

## Language Access Policy and Implementation Plan: 2021 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 May 2021.

Name and title of Language Access Coordinator: Nicolas A. Escobar, Policy Analyst

### 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 (212) 416-0197.

The Commission currently has a total staff of 129 staff members. Most of these individuals work in the Manhattan central office (22 Reade Street), which is where LEB and the Office of the Chairperson are located.

## **AGENCY LANGUAGE ACCESS POLICY AND GOALS**

Throughout the tenure of Commissioner and Chair Carmelyn P. Malalis, the Commission has been 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. As a result, the Commission has been able to fulfill the goal of providing quality resources for all people who seek our services, regardless of the language they speak. 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, the Commission has been communicating to current and new staff that language access is one of the core priorities of the agency, and to that end requires all staff to be trained on Language Access procedures annually.

## **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: 2015-2019”, residents who live in the New York area who speak English less than “very well” are most likely to speak: Spanish, French, Haitian Creole, Italian, Portuguese, German, and Yiddish. <sup>1</sup>

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

Since 2017, the Commission has been using a case tracking system 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 the beginning of July 2019 to the end of June 2020, the Commission fulfilled 866 requests for interpretation through multilingual staff and the use of Voiance, with which the Commission has a contract for interpretation. The Commission maintains this information organized by language, which is used to inform the Commission’s staffing needs and translation and interpretation priorities.

---

<sup>1</sup><https://data.census.gov/cedsci/table?q=ACSDT5Y2012.B16001&g=0400000US36&tid=ACSDT5Y2019.B16001&hidePreview=true>

Of the 866 fulfilled requests for interpretation in Fiscal Year 2020, 790 inquiries were in Spanish, while Russian, Mandarin, and Cantonese 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 and all other translation will be performed on a case-by-case basis.

Furthermore, the Commission's CRB has hosted workshops and events in the following languages other than English: American Sign Language, Arabic, Chinese, French, Haitian Creole, Japanese, Korean, Spanish and Tagalog. These events were attended by 5,226 people during Fiscal Year 2020.

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

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, like previous ones, will continue to reflect 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 clients in their preferred language.

During Fiscal Year 2020, the Commission spent approximately \$41,663 on language access services including over-the-phone interpretation, written translations, updates to the translation of our online Sexual Harassment training, and on-site interpretation.

<b>LANGUAGE ACCESS FY'20 VENDOR &amp; COST BREAKDOWN</b>		
<b>TYPE OF SERVICE</b>	<b>VENDOR</b>	<b>AMOUNT</b>
Professional Vendor for Translations	Langalo, Human Touch	\$12,792.00
Over the Phone interpretation	Voiance	\$5,813.11
In-person (virtual) interpretation	B&N Interpreting Services	\$13,158.00
Update to the Sexual Harassment Online interactive training	Eriksen Translations Inc.	\$9,900.00
	<b>GRAND TOTAL</b>	<b>\$41,663.11</b>

## **PROVISION OF LANGUAGE ACCESS SERVICES**

### **A. Commission Law Enforcement Bureau**

The Commission's Law Enforcement Bureau continues to interact with members of the public by phone and, when not working fully remotely due to the pandemic, 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. During CY 20, LEB's Infoline staff was able to conduct the initial phone assessment in five languages (Spanish, French Creole, Hindi, Urdu, or Nepali) through in-house capacity. If the individual speaks a language other than the six identified, Infoline staff immediately calls 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 and if no staff with the requisite language skills is available, the attorney will use phone interpretation by Voiance during the interview. Currently, LEB has 41 staff members who speak a total of 12 languages other than English.

Intake forms are 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.

The Commission's Law Enforcement Bureau previously translated fifteen commonly distributed documents into ten designated languages. These documents are defined as those that are regularly sent to parties in the investigation, enforcement, and mediation processes. As the Commission develops new print and web materials for large-scale distribution, it has continued to use a certified outside vendor to translate materials. Once documents have been translated by

outside vendors, the Commission identifies staff internally or through the Volunteer Language Bank to review the accuracy of translation before they are made available to the public. All of our materials are offered on our website and in print by request.

## **B. Community Relations Bureau**

For any outreach events, public hearings, or trainings, the Commission 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. The Commission continues to make outreach and public awareness of the Commission's services and expanded language capacity an integral part of its work and collaborates with the offices of local elected officials and community-based organizations to have mobile pre-intake clinics, and days of outreach and visibility. Many of the Commission's presentations are also given in, or interpreted into, Spanish, Russian, French, Mandarin, Haitian Creole, Bengali, Hindi, and/or American Sign Language by Commission staff. The Commission also displays signage and literature in multiple languages at the Commission's Community Service Centers advising members of the public of their right to free interpretation.

## **C. Commission-Wide Policies and Practices**

The Commission makes every effort to conduct key events in-language for key audiences. We also routinely make language interpretation available at community events, town halls, and public hearings. The Commission consistently shares information about our services and other work in a number of languages including in Local Law 30 languages and beyond.

To further the Commission's accessibility to diverse language speakers, the Commission's Office of Communications and Marketing has maintained its record of allocating 100% of its advertising budget in community and ethnic press and, as necessary, producing those advertisements in-language for key audiences. This allows the agency to maintain an open dialogue with some of our city's hard-to-reach communities.

Outreach to non-English speakers remains a priority for Commission announcements and public education campaigns. The Commission will continue its longstanding relationship with non-English news outlets and organizations for key event partnerships.

## **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 and Compliance and is regularly updated with approval from the agency's Language Access Coordinator.

## **RECORD KEEPING AND EVALUATION**

The Commission tracks requests for both interpretation services and translations through LEB's case-tracking system (Microsoft Dynamics) and has added this capacity to track trainings and outreach by CRB. The Commission has also developed and implemented means for evaluating the quality of the services it provides to LEP individuals. This includes 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 have also received 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 Annual Report also includes a breakdown of inquiries to our Infoline by members of the public whose preferred language is not English, with Spanish maintaining its position as the most requested language. The Commission's Language Access Coordinator, in partnership with staff in all departments, has been monitoring the efficacy of this plan and compliance with Local Law 30.

## **RESOURCE ANALYSIS AND PLANNING**

The Commission has consistently utilized the resources discussed previously, as well as using any other resources that become known or available, in order to assure continued improvement in the quality of the interpretation and translation services provided. The Commission is committed to full compliance with Local Law 30 and will continue to prioritize the hiring of individuals with existing contacts and relationships with communities that have historically been under-served by government, including certain LEP communities, and will prioritize the hiring of individuals that have the skills to increase the Commission's language capacity and cultural competency.

## **OUTREACH AND PUBLIC AWARENESS**

The Commission's Community Relation Bureau has been working to increase its outreach to various immigrant communities throughout the city and 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 has also made available all of its latest major 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 has also continued its ongoing efforts and investment in New York City's diverse community media outlets and has been persistent with outreach and

advertising placement in media most relevant to the communities the Commission serves. Since the beginning of the tenure of Commissioner Malalis, the Commission has kept an open dialogue with some of our city's most vulnerable and hard-to reach communities and has continued to produce advertisements in various languages to be placed in ethnic print media, including Arabic, Bengali, Spanish, Chinese, Korean, and Urdu. The Commission will continue to focus its advertising budget on community and ethnic media in multiple languages. In addition, like other City agencies, the Commission maintains its website in a manner that allows for direct translation into numerous languages other than English.

## **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. In addition to complaints, questions, or requests made through 311 or directly to our staff during the course of Commission programming, members of the public can also email our team directly at [policy@cchr.nyc.gov](mailto:policy@cchr.nyc.gov). This email can be found on our website in the same section as our Language Access Plan.

## **IMPLEMENTATION PLAN LOGISTICS**

The Commission has consistently utilized the resources discussed in this report, as well as using any other resources that become known or available, in order to assure continued improvement in the quality of the interpretation and translation services provided. The Commission is committed to full compliance with Local Law 30 and will continue to prioritize efforts to ensure that our services are known and accessible to LEP communities. To that end, the Language Access Coordinator, Policy Analyst Nicolas A. Escobar, 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:

- Train all staff on the updated Language Access Plan and cultural competency in working with LEP individuals;
- Prioritize the hiring of staff to increase internal language capacity to reflect the Commission's service population;
- Ensure social media content is consistently published in languages in addition to English;
- Develop trainings and presentations in Spanish, Russian, French, Mandarin, and Haitian Creole, and other additional languages;
- 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;
- Create citywide media campaigns with components translated into languages other than English;

- Translate major Commission materials into at least ten languages in addition to English;
- Plan outreach events to LEP communities; and
- Improve data collection systems to track LEP individuals seeking the Commission's services.