complaints come from the City's 311 system. However, the City's 311 website has only translated basic information describing the process of how to file a complaint against a driver or how to report a lost item; the actual driver complaint and lost item forms themselves are only provided in English.
- No public notices or press releases are translated into any foreign language.
- No Licensing forms are translated.

TLC has submitted documents to be posted on the Language Access Gateway. However, only the *For Hire Vehicle Bill of Rights* is posted, and it is only available in English and Spanish. TLC officials informed us that their staff submitted both the taxi cab and livery bill of rights to the Mayor's Office for posting on the portal; the Mayor's Office provided documentation indicating that both documents were posted on the Gateway along with livery passenger information. However, our review of Language Access Gateway only found one document (the *Livery Bill of Rights*) posted on the portal.

In order to comply with EO 120, TLC needs to identify its essential public documents in the Language Access Policy and Implementation Plan in order of priority. Thus when resources become available the most essential documents can be translated first. TLC also should resolve the discrepancy with the documents posted on the Language Access Gateway; all three documents (the *For Hire Vehicles Rules*, the *For Hire Vehicle Passenger Guides* and the *Vehicle Application Processing for Bases*) should be posted. And while all essential documents should be translated into the top six LEP languages, the customer complaints forms and passenger bill of rights are two particularly critical documents that should be prioritized for translation as soon as resources are acquired.

Customer Call Services For LEP Persons are Not Consistent

We found that TLC customer call services were not consistent when providing LEP persons with assistance. Callers who spoke certain languages were assisted correctly and promptly, while callers in other languages including two of the top six languages spoken in New York City were not. For example, we placed a call in Bahasa Indonesia, which is not included as one of the top six LEP languages in EO 120. The representative who received our call in Bahasa Indonesia, the official language of Indonesia, was still able to find an interpreter to provide us with assistance. We also placed a call in Spanish and were also well assisted; the representative was able to provide helpful information and even gave us a referral to another TLC facility that would be of greater assistance in Spanish. However, we found that TLC customer call services were not as helpful when calls were placed in Russian and Chinese (Mandarin), two of the top six LEP languages spoken by the population of New York City. When we called using Russian and Chinese (Mandarin), we were not assisted properly, and the call center kept us on hold for an unreasonable amount of time (30 minutes).

Monitor LEP Customer Needs and Reevaluate Language Access Plan

The Language Access Plan states that TLC will evaluate its Language Access Plan “periodically.” According to the Language Access Coordinator, TLC has not updated the Language Access Plan since it was initially developed in January 2009. However, TLC seemed to lack a definitive timeframe for when it would do so. For example, TLC has identified languages within its service area through recent outreach and service provision that were not included in the plan’s original language assessment. The Language Access Coordinator also indicated that TLC does not track language-related complaints as part of their data collection process.

To be an effective tool for providing LEP persons with proper service, TLC’s Language Access Plan should be periodically scheduled for updates to reflect changes to its customer base and new information about customer language access needs. TLC should also review its plan annually to ensure the four factor analysis is up-to-date and its corresponding service delivery is still effective. Monitoring can also be strengthened by tracking language-related complaints as part of the data collection process.

Public Outreach Can Be Improved

TLC has provided insufficient public outreach efforts to ensure that LEP customers are made aware of the agency’s efforts to provide language assistance. For example TLC failed to demonstrate how it will ensure that LEP customers be made aware of the New Group Ride pilot program, which replaces several canceled bus routes due to budget cuts.

The agency should make deliberate effort to ensure that the public is advised in languages other than English about services being offered. This could include basic passenger information about the agency, routes and timetables for the New Group Ride program.

OTHER ISSUES

The Comptroller’s Office recognizes the efforts of the Mayor’s Office in pursuing these initiatives to provide New York City with its own language access policy to enhance civil rights protection. The Comptroller’s Office would like to acknowledge that Operations and MOIA have taken the initial steps in language access initiatives that have resulted in providing LEP customers access to services. Since the execution of EO 120 in 2008, the Mayor’s Office has undertaken measures to provide agencies with resources and technical assistance to assist agencies achieve compliance with the Executive Order. However, as our audits of the LEP program demonstrate more must be done to ensure meaningful access to direct public services from the City to LEP residents. The Comptroller’s Office has observed areas where oversight and coordination efforts can be strengthened to achieve greater LEP access to government services.

Enhancements to Executive Order 120

EO 120 could be updated to require that Operations provide more oversight accountability over agencies. For example, EO 120 does not include any consequences for not complying with its provisions. In addition Operations has little authority to require that agencies meet the current milestones listed in their language access plan or meet or develop future milestones for long-term implementation of the plan.

EO 120 does not require an agency to publish an annual report that would describe the steps the agency has already taken to achieve compliance, it does not mention what performance indicators should be used to report agency compliance, nor does it mention how often these indicators would be reported. As a result, as of now, no LEP indicators have been included in the Mayor's Management Report since the execution of EO 120.

EO 120 only includes City agencies, but not contractors that work with the City. Any contractor that provides direct access to the public should also be included in EO 120 requirements.

Information Received from Agencies is Difficult to Corroborate

CSG developed a quarterly reporting system to track agencies' progress in achieving the milestones outlined in their respective Language Access Plans; CSG reviews submissions to monitor citywide compliance with EO 120, and provides agencies with feedback on their progress. CSG also developed training guidance on language access policies and procedures and cultural sensitivity. We found that CSG does not corroborate the information submitted to them by LEP agencies, as well as, data received from other agencies. CSG explained that the systems cannot be integrated into the MMR, and although LEP agencies provide CSG with information on how many people use Language Line (for example), it is difficult to make everything uniform because of the different needs, resources, tools and availability of information at each agency.

RECOMMENDATIONS

To address the issues we found during this audit, the New York City Taxi and Limousine Commission should:

1. Provide consistent interpretation services across all agency locations by ensuring that all front line staff have access to language access tools (“I Speak...” cards) and are able to provide effective language assistance services.

TLC Response: “TLC has provided interpretation at our public hearings when it has been warranted. For example, major revisions were done to the rules that govern the For-Hire Vehicle industry in March & April 2009. The majority of licensees within this industry are limited-English proficient, and as a result, Spanish interpretation was provided at the public hearing for these revisions.”

Auditor’s Comment: We requested interpretation services in advance of a TLC hearing on a pilot program for vans operating in Queens along discontinued bus routes, and were told that no interpretation services were available, and that TLC does not provide interpretation services.

2. Assess signage at each field office and conspicuously post signage notifying the public of their right to free language assistance and in the covered languages at all agency locations.

TLC Response: “Our Manhattan facility is an administrative court facility, and as such, it does have signage stating that free interpretation services are available in each of the three courtrooms in this facility. There is no need for signage to locate application forms since this facility does not in-take any applications. We agree with the Comptroller’s finding that our Staten Island facility does not have any signage in a foreign language. We are looking at re-doing all of our signage in our facilities, and this process will include Staten Island.”

Auditor’s Comment: At the time of our visit to the Manhattan location, we did not observe the signage offering the free interpretation services.

3. Identify Essential Documents directly in the Language Access and Implementation Plan and make a schedule for translating these documents in the covered languages or those otherwise identified in the Plan’s language needs assessment as resources become available; in addition, these documents should be made available to the public on the internet and at all office locations.

TLC Response: “...we believe we have a good language access plan, and we are working on releasing an updated version of the plan no later than December 2010. This updated version will address, among other things, our deficiencies in translating TLC’s essential public documents into the languages of our LEP customers, improving LEP customers’

access to our call center, and provide for the improvement of services at our Staten Island facility..”

4. Improve customer call services to include assistance in the top six LEP languages and reduce unreasonable wait times.

TLC Response: “Our call center does have capacity to serve many different LEP customers, but not all LEP customers. We are exploring the possibility of expanding Language Line to our call center to ensure that all LEP customers can be served.”

5. Update the Language Access and Implementation Plan to reflect new information such as the language needs of the agency’s constituents, and may require “periodic” review to be more specific; furthermore, the agency should consider incorporating data on complaints filed due to language access issues into its monitoring and measurement system.

TLC Response: “We agree with the Comptroller’s finding that our plan has not been updated since it was originally conceived. However, we believe we have a good language access plan, and we are working on releasing an updated version of the plan no later than December 2010.”

6. Take stronger steps to ensure that LEP customers are made aware of TLC’s public services/workshops/events and the agency’s provision of language assistance services.

TLC Response: “Our Queens and Manhattan court facilities have signage in multiple areas (on court room doors, in stand-alone frames on court room tables, and in waiting areas) advertising the availability of free interpretation services for LEP customers. However, we agree with the Comptroller’s finding that we could do a better job at advertising these services. Consequently, we are looking at the possibility of advertising these services on the official mailings of the agency.”

To address other issues we found during this audit, the Mayor’s Office of Operations should revise EO 120 to include:

7. A list of consequences an agency would face if its milestones for plan deadlines are not met.
8. Requiring agencies to produce Annual Reports that contain details of what agencies have already done.
9. What agencies plan to do in the future to meet or enhance their LEP plans.

Operations Response: “. . . the Mayor’s Office will be requiring agencies to review their Language Access plans annually, and to update them accordingly based on demographic changes or priorities. We believe that this, in addition to the quarterly reports and other

tools, will detail an agency's accomplishments and objectives to ensure the continued, effective delivery of service across agencies.'

Compliance Chart

Question	Auditor's Assessment	TLC'S Response to the "Checklist for EO 120"	Auditor's Comments
1. Does TLC provide direct public services?	Yes	TLC licenses applicants, ensures their compliance with our standards, enforces our rules and adjudicates cases against licensees. There are a number of divisions that play a role in this process, they are: Licensing, Adjudications (Court), Uniformed Services Bureau, and Administrative Services.	
2. Does TLC have a Language Access Policy and Implementation Plan, and when was it instituted?	Yes	TLC does have a Language Access Policy and Implementation Plan. It was instituted in January of 2009.	
3. Does TLC have a Language Access Coordinator?	Yes	Policy and External Affairs Analyst Office of Policy/Office of External Affairs	
4. Did the Language Access Coordinator oversee the creation of the Language Access Policy and Implementation Plan?	Yes	Yes, the Language Access Coordinator did oversee the creation of the Language Access Policy and Implementation Plan.	
5. Did the Language Access Coordinator oversee the execution of the Language Access Policy and Implementation Plan?	Yes	Yes, the Language Access Coordinator did oversee the execution of the Language Access Policy and Implementation Plan.	
6. Does the Language Access Coordinator monitor the Language Access Policy and Implementation Plan?	Yes	Yes, the Language Access Coordinator does monitor the Language Access Policy and Implementation Plan.	
7. Is the Language Access Coordinator required to report plan updates and ongoing compliance?	Yes	Yes, the coordinator is required to report plan updates and ongoing compliance to the Mayor's Office of Operations.	

Compliance Chart

Question	Auditor's Assessment	TLC'S Response to the "Checklist for EO 120"	Auditor's Comments
8. Did TLC develop the plan using the four-factor analysis?	Yes	Yes, TLC did develop the plan using the four-factor analysis.	
9. Does TLC provide services in languages based on at least the top 6 NYC LEP languages? (Spanish, Chinese, Russian, Korean, Italian, and Haitian Creole)	Needs Improvement	Yes, TLC does provide services in languages based on at least the top six NYC LEP languages, with addition of Urdu and Hindi.	TLC mainly has documents or postings in Spanish. The other top 5 LEP languages mentioned in TLC's Plan were not found at agency locations. We received translated documents in three languages, but not in Chinese, Korean, or Italian. There are other documents that have not been translated, including news and press releases.
10. Does TLC identify and translate their "essential public documents"?	Needs Improvement	Yes, TLC has translated "essential public documents". They include outreach documents for passengers and licensees on changes to the way livery cabs (car services) look and operate. The documents are currently available for download from our web site in English, Spanish, Haitian Creole, Russian, and Arabic.	"Essential Public Documents" were not defined in TLC's Language Access Plan, as required by EO 120. Translated documents are in four languages, but not Chinese or Korean.
11. Does TLC provide interpretation services (including telephonic interpretation) for the top six LEP languages and others as appropriate?	Needs Improvement	Yes, TLC does provide interpretation services for the top six LEP languages and another 174 languages through a third-party vendor, Language Line, at no charge to licensees and passengers.	We found that TLC was not able to handle Chinese and Russian speaking customer promptly.

Compliance Chart

Question	Auditor's Assessment	TLC'S Response to the "Checklist for EO 120"	Auditor's Comments
12. Does TLC train its frontline workers and managers on language access policies and procedures?	Needs Improvement	Yes, TLC does train its frontline workers and managers on language access policies and procedures.	Based on our field tests, TLC has done a fair job of handling LEP customers. However, in a couple of its office sites there needs to be better training or orientation of the policies and procedures in aiding LEP individuals.
13. Are there any signs or postings in TLC regarding free available language assistance?	Needs Improvement	Yes, there are signs in our courts and licensing offices stating that free over-the-phone interpretation is available.	Based on our observations, signs are not available or clearly visible at all locations.
14. Did TLC establish an appropriate monitoring and measurement system regarding the provision of agency language services?	Yes	Yes, TLC uses Language Line to track language request in its courts. Call center staff manually tracks when a caller request language assistance. Our licensing staff manually tracks when a licensee request language interpretation.	
15. Did TLC create public awareness strategies for language services?	Yes	TLC did create a public awareness strategy that, among other things, informed licensees of the language services available at its service centers. This campaign involved visiting nearly 200 licensed car services throughout the five boroughs with bilingual staff from our licensing and enforcement divisions.	
16. Did the Mayor's Office of Operation provide technical assistance to TLC? (Was assistance requested?)	Yes	The Mayor's Office of Operations has provided assistance to TLC in the development and implementation of its Language Access Policy and Implementation.	

Test	Criteria for Evaluation	Auditor's Assessment
<p>1. Anonymous Phone Call</p>	<ul style="list-style-type: none"> • Is a staff person able to respond to the call in the language of need, or else able to transfer the call to another staff person or a telephonic Interpreter service? • If a number to call back is requested, is the phone call ever returned, and in the appropriate language? 	<p>Very Good—Bahasa Indonesia was not included as one of the top six LEP languages, yet the representative was still able to find an interpreter for Bahasa.</p> <p>Very Good—Spanish was well assisted. The representative was able to provide helpful information and even give referral to another TLC facility that would be of greater assistance pertaining to language.</p> <p>Poor—Russian and Chinese (Mandarin) were not assisted properly. The call center left the caller on hold for too long.</p>
<p>2. Is the website accessible in languages other than English?</p>	<ul style="list-style-type: none"> • Public information is available in languages other than English • Essential documents are translated 	<p>Poor—the website does not translate web pages into the top 6 LEP Languages. While some documents were translated, it is very hard to navigate through the website.</p>
<p>3. Make a site visit to a service center and meet with front line workers and evaluation in-person procedures for language accommodation. (We visited all TLC sites)</p>	<ul style="list-style-type: none"> • Frontline workers are able to provide language assistance services either directly or through a tool / procedure such as “I Speak” cards and placing a call to an interpreter to provide language assistance • Signage is posted notifying customers of their right to free language services 	<p>Queens: Fair, this facility reflected the agency’s Language Access Plan. However, there were still no “I Speak...” cards available.</p> <p>Staten Island: Poorly handled by the customer service worker, she was not able to assist or refer to anyone to provide any language help.</p> <p>Manhattan: Fair, there were no interpreters, however, TLC’s LEP Plan never really mentioned having interpreters or translators available for a meeting.</p>

Test	Criteria for Evaluation	Auditor's Assessment
<p>4. Attend a public meeting/hearing</p> <p>a. Is language assistance advertised?</p> <p>b. If applicable, is language assistance provided?</p>	<ul style="list-style-type: none"> • Is notice of free language services included on advertisements for the event? • Is a 1-800 number or email address included for customers to contact to request that language services be provided at the event? • If language assistance is requested, was it provided? 	<p>a. It was not advertised.</p> <p>b. Language assistance wouldn't be provided even if one asked in advance according to a TLC official who stated that they are not required to. Furthermore, he stated that the press releases wouldn't be available in other languages either.</p>
<p>5. Review a press release or public service announcement</p>	<ul style="list-style-type: none"> • Is the document either translated or a 1-800 number / email address provided for customers to request more information in a language other than English? 	<p>Poor—there are no translated documents available or any translation-related phone number to be dialed available on the document. All are in English.</p>

**NYC Taxi and Limousine Commission's Response to the Executive Order 120
Audit**

David Yassky
Commissioner

Financial Management
and Administration
40 Rector Street, 5th Floor
New York, NY 10006

+1 212 676 1039 tel
+1 212 676 1153 fax

The Taxi and Limousine Commission agrees with the overall findings of the Comptroller's E.O. 120 audit. However, we have identified several observations which we believe are incorrect, and we hope to address them in this document.

This document will follow the structure of the "Findings and Recommendations" section of the Comptroller's E.O. 120 audit.

Comptroller's finding: Does Not Provide Interpretation Services Consistently Across All Agency Locations

- TLC will not provide interpretative services at any public hearing, even if a request is made in advance.
 - *Our response:* TLC has provided interpretation at our public hearings when it has been warranted. For example, major revisions were done to the rules that govern the For-Hire Vehicle industry in March & April 2009. The majority of licensees within this industry are limited-English proficient, and as a result, Spanish interpretation was provided at the public hearing for these revisions.
- TLC does not use "I Speak..." cards at its facilities.
 - *Our response:* TLC does use "I speak..." cards at our licensing and court facility in Queens. Additionally, our Queens and Manhattan facilities are equipped to use the telephonic interpretation service Language Line, which is used to identify a customer's language when an "I speak..." card does not suffice. We do agree, however, with the Comptroller's finding that we do not use "I speak..." cards at our Staten Island or Manhattan facilities. We plan on instituting the use of these cards at these facilities before the end of January 2011.

Comptroller's finding: Does Not Adequately Post Signage

- The Manhattan and Staten Island facilities lacked signage in any foreign language to help customers locate application forms.
 - *Our response:* Our Manhattan facility is an administrative court facility, and as such, it does have signage stating that free interpretation services are available in each of the three courtrooms in this facility. There is no need for signage to locate application forms since this facility does not in-take any applications. We agree with the Comptroller's finding that our Staten Island facility does not have any signage in a foreign language. We are looking at re-doing all of our signage in our facilities, and this process will include Staten Island.
- The Queens facility posts signage to help customers locate applications forms in only Spanish, rather than all six covered languages.
 - *Our response:* We do have signage in this facility that advertises the availability of free interpretation services using the standard signage provided by the Mayor's Office of Operations. Additionally, this facility is



equipped to use Language Line, and the Licensing section of this facility uses a 'Customer Service Group' that helps customers understand TLC forms and applications. This group offers interpretation services in Spanish, Cantonese and Mandarin. We agree, however, with the Comptroller's finding that our Queens facility only has signage to help customers locate application forms in Spanish.

David Yassky
Commissioner

Financial Management
and Administration
40 Rector Street, 5th Floor
New York, NY 10006

+1 212 676 1039 tel
+1 212 676 1153 fax

Comptroller's finding: Customer Call Services for LEP Persons are Not Consistent

- TLC customer call services were not consistent when providing LEP persons with assistance.
 - *Our response:* Our call center does have capacity to serve many different LEP customers, but not all LEP customers. We are exploring the possibility of expanding Language Line to our call center to ensure that all LEP customers can be served.

Comptroller's finding: Monitor LEP Customer Needs and Reevaluate Language Access Plan and LEP Plan Does Not Identify and Provide for Translation of Essential Public Documents

- TLC has not updated the Language Access Plan since it was initially developed in January 2009
 - *Our response:* We agree with the Comptroller's finding that our plan has not been updated since it was originally conceived. However, we believe we have a good language access plan, and we are working on releasing an updated version of the plan no later than December 2010. This updated version will address, among other things, our deficiencies in translating TLC's essential public documents into the languages of our LEP customers, improving LEP customers' access to our call center, and provide for the improvement of services at our Staten Island facility.

Public Outreach Can Be Improved

- TLC has provided insufficient public outreach efforts to ensure that LEP customers are made aware of the agency's efforts to provide language assistance.
 - *Our response:* Our Queens and Manhattan court facilities have signage in multiple areas (on court room doors, in stand-alone frames on court room tables, and in waiting areas) advertising the availability of free interpretation services for LEP customers. However, we agree with the Comptroller's finding that we could do a better job at advertising these services. Consequently, we are looking at the possibility of advertising these services on the official mailings of the agency.

A handwritten signature in black ink, appearing to read 'Conan Freud', written over a horizontal line.

Conan Freud, Deputy Commissioner for Finance & Administration



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

TO: H. Tina Kim, Deputy Comptroller for Audit, Office of the Comptroller

FROM: Elizabeth Weinstein, Director, Mayor's Office of Operations *Elizabeth Weinstein*
Commissioner Fatima Shama, Mayor's Office of Immigrant Affairs *Fatima Shama*

DATE: November 1, 2010

SUBJECT: Audit Report Title: Audit Report on Adherence to Executive Order 120
Concerning Limited English Proficiency
Audit Report Number: DOT (7R10-152A); DCP (7R10-155A); CCHR (7R10-153A); CCRB (7R10-154A); & TLC (7R10-151A)

INTRODUCTION

The Bloomberg Administration has taken significant strides to increase access and improve customer service to all New York City residents, including the twenty-five percent (25%) of New Yorkers who are limited English proficient ("LEP").

Prior to the development of Executive Order 120, the Mayor's Office managed, and manages today, a citywide volunteer language bank comprised of City employees who volunteer their language skills to assist with a variety of translation and interpretation needs for City agencies. In 2003, the City began offering information through the 311 Customer Service Center in over 170 different languages, and expanded the Translation Unit in the Department of Education to ensure that parents who are LEP receive pertinent information in the top eight languages. In 2005, the Mayor's Office of Immigrant Affairs formed an Interagency Task Force on Language Access, a working group of representatives from over 30 City agencies that meet regularly to share language access best practices and learn about topics that improve their language access service provision. In 2006, the City established a citywide contract with the interpretation and translation service provider Language Line that allows City agencies needing such services access at a reduced rate.

These efforts strengthened the Bloomberg Administration's commitment to accessible services for LEP New Yorkers, and laid the groundwork for the signing of the Language Access Executive Order 120 ("EO 120") in July 2008.

EO 120 ACCOMPLISHMENTS

EO 120 requires all agencies providing direct public service to ensure meaningful access by taking reasonable steps to develop and implement agency-specific language assistance plans regarding LEP persons. The Mayor's Office of Operations ("Operations") and the Mayor's Office of Immigrant Affairs ("MOIA") are charged with the application and oversight of EO 120.

As the audit report duly indicates, the "Mayor's Office has undertaken measures to provide agencies with resources and technical assistance to assist agencies achieve compliance with the Executive Order."¹ Below are some highlights of the resources and initiatives developed to improve language access service delivery across agencies.

EVERY AGENCY PROVIDING DIRECT PUBLIC SERVICES ASSIGNED A LANGUAGE ACCESS COORDINATOR.

EO 120 required each agency to assign a Language Access Coordinator who would be responsible for liaising with the Mayor's Office and could be held accountable for the development and implementation of language access plans. While some agencies had these liaisons in place previous to the Executive Order – many did not.

38 DIRECT SERVICES AGENCIES DEVELOPED A LANGUAGE ACCESS IMPLEMENTATION PLAN THAT IS AVAILABLE FOR PUBLIC VIEWING ON THE CITY'S WEBSITE.

Language access implementation plans were created by each direct services agency. Each plan outlines how an agency will provide meaningful access to the LEP community. These plans include an LEP population assessment, the process for identification and translation of essential public documents, interpretation services, language access training, signage, tracking, and outreach. Before an agency developed its plan, at least one in-person meeting was held with the agency language access liaison to discuss the requirements of the Executive Order and for the Mayor's Office to learn more about current agency efforts and the agency's specific goals for fitting language access into their current operation. Each plan was reviewed by the Mayor's Office when it was received and many revisions were drafted and discussed between the Mayor's office and the relevant agency before the agency plan was approved. The 38 language access implementation plans are available online on the Mayor's Office website and on individual agency sites.

THE MAYOR'S OFFICE DEVELOPMENT OF A LANGUAGE ACCESS TOOLKIT FOR USE BY CITY AGENCIES

The Mayor's Office developed multilingual signage and tools to increase awareness of the availability of language services at no cost to the LEP community. These tools include a

¹ City of New York Office of the Comptroller, "Audit Report on the Adherence of the Executive Order Concerning Limited English Proficiency". October 18, 2010.

Language Identification Poster using the top 22 languages spoken by LEP individuals in the City, an “I Speak” card that indicates primary language, and a notice of free translation services

EO 120 COMPLIANCE AND MILESTONES REPORTING

In order to track agency language access implementation, agencies send quarterly reports to the Mayor’s Office of Operations with updates on the milestones they committed to in their Language Access Plans.

ESTABLISHMENT AND QUARTERLY MEETINGS OF A PERMANENT LANGUAGE ACCESS COUNCIL

The Mayor’s Office hosts quarterly meetings with language liaisons from each agency. The agenda for the meetings include updating liaisons on progress made on projects initiated by the Mayor’s Office. Outside speakers are invited to share best practices in the field of language access.

THE MAYOR’S OFFICE LAUNCHED THE “LANGUAGE GATEWAY”- A MULTILINGUAL WEB PORTAL THAT PROVIDES ESSENTIAL CITY RESOURCES TRANSLATED IN THE MOST COMMONLY SPOKEN LANGUAGES.

The Language Gateway was launched in April 2010 to provide essential documents to the LEP community. The web portal includes translations of frequently requested documents, applications, forms and notices on the topics of: Business, Education and Child Care, Employment and Taxation, Health and Public Safety, Housing, Immigration, Social Services, and Transportation and Safety. Each document is accompanied by a plain language description of its content or utility. This new web portal serves as a 'one-stop-shop' for the most immediate needs of LEP New Yorkers and the community-based organizations that serve them. The Language Gateway currently includes 160 documents from 17 City agencies in English, Spanish, Chinese and Russian.

THE MAYOR’S OFFICE LAUNCHED THE “NYCERTIFIED PROGRAM” TO TEST AND TRAIN CITY BILINGUAL EMPLOYEE VOLUNTEERS

The Mayor’s Office has also enhanced the citywide volunteer language bank system by launching the NYCertified Language Assessment and Training Program. Through this program, City employees are tested on their language proficiency and go through either an interpretation or translation training. The NYCertified Program was created to enhance the City’s ability to deliver quality language assistance services while promoting the professional development of our diverse employees.

THE MAYOR’S OFFICE CREATION OF THE CUSTOMER SERVICE PROFESSIONAL CERTIFICATE PROGRAM

In partnership with agency coordinators and using best practices, the Mayor's Office developed training curricula on Customer Service, Cultural Sensitivity, and Plain Language for frontline and internal staff, managers, and supervisors. Through Cultural Sensitivity training, participants increase self-awareness about personal values, motives, and beliefs, and understand how these impact their interactions with LEP customers.

Clear and effective communication is vitally important to City agencies achieving their missions. Plain language training helps agencies create documents that are clearly written and understandable by their intended audience.

This training module is being offered at the Citywide Training Center (CTC) at the Department of Citywide Administrative Services. Twenty-one employees have been trained in Cultural Appreciation at CTC. Moreover, 67 trainers have gone through the train the trainer program, and are providing this training program at their agency.

The Mayor's Office also developed a Language Access Training module describing policies and procedures for agency employees. This training program was disseminated to city agencies.

THE MAYOR'S OFFICE DEVELOPED AN LEP CUSTOMER SURVEY TO HELP ASSESS SERVICE DELIVERY

Survey cards were created and specifically designed to gather feedback from LEP customers throughout the City's agencies. These surveys were translated in the top 6 citywide LEP languages and are made available at public points of contact. This is one of many tools the City is utilizing to measure service delivery, and the feedback the City receives will help better assess the delivery of services to LEP New Yorkers.

THE MAYOR'S OFFICE LAUNCHED FIRST EVER MAYOR'S MANAGEMENT REPORT INDICATORS RELATED TO LANGUAGE ACCESS

The City's Mayor's Management Report, published in September 2010, includes data on the number of interpretation requests fulfilled during FY 2010. This number includes those requests made by customers in-person and on the phone.

In Fall 2010, indicators including the number of requests for interpretation that have come from customers calling an agency, and the number of requests for interpretation for customers visiting an agency in person will be included in a newly developed Customer Service web portal.

The Mayor's Office will continue to support agencies in their implementation efforts and provide ongoing technical assistance and oversight in the provision of language assistance services.

AUDIT RECOMMENDATIONS

Below we have addressed the recommendations included in the audit report.

Recommendation: Make Enhancements to Executive Order 120

Response: Executive Order 120 is a policy that promotes a positive and cooperative understanding of the importance of language access to City agencies, and the implementation plans were meant to ensure that the provision of language assistance services was conducted in a consistent and effective manner across agencies. The Mayor's Office allowed agencies to assess their language access needs and determine a suitable timeframe for plan implementation. This is similar to how federal agencies rolled out their language access plans, and is consistent with the implementation requirements set forth by Local Law 73, a City Council bill that was passed in 2003, that allowed the City's four (4) human and social services agencies five (5) years to phase-in their language access plan.

The Mayor's Office is charged with coordinating and overseeing agency compliance with the Executive Order. To ensure compliance, Operations requires agencies to submit quarterly reports with specific milestones and performance benchmarks. In addition, Operations meets with agencies periodically to discuss their language access milestones and provide the agency with feedback on their progress. We have found these tools effective in measuring progress in the implementation of agencies' language access plans. The above statement corroborates the Comptroller's findings that, "CSG developed a quarterly reporting system to track agencies' programs in achieving milestones outlined in their respective Language Access Plans; CSG reviews submissions to monitor citywide compliance with EO 120, and provides agencies with feedback on their progress."²

However, the Mayor's Office will be requiring agencies to review their Language Access plans annually, and to update them accordingly based on demographic changes or priorities. We believe that this, in addition to the quarterly reports and other tools, will detail an agency's accomplishments and objectives to ensure the continued, effective delivery of service across agencies.

Recommendation: Information Received from Agencies is Difficult to Corroborate

Response: The Mayor's Office relies on agencies to provide data for the Mayor's Management Report. For most agencies, data for the number of interpretation requests completed comes directly from their Language Line bill. The Mayor's Office will explore ways to audit interpretation indicators by reviewing agencies' vendor statements.

In addition to the data that is provided to the Mayor's Office for the MMR, Operations also conducts its own "mystery shop" assessment to gather information on EO 120 compliance. The Mayor's Office of Operations conducted a Customers Observing and Researching Experience (CORE) assessment in the summers of 2009 and 2010. For the CORE assessment, inspectors on behalf of the Mayor's Office visited 305 service centers at 28 city agencies and recorded observations on the conditions and environment of the service center and its host building.

² City of New York Office of the Comptroller, "Audit Report on the Adherence of the Executive Order Concerning Limited English Proficiency". October 18, 2010. Page 6, paragraph 4.

Each agency was rated on its accessibility to LEP customers. Inspectors were to record if facilities had prominent notices of free interpretation, translated welcome signage and/or directional signage, and literature and/or applications available for the public in multiple languages. Inspectors rated the service center from a scale of Excellent to Poor. These ratings were incorporated in the overall score received by agencies.