

Language Access Policy and Implementation Plan: 2018 Update

The New York City Commission on Human Rights (“The Commission”) submits this Language Access Policy and Implementation Plan pursuant to Local Law 30 of 2017. This document is updated as of April 2018.

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AGENCY MISSION AND BACKGROUND

The New York City Commission on Human Rights (the “Commission”) is the agency responsible for the enforcement of the New York City Human Rights Law (“City Human Rights Law”), Title 8 of the Administrative Code of the City of New York. The City Human Rights Law is one of the most comprehensive anti-discrimination laws in the country. It includes protections in public accommodations, housing, and employment based on race; religion/creed; color; age; national origin; immigration status; gender; gender identity and expression; sexual orientation; pregnancy; disability; uniformed status; and marital or partnership status. Additional protections are included in employment based on arrest or conviction record; status as a victim of domestic violence, stalking, and sex offenses; unemployment status; credit history; salary history; and status as a caregiver. More protections are afforded in housing based on lawful occupation; lawful source of income; status as a victim of domestic violence, stalking, and sex offenses; and the presence of children.

The City Human Rights Law also prohibits retaliation, discriminatory harassment or violence, and bias-based profiling by law enforcement. The law further requires employers to make reasonable accommodations for disabilities; religious observances or practices; pregnancy, childbirth, or related medical conditions; and for victims of domestic violence, stalking or sex offenses. Housing providers and public accommodations are also required to make reasonable accommodations for people with disabilities.

The Commission has three primary divisions – the Law Enforcement Bureau (“LEB”), Community Relations Bureau (“CRB”), and the Office of the Chairperson. LEB is responsible for the intake, investigation, and prosecution of City Human Rights Law violations, including those that raise systemic violations. CRB, through borough-based Community Service Centers, helps cultivate understanding and respect among the City’s many diverse communities through pre-Complaint interventions, conferences, workshops, and training sessions among other initiatives. The Office of the Chairperson houses the legislative, policy, and adjudicatory functions of the Commission, engages with stakeholders on policy issues, and convenes meetings with the agency’s commissioners.

Any member of the public who believes they have been the subject of unlawful discrimination in New York City may contact the Commission by calling 311 or by calling the Commission directly at (718) 722-3131.

The Commission currently has a total staff of approximately 141 staff members with a projected headcount of 150 staff members for Fiscal Year 2018. Most of these individuals work in the Manhattan central office (22 Reade Street), which is where LEB is located.

AGENCY LANGUAGE ACCESS POLICY AND GOALS

The Commission is committed to making its services accessible to all New Yorkers, with a particular focus on improving access for limited English proficient (“LEP”) New Yorkers and standardizing the use of language access practices throughout the agency. The Commission’s goal is that all people who seek our services, regardless of the language they speak, are treated with dignity and respect and are afforded meaningful access to services. The Commission recognizes that the key to building trust in historically underserved communities, such as immigrant and non-English speaking communities, begins with communication and accessibility. To that end, since Commissioner and Chair Carmelyn P. Malalis began her tenure in February 2015, language access has been one of her core priorities, and many of those efforts over the past three years are reflected in this document.

Implementing this updated Language Plan will ensure that all Commission staff understand the Commission’s commitment and prioritization of language access and the policies and practices that are in place to operationalize this work.

LEP POPULATION ASSESSMENT

Factor 1 examines the number or proportion of LEP persons eligible to be served or likely to be encountered by the program. The Commission’s service area includes all of New York City.

According to the U.S. Census Bureau’s data on “Detailed Languages Spoken at Home and Ability to Speak English for the Population 5 Years and Over: 2009-2013”, residents who live in the New York-Newark-Jersey City area who speak English less than “very well” are most likely to speak: Spanish, Chinese, Russian, French Creole, Korean, Italian, Polish, Portuguese, Bengali, and Arabic.

Factor 2 analyzes the frequency with which LEP individuals come in contact with the Commission.

LEB transitioned to a new case tracking system in 2017 which allows staff to flag the need for interpretation and translation for each individual who contacts LEB through the Commission’s Infoline to ensure appropriate services throughout the life of a case, regardless of whether the case is transferred among different staff members. From January 2017 to the end of December 2017, the Commission fulfilled 1,658 requests for interpretation through multilingual staff and the use of Voiance, with which the Commission has a contract for telephonic interpretation, in-person interpreters. The Commission maintains this information organized by language, which is used to inform the Commission’s staffing needs and translation and interpretation priorities.

The Commission's CRB has access to statistical information regarding the racial and ethnic composition of the borough each Community Service Center serves and will continue to expand and develop relationships within different racial and ethnic communities throughout the boroughs. CRB is currently working with the Commission's Information Technology department to expand the system LEB uses to track its cases to include CRB's community work. This will allow CRB to better track language use and needs for events, meetings, and presentations. The Commission will continue to assess the LEP populations it serves, and to offer the widest level of language access possible.

Of the 1,658 fulfilled requests for interpretation in 2017, over one thousand, an overwhelming majority (81%), were for Spanish, while Mandarin, Russian, Bengali, French, Arabic, and Korean requests closely followed as the other top requested languages. These languages, as well as the other languages mandated by Local Law 30, are all included in the Commission's language access policies. Based on our data, we believe that the ten languages mandated by Local Law 30 cover an overwhelming majority of our needs. All other translation will be performed on a case-by-case basis.

Factor 3 describes and assesses the importance of the benefit, service, information, or encounter to the limited English proficient person.

As stated above, the Commission's goal is that all people who seek our services, regardless of the language they speak, are treated with dignity and respect, and are afforded meaningful access to services. This Plan reflects the Commission's commitment to providing language access services and meeting the following goals:

- To ensure that language is not a barrier to services provided by the Commission;
- To ensure that everyone has equal access to our services and materials, regardless of the level of their English proficiency;
- To inform all individuals seeking our services that free interpretation services are always available;
- To improve data collection systems to track LEP individuals seeking the Commission's services; and
- To train front-line staff on the importance of ensuring access to free interpretation services for all LEP individuals

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

The Commission uses multilingual staff and vendor services including translation, telephonic interpretation, and, when appropriate, on-site interpretation to speak with our clients in their preferred language.

During Fiscal Year 2017, the Commission spent approximately \$57,934 on language access services including over-the-phone interpretation, written translation, sign language interpretation, and on-site interpretation.

LANGUAGE ACCESS IMPLEMENTATION PLAN FY'17 VENDOR & COST BREAKDOWN		
TYPE OF SERVICE	VENDOR	AMOUNT
Over-the-Phone Interpretation	Voiance Language Services	\$3,268.75
	Total for Over-the-Phone Translations	\$3,268.75
Written Translation Services	Language Line Services	\$21,579.36
	Language Bank	\$1,155.00
	Legal Interpreting Services	\$8,428.00
	Eriksen Translation Services	\$9,450.65
	Total for Written Translations	\$40,613.01
Sign Language Interpreting Services	Legal Interpreting Services	\$8,050.00
	Accurate Communications	\$534.54
	Total for Sign Language Interpreting	\$8,584.54
On-site Interpretation	Legal Interpreting Services	\$5,467.76
	Total for On-site Interpretations	\$5,467.76
	GRAND TOTAL	\$57,934.06

PROVISION OF LANGUAGE ACCESS SERVICES

A. Law Enforcement Bureau

The Commission will continue to provide interpretation services in all available languages through its staff members' language capacity, the Citywide Volunteer Language Bank ("VLB"), and phone interpretation through its contract with Voiance. LEB staff members currently speak 23 languages, up from approximately six languages three years ago, and can therefore provide customer service to the public in those languages from the time of the initial call to the Commission's Infoline through an investigation of a complaint and into the trial phase of the prosecution of a case. When LEB does not have a staff member available to speak a person's language directly, LEB hires professional interpreters for in-person intake and witness interviews or uses Voiance for telephonic interpretation. For written translations, LEB first uses the Volunteer Language Bank, and if unavailable, hires a professional translator.

LEB interacts with members of the public by phone and in a variety of face-to-face meetings. A member of the public will generally contact LEB by calling 311 or by calling the Commission's Infoline directly. LEB's Infoline staff can conduct the initial phone assessment in six languages (Spanish, French Creole, Arabic, Hindi, Urdu, or Nepali). If the individual speaks

a language other than the six identified, Infoline staff immediately call a phone interpreter through the Commission's vendor, Voiance. If an appointment is made for the individual to meet with an attorney, supervisors who assign intakes attempt to assign an attorney who speaks that language for the interview. If no staff with the requisite language skills are available, the attorney will use phone interpretation by Voiance during the interview.

LEB's intake form is currently translated into Spanish, which is, by a large margin, the most commonly used language by members of the public accessing LEB's services after English. Nearly 1/3 of all LEB staff speak and read in Spanish and can therefore review the form directly without need for translation. For all other languages, when the individual arrives for an intake appointment, the attorney or other staff member who speaks the person's language meets with them to verbally translate the form to them, fills out the form in English, and then proceeds with the intake. If no staff members speak the person's language, then the staff member performs the same function with assistance of an interpreter by phone through Voiance, or in some instances, with a professional in-person interpreter the Commission has hired for the appointment.

LEB has translated fifteen commonly distributed documents (defined as documents that are regularly sent to parties in the investigation, enforcement, and mediation processes) into ten languages in addition to English: Bengali, Spanish, Haitian Creole, Russian, Chinese, French, Korean, Urdu, Polish, and Arabic. LEB also sends out an insert with service of all correspondence in the enforcement process containing an advisory in 23 languages that the document contains important information about the case and provides a phone number of an LEB staff person to call for verbal, over-the-phone interpretation of the document. The Office of the Chair ("OC") is also in the process of translating four core documents it regularly uses in communicating with parties—when parties appeal LEB determinations, for example—into the above languages. The Commission will continue to assess the language access needs of the agency and of the population it serves.

B. Community Relations Bureau

For any outreach events, public hearings, or trainings, CRB accommodates any interpretation requests through the use of portable simultaneous interpretation headset equipment owned by the Commission. CRB provides invitations to events in multiple languages and notes on the invitation how one may request language interpretation.

CRB continues to make outreach and public awareness of the Commission's services and expanded language capacity an integral part of its work by collaborating with the offices of local elected officials and community-based organizations to have mobile pre-intake clinics, days of outreach and visibility, and by displaying our signage and literature in all available languages in CRB's Community Service Centers and at public events. Many CRB presentations are given in, or interpreted into, Spanish, Russian, French, Mandarin, Haitian Creole, Bengali, Hindi, and/or American Sign Language by Commission staff. These languages were chosen based on staff capacity and community need.

C. Commission-Wide Policies and Practices

The Commission currently has signage developed by the Mayor's Office of Immigrant Affairs in conspicuous locations at its main location and at its four satellite Community Service Centers that advises members of the public of their right to free interpretation.

The Commission now requires that all staff complete a language access questionnaire during the on-boarding process so that the Commission's Language Access Coordinator can track the Commission's in-house language capacity as it continues to grow. The Commission's total language capacity as of January 2018 is 36 languages spoken agency-wide.

As the Commission develops new print and web materials for large-scale distribution, it will continue to use a certified outside vendor to translate print materials into the following ten languages: Bengali, Spanish, Chinese, Korean, Russian, French, Haitian Creole, Arabic, Polish, and Urdu. The Commission will continue to work to ensure that its literature is written in plain language and is translated accordingly. The Commission also uses internal staff to review professionally translated materials.

TRAINING

The Commission requires that all staff receive regular training on language access and how to provide appropriate services to LEP members of the public who are accessing the Commission's services. The Commission will continue to train all staff as to all facets of this policy and its implementation on an annual basis and all newly hired staff will be trained on this policy during the on-boarding process. Topics of the training will include: the protocol for use of bilingual staff; the procedure for providing or arranging for the provision of interpretation services; means of identifying a LEP individual's primary language; the use of Voiance phone interpretation services; and cultural competency for working with LEP individuals. The training is, and will continue to be, conducted by the Managing Director for Education, Restorative Justice, and Development and is regularly updated with approval from the agency's Language Access Coordinator.

RECORD KEEPING AND EVALUATION

The Commission will continue to track requests for both interpretation services and translations through LEB's case-tracking system and will build out this capacity as other agency departments are added to the new tracking software. It will also develop and implement means for evaluating the quality of the services it provides to LEP individuals. This may include seeking feedback from LEP individuals as to their level of satisfaction with the services they have received through evaluation forms and/or surveys after trainings, presentations, and meetings. Commission staff also receive feedback on the accuracy and effectiveness of interpretation and translation services, particularly at Commission-led events or initiatives, from our community partnerships with houses of worship, advocacy groups, and community organizations that serve a wide range of LEP populations across the city. The Commission's Language Access Coordinator, in partnership with staff in all departments, will monitor the efficacy of this plan and compliance with Local Law 30.

RESOURCE ANALYSIS AND PLANNING

The Commission will continue to utilize the resources discussed above, as well as any others that become known or available to it, in order to assure continued improvement in the quality of the interpretation and translation services it provides. The Commission is committed to full compliance with Local Law 30. The Commission will continue to prioritize the hiring of individuals with existing contacts and relationships with communities that have not historically been served by the Commission, including certain LEP communities, and will prioritize the hiring of individuals that have the skills to increase the Commission's language capacity.

OUTREACH AND PUBLIC AWARENESS

CRB is working to increase its outreach to various immigrant communities throughout the City and regularly partners with community-based organizations, houses of worship, sister agencies, local elected officials, and others to expand the Commission's reach and connect with immigrant and LEP communities.

The Commission will make available all of its latest agency publications in ten languages other than English. These publications are available for download on the Commission website and in print on demand. The Commission releases content in Spanish and other languages on all Commission social media. The Commission will also continue its ongoing efforts and investment in New York City's diverse community media outlets. Through persistent outreach and advertising placement in media most relevant to the communities the Commission serves, the Commission has kept an open dialogue with some of our city's most vulnerable and hard-to-reach communities. The Commission will continue to produce its advertisements in various languages to be placed effectively in ethnic print media, including Arabic, Bengali, Spanish, Chinese, Korean, and Urdu, and in FY17 ensured 100% of all radio and print advertising was either in community or ethnic media. The Commission will continue to focus its advertising budget on community and ethnic media in multiple languages moving forward. Further, all future large-scale public information campaigns by the agency will include strategic outreach to the large number of ethnic media that serve LEP communities in the five boroughs in the form of advertisements, press stories, and panel discussions with reporters and editors working at these media outlets.

LANGUAGE ACCESS COMPLAINTS

The Commission's Language Access Coordinator will monitor all complaints submitted through 311 or made internally and is responsible for receiving, tracking, and resolving complaints.

IMPLEMENTATION PLAN LOGISTICS

The Commission is committed to ensuring that no person is denied services or denied timely services simply because they have limited English proficiency. Further, the Commission is committed to ensuring that all members of the public who seek the Commission's services are treated with dignity and respect. To that end, the Language Access Coordinator, Policy Analyst Edwin Tablada, will oversee the implementation of this plan, as well as monitor its effectiveness. The Language Access Coordinator will review the Plan at least annually, and modify it as needed.

The Commission will continue to:

1. Train all staff on the updated Language Access Plan and cultural competency in working with LEP individuals;
2. Prioritize the hiring of staff to increase internal language capacity to reflect the Commission's service population;
3. Ensure social media content is consistently published in Spanish, English, and other languages;
4. Develop trainings and presentations in Spanish, Russian, French, Mandarin, and Haitian Creole, and eventually additional languages;
5. Perform strategic outreach to ethnic media that serve LEP communities in the five boroughs in the form of advertisement, press stories, and panel discussions with reporters and editors working at these media outlets;
6. Create citywide media campaigns with components translated into languages other than English;
7. Translate major Commission materials into ten languages in addition to English;
8. Plan outreach events to LEP communities; and
9. Improve data collection systems to track LEP individuals seeking the Commission's services.