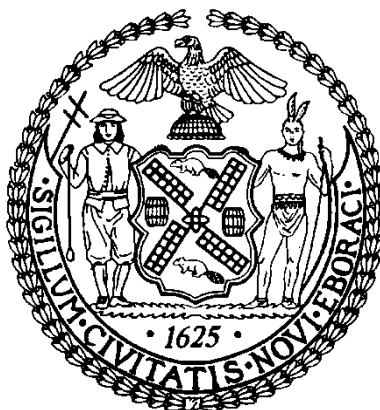


**CITY OF NEW YORK
OFFICE OF THE COMPTROLLER**

**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 Department of Transportation
to Executive Order 120 Concerning
Limited English Proficiency**

7R10-152A

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 Department of Transportation's (DOT) 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 can be strengthened. We found, for instance, that DOT does not provide interpretation services at all sites. DOT's Staten Island location, for example, was unable to provide basic information on interpretation services or deliver interpretation assistance (such as utilizing Language Line or DOT's Language Bank). We also found that essential documentation was only provided in English at the 6 DOT locations we visited.

The results of the audit have been discussed with DOT 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,

A handwritten signature in black ink, appearing to read "JCL".

John C. Liu

Table of Contents

AUDIT REPORT IN BRIEF1

 Audit Findings and Conclusions2

 Audit Recommendations2

INTRODUCTION.....3

 Background3

 Objective.....5

 Scope and Methodology5

 Discussion of Audit Results6

FINDINGS AND RECOMMENDATIONS7

 Does Not Provide Interpretation Services at All Sites.....7

 Does Not Have Translated Essential Documentation Available to the Public7

OTHER ISSUES7

 Enhancements to Executive Order 1208

 Information Received from Agencies is Difficult to Corroborate8

RECOMMENDATIONS8

APPENDIX I Compliance Chart

APPENDIX II Descriptions of Tests Conducted

ADDENDUM I Department of Transportation’s 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 & Research*

**Audit Report on the Adherence of the
New York City Department of Transportation
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Limited English Proficiency**

7R10-152A

AUDIT REPORT IN BRIEF

We performed an audit of the New York City Department of Transportation's (DOT) compliance with Executive Order 120 (EO 120). DOT is a public-facing agency whose mission is to provide for the safe and secure movement of people and goods in City of New York. With a staff of over 4,000 that oversees one of the most complex urban transportation networks in the world, DOT manages approximately 5,800 miles of streets, sidewalks, and highways. DOT's responsibilities are to maintain and enhance the transportation infrastructure for their primary customers, City residents.

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)

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

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 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 DOT was generally compliant with EO 120 and has made substantial investments in providing meaningful language access to the agency's services for LEP customers. However, there are several areas where efforts can be strengthened. We found, for instance, that DOT does not provide interpretation services at all sites. DOT's Staten Island location, for example, was unable to provide basic information on interpretation services or deliver interpretation assistance (such as utilizing Language Line or DOT's Language Bank). We also found that essential documentation was only provided in English at the 6 DOT locations we visited. As a consequence, LEP persons may not be aware of or given the opportunity to participate in a program or activity or to receive benefits or services from DOT.

Audit Recommendations

This report makes a total of 5 recommendations. To address the issues we found during this audit, the New York City Department of Transportation should:

1. Ensure that it provides interpretive services in all offices that provide service to the public.
2. Translate essential documents in all six LEP languages.

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

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

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

**Audit Report on the Adherence of the
New York City Department of Transportation
to Executive Order 120 Concerning
Limited English Proficiency**

7R10-152A

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 Assistance 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 of 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 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 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 Department of Transportation

The New York City Department of Transportation's mission is to provide for the safe and secure movement of people and goods in the City of New York. With a staff of over 4,000 that oversees one of the most complex urban transportation networks in the world, DOT manages approximately 5,800 miles of streets, sidewalks, and highways. DOT's responsibilities are to maintain and enhance the transportation infrastructure for their primary customers, City residents.

Objective:

The objective of this audit is to determine whether the DOT 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 we analyzed DOT's Language Access Policy and Implementation Plan;
- Created Compliance Charts to assess DOT's compliance with EO 120²;
- Interviewed agency officials involved, specifically the designated Language Access Coordinator;
- Interviewed officials from MOIA and Operations and reviewed documents requested;
- Asked the agency to respond to a "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 ;

² See Appendix I for the complete list.

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

- Reviewed and we assessed whether DOT's EO 120 plan was developed in accordance with the required four factor analysis;
- Tested whether DOT provided public services in at least the top six LEP languages spoken by the population of New York City;
- Obtained documentation and assessed whether DOT 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, and we conducted interviews with DOT's staff members;
- Tested whether posting of signage in conspicuous locations about the availability of free interpretation services is being done by visiting several office locations to determine if the signage was posted;
- Assessed whether DOT established an appropriate monitoring and measurement system regarding the provision of agency language services, and
- Assessed whether DOT 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 DOT, MOIA and Operations, during and at the conclusion of this audit. A preliminary draft report was sent to DOT, MOIA, and Operations officials and discussed at an exit conference held on October 4, 2010. On October 18, 2010, we submitted a draft report to DOT, MOIA, and Operations officials with a request for comments. We received DOT's response on October 29, 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

DOT was generally in compliance with EO 120 where it is mandated that DOT ensure meaningful access of agency resources to LEP persons. DOT also implemented a program for language assistance that reflects the principles of plain language communication. However, there are a few areas where DOT 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 at All Sites

EO 120 states that interpretation services shall be implemented at all locations to ensure that LEP customers understand the full services of City agencies. We visited 6 DOT locations and asked for interpretation services; 5 of the DOT locations observed were able to provide the asked for interpretation services. However, we observed that DOT's Staten Island location was unable to provide basic information on interpretation services or for that matter interpretation assistance, such as Language Line⁴ or Language Bank.

Does Not Have Translated Essential Documentation Available to the Public

EO 120 states that essential documents shall be identified and translated to accommodate LEP customers. However, we observed that essential documentation was only provided in English at the 6 DOT locations we visited. Such essential documents, according to DOT's Language Access Plan include consent and complaint forms, and applications to participate in a program or activity or to receive benefits or services. As a consequence, LEP persons may not be aware of or given the opportunity to participate in a program or activity or to receive benefits or services from DOT.

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 the 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.

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.

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 Department of Transportation should:

1. Ensure that it provides interpretive services in all offices that provide service to the public.

DOT Response: "During the exit conference we informed the auditors that training and signage for two out of the three public service centers in Staten Island had been completed by April 6, 2010. Training was completed for the third location by October 5, 2010."

2. Translate essential documents in all six LEP languages.

DOT Response: “As noted in the audit, DOT has identified 18 essential public documents for translation into the top six NYC LEP languages. During the exit conference we informed the auditors that DOT plans to have a total of 11 documents (more than 50 percent completed) by the end of the year. DOT's Language Access Plan established a three-year timeframe to complete translation of these documents and the current progress is in line with that. All translated essential documents are available on DOT's website and via 311. DOT will post signage at its public service centers alerting DOT's LEP customers about the availability of the translated documents and of ways how to obtain them.”

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

3. A list of consequences an agency would face if its milestones for plan deadlines are not met.
4. Requiring agencies to produce Annual Reports that contain details of what agencies have already done.
5. 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	DOT'S Response to the "Checklist for EO 120"	Auditor's Comments
1. Does DOT provide direct public services?	Yes	DOT provides direct public services citywide.	
2. Does DOT have a Language Access Policy and Implementation Plan, and when was it instituted?	Yes	DOT published its LAP in January 2009 (no specific date is stated)	We observed that DOT does have a Language Access Plan which was given to us at the entrance conference. It is also available online to the public.
3. Does DOT have a Language Access Coordinator?	Yes	Yes, Chief of Staff	
4. Did the Language Access Coordinator oversee the creation of the Language Access Policy and Implementation Plan?	Yes	DOT's language coordinator oversaw the creation and implementation of DOT's Language Access Plan in collaboration with DOT's Divisions of Legal Affairs and Customer Service.	
5. Did the Language Access Coordinator oversee the execution of the Language Access Policy and Implementation Plan?	Yes	DOT's language coordinator oversees the execution of DOT's Language Access Plan in collaboration with DOT's Divisions of Legal Affairs and Customer Service.	
6. Does the Language Access Coordinator monitor the Language Access Policy and Implementation Plan?	Yes	DOT's language coordinator monitors the progress of DOT's Language Access Plan during regular meetings with the Assistant Commissioner of Customer Service.	
7. Is the Language Access Coordinator required to report plan updates and ongoing compliance?	Yes	DOT's Language Access Coordinator oversees the preparation and submission of Quarterly Language Access Milestone Reports to the Office of the Mayor.	We observed through our meetings and conferences with Mayor of Operations personnel that DOT submits these Quarterly Reports.
8. Did DOT develop the plan using the four-factor analysis?	Yes	As set forth in EO 120, DOT developed its Language Access Plan using the US Department of Justice's Four Factor Analysis.	While reviewing DOT's language access plan we noted that their analysis of the four factor and supporting data is included in full detail.

Compliance Chart

Question	Auditor's Assessment	DOT'S Response to the "Checklist for EO 120"	Auditor's Comments
9. Does DOT provide services in languages based on at least the top 6 NYC LEP languages?	Yes	Pursuant to DOT's language Access Plan, DOT provides services in the top six NYC LEP languages in its implementation of the plan. In addition, pursuant to a DoITT citywide contract with Language Line Services, Inc., DOT has the ability to provide documentation translation and phone interpretation services in over 170 languages.	DOT's main service line is 311 in which it is used by DOT employees for translation and interpretations services.
10. Does DOT identify and translate their "essential public documents"?	Yes	DOT's Language Access Plan identifies its essential documents for translation into the top six LEP languages. DOT has begun the process of revising and translating these documents. Translated documents are available on DOT's website www.nyc.gov/dot	On the website the online translated documents available are the SI ferry schedule, FOIL Requests, and the ASP Calendar. However they do mention that they are in the process of translating, but do not provide a specific completion date.
11. Does DOT provide interpretation services (including telephonic interpretation) for the top six LEP languages and others as appropriate?	Yes	Pursuant to the citywide contract with the Language Line Services, Inc. DOT is able to provide interpretation services in over 170 languages, including top six LEP Languages.	DOT's main service line is 311, which provides interpretation services in all top LEP languages.
12. Does DOT train its frontline workers and managers on language access policies and procedures?	Yes	In May 2009, DOT began training employees in public contact positions on its policies and procedures, including how to request documentation translations and how to access phone interpretation from Language Line Services. In the first several training sessions DOT provided joint training with an employee from Language Line Services. All subsequent training sessions were conducted by members of DOT's customer Service Division.	During the site testing, all DOT locations, excluding SI, were well aware of the Language Line for interpretation services and translations.

Compliance Chart

Question	Auditor's Assessment	DOT'S Response to the "Checklist for EO 120"	Auditor's Comments
13. Are there any signs or postings in DOT regarding free available language assistance?	Yes	"Free Interpretation Service Available" signs are posted at the DOT public service centers.	During site testing, all DOT's locations, excluding SI, had "free Interpretation Services Available" signs posted in the agency offices.
14. Did DOT establish an appropriate monitoring and measurement system regarding the provision of agency language services?	Yes	Throughout the year, DOT Customer Service conducts follow-up site visits to DOT public service centers to verify that signs alerting the public about interpretation services are in place and that Language Line Services equipment (dual handsets) is working properly. They also answer any questions from staff members about properly accessing Language Line Services.	
15. Did DOT create public awareness strategies for language services?	Yes	DOT provides notification to the public of available services via signs at the public service centers and DOT's website.	The documents available, which are posted in communities and on the web, include awareness strategies in the top six LEP languages.
16. Did the Operations provide technical assistance to DOT? (Was assistance requested?)	Yes	The Operations provided technical assistance on the following items: Language Access ID Cards Advice on the use of Survey Gizmo NYC Feedback Survey Cards	The Coordinator mentioned that the Operations provides documentation for these items.

Descriptions of Tests Conducted

Test	Criteria for Evaluation	Auditor's Assessment
1. Anonymous Phone Call	<ul style="list-style-type: none"> • Was 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 was requested, was the phone call ever returned, and in the appropriate language? 	Yes DOT's main line public access line, which is 311, is able to provide telephonic interpreter services in the top 6 LEP languages.
2. Is the website accessible in languages other than English?	<ul style="list-style-type: none"> • Public information was available in languages other than English essential docs are translated 	DOT's website is only available in English and only some of their essential documents are translated on the internet.
3. Make a site visit to a service center, meet with front line workers and evaluation in-person procedures for language accommodation	<ul style="list-style-type: none"> • Frontline workers were 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 was posted notifying customers of their right to free language services 	Upon visiting DOT's service center, with the exception of their Staten Island location, DOT's frontline workers were well aware of the language assistance lines given the situation that an LEP individual came looking for services. There was also signage posted notifying customers of their right to free language interpretation services.
4. Attend a public meeting/hearing a. Was language assistance advertised? b. If applicable, was language assistance provided?	<ul style="list-style-type: none"> • Was notice of free language services included on advertisements for the event? • Was 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 was requested, was it provided? 	On DOT's website public hearings/ meetings are advertised to the public; however they are only in English.
5. Review a press release or public service announcement	<ul style="list-style-type: none"> • Was the document either translated or a 1-800 number / email address provided for customers to request more information in a language other than English? 	N/A



Department of Transportation

JANETTE SADIK-KHAN, Commissioner

October 29, 2010

Ms. Tina Kim
Deputy Comptroller for Audits
1 Centre Street Room 1100
New York, N.Y. 10007-2341

Re: DOT Response to Draft Audit Report on the Adherence of the New York City Department of Transportation to Executive Order 120 Concerning Limited English Proficiency (7R10-152A).

Dear Ms. Kim:

The New York City Department of Transportation ("DOT") has made steady progress in implementing a language access policy to provide meaningful access to DOT services and documents for its customers with limited-English proficiency ("LEP"). We are pleased that the audit found DOT in compliance on all 16 requirements.

As you know, EO 120 is barely two years old and there are still a few areas where DOT is in the process of enhancing its implementation. Hence, our response to each of the audit recommendations that were addressed to DOT follows:

Recommendation 1: Ensure that it provides interpretive services in all offices that provide service to the public.

DOT Response: During the exit conference we informed the auditors that training and signage for two out of the three public service centers in Staten Island had been completed by April 6, 2010. Training was completed for the third location by October 5, 2010.

Recommendation 2: Translate essential documents in all six LEP languages.

DOT Response: As noted in the audit, DOT has identified 18 essential public documents for translation into the top six NYC LEP languages. During the exit conference we informed the auditors that DOT plans to have a total of 11 documents (more than 50 percent completed) by the end of the year. DOT's Language Access Plan established a three-year timeframe to complete translation of these documents and the current progress is in line with that.

All translated essential documents are available on DOT's website and via 311. DOT will post signage at its public service centers alerting DOT's LEP customers about the availability of the translated documents and of ways how to obtain them.

DOT Response to LEP Audit 7R10-152A
October 29, 2010
Page 2


Additional Comments:

DOT would like to add that in addition to the monitoring provided in the audit compliance chart (Item #14), it should be noted (as indicated in DOT's CY 2009 Language Access Summary Report), that in 2009 DOT established a system of record keeping and evaluation to track efforts to implement its Language Access Plan by preparing and submitting progress reports to the Office of the Mayor and creating a system to track phone interpretation and document translation requests. Via Language Line billings, DOT monitors indicators such as Language Line Usage (in minutes and call volume); Phone Interpretation Requests by Language; and requests for Document Translation.

Finally, as stated in DOT's Language Access Plan, starting with CY 2009's Language Access Summary Report, DOT will create this report annually to document its progress in implementing its language access policy and compliance with EO 120. This report contains a section on future language access goals to continue to enhance DOT's services to its LEP customers.

Thank you for the opportunity to respond to the audit.

Sincerely,


LUCITA C. ANDRES
Auditor General

cc: Comm. J. Sadik-Khan, F/D/C Ardito, COS M. Newman



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.