THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

EXECUTIVE ORDER No. 120

July 22, 2008

CITYWIDE POLICY ON LANGUAGE ACCESS TO ENSURE THE EFFECTIVE DELIVERY OF CITY SERVICES

WHEREAS, the City of New York consistently seeks to implement innovations to provide excellent and accountable customer service; and

WHEREAS, it is essential that all residents, regardless of their proficiency in English, have meaningful access to City programs, services and activities; and

WHEREAS, 25% of City residents do not speak English as their primary language and have a limited ability to read, speak, write or understand English and are therefore considered to have limited-English proficiency ("LEP"); and

WHEREAS, Local Law 73 of 2003 aims to make access to vital health and human services easily accessible for limited-English proficient New Yorkers who may be eligible for such services; and

WHEREAS, Title VI of the Civil Rights Act of 1964 prohibits agencies that receive federal funds for programs or activities from discriminating against persons on the basis of race, color or national origin; and

WHEREAS, pursuant to Presidential Executive Order 13166 (August 11, 2000), federally-funded agencies must take reasonable steps to ensure that people with limited-English proficiency (LEP) have access to the recipient's programs and services; and

WHEREAS, the public safety, health, economic prosperity, and general welfare of all City residents, regardless of their level of English proficiency is furthered by increasing language access to City programs and services; and

WHEREAS, the New York City Charter provides that the Mayor's Office of Operations ("Operations") shall coordinate the provision of language services to the public and provide technical assistance to City agencies in providing such services; and

WHEREAS, the New York City Charter also provides that the Mayor's Office of Immigrant Affairs ("MOIA") shall be responsible for promoting access to City services

by immigrants through developing appropriate policies and outreach programs that inform and educate immigrant and foreign language speakers of such services in order to facilitate the successful integration of immigrant New Yorkers into the civic, economic and cultural life of the City;

NOW, THEREFORE, by virtue of the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. All City agencies that provide direct public services shall ensure meaningful access to such services by taking reasonable steps to develop and implement agency-specific language assistance plans regarding LEP persons. For purposes of this Executive Order, the term "direct public services" shall mean services administered by an agency directly to program beneficiaries and/or participants. For agencies that provide services to the public that are not programmatic in nature, such as emergency services, the provisions of this order shall be implemented to the degree practicable.

§ 2. City agencies shall have flexibility to determine appropriate language assistance for their individual agency's service populations. In implementing a program of language assistance, each agency shall:

a. designate a Language Access Coordinator within forty-five days of the date of this Order to oversee the creation and execution of an agency-specific internal language access policy and implementation plan; and

b. develop such language access policy and implementation plan by January 1, 2009. Such plan shall be developed by undertaking the four-factor analysis outlined below, which is based on guidance issued by the U.S. Department of Justice (DOJ) effective June 12, 2002 (67 FR 41455). The four factors are:

i. The number or proportion of LEP persons in the eligible service population;

ii. The frequency with which LEP individuals come into contact with the agency;

iii. The importance of the benefit, service, information, or encounter to the LEP person (including the consequences of lack of language services or inadequate interpretation/translation); and,

iv. The resources available to the agency and the costs of providing various types of language services.

c. 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.

d. ensure that the language access policy and implementation plan includes the following elements for LEP individuals:

i. identification and translation of essential public documents provided to or completed by program beneficiaries and/or participants. For the purposes of this Executive Order, the term "essential public documents" shall mean those documents most commonly distributed to the public that contain or elicit important and necessary information regarding the provision of basic City services;

ii. interpretation services, including the use of telephonic interpretation services, for the top six languages and others as appropriate;

iii. training of frontline workers and managers on language access policies and procedures;

iv. posting of signage in conspicuous locations about the availability of free interpretation services;

v. establishment of an appropriate monitoring and measurement system regarding the provision of agency language services; and

vi. creation of appropriate public awareness strategies for the agencies' service populations.

§ 3. Agency language access policies shall also reflect principles of plain language communication as provided in guidance issued by the Mayor's Office of Adult Education.

§ 4. In collaboration with MOIA, Operations shall provide technical assistance to individual agencies and coordinate and oversee agency compliance with the components of this Order involving language access for LEP individuals.

§ 5. This order shall take effect immediately.

Michael R. Bloomberg
Mayor