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HUMAN RESOURCES ADMINISTRATION
180 WATER STREET
NEW YORK, NEW YORK 10038

Local Law 73 Implementation Plan

Introduction

This implementation plan presents the steps that the New York City Human Resources Administration/Department of Social Services (HRA/DSS) has taken and will take in order to be in compliance with Local Law 73 of 2003. This plan is a continuation of HRA/DSS's commitment to provide meaningful access to all individuals seeking benefits and services, including individuals with limited English proficiency.

HRA/DSS has a long history of providing the public with language services assistance. In continuing this tradition of serving limited English proficient individuals within the City, HRA/DSS created a dedicated unit in 2000, the Office of Refugee and Immigrant Affairs (ORIA), to monitor the Agency's client contact points, centralize contract management of translation and interpretation contracts, assist program areas in drafting and implementing policies regarding service to limited English speaking ability (LESA) customers, contract for testing of prospective bilingual workers, and provide training to Agency staff on LESA related matters.

1. Identification of Primary Language

Relevant Portion of Law:

Upon initial contact, whether by telephone or in person, with an individual seeking benefits and/or services offered by the agency or an agency contractor, the agency or agency contractor shall determine the primary language of such individual. If it is determined that such individual's primary language is not English, the agency or agency contractor shall inform the individual in his/her primary language of the right to free language assistance services.

"Primary language" means the language in which a limited English proficient individual chooses to communicate with others.

Implementation Plan:

Upon initial contact, whether by telephone or in person, with an individual seeking benefits and/or services offered by HRA/DSS, the employee shall determine the primary language of such individual and whether the person requires language assistance services.

Of those making the initial contact by telephone, the majority call 311 or HRA's InfoLine where bilingual staff are available and have access to telephone interpreter services for languages not spoken by staff.

For individuals presenting in person, and for whom the language is not immediately recognized, employees will utilize the Language Card to make the determination. The HRA Language Card Form W-194 (6/27/03) instructs employees, "If you do not know the language of the person who wants your help, use this card. The person can point to the language needed and you can arrange for an interpreter."

The Language Card then proceeds to ask in 17 languages (Albanian, Arabic, Bosnian, Simplified Chinese, Traditional Chinese, Creole, French, Hebrew, Hindi, Italian, Khmer, Korean, Russian, Spanish, Urdu, Vietnamese, and Yiddish), including the covered languages, "do you speak... please be seated. I will call an interpreter for you."

The Family Independence Administration (FIA), with assistance from ORIA, developed LESA procedures for staff at all Job Centers, Non Public Assistance Food Stamp Centers, and the Special Needs Region to determine the primary language and the need for language assistance by LESA applicants and clients. These procedures also can serve as a template for each Agency program area to adapt to its particular program specifications.

2. Notice Regarding Free Language Assistance

Relevant Portion of Law:

Upon initial contact, whether by telephone or in person, with an individual seeking benefits and/or services offered by the agency or an agency contractor, the agency or agency contractor shall determine the primary language of such individual. If it is determined that such individual's primary language is not English, the agency or agency contractor shall inform the individual in his/her primary language of the right to free language assistance services.

The agency shall provide in all application and recertification packages an 8 ½ inch x 11 inch or larger notice advising participants that free language assistance services are available at its offices and where to go if they would like an interpreter. This notice shall appear in all covered languages.

The agency and each agency contractor shall post conspicuous signs in every covered language at all agency offices and agency contractor offices informing limited English proficient individuals of the availability of free language assistance services.

Implementation Plan:

- A. The majority of HRA/DSS public offices currently have 11x17 posters stating in English, Albanian, Arabic, Bosnian/Serbo-Croatian, Chinese, Haitian Creole, French, Hebrew, Hindi, Italian, Khmer, Korean, Russian, Spanish, Vietnamese, and Yiddish, "If you do not speak English, interpreting

services are available. If you would like an interpreter and one has not been provided for you, please contact..." Plans are being developed for the dissemination of posters to the balance of the HRA/DSS offices as well as to HRA/DSS contractors. Of those making the initial contact by telephone, the majority call 311 or HRA's InfoLine where bilingual staff are available and have access to telephone interpreter services for languages not spoken by staff.

- B. All public assistance HRA/DSS centers have LESA Liaisons whose names are listed on the posters and are designated to procure interpreter services for an applicant/participant. LESA Liaisons are authorized to have a bilingual worker assigned to assist the client, call for a contracted telephone interpreter, or order a contracted on-site interpreter to report to the location.
- C. All public assistance and food stamps application kits currently contain an insert advising of the availability of free language services.

3. Language Assistance Services

Relevant Portion of Law:

When a limited English proficient individual seeks or receives benefits or services from an agency office or agency contractor, the agency office or agency contractor shall provide prompt language assistance services in all interactions with that individual, whether the interaction is by telephone or in person. The agency office or agency contractor shall meet its obligation to provide prompt language assistance services for purposes of this subdivision by ensuring that limited English proficient individuals do not have to wait unreasonably longer to receive assistance than individuals who do not require language assistance services.

Where an application or form requires completion in English by a limited English proficient individual for submission to a state or federal authority, the agency or agency contractor shall provide oral translation of such application or form as well as certification by the limited English proficient individual that the form was translated and completed by an interpreter, as set out in internal policies and procedures.

The agency shall make all reasonable efforts to provide language assistance services in person by bilingual personnel.

The agency shall translate all documents into every covered language as of the first day of the sixtieth month after the effective date of the local law that added this chapter.

"Covered language" means Arabic, Chinese, Haitian Creole, Korean, Russian or Spanish.

The agency shall phase in language assistance services for covered functions as follows:

- 1. As of the first day of the twenty-fourth month after the effective date of the local law that added this chapter, no less than 20% of covered functions provided by agency offices.*
- 2. As of the first day of the forty-eighth month after the effective date of the local law that added this chapter, no less than 40% of covered functions provided by agency offices.*

3. *As of the first day of the sixtieth month after the effective date of the local law that added this chapter, 100% of covered functions provided by agency offices.*

Contractors:

1. *In all covered contracts entered into or renewed after January 1, 2005, the contractor shall certify that it shall make available language assistance services and maintain and provide access to records as required by this chapter.*
2. *Every covered contract must contain a provision in which the contractor acknowledges that the following responsibilities constitute material terms of the contract:*
 - a. *to provide language assistance services as required by this chapter;*
 - b. *to comply with the record keeping requirements set forth in this chapter;*
 - c. *to provide the city access to its records for the purposes of audits or investigations to ascertain compliance with the provisions of this section, to the extent permitted by law; and*
 - d. *to provide evidence to the city that the contractor is in compliance with the provisions of this section, upon request.*
3. *If an agency contractor enters into a subcontract agreement to provide any benefits or services under a covered contract, that subcontract will be considered a covered contract for purposes of this section and the provisions of this section will bind the subcontractor. Each contractor is required to include the contract provision set forth in paragraph 2 of this subdivision in any such subcontract agreement.*

“Covered contract” means a contract between the agency and a contractor to perform a covered function.

“Covered function” means any of the following functions:

1. *Benefits or services offered or provided at agency offices;*
2. *Benefits or services provided by agency contractors to provide employment services in connection with participation of individuals engaged in activities required by sections 335 through 336-c of the social services law;*
3. *Home care services; and*
4. *Determinations regarding eligibility for subsidized childcare.*

Implementation Plan:

- A. Before the enactment of Local Law 73, HRA/DSS was in the process of translating its food stamp-related, city-generated, client-contact forms into nine languages. The languages are Spanish, Arabic, Chinese, French, Haitian Creole, Korean, Russian, Vietnamese and Yiddish. These languages were identified as the most common foreign languages of HRA/DSS food stamp customers in a survey conducted by HRA/DSS in the fall of 2001. Almost all client contact forms and informational brochures are available in Spanish.

- B. The Agency has invested in technology solutions to provide customers with computer-generated notices in English, Spanish, Arabic, Chinese, French, Haitian Creole, Korean, Russian, Vietnamese, and Yiddish.
- C. HRA/DSS's Office of Constituent and Community Affairs manages the Infoline Call Center, a crucial telephone "help line" available to the general public seeking information on all HRA/DSS programs. Infoline posters, Form W-184 (revised 01/04) are 11x17 posters in English, Spanish, Arabic, Chinese, Korean, Haitian Creole, and Russian, which state, "For assistance with any HRA Program-Call This Toll-Free Number." These posters are conspicuously posted in all waiting rooms throughout the Agency where people present themselves in person for assistance.
- D. Homebound applicants may call the Infoline number to request an application or a home visit. Automated information is available 24 hours a day through a multilingual toll-free service. During business hours, Infoline is staffed by bilingual representatives who are available to answer questions in English, Spanish, Russian, Chinese, and Vietnamese. Language access for all other languages is provided with the help of the Agency's telephone interpreter contracts.
- E. Certain Agency human services contracts already require language access for participants, and as of January 2005, any new or renewed contracts will contain said language. All HRA/DSS contracts conform to current Procurement Policy Board Rules.
- F. ORIA contacted program areas throughout HRA/DSS from February 2004-September 2004 to notify them of the passage of Local Law 73. ORIA asked each program area to fill out a survey to identify "documents," as defined by this law, which includes city-generated:
- Application forms and corresponding instructional materials
 - Notices that require a response from the participant
 - Notices that concern the denial, termination, reduction, increase or issuance of a benefit or service
 - Notices regarding the rights of participants to a conference and fair hearing
 - Notices describing regulation changes that affect benefits.

ORIA is presently in the second phase of HRA/DSS's implementation process to rank documents by frequency of use. This information will be used to set the order in which as-yet-untranslated documents will be translated. This task will be conducted from September 2004-February 2005.

In its third and final phase, based on identification of documents in Phase 2, HRA will have met or exceeded the translation schedule outlined in the matrix below:

LL 73 Effective date	12 months after effective date	24 months after effective date	48 months after effective date	60 months after effective date
February 5, 2004	February 1, 2005	February 1, 2006	February 1, 2008	February 1, 2009
City-generated Forms and Documents Translated	10% Complete	20% Complete	40% Complete	100% Complete
Program Area:				
Family Independence Administration	10%	20%	40%	100%
Medical Insurance Community Services Administration	10%	20%	40%	100%
Office of Policy and Program Development	10%	20%	40%	100%
Office of Revenue and Investigation	10%	20%	40%	100%
Customized Assistance Services	10%	20%	40%	100%
CUMULATIVE PERCENTAGE	10%	20%	40%	100%

4. Quality Assurance Measures

Relevant Portion of Law:

No later than the first day of the sixtieth month after the effective date of the local law that added this chapter, the agency and each agency contractor shall maintain records of the primary language of every individual who seeks or receives benefits or services from the agency or agency contractor. At a minimum, the agency and each agency contractor shall maintain specific records of the following:

- 1) The number of limited English proficient individuals served, disaggregated by agency, agency contractor or contractor, agency office, type of language assistance required and primary language;*
- 2) The number of bilingual personnel and the number of interpreter personnel employed by the agency, disaggregated by language translated or interpreted by such personnel;*
- 3) Whether primary language determinations are recorded properly; and*

- 4) *Whether documents are translated accurately and disseminated properly. The agency and each agency contractor shall screen bilingual personnel and interpreter personnel for their ability to provide language assistance services. The agency and each agency contractor shall provide annual training for bilingual personnel and interpreter personnel and ensure that they are providing appropriate language assistance services.*

Implementation Plan:

- A. ORIA monitors HRA/DSS's contact points to assess whether primary language determinations are recorded properly and whether documents are translated accurately and disseminated properly.
- B. ORIA contracts for testing of the oral, written and reading language skills of prospective bilingual employees.
- C. ORIA currently reviews Agency aggregate coding of LESA cases to identify potential errors by searching for anomalies. Possible miscodes are referred to centers for investigation and, if appropriate, corrective action. This process is continuing under Local Law 73.
- D. ORIA currently performs case file reviews using professional standards for sampling and data analysis. In the future case file reviews meeting professional standards will be designed and implemented to fulfill the requirements imposed by Local Law 73.
- E. ORIA reviews the assignment of LESA cases semi-monthly to identify trends and ensure that LESA cases are being matched to available bilingual staff. This process is continuing under Local Law 73.
- F. HRA/DSS will conduct recruitment of bilingual staff based on the data shared by ORIA which tracks the number of bilingual staff assigned to cases. All prospective bilingual hires will be tested as outlined above.
- G. HRA contracts with a quality assurance firm to review the accuracy of vendor provided translations.

5. Training

Relevant Portion of Law:

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

Implementation Plan:

ORIA provides training to HRA/DSS staff on matters related to limited English speaking ability customers, including the utilization of contracted interpretation services (telephone and on-site).

6. Record Keeping and Monitoring

Relevant Portion of Law:

No later than the first day of the sixtieth month after the effective date of the local law that added this chapter, the agency and each agency contractor shall maintain records of the primary language of every individual who seeks or receives benefits or services from the agency or agency contractor. At a minimum, the agency and each agency contractor shall maintain specific records of the following:

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

Implementation Plan:

- A. ORIA tracks the percentage and number of limited English speaking ability customer cases within the Family Independence Administration.
- B. ORIA receives data semi-monthly for analysis of the number of LESA coded cases. Current data reflects that 15.6% of cases at Agency Job Centers are coded for Spanish and 3.5% for other languages; 13.59% of Food Stamp only cases are coded for Spanish and 5.35% are coded for other languages.
- C. Based on the tracking of bilingual workers and the number of LESA cases, ORIA issues a bimonthly report on the Agency's performance.

7. Coordination

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

8. Implementation Updates and Annual Reports

Relevant Portion of Law:

Implementation updates and annual reports. No later than 90 days after the end of each calendar year after the publication of the implementation plan and before implementation is complete, the agency and each other covered agency shall publish an implementation update. The implementation update shall describe steps taken over the prior year to implement the requirements of this chapter and shall describe any changes in the agency or other covered agency's plan for implementing the remaining requirements of the local law that added this chapter before the date set forth in subdivision a of this section. The implementation update for every year after 2004 shall include a report on the number of limited English proficient people served, disaggregated by language and by agency office or other covered agency office. Not later than 90 days after the end of each calendar year beginning with 2008, the agency and each other covered agency shall publish an annual report on language assistance services. At a minimum, this annual report of the agency, each agency contractor and each other covered agency shall set forth the information required to be maintained by this chapter.

Implementation Plan:

- A. Before the effective date for producing annual reports (60 months), HRA/DSS will produce implementation updates every year. These reports will provide updates about our implementation of the plan, and detail any changes in the plan.
- B. The implementation update for 2005 (which will be released in 2006), and all reports thereafter, will include information on the number of limited English proficient people served, disaggregated by language and by agency office.