



LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: The Public Employment Relations Board

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This document is our agency's **Language Access Plan**.

A **Language Access Plan** explains how we provide services to people who have limited English proficiency.

This **Language Access Plan** includes information about:

	The Limited English Proficient (“LEP”) population in our service area.
	How we notify the public about language access services.
	Our resources and methods for providing language access services.
	How we train our staff to provide language access services to the public.
	How we monitor language access services and respond to complaints.



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PART 1 – Our Agency’s Services

We prepared this Language Access Plan (“Plan”) to comply with Executive Order No. 26, as amended by Executive Order No. 26.1, which established New York’s [Statewide Language Access Policy](#).¹ This Plan explains how we make sure that Limited English Proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.

In this Plan, LEP individuals are understood as people who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

Our agency’s services to the public include:

As an adjudicatory agency responsible for administering the State's labor relations statutes, the New York State Public Employment Relations Board (PERB) provides representation and dispute resolution services to public and private employers and the organizations that represent their employees, for the purpose of collective bargaining. We do not provide services to the general public.

PART 2 – The Limited English Proficient Population in Our Service



Area

Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top ten languages most commonly spoken by LEP individuals in New York State.

The estimated total number of LEP individuals in our service area is: Approximately 2.5 million LEP individuals in New York State.

The top ten languages spoken by LEP individuals in New York State are:

#	Language	Estimated Number of LEP Speakers
1	Spanish	1,201,322
2	Chinese	379,745
3	Russian	119,380

¹ For additional information about our agency’s obligations to provide language access services, please visit: <https://www.ny.gov/language-access-policy>



4	Yiddish	64,070
5	Bengali	64,020
6	Korean	55,506
7	Haitian Creole	54,746
8	Italian	46,431
9	Arabic	40,781
10	Polish	34,840

Our agency will reassess the public’s language needs at least every two years after the effective date of this Plan.

Our agency tracks encounters with LEP individuals in the following ways:

Program staff logs any engagement with an LEP individual, listing the date, time, location, name of the individual (if provided), language, assistance utilized, interaction type (in-person, telephone, postal or electronic mail), and if follow-up is needed. The administration office utilizes this information to track all encounters.



PART 3 – Public Outreach About the Availability of Language Access Services

Our agency informs LEP individuals about their right to free language assistance services in the following ways, using at least the top ten languages shown in Part 2 of this Plan:

- LEP individuals are directly informed by our staff
 - In which ways?** They are verbally informed with the assistance of telephonic interpreters and, when written correspondence is exchanged, by postal or electronic mail.
- Signs posted about language assistance services
 - In areas operated by the agency and open to the public
 - Other (describe)
- Information is published on our agency’s website in at least the top ten languages spoken by LEP individuals in New York State
- Outreach and presentations at schools, faith-based groups, and other community organizations
 - What are the LEP populations targeted?**
- Local, non-English language media directed at LEP individuals in their languages
 - What are the LEP populations targeted?**
- Social media posts directed at LEP individuals in their languages
 - What are the LEP populations targeted?**



Telephonic voice menu providing information in non-English languages
In which languages?

Other (describe)



PART 4 – Provision of Language Access Services

A. Determining the Need for Services

During *in person* encounters, our agency uses the following tools to determine whether an individual is LEP, and what their primary language is:

- “I Speak” posters or visual aids that provide information about free interpreting services in multiple languages
- Reception staff make those determinations based on training and experience
- Bilingual staff members, where available, assist in identifying LEP individual’s language
- Other (describe)

On *telephone calls*, our agency uses the following tools to find out if an individual is LEP, and what their primary language is:

- Reception staff make those determinations based on training and experience
- Bilingual staff members, where available, assist in identifying an LEP individual’s language
- Telephonic interpreting service
- Other (describe)

Our agency’s protocols for assessing whether an individual needs *oral interpreting* services in different service situations is as follows:

- During office in-person encounters:** These encounters are rare. As needed, the “I speak” tool is used.
- At initial contact in the field:**
- When speaking on the telephone:** Staff are trained to utilize telephonic interpreting services as needed.



For pre-planned appointments with LEP individuals: Telephonic interpreting services are utilized. There have been rare instances where an in-person interpreter was needed, and the agency was able to schedule this in advance.

Other (describe):

Our agency records and maintains documentation of each LEP individual’s language assistance needs as follows:

Program staff logs any engagement with an LEP individual, listing the date, time, location, name of the individual (if provided), language, assistance utilized, interaction type (in-person, telephone, postal or electronic mail), and if follow-up is needed. The administration office utilizes this information to track all encounters.

B. Oral Interpreting Services

Our agency has made the following resources available for oral interpreting requests:

Bilingual staff members who work directly with LEP individuals

Number of staff and languages spoken:

Bilingual staff members who provide oral interpreting services on a volunteer basis

Number of staff and languages spoken: PERB has one employee in the Brooklyn office that speaks Spanish.

Telephonic interpreting service

Name of vendors: Any vendor under the NYS OGS Statewide Administrative Services Contract.

Contracts or other arrangements with school and community organizations

Number of staff and languages spoken:

Other (Describe)

Our agency protocols for informing LEP individuals that free interpreting services will be provided and that they do not need to provide their own interpreters is as follows:

During office in-person encounters: Staff utilizes available resources such as posted “I Speak” signs and its selected vendor to inform individuals of the availability of free interpreting services.

At initial contact in the field: Staff utilizes the “I Speak” poster or card to inform individuals of the availability of free interpreting services.



When speaking on the telephone: Staff utilizes the telephonic interpreting service to verbally inform individuals of the availability of free interpreting services.

For pre-planned appointments with LEP individuals: Prior to coming to one of our offices, staff verbally informs the individual of the availability of free interpreting services. Staff will schedule telephonic interpreting service in advance if needed. On rare occasions an in-person interpreter has been scheduled.

Other (describe):

Our agency’s protocols for obtaining interpreting services in a timely manner is as follows:

PERB’s staff is trained to connect to the selected interpreting vendor in a timely manner. In our experience telephonic interpreter services tend to operate in a timely manner. PERB will continue to make use of those services.

If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocols for deciding whether to accept or decline such an arrangement is as follows:

LEP individuals that come into contact with our agency will be informed of the availability of free interpreting services. Generally, an LEP individual may not use a family member, friend, or a minor as an interpreter. However, **during emergencies** an LEP individual will be permitted to use a minor, a family member or friend as an interpreter. Upon request, an LEP individual may also be permitted to use a minor, a family member or friend as an interpreter for routine matters, such as asking the location of the office, hours of operation or rescheduling an appointment. Where the interaction with the LEP individual occurs at the agency’s office, and an individual is permitted to use an interpreter of his or her choosing, he or she must fill out a written consent/waiver form.

Where an LEP individual is engaged in official business with the agency, the agency will provide an independent interpreter at all times. An LEP individual will not be permitted to use an independent interpreter of his or her choosing when filling out applications or when involved in other legal matters.

Our agency provides information to all staff members who have contact with the public about how to obtain oral interpreting services. Our protocol in this regard is as follows:

Distribution of instructions for obtaining oral interpreting services, annual training, and reminders of procedures are provided to staff.

The agency’s Language Access Coordinator (“LAC”) maintains a list of oral interpreting resources that are available to staff. This resource list includes:



- Names and contact information for all resources
- Names and locations of staff members who are available to act as interpreters or provide services directly in an LEP individual's primary language
- Languages in which each interpreter or service is qualified
- Procedures for accessing each interpreter or service

Our agency records and maintains documentation of oral interpreting services provided to LEP individuals at each encounter. Our protocol in this regard is as follows:

Program staff logs any engagement with an LEP individual, listing the date, time, location, name of the individual (if provided), language, assistance utilized, interaction type (in-person, telephone, postal or electronic mail), and if follow-up is needed. The administration office utilizes this information to track all encounters.

Cultural Competence and Confidentiality

Our agency makes sure interpreters are culturally competent² in the following ways:

We use only the services of vendors that have been pre-approved. Where PERB utilizes independent interpreting services, that vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent.

Our agency makes sure interpreters follow state and federal confidentiality protocols in the following ways:

The training provided to staff addresses the importance of confidentiality. Furthermore, independent interpreters will enforce standards of confidentiality in accordance with NYS Law. We use only the services of vendors that have been pre-approved.

C. Translations of Documents

At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents (including website content) that must be translated. This process is accomplished in the following ways:

The LAC periodically, but at least once every year, reviews and identifies any new documents that need to be translated pursuant to the Executive Order.

² Cultural Competence is defined as *a set of congruent behaviors, attitudes, and policies that come together in a system or agency or among professionals that enables effective interactions in a cross-cultural framework*. U.S. Department of Health and Human Services, Office of Minority Health. 2000. Assuring Cultural Competence in Health Care: Recommendations for National Standards and an Outcomes-Focused Research Agenda. Extracted from: https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring_Cultural_Competence_in_Health_Care-1999.pdf



Our agency’s process for making sure documents are written in plain language³ before they are translated into other languages is as follows:

PERB program managers responsible for the documents engage no fewer than two associates to review each document to ensure plain language is used in the materials before translation, thus assuring the information is accessible to a range of literacy levels.

Our agency has the following resources available for translation of documents:

- Contracts with vendors for translation services
Names of vendors/languages: Any vendor available under the NYS OGS statewide administrative contract.
- Contracts or other arrangements with schools and community organizations
Names of schools/organizations and languages:
- Translation of documents by bilingual staff members
- Other (describe)

The agency’s Language Access Coordinator (“LAC”) maintains a list of translation resources that are available to staff. This resource list includes:

- Names and contact information for all resources
- Names and locations of staff members who are available to provide translations of documents
- Languages in which each translation service is qualified
- Procedures for accessing each translation service

Our agency translates documents that LEP individuals submit in their primary languages in a timely manner. Our protocol in this regard is as follows:

Such documents are immediately submitted for translation to the selected vendor.

The following non-exhaustive list of documents are currently translated by our agency in the languages indicated:

Though no documents are currently translated because services are provided to employers, employee organizations and law offices representing these parties, PERB provides assistance in filling out documents through interpreting services to anyone with limited English proficiency. Notification of this assistance is provided with the Board’s forms.

³ The [Plain Writing Act of 2010](https://www.govinfo.gov/app/details/PLAW-111publ274) defines plain language as writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience. Extracted from: <https://www.govinfo.gov/app/details/PLAW-111publ274>



Any documents identified for translation after the signing of this Plan and before the 2-year reassessment will be translated in a timely manner.

The process for ensuring that translations are accurate and incorporate commonly used words is as follows:

PERB, through its vendor (where applicable), will ensure that proofing/editing for correctness and cultural sensitivity are a component of the translation services provided by any vendor under contract as part of the publication process. PERB will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.



PART 5 – Staff Training

The person in the agency who is responsible for training staff in language access services is:
Jonathan J. O’Rourke, Language Access Coordinator

The staff training includes the following components:

- The agency’s legal obligations to provide language access services
- The agency’s resources for providing language access services
- How to access and work with interpreters
- Cultural competence and cultural sensitivity
- How to obtain translation services
- Maintaining records of language access services provided to LEP individuals

The methods and frequency of training are as follows:

Staff is required to take the Language Access training annually. The mandatory training provided by the Governor’s Office of Employee Relations includes and addresses all components listed in the previous question. Training materials and any resources or materials on Language Access matters are posted on the agency’s server and/or distributed by email.



PART 6 – Monitoring the Plan and Responding to Complaints

A. Monitoring

Our agency’s Language Access Coordinator (“LAC”) will monitor implementation of the Plan to make sure we are in compliance. Our protocols in this regard are as follows:



The LAC maintains a log of all interpreting services provided, documents translated, training materials, complaints and other applicable materials. The LAC also monitors mandatory training compliance in the area of language access.

B. Complaints

We provide information to the public in at least the top ten most commonly spoken non-English languages in the state, advising members of the public of their right to file a complaint if they feel that they have not been provided adequate language access services or have been denied access to services because of their limited English proficiency. We do not retaliate or take other adverse action because an individual has filed a language access complaint.

We display information on the right to file a complaint, and the procedures for filing a complaint, in the following manner:

The standardized complaint forms, along with the procedures for filing a complaint, are available in all ten languages in our public offices upon request. The complaint forms are also available for download or online submission through our website. Additionally, information on the right to file a complaint is posted in the top ten languages on our website and in our offices in areas where it can be easily seen by the public.

We handle complaints made to the agency regarding the provision of language assistance services in the following manner:

If complaints are received, they would be reviewed and any necessary action to be taken would be reviewed with the Statewide Language Access Coordinator. Complaints are investigated by the PERB Language Access Coordinator.

All complaints must be timely forwarded to the Statewide Language Access Coordinator.



PART 7 – Signatures



[Signature] Champion 7/29/2021
 Head of Agency Title Date

[Signature] Executive Director 7/27/2021
 Agency LAC Title Date

[Signature] 7/30/2021
 Deputy Secretary for Civil Rights Date