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Language Access in New York State: A Snapshot From a Community Perspective

Abstract

[Excerpt] The state government provides New Yorkers with a multitude of services and benefits necessary for their survival and success: nutritional supports, health benefits, unemployment insurance and driver's licenses, to name but a few. In order for these services to be equally accessible to all of the diverse residents of the state, it is essential that government agencies be linguistically accessible, providing interpretation and translation services for the over two million individuals in New York State who are limited English proficient (LEP). This report assesses the state of language access in New York, particularly access to state benefits that are critically important to low-income New Yorkers, such as public benefits, unemployment, and police protection. It examines the degree to which government agencies that administer state benefits programs and services are providing LEP New Yorkers with language assistance services required under a patchwork of federal, state and county-level policies.

Keywords

language, access, New York State, government agencies

Comments

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LANGUAGE ACCESS

in
New York State

A SNAPSHOT FROM A
COMMUNITY PERSPECTIVE.



*A Report by the Center for Popular Democracy
& Make the Road New York*

*With Support From: Center for the Elimination of Minority Health Disparities at SUNY Albany,
International Institute of Buffalo & Multicultural Association of Medical Interpreters*

About the Authors

Make the Road New York (MRNY) is membership-led organization based in the low-income communities of Bushwick, Brooklyn; Jackson Heights, Queens; Brentwood, Long Island; and Port Richmond, Staten Island. MRNY's 13,000+ members are primarily low-income immigrants, working together through a combination of organizing, policy innovation, transformative education, and survival services to build the power of Latino and working class communities to achieve dignity and justice.

The Center for Popular Democracy (CPD) works in partnership with innovative community-based organizations, local and state networks, and progressive unions across the country to promote equity, opportunity, and a dynamic democracy. CPD supports partners in developing cutting-edge state & local policies that deliver tangible benefits to communities and also helps to build organizational infrastructure & capacity so our partners can grow stronger and expand.

Acknowledgements

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Robert Sterling Clark Foundation

This report was produced with the generous support of the Robert Sterling Clark Foundation, which provides financial assistance to strengthen government and cultural institutions in New York. The Foundation's conviction that "government agencies will deliver better services to the public in a more cost-effective manner if their activities are examined, evaluated, and held up to public view" and its longstanding commitment to "the improvement of policies that affect low-income New Yorkers and other vulnerable individuals" drive its support for this work.

Center for the Elimination of Minority Health Disparities, SUNY Albany (CEMHD)

CEMHD is a collaborative effort focusing on minority health disparities in the smaller cities and towns of New York. The Center works toward eliminating health disparities by developing capacity in faculty at the University at Albany and partnering with community groups to identify their health concerns and the sources of disparities, and then plan, implement and test strategies to alleviate them.

International Institute of Buffalo (IIB)

Since 1918, the International Institute of Buffalo has assisted immigrants, refugees, and others who face linguistic and cultural barriers to become self-sufficient, active members of our community. Today, the Institute serves as a dynamic international center, providing critical services to refugees and immigrants and promoting global understanding and connections in Western New York.

Multicultural Association of Medical Interpreters (MAMI)

Since 1998, MAMI has been providing language and cultural access so speakers of limited English can fully participate in the community. MAMI has made this possible by offering interpreting and translation services, interpreter training, education for refugees and immigrants and provider training as well as through participation in community collaborative projects.

Individuals

Staff, members and volunteers affiliated with each of the organizations above conducted surveys. Students in NYU Law School's Litigation, Organizing and Systemic Change Clinic and Columbia Law School's City and State Policy Advocacy Externship, conducted phone and website reviews.

Special thanks to CPD Organizing Fellow, Max Cohen; Policy Advocate, Samuel Kauffman; students from NYU Law School, Columbia Law School, Cardozo School of Law and Brooklyn Law School; and volunteer, Stanislav Viner, all of whom provided invaluable support for data analysis.

This project also benefited from the support of an experienced advisory board whose members included Jayesh Rathod, Director of the Immigrant Justice Clinic at American University Washington College of Law, Amy Taylor, of Legal Services NYC, Linda Weiss, of the New York Academy of Medicine, and Mike Melara, Executive Director at Catholic Charities of Onondaga County. Advisory board members offered guidance in the development of the survey tool and many other aspects of the research.

I. Executive Summary

The state government provides New Yorkers with a multitude of services and benefits necessary for their survival and success: nutritional supports, health benefits, unemployment insurance and driver's licenses, to name but a few. In order for these services to be equally accessible to all of the diverse residents of the state, it is essential that government agencies be linguistically accessible, providing interpretation and translation services for the over two million individuals in New York State who are limited English proficient (LEP). This report assesses the state of language access in New York, particularly access to state benefits that are critically important to low-income New Yorkers, such as public benefits, unemployment, and police protection. It examines the degree to which government agencies that administer state benefits programs and services are providing LEP New Yorkers with language assistance services required under a patchwork of federal, state and county-level policies.

This report is the outgrowth of years of advocacy and months of research and analysis conducted by Make the Road NY (MRNY), the Center for Popular Democracy (CPD) and three additional partner organizations across the state: the Center for the Elimination of Health Disparities (CEMHD) at SUNY Albany, Multicultural Association of Medical Interpreters (MAMI) in Central New York and the International Institute of Buffalo.

This study also grows from the experiences of the thousands of LEP New Yorkers with whom CPD, MRNY and our partners have worked in recent years. Their consistent reports concerning the barriers created by the lack of competent, consistent interpretation and translation have informed this research, and their continuing efforts to overcome and eliminate these obstacles have inspired this work. In recent years, CPD, MRNY and other members of the broader New York State Language Access Coalition have advocated for policy changes that guarantee language assistance for LEP New Yorkers in private and public settings. At the local level, the Language Access Coalition has successfully advocated for Executive Order 120 in New York City and Executive Order 10 in Suffolk County, which require local agencies to provide language assistance services to the LEP community members they serve.

In 2011, these efforts culminated with Governor Cuomo signing Executive Order 26, a statewide order which requires all state agencies with direct public contact to translate vital documents into the top six languages spoken by LEP individuals in New York State, provide interpretation services for all New Yorkers in their primary language, develop a language access plan, and designate a language access coordinator.¹

With Executive Order 26, the Cuomo administration not only took a tremendously important step towards guaranteeing access to government services for LEP New Yorkers, it also demonstrated national leadership on this issue. New York State's language access policy is the first of its kind. And at a time when other

1 See State of New York, Executive Order 26 "Statewide Language Access Policy" (2011).

states across the nation were implementing regressive, anti-immigrant measures, New York illustrated a better way forward. The administration's commitment to language access, demonstrated by its consistent engagement with advocates in the years preceding the issuance of the Executive Order and in the months since its enactment, stands as a compelling example of how public policy can support the immigrant communities that have been powerful drivers of local economies across the state and strengthen New York as a whole.

However, the ultimate measure of the success of government and advocacy efforts is whether all LEP New Yorkers who interact with government agencies are provided with the interpretation and translation services to which they are entitled. Our findings, outlined below, suggest that this is not the case and that there is still much to be done to ensure that such New Yorkers receive competent, consistent language assistance services. In particular, during the course of our research, we have learned that many state benefits programs and services are administered by county- or locally-run entities that may not fall within the ambit of the Governor's Executive Order 26 and may not be in jurisdictions with a county or local executive order. Access to language services and, thus, to the essential public services and benefits to which they are linked remains patchy and work must continue to be done with all levels of government—state and local—to ensure equity.

Key Findings

Our analysis of the data gathered for this report suggests that while the language access policies implemented at the state and county levels in recent years represent major steps forward and establish New York State as a clear leader in pro-immigrant policy, a significant amount of work remains to be done to dismantle language barriers at government agencies that dispense key benefits and services. Specifically, we examined access to key state benefits and programs that are administered through a combination of state- and county-run agencies.

- **A Majority of LEP New Yorkers Still Do Not Receive Translated Documents When Trying to Access State Benefits.** Despite the significant work that agencies, with guidance from the Governor's Office, have done to date to improve the provision of written translation for LEP New Yorkers, respondents reported receiving translated documents in a minority of interactions. In no region did even half of Spanish speakers—the only speakers of covered languages with significant representation in our sample—report having received written language assistance. In Buffalo, for example, a mere 11% of Spanish-speaking respondents reported receiving such materials, while in Central New York, roughly 45% reported they had received such assistance.

- **A Majority of LEP New Yorkers Still Do Not Receive Interpretation Services:** Survey and interview data indicate that a great unmet need for language services persists across all agencies. Across all surveyed agencies, interpretation services were provided in only 45% of cases. These services were provided in just 32% of interactions with the Department of Motor Vehicles (DMV), 55% of interactions with the Office of Temporary and Disability Assistance (OTDA), and 61% of interactions with the Department of Labor (DOL), or with the county-run agencies that administer DMV, OTDA and DOL programs.
- **The Majority of Those Who Received Interpretation Services Were Pleased With Their Quality.** While oral language assistance was provided in a minority of interactions, respondents reported that these services were generally helpful. Sixty one percent of those who received interpretation services said that these services had allowed them to access services or information they had been seeking. Another 21% reported that these services had been somewhat helpful. Significant improvement is still necessary to ensure that interpretation services are effective for all LEP New Yorkers.
- **The Majority of Those Who Received Translated Materials Were Pleased With Their Quality.** Of the speakers of covered languages in our sample who reported receiving written assistance, 66% percent reported that the materials they received allowed them to access needed services or information, and another 23% reported that they were somewhat helpful.
- **Two Regions Saw Meaningful Increases in Provision of Interpretation Services.** Comparison of the baseline data on the provision of services with data collected once implementation of Executive Order 26 had begun reveals that in two regions—New York City and Long Island—LEP individuals are more likely to receive oral language assistance now than they were prior to implementation. In Long Island, there was an increase of 29 percentage points in interactions in which these services were provided, and New York City shows a corresponding 15 percentage point increase.
- **Respondents Were Emphatic About the Positive Impact that Language Assistance Services Had Had on Their Lives.** Across the board, respondents who had received language access services and been able to access services, benefits and information as a result, were clear that their lives had changed dramatically for the better. Common themes emerging from the interviews included the impact state benefits had on respondents' ability to cover basic living expenses (31% of responses), health care (17%), food (17%) and housing (14%) costs.
- **In the Absence of Consistent, Competent, Language Assistance Services, LEP New Yorkers Turn to Family and Friends.** Interviews

with individuals who did not receive language assistance in interactions with agencies confirm that in the absence of consistent, competent government-provided language assistance, many rely on those in their community for help. Responses indicate that when agencies did not provide needed language supports, participants secured assistance from untrained friends (31% of responses), untrained family (24%) or children (24%). Interviews also revealed that when language assistance was not furnished and benefits were unclaimed as a result, respondents turned to family and friends to help address unmet needs.

- **Overall, Automated Agency Phone Services Are Not Effective in Meeting the Needs of LEP New Yorkers.** While some monitors were able to access needed information through automated systems, others encountered significant difficulties. Spanish speakers are more likely than speakers of other languages to encounter prompts in their language, but monitors across the board struggled to navigate these prompts and to access agency staffers, often encountering consistent busy signals or messages. In some cases, monitors were simply disconnected.
- **Many State Agency Websites Lack Information About the Availability of Language Assistance Services.** With information and services increasingly migrating to the web, the importance of disseminating information about language assistance services online is increasing. While some agencies posted clear and easy to locate information about the availability of language assistance on their homepages, others lacked such information.
- **However, In-person Service Provision Remains Critically Important for LEP New Yorkers.** Even as state and local governments move towards web-based models of information and benefit provision, access to assistance at agency sites remains critically important for LEP New Yorkers. Only 38% of respondents reported having access to a computer with a reliable Internet connection.

Recommendations

The study indicates that while recently-issued state and local executive orders represent major strides in language access policy, the resulting patchwork system of coverage leaves too many LEP New Yorkers without critically important interpretation and translation assistance and unable to secure key services and benefits as a result. Agency offices that fall beyond of the scope of state oversight and are instead managed by counties lacking language access policies of their own represent a particular barrier to the provision of competent, consistent language access services statewide. The lack of such services translates, in too many cases, into serious difficulties for individuals and families and, ultimately, into negative impacts for the state.

The Governor has already demonstrated leadership, not only by issuing Executive Order 26, but also by spearheading a coordinated implementation process at an unprecedented scale. Language access advocates have been in regular conversation with Governor Cuomo's office about the findings of this research, and are pleased with the commitment he and his staff have shown to making improvements in order to improve access to government services for LEP New Yorkers. This report is intended to provide a community-based snapshot of LEP individuals' interactions with government agencies to inform the ongoing dialogue and collaboration advocates have had with the Governor's team, and to inform future advocacy at the local or county level as well. We urge the Governor to continue to expand and invest in this critically important process in order to guarantee that the promise of this landmark policy is fulfilled, including taking action on the following with respect to state-run agencies:

- **Improve Access to Interpretation.** Direct Language Access Coordinators to observe and consult with frontline agency staff in order to better understand barriers to the provision of interpretation for LEP New Yorkers. Provide further training and technical assistance to frontline staff to address these challenges.
- **Improve Access to Written Language Assistance.** Direct Language Access Coordinators to observe and consult with frontline agency staff in order to better understand barriers to the provision of translated documents. Provide training and technical assistance to support effective identification and distribution of translated materials for speakers of covered languages. Provide technical assistance to ensure that staff are all aware of, and can recognize and access, translated documents.
- **Develop and Distribute Guidance on How to Improve Services for LEP New Yorkers Who Interact with Agencies Via Telephone and the Web.** These materials should include guidance on the use and placement of multilingual messages concerning the availability of language access services on agency websites, how to enhance navigability of automated telephonic systems and the use and ordering of multilingual prompts. The Governor's staff has informed us that the state is in the midst of an overhaul of its telephonic systems, which may complicate telephone-based language services provision. We would recommend that the state nevertheless consider interim solutions to ensure linguistic access for LEP community members interacting with state agencies via telephone.
- **Foster Ongoing Partnerships.** Encourage Language Access Coordinators to engage in ongoing partnership with regional and statewide advocacy and service organizations with strong connections to LEP populations to train agency staff on language access requirements, strategies for meeting these requirements and culturally sensitive approaches to interacting with local LEP populations.
- **Issue Guidance on Monitoring.** Based on these findings as well as further consultation with regional and statewide advocacy and service

organizations, issue guidance for Language Access Coordinators that identifies specific measures for annual assessment and outlines specific strategies for collecting and analyzing monitoring data. Facilitate sharing of best practices and lessons learned within and across agencies and regions.

- **Report Results of Annual Assessments to the Public.** Each Agency should provide data from its annual assessments to the Governor's office, which should compile and report findings on compliance with language access requirements in a form that is accessible and understandable to the public.

As noted above, county-managed agencies in jurisdictions that lack their own local language access policies represent a particular weakness in the current system. Advocates must redouble their efforts to support the expansion of local language access guarantees. The Governor's Office can support this process by facilitating the distribution of information on applicable Title VI requirements.

I. Introduction: Language Access in Context

The trend is clear. Immigration is one of many forces fueling our nation's increasing diversity. The Census Bureau estimates that 25 million Americans, or some 9% of the U.S. population, are Limited English Proficient (LEP), meaning they do not speak English as their primary language and have a limited ability to read, speak, write, or understand English. Immigrant populations are gravitating to states like New York that have long welcomed new Americans, but also to communities in the South and Southwest that have only recently begun attract new residents.²

These shifts are producing responses that vary from alarming to admirable. In states like Alabama and Arizona, lawmakers have enacted harsh, anti-immigrant measures that restrict the ability of immigrants to participate in the social, economic and political lives of their communities. These policies foster a climate of exclusion and fear by placing the economic and emotional well-being of individuals and families in jeopardy on a daily basis.

Other states, however, have responded by enacting affirmative, pro-immigrant policies that encourage immigrant integration and, ultimately, stronger, more vibrant economies and local democracies. Language access policies are an example of these. Momentum for measures that guarantee language assistance for seekers of public and private services is growing. These policies are intended to ensure that all Americans—regardless of what they look like, where they were born or the language they speak—are able to avail themselves of the full range of services and benefits that their tax and consumer dollars support.³

2 See Migration Policy Institute, Limited English Proficient Individuals: Number, Share, Growth and Linguistic Diversity 3 (2011) *available at* <http://www.migrationinformation.org/integration/LEPdatabrief.pdf>.

3 See Section II below for a more detailed discussion of New York State language access

Such language assistance—especially where public services and benefits are concerned—is critically important. For too many LEP Americans, applying for a license, filing a complaint or simply getting information is not just mildly frustrating; it's all but impossible. All too often, these individuals arrive at government agencies to find that interpreters are overwhelmed or simply unavailable and translated materials are not on hand. Frequently, they must recruit untrained friends and relatives—in many cases English-speaking children—to help them communicate. The confusion and errors that sometimes result can have serious consequences. For LEP Americans, as well as for the communities they are part of, the lack of effective language assistance services has serious and far-reaching impacts. A failed encounter with a government agency can prevent an individual from securing a driver's license that she desperately needs to commute to work, health benefits that will make critical care more accessible and income supports that will make it possible for her family to make ends meet. Language barriers that make it difficult for people to report crime, cite workplace violations, take advantage of health care that prevents the spread of disease or prepare for natural disasters and other emergencies also directly threaten the health and safety of the larger community.

Margaret from Central New York recounted, reflecting on her family's experience trying to secure health benefits years ago, "At the Department of Social Services, we were afraid of everything. We did not know where to go or whom to ask. We did not get Medicaid." This denial of benefits would compound the pain of a subsequent miscarriage, by placing additional financial pressure on the household.

II. Legal Framework

The legal obligation to provide language assistance for LEP individuals is grounded in Title VI of the Civil Rights Act. The landmark 1964 legislation outlawed discrimination on the basis of race, color or national origin by any federally funded agency or program.⁴ Ten years later, in *Lau v. Nicholas*, 414 U.S. 563 (1974), the Supreme Court held that the term "national origin" as used in the Civil Rights Act included discrimination on the basis of language. In 2000 with Executive Order 13166, President Clinton further outlined the responsibilities of federally funded agencies, including state agencies receiving pass through dollars, under Title VI. The Executive Order required federal agencies to develop policies and practices for ensuring meaningful access to their services for LEP Americans. In addition to evaluating and restructuring their own activities as

policies.

4 See 42 U.S.C.A. §2000d.

necessary, these entities were also required to ensure that agencies they funded guaranteed meaningful access for LEP applicants and beneficiaries in turn.⁵

In subsequent years, affirmative state and local language access policies have developed increasing momentum, particularly in jurisdictions with large and growing immigrant populations. New York has long been a leader in this respect. In 2008, Mayor Bloomberg signed Executive Order 120, requiring New York City agencies providing direct public services to members of the public to designate Language Access Coordinators and develop language access policies and plans. Under Executive Order 120, these plans must include steps to identify and translate essential public documents, to provide interpretation services in the top six languages spoken by LEP city residents, to train frontline staff to comply with policies, post signage on-site announcing the availability of language access services, monitor the provision of these services and take affirmative steps to inform LEP residents about the availability of the services.⁶ Issued in November of 2012, Suffolk County Executive Order 10 requires county agencies providing direct services to residents to furnish competent oral and written language assistance for LEP individuals.⁷

New York State, under Governor Cuomo's leadership, has established itself as a national leader. With the issuance of Executive Order 26 in October of 2011, the state sent a powerful message about New York's commitment to immigrant communities. The Order, the first of its kind at the state level, stood in sharp contrast to many of the aggressively anti-immigrant policies that were garnering public attention at the time. Much like the New York City policy, the state Executive Order required each state agency providing direct services to New Yorkers to:

- **Translate vital documents into the top six languages spoken by LEP residents of New York State;**
- **Provide interpretation for LEP individuals in their primary language with respect to the provision of services or benefits;**
- **Publish a language access plan every two years that includes plans for ensuring compliance and progress since publication of the previous version; and**
- **Designate a language access coordinator with responsibility for collecting data on measures related to the provision of services.**

This report is part of continuing efforts by CPD, MRNY and our partners to assess the collective impact of these policies on the ability of LEP New Yorkers to secure crucial benefits and services and, ultimately, to achieve equity for immigrant New Yorkers.

5 See Exec. Order No. 13,166, 65 Fed. Reg. 150, 121 (Aug. 16, 2000).

6 See New York City Exec. Order No. 120 (July 22, 2008).

7 See Suffolk County Exec. Order No. 10 (Nov. 9, 2012).

III. Research Methodology

Beginning in the spring of 2012, MRNY, CPD and our partners across the state began surveying LEP individuals in five regions: New York City, Long Island, Albany, Central New York and Buffalo. Collection of this initial baseline data was followed by collection of surveys from, and interviews with, LEP individuals who had interacted with state- and county-run agencies administering state benefits and programs during late 2012 and early 2013. In addition, interviews were conducted with selected respondents in order to get a more nuanced sense of their interactions with the agencies. Onsite visits were conducted at the state- and county-run offices of Department of Motor Vehicles (DMV), Department of Labor (DOH), Workers Compensation Board (WCB) and Division of State Police (DSP) sites across the state. Monitors also evaluated services provided to individuals who contacted the agency via telephone and reviewed agency websites to assess the availability of information about language assistance services and documents in non-English languages.

A. Surveys

The data on which this study is based were collected by staff, members and volunteers affiliated with Make the Road NY (MRNY) in New York City and Long Island, the International Institute of Buffalo (IIB) in the Buffalo area, the Multicultural Association of Medical Interpreters (MAMI) in Central New York and the Center for the Elimination of Minority Health Disparities (CEMHD) in the Albany area.

The Long-Form survey⁸ was modeled after similar instruments that had been developed by MRNY for use in previous research and was reviewed by partners prior to finalization. At the beginning of each phase, surveying organizations received a short training from CPD staff to ensure effective use of all instruments. Surveys were collected in a range of local settings, including at agency offices, area community organizations and local businesses. Surveyors administered the surveys to LEP individuals in their primary languages. Partners then collected and scanned individual surveys and sent them to CPD, where the results were tabulated.

B. Interviews, On-Site Visits, Telephone Monitoring & Web Reviews

The goal of the surveys conducted, and the overall research design, was to provide a snapshot of the perspective of LEP community members' interactions with important government agencies. To provide a more complete picture of LEP individuals' interactions with state agencies and, importantly, the impact that the provision or denial of language access services had on these individuals, we also conducted follow up interviews with selected survey participants. These data were then coded and analyzed for common

8 See Appendix C.

themes. These interviews also yielded individual stories that have been incorporated throughout this report.

The on-site monitoring instrument was designed to capture information about the existence of signage related to the availability of language access services as well as the nature of interactions with frontline agency staff. Because multiple partners were uncomfortable with a “secret shopper” approach in which they would conceal their own English language proficiency, we used a “request on behalf” model, by which monitors would seek information on behalf of LEP individuals, instead. On-site monitors visited 19 county- and state-run sites of the Department of Motor Vehicle (DMV), Department of Labor (DOL) One-Stop Career Centers, Workers Compensation Board (WCB) offices and Division of State Police (DSP) locations across the state. Monitors requested vital documents that agency Language Access Plans indicated were available in particular non-English languages.

Telephone and web reviews were designed to capture information about the navigability of telephonic and Internet-based agency portals. Project staff and volunteers also made 19 phone calls to DMV, DOL, WCB and DSP locations across the state. In addition, with services and information increasingly migrating to the web, we reviewed agency homepages in search of information about the language assistance services. In addition, monitors conducted 13 reviews of state agency websites in order to assess availability of basic application or explanatory materials in non-English languages.

While the research resulted in rich and varied data about the experiences of LEP New Yorkers, it did not allow for assessment of all access limitations confronting New Yorkers. We did not, for example, have the resources or capacity to assess the degree to which the state is meeting the needs of visually impaired and hearing impaired residents. Importantly, the responsibilities of state agencies related to New Yorkers with these and other disabilities are set forth in the Americans with Disabilities Act (“ADA”), which offers a broad range of protections.

C. The Sample

Because Executive Order 26 is the nation's first state-level language access policy, we were eager to capture data from the months preceding and following its initial implementation. Our partners collected 413 surveys from LEP individuals in the five designated regions prior to October 2012, the policy's full implementation date. Following the implementation deadline, our partners collected over 500 more long-form surveys from LEP individuals in each region. This research design allowed us to sample both significant numbers of Spanish-speakers—the original targets of the survey—as well as speakers of other languages.

The locations selected for surveys, site visits and testing were chosen based on a list of locations provided on the relevant state agency's website as sites where New Yorkers could access the services provided by that agency. It is worth noting

that several state agency programs are often administered at the local or county level, so state agency websites frequently point New Yorkers to county-run offices for service. The Office of Temporary and Disability Assistance (OTDA), for example, which provides essential survival benefits such as food stamps for New Yorkers, administers its programs through local departments of social services located in each county across the state. Similarly, the Department of Motor Vehicles (DMV) often deputizes local county clerks to perform DMV duties. Since the objective of our report was to provide a snapshot of the community-level experiences of LEP New Yorkers attempting to access state services, we included local offices in our monitoring. In many counties, local- or county-run offices are the only option for community members to receive in-person assistance for state services that they are seeking. However, we have been told by state staff that county-run agencies do not fall within the ambit of Executive Order 26.

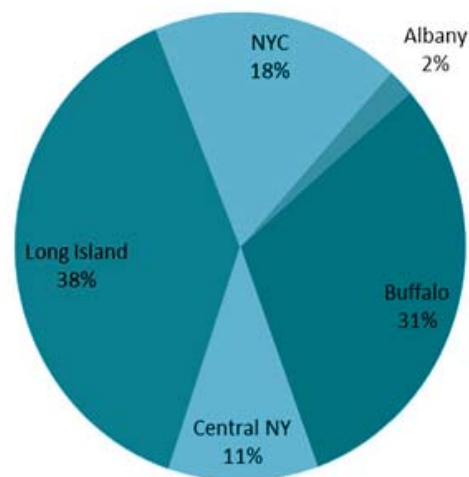
IV. Findings

Our research reveals that while recently-enacted language access policies represent important steps toward guaranteeing access to government services for LEP New Yorkers, there remains a significant amount of work to be done to ensure that these agencies are fully addressing the needs of New Yorkers for whom English is not a primary language.

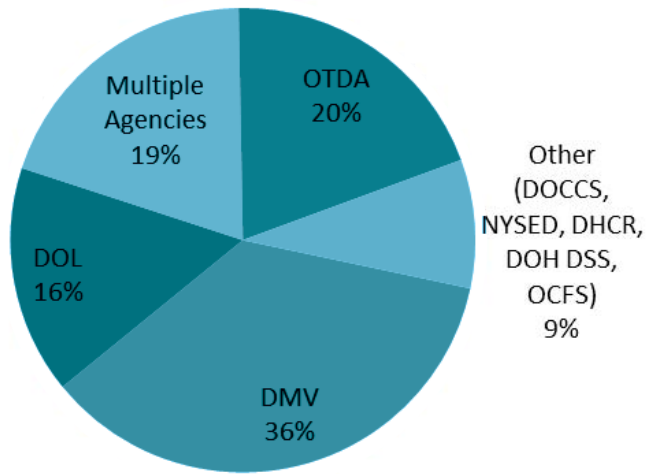
B. Overall Sample Characteristics

During late 2012 and early 2013, we and our partners surveyed LEP New Yorkers, generating a sample of 503 individuals from across the five regions.

Total LEP Respondents by Region

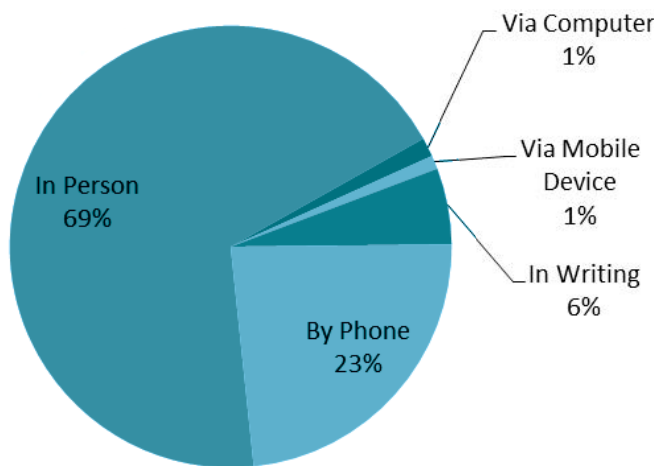


Some partners had particular difficulty identifying LEP who had interacted with key agencies, resulting in underrepresentation of individuals regions in the overall sample. Residents of Long Island represented 38% of participants, followed closely by residents of the Buffalo area, who composed 31% of the sample. New York City residents composed 18% of those sampled, and residents of Central New York composed an additional 11% of respondents. Only 2% of participants were from the Capital region.



Total LEP Respondents by Agency Visited

Spanish speakers were heavily represented with 63% of respondents claiming Spanish as their primary language. Other languages reported by large numbers of respondents included Karen, Nepali and Swahili. Consistent with this, the majority of respondents reported hailing from Latin America, with El Salvador, Mexico and Ecuador being the most commonly reported Latin American countries of origin. Frequently reported non-Latin American nations of origin included Burma, Bhutan and the Democratic Republic of the Congo, due to the large refugee communities in many parts of upstate New York.



Method of Contact with Agency

By far, the Department of Motor Vehicles (DMV) was the agency with which most respondents reported interacting, with 36% of participants saying they had visited in order to secure a driver's license or register or vehicle. These

interactions included both state- and county-run offices of the DMV. Twenty percent of participants reported visiting state or county-run offices of the Office of Temporary and Disability Assistance (OTDA) in order to get food stamps, cash assistance, welfare or child support services. Another 16% of participants reported seeking unemployment, wage claim or job search and preparedness services from the Department of Labor (DOL), either a state or county office. Nine percent of respondents sought other services including Medicaid benefits from the Department of Health Division of Social Services (DOH DSS), services provided by the Division of Housing and Community Renewal (DHCR), professional licenses and special education services from the Education Department (NYSED) and the Office of Children and Family Services (OCFS). Nineteen percent of respondents reported that they had visited multiple New York State agencies or their county-run branches.

Unsurprisingly, the most common reason for agency interaction was the need to secure or renew a driver's license (27%). However, large proportions of respondents also reported seeking food stamps (21%), vehicle registration (15%), cash assistance (13%) and Medicaid benefits (12%) as well.

Because government services—whether at the local, state or federal levels—are increasingly migrating to the Internet, respondents were also asked whether they had access to a computer with a reliable Internet connection. Only 38% of respondents reported having such web access. Sixty-two percent of participants reported that they did not. This underscores the continuing importance of investing in high-quality language access services at agency offices and via telephone, even as the state opens new avenues for engagement. This finding was also consistent with respondents' answers concerning their means of interacting with agencies. The vast majority—some 69% of respondents--reported contacting agencies in person. Twenty-three percent said that they had interacted with the agency by phone and 6% in writing. A mere two percent reported having accessed agency services online. These respondents were just as likely to have visited agency sites using a computer as they were to have done so on a mobile device.

Forty five percent of respondents reported receiving interpretation in interactions with agencies. In 48% of these interactions, respondents noted they had received assistance from an in-person interpreter. Assistance from a bilingual staff member was reported in 19% of interactions, telephonic interpretation services were used in 10% of these interactions, and other forms of assistance, such as pre-recorded messages, were reported in 23% of these cases. Of these respondents, 61% reported that the interpretation services they had received allowed them to secure the information or services they had been seeking. An additional 21% reported that the interpretation provided allowed them to meet these needs to some degree. However, 19% felt their needs had not been met at all.

Recently enacted state and local executive orders provide that agencies need only provide translated documents in the top six languages spoken in the state (though they are, of course, able to provide more if they wish). Of the top

six languages in New York State, Spanish was the only one with significant representation in our sample, and it is unsurprising that all individuals who reported receiving translated written materials claimed this as their primary language. Only 103 respondents, representing a mere 31% of the Spanish speakers in our sample, reported receiving written language assistance.

Similarly, the recently enacted orders focus translation requirements on “vital” documents, such as application, complaint and consent forms and notices of rights. Our survey was not structured in such a way as to determine whether those being surveyed asked for or were entitled to vital documents at the agencies they visited. We also did not ask community members to share copies of the documents or notices they did receive. Despite these limitations, however, we believe the data on the receipt of translated materials are nonetheless a helpful indicator of the agencies’ ability to communicate effectively with LEP New Yorkers seeking their services. After all, recently enacted language access policies at the state and local levels represent a floor, not a ceiling. And, importantly, of respondents who received translated materials 66% reported that these materials helped them to secure the services or information they had been seeking. Providing translated materials is therefore a valuable opportunity for agencies seeking to improve their interactions with LEP and immigrant community members.

Based on their agency interactions, the overwhelming majority of respondents—some 80%--reported that they expected to contact the agency in question next time they needed assistance. Respondents’ planned approaches for future agency contacts shed additional light on the situation. When asked what, if anything, they would do differently in future interactions with the agencies, 37% replied that they would bring an English speaking friend or relative along and 22% replied that they would seek assistance from a community or faith-based organization. This suggests that many respondents’ experiences have led them to believe that their needs will not be met by the agencies that are legally obligated to serve them.

A. Agency Interactions

The vast majority of respondents who shared information about specific agency interactions reported seeking services from three agencies—the Department of

	% Respondents Receiving Interpretation	% Respondents Receiving Interpretation	% Spanish-speaking Respondents Receiving Written Assistance	% Spanish-speaking Respondents Indicating Needs Met by Written Assistance
DOL	61	42	30	47
DMV	32	53	24	82
OTDA	55	88	55	80

Motor Vehicles (DMV), Department of Labor (DOL) and the Office of Temporary and Disability Assistance (OTDA).⁹

Comparison across these agencies indicates that all have considerable work to do in order to meet the needs of all New Yorkers. However, among the three, DOL appears to be the strongest performer with respect to the provision of interpretation for LEP New Yorkers, with 61% of respondents who engaged with the agency reporting that they received this type of support. However, when it comes to the helpfulness of interpretation services, OTDA appears to outpace the other two agencies, with 88% of respondents reporting that the interpretation they received there allowed them to secure the information or services they had been seeking. Across the board, however, rates of provision of translated materials appear to be relatively low, though OTDA again appears to be the strongest performer in this respect, with 55% of visitors in our sample reporting that they'd received translated materials. The data also suggest that OTDA's written materials are perceived as significantly more helpful than those provided by DOL or DMV.

The following sections provide a more in depth view of interactions with particular agencies across the regions drawing on both quantitative and qualitative data.

1. Department of Motor Vehicles (DMV)

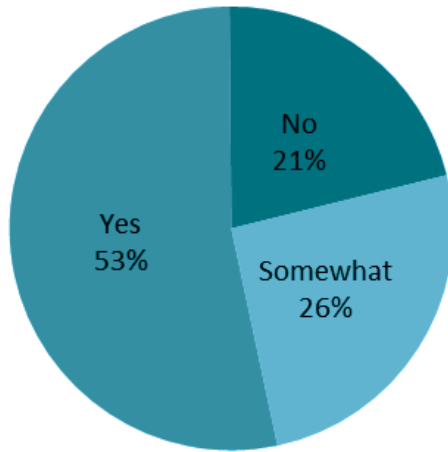
A total of 180 respondents across the regions reported interacting with DMV offices. The majority of these New Yorkers were Spanish speakers, though a wide range of other languages—including Nepali, French and Swahili--were also represented in the sub-sample.

Just over 80% of those who interacted with the DMV did so through in-person visits to agency offices, either state branches or country-run offices. Only 10% contacted the agency via telephone, 6% in writing and only 3% contacted the agency online. The majority of these contacts (100) were for the purpose of obtaining a driver's license, while the remaining visits were for vehicle registration or other purposes. Just 32% (57 of 180) of these respondents reported receiving some form of interpretation support.¹⁰ Just over half—53%--of respondents who indicated they had received interpretation services said that these services had allowed them to get information or services they needed. Another 26% said their needs had been met to some degree, and the remaining 21% reported that their needs had not been met.

⁹ A significant number of respondents also reported interacting with the Division of Social Services at DOH. However, the overwhelming majority of these respondents also reported on contact with other agencies, making it impossible to disaggregate.

¹⁰ These 57 respondents reported a total of 77 distinct interactions, with many reporting receiving multiple forms of oral assistance.

A mere 24% of Spanish-speaking respondents in the DMV sub-sample reported receiving written language assistance. Of these, however, 82% reported that the assistance they received met their needs. This suggests that by failing to provide translated materials to LEP speakers of covered languages, offices administering DMV services are missing a powerful opportunity. By simply distributing existing materials more broadly, the agencies administering these services could dramatically improve the quality of their language access services and the experiences of large numbers of LEP New Yorkers who visit the agency or its county counterparts. The agency would be wise to seize this opportunity. Eighty-nine percent of respondents indicated that they were either “very likely” or “somewhat likely” to seek DMV services again in the future.



DMV: If you received oral assistance, did it allow you to get necessary information or services?

While this quantitative data is helpful in providing a sense of respondents' experiences with the DMV, qualitative data gathered through interviews, site visits and phone and website reviews shed further light on the nature of these interactions.

Among those whom we interviewed who had sought services from the DMV, independence was a popular theme. Many noted that securing a driver's license or having access to a registered vehicle made them less reliant on others and, in turn, better able to meet their families' economic needs. One noted "Getting my driver's license made me an independent person because before I was dependent on someone else to go to work." This respondent emphasized that without the language access services that enabled him to secure his license his life would be "miserable." Another commented "Now I can transport myself without fear," noting "when I didn't have a driver's license, I had limitations for work and other things."

While it is clear that the licensing and registration services provided through DMV were highly valued by respondents, data from onsite visits provide suggest that DMV offices still fall short of offering the language access supports necessary to make these valuable services fully available to LEP New Yorkers. A total of five visits were conducted across the state. Monitors only reported seeing signage advertising the availability of language access services at one of the five locations. At four out of five sites, monitors did not report seeing such signs posted. In only two out of five visits did monitors report receiving a translated copy of the MV 44 license application form. Those who requested documents in Spanish were successful, while those who requested Chinese

translations were not, despite the fact that the DMV's Language Access Plan indicates that the application form has already been translated into both languages.¹¹ In a number of cases, monitors who requested but did not receive translated materials were told by DMV staff that translated versions were not available or encouraged to seek language assistance from community based organizations. When asked whether assistance would be made available if the monitor returned with an LEP individual, staffers at two DMV locations indicated that assistance would be provided via a telephonic interpretation service. Another was told a bilingual staff member would assist. However, two others were advised to get assistance from local community based groups.

Reviews of assistance provided over the phone also suggest DMV services must be improved. Monitors placed seven calls to DMV locations but were only able to connect to a live individual in two instances. In one such case, the monitor, speaking Spanish, requested assistance securing the license application form. He was first placed on hold and then connected to a staffer who took down his contact information and offered to send the form. Another monitor requested assistance for a Korean speaker and was connected with a staffer who was unsure whether anyone in the office spoke the language. The staffer then advised the monitor to come in for assistance but did not mention the availability of telephonic interpretation services. In the other five instances, the monitors were connected to an automated system that prompted them to indicate the language in which assistance was needed. However, the automated system then informed them that their calls could not be answered because call volumes were too high. Phone calls were then disconnected. In addition, as of the publication date of this report, the Department's homepage, while featuring a link to Spanish-language materials, did not include a general announcement about the availability of language assistance services or basic information about how to access those services.¹²

One story, shared by an LEP New Yorker who visited a state-run DMV office in the capital region illustrates the consequences of poor language access services for individuals as well as the state.

Elsa's son was murdered over three years ago. When she learned that someone had been using his license, she went to her area DMV office to inform them of his death and ask them to cancel his license. However, because interpretation was not provided, agency staffers were unable to understand the reason for her visit. When Elsa began to cry in frustration, no one offered help. Instead, they simply handed her paperwork and told her that someone would call her. In the months since then she has never received that follow-up call.

11 See New York State Department of Motor Vehicles, Language Access Plan for LEP Individuals 8-9 (Oct. 5, 2012)(noting that the MV 44 Application for Driver License or Non-Driver ID has been translated into Chinese and Spanish).

12 See <http://www.dmv.ny.gov/>. Spanish language materials are available via a link appearing at the top of the page. See <http://www.dmv.ny.gov/spanishhome.htm>.

Elsa reports that in the future, she will need to bring an English-speaking relative or friend with her to the agency. She has resolved to wait until her daughter has a day off so that the two can return to the DMV together, and her daughter can interpret for her. She has little faith that her language assistance needs will be met otherwise. “I know I need to bring someone with me to interpret,” she notes. “They can say there is a law, but the truth is nobody cares.”

In this case, the failure to provide language access services not only intensified the pain and anxiety associated with sharing an already difficult issue, it also prevented the DMV from identifying fraud that could have serious economic and public safety implications.

2. Department of Labor (DOL)

Just over half of the 80 respondents who interacted with the DOL did so in person. Another 41% made contact over the phone, while 6% connected with the agency online. A desire to secure unemployment insurance was the most popular reason for interacting with the agency, followed by queries concerning career services and wage claims. Sixty-one percent (49 of 80) of those who interacted with the agency reported receiving oral language assistance.¹³ Forty-two percent of those who received such assistance reported that it allowed them to secure necessary information or services. An additional 46% reported that this assistance met their needs to some degree.

Only 30% of Spanish speaking respondents reported receiving written assistance from the DOL or its county branches. Respondents reported that these materials were helpful, with 47% of the sub-sample reporting that the materials allowed them to meet their needs and 53% reporting that their needs were met to some degree. As with DMV, the data suggest that DOL must do a better job of getting these materials into the hands of speakers of covered languages who need them. The perceived usefulness of these materials also indicates making these documents more widely available would yield significant benefits for both the agency and LEP New Yorkers alike.

¹³ These 49 respondents reported a total of 56 distinct interactions with the agency, with many reporting multiple forms of assistance.

Marco's story demonstrates the impact that high-quality language assistance can have. Marco, a New York City resident, visited his local DOL office, where he was able to successfully file a wage claim. The funds that he eventually recovered allowed his family to cover critically important housing costs. Marco reported that without these funds, his family would have struggled to meet its basic financial needs. As a result of this experience, Marco reported that he was more willing to approach state agencies. "I have doubts about the ways they can help me, but [I'm] also more confident in approaching other services."

As with the DMV, the survey data suggest that regardless of the nature of their experiences with the DOL, the vast majority of respondents are likely to return as needs arise in the future. When asked, 83% indicated that they were either "somewhat likely" or "very likely to return to the DOL if they should need help with wage claims, unemployment benefits or job or career assistance.

On-site visits to DOL One Stop career centers by monitors from partner organizations revealed mixed results. Three out of five monitors reported seeing signage advertising the availability of language assistance services. In only one of five visits, however, was the requested document, the ES 100 Customer Registration Form, received.¹⁴ In three other instances, the monitor was told that translated document was not available or was instructed to find the information online. In another instance, the monitor was told that staff would use a telephonic interpretation service to communicate with the LEP New Yorker and help him or her to complete an English version of the form. When asked what sort of assistance would be provided if the monitor returned with an LEP individual, in two instances monitors were told that assistance would be provided through telephonic interpretation. However, in two instances, monitors were told that the Centers were not providing assistance to non-English speaking individuals because interviews were conducted in English only.

Telephone monitors reported mixed experiences with DOL phone systems with some receiving telephonic interpretation services almost immediately and others reporting difficulty navigating automated systems. Where web-based services were concerned, however, the Department of Labor has taken clear steps toward promoting accessibility for LEP New Yorkers, posting clear information about the availability of free language assistance services in covered as well as non-covered languages on its home page.¹⁵ Half of the monitors who further explored the DOL website reported that they were able to find translated materials in covered languages.

14 See Department of Labor, Language Access Plan for LEP Individuals 10 (Oct. 5, 2012) (noting that the ES 100 Customer Registration Form has been translated into Haitian Creole, Chinese, Russian and Spanish—the languages requested by our monitors).

15 See <http://www.labor.ny.gov/home/>.

3. Office of Temporary and Disability Assistance (OTDA)

A total of 99 participants reported interacting with OTDA. Of these, 75% reported visiting an agency site in person, while 17% reported contacting the agency over the phone. Just 7% initiated contact in writing, and roughly 1% engaged with the agency online. The most common reason for contacting the agency was to secure food stamps, with cash assistance, child support services and energy assistance following in that order.

Among respondents who interacted with OTDA, 55% (54 of 99) reported that they received interpretation services of some kind.¹⁶ However, these individuals were overwhelmingly positive about the quality of the support they received, with 88% reporting that their needs were met and an additional 4% reporting that their needs were met to some degree. A mere 8% of respondents indicated that the interpretation provided was not helpful.

Where written assistance was concerned, the results were consistent with those at the two other agencies. Only fifty-five percent (27 of 49) of Spanish speakers who interacted with the agency reported receiving translated written materials, but overwhelmingly, these individuals found them to be helpful. Some 80% of those who received these written language assistance reported that the materials helped them to secure the information or services they needed, and an additional 16% reported that these services helped to meet some of their needs. Based upon these interactions, 84% of participants reported that they would return to OTDA should they need assistance in the future.

Interview participants reported experiences with OTDA that were generally positive, with a number of participants sharing strong reviews of the language access services that had been provided by the agency. One individual commented, for example, “I feel safer.” She continued “If I don’t have anyone to help me, now I know the government has to offer materials in Spanish.” Another noted, “I have had good experience being able to communicate in Spanish ... and this makes me more willing to go to other agencies.” Still another noted that that as refugees, members of his community had limited ability to read and write. Without language access services, he observed, they were likely to encounter a multitude of problems.

¹⁶ These 54 respondents reported 67 distinct interactions, with many reporting multiple forms of assistance.

The experience of Alicia, a Long Island resident, sheds light on how competent, consistent language access services can translate into tremendous benefits for families. Alicia contacted OTDA in order to secure benefits from the Supplemental Nutrition Assistance Program (SNAP). The benefits she secured there allowed her family to meet needs they could not otherwise have addressed. For Alicia, the difference effective language access services and the benefits they have allowed her to secure have made in the life of her family are plain. She notes that the SNAP program has provided invaluable assistance for her and her children, allowing them to meet basic needs. “Without the food stamps,” she volunteers “the situation of my family would be a complete disaster.”

OTDA’s home page features clear, easy-to-locate information about the availability of language assistance services in Spanish, traditional Chinese and Russian as well as Arabic.¹⁷ In addition, those who click on the “Language Assistance” tab, will find access to further information in additional covered languages, including forms that may be used to alert the agency to inadequate language assistance services.¹⁸

4. Workers Compensation Board (WCB)

While we did not have a significant number of survey participants who reported visiting the Workers Compensation Board (WCB), we did conduct on-site visits, phone monitoring and website reviews for the agency. The data gleaned from these efforts suggests that WCB language assistance services, while quite strong in some respects, vary with the mode of agency interaction.

The research suggests, for example, that the WCB has successfully implemented some measures designed to provide language assistance for LEP New Yorkers who contact the agency in person. Monitors who visited WCB locations in each of the five regions reported seeing signage advertising language access services posted at all sites. Two out of five monitors noted that signs were posted both in the general waiting area and at the receptionists’ stations. Three out of five monitors reported receiving the “C3 Employee Claim” form in the languages they requested.¹⁹ When monitors asked whether an interpreter would be available if they returned with a LEP individual, all were told assistance would be made available via telephonic interpretation. Three out of five commented

17 See <http://otda.ny.gov/>.

18 See <http://otda.ny.gov/language/access/>.

19 Monitors received forms in Italian, Spanish and Russian. The WCB’s Language Access Plan identifies the C-3 form as a vital document, and the agency’s website includes Spanish, Chinese, Korean, Russian, Polish and Haitian Creole translations.

that agency staffers were very helpful—providing additional instruction on how to fill out forms, printing English forms for reference and explaining strategies for obtaining services over the phone. One of these reported that frontline staff members who were unable to locate hardcopies of documents in the requested language were both extremely apologetic and resourceful. After searching the agency website for the translated documents, the staff at the Albany office located them but discovered that they were not marked in a way that would be identifiable to staff who were non-speakers. Recognizing this as a barrier to the provision of language assistance for LEP New Yorkers, these frontline staff members volunteered to take the issue to management for resolution.

Analysis of phone reviews, however, suggests more mixed results. A total of nine calls were placed by three monitors—bilingual Korean speakers and Spanish speakers—to Workers' Compensation Board offices in New York City, Long Island, the Albany area, Central New York and Buffalo. Interestingly, the Korean speaking monitor reported a consistently high-quality experience. In each of her five calls, once she communicated in English that she needed assistance in Korean, she was connected to a telephonic interpretation service. The staff member, with the help of the telephonic interpreter, then guided her to the online location of the C3 Employee Claim form.

Interestingly, the Spanish speaking monitors reported a less consistently positive set of interactions. One of these monitors was able to connect to WCB staff in both of his two calls and was either faxed the requested document or referred to the agency website. Another Spanish-speaking monitor, however, reported a very different experience.

Hector called Workers' Compensation Board district offices in Buffalo and Syracuse in hopes of speaking to staffers who could help him understand the services available for LEP New Yorkers. Instead, however, he was connected to an automated message in English, followed by prompts that led him to a Spanish language message. Each time, the message explained that no operators were available and that he should call back the following day. And each time, his call was then dropped. He was unable to reach a live individual at any point. For Hector, a monitor, there was little at stake. But for an actual LEP New Yorker, disconnected calls like these can translate into missed opportunities to secure well-earned and much needed benefits.

Similarly, the assistance made available via the web does not appear to be as helpful as that available to those who visit WCB locations in person. At the time of this report's publication, the agency's home page featured no information about the availability of free language assistance services.²⁰ In addition, web monitors generally reported difficulty finding information

20 See <http://www.wcb.ny.gov/>.

about WCB services in their languages. None reported finding information about language access services in their assigned languages on the website. One noted that the Google translate feature that had been built into the site, while somewhat helpful, often produced translations that were grammatically incorrect and confusing as a result.

5. Division of State Police (DSP)

While our survey sample did not include individuals who had reported interacting with the Division of State Police (DSP), on-site visits, phone reviews and web reviews suggests the agency has significant work to do in order to provide consistent, competent language assistance to LEP New Yorkers.

The results of the on-site visits suggest that the Division of State Police must dedicate particular effort to improving the services it provides for LEP individuals during in person interactions. Monitors searched for postings related to language access services and also requested Spanish translations of the “GENL 59 NYS Crime Victim and Witness Assistance Program” form, a vital document according to the Division’s language access plan.²¹ Only one of the four monitors who visited locations in Albany, Central New York, Long Island and Buffalo reported seeing signage advertising language access services. One monitor, who visited a location in the capital region, reported that the trooper who assisted her was very helpful, searching several files and the website for the form. When this trooper was unable to find the form, he provided the monitor with the number for the English and Spanish domestic violence hotlines.

Others, however, reported being intimidated by the state police officers. Yolanda, a monitor who visited a station in Long Island, recalled “This was a very negative experience. I was questioned aggressively about my credentials and about the nature of MRNY. I was asked if it was a “liberal” organization. There was confusion on their part about the effective date of Executive Order 26 and whether they were exempt or not. Upon giving them my business card and [my supervisor’s] email, they requested my license and took it to a back room, presumably to run a check on it.”

In this case, a request for basic information about a program designed to support victims of and witnesses to crime was met with a response that would deter all but the most determined New Yorkers from future engagement with the State Police, if not all law enforcement. The monitor, an experienced organizer

²¹ See Division of State Police, Language Access Policy for LEP Individuals 8 (Oct. 5, 2012) (Noting that the GENL 59 NYS Crime Victim and Witness Assistance Program form is currently translated into Spanish, the language requested by our monitors).

and advocate who is bilingual, noted the feelings of fear and discomfort that this interaction provoked. It is not difficult to imagine the more dramatic impact such an interaction would likely have on an LEP crime victim seeking information or assistance from the agency.

Monitors who placed calls to Division of State Police (DSP) stations in Central New York, New York City and the Albany area reported mixed responses. One monitor, who called an Albany-area station and requested assistance in Korean, reported that the officers handed the phone to one another and could be heard laughing and joking in the background before eventually hanging up. Two monitors who called and requested oral language assistance were not offered telephonic interpretation services but were instead referred to the New York State Office of Victim Services (OVS). Of these, one reported that OVS connected her to a telephonic interpreter but only after the monitor waited on hold for 20 minutes. Another, following connection to OVS, became trapped in a loop of prompts. When the monitor attempted to connect with a live staffer, he encountered an automated message reporting that the line was busy. In addition, reviews of the DSP website suggest that it is not a helpful resource for LEP New Yorkers. The agency's home page features no information about the availability of free language assistance services, whether in English or any other language. In addition, monitors who reviewed the DSP website reported being unable to find links to information about DSP services, applications or informational forms in their assigned languages on the site.²²

V. Recommendations

Taken together, the quantitative and qualitative data suggest that there is still much that must be done to guarantee that the needs of Limited English Proficient New Yorkers are met in interactions with government agencies. It suggests that despite recently enacted executive policies at the state and county levels, the lack of a uniform policy requiring competent, consistent interpretation and translation for LEP New Yorkers continues to result in unmet needs. In particular, too many LEP New Yorkers are relegated to county-managed agencies that are subject to neither state oversight nor county-level policies. And in too many cases, upon passing through the doors of these institutions, they receive assistance that is inadequate at best.

To date, the Governor and his staff have demonstrated their desire to lead in the area of language access policy, issuing a first-of-its-kind state policy, providing support for agency implementation and remaining engaged with advocates' monitoring efforts. These initial steps are already translating into improved services and access to life-changing benefits for many New Yorkers, and we are appreciative that the Governor has been receptive to the concerns we have raised with his office as a result of this research. However, in the coming months and years, we urge the Governor and his staff to use all tools at their disposal

22 See <http://www.troopers.ny.gov/>.

to ensure that quality, competent language assistance services are provided for all LEP New Yorkers.

- **Improve Access to Interpretation.** Direct Language Access Coordinators to observe and consult with frontline agency staff in order to better understand barriers to the provision of interpretation for LEP New Yorkers. Provide further training and technical assistance to frontline staff to address these challenges.
- **Improve Access to Written Language Assistance.** Direct Language Access Coordinators to observe and consult with frontline agency staff in order to better understand barriers to the provision of translated documents. Provide training and technical assistance to support effective identification and distribution of translated materials for speakers of covered languages. Provide technical assistance to ensure that staff are all aware of, and can recognize and access, translated documents.
- **Develop and Distribute Guidance on How to Improve Services for LEP New Yorkers Who Interact with Agencies Via Telephone and the Web.** These materials should include guidance on the use and placement of multilingual messages concerning the availability of language access services on agency websites, how to enhance navigability of automated telephonic systems and the use and ordering of multilingual prompts. .
- **Foster Ongoing Partnerships.** Encourage Language Access Coordinators to engage in ongoing partnership with regional and statewide advocacy and service organizations with strong connections to LEP populations to train agency staff on language access requirements, strategies for meeting these requirements and culturally sensitive approaches to interacting with local LEP populations.
- **Issue Guidance on Monitoring.** Based on these findings as well as further consultation with regional and statewide advocacy and service organizations, issue guidance for Language Access Coordinators that identifies specific measures for annual assessment and outlines specific strategies for collecting and analyzing monitoring data. Facilitate sharing of best practices and lessons learned within and across agencies and regions.
- **Report Results of Annual Assessments to the Public.** Each Agency should provide data from its annual assessments to the Governor's office, which should compile and report findings on compliance with language access requirements in a form that is accessible and understandable to the public.

As noted above, county-managed agencies in jurisdictions that lack their own local language access policies represent a particular weakness in the current

system. Advocates must redouble their efforts to support the expansion of local language access guarantees. The Governor's Office can support this process by facilitating the distribution of information on applicable Title VI requirements.

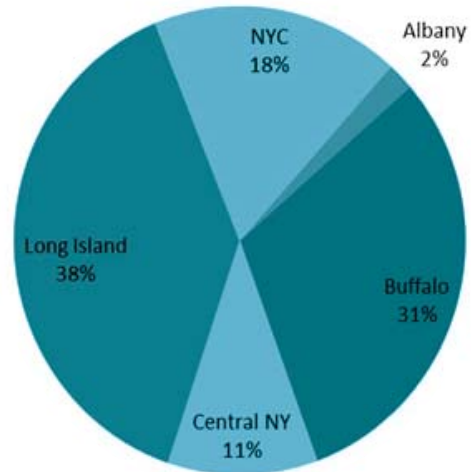
As the data and case studies in this report suggest, improving these services is not merely a matter of legal obligation. Rather, this assistance has the potential to unlock benefits and services that can dramatically improve a health, stabilize finances and enhance quality of life not just for LEP individuals and their families but for all New Yorkers.

Appendix A

Selected Tables & Charts Derived from Survey Data

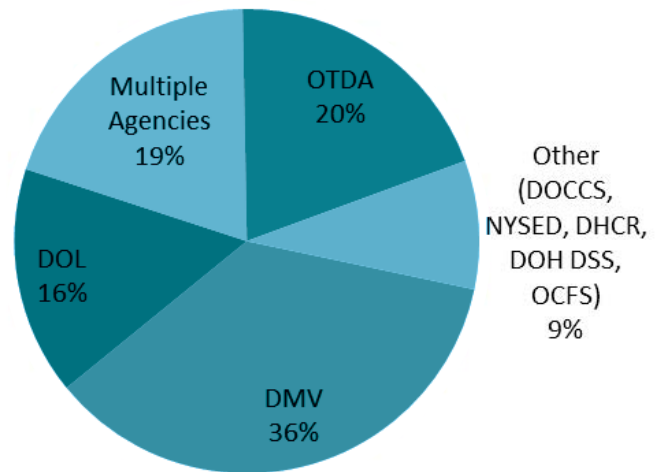
Total LEP Respondents by Region

Total LEP Respondents by Region	
Albany	11
Buffalo	175
Central NY	61
Long Island	220
NYC	101
(blank)	2
TOTAL	570



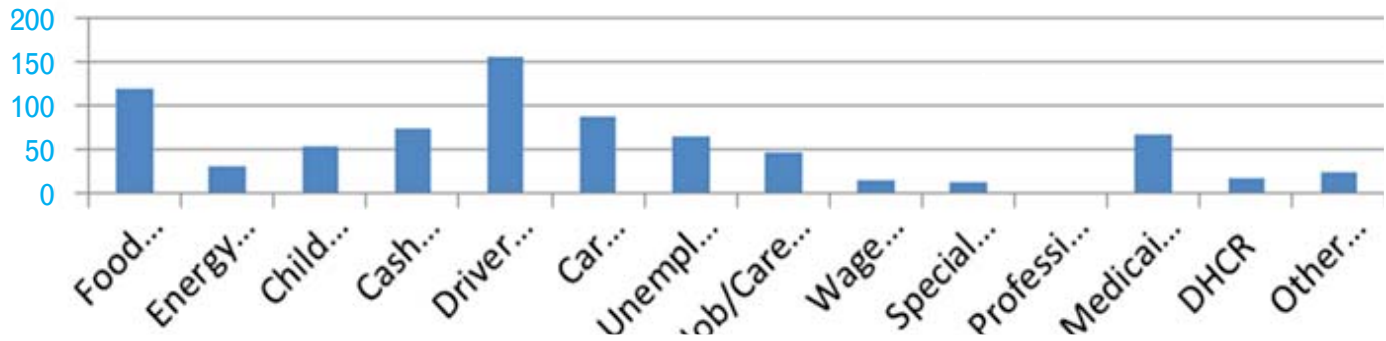
Total LEP Respondents by Agency Visited	
DMV	180
DOL	80
Multiple Agencies	99
OTDA	99
Other (DOCCS, NYSED, DHCR, DOH DSS, OCFS)	45
TOTAL	503*

Total LEP Respondents by Agency Visited



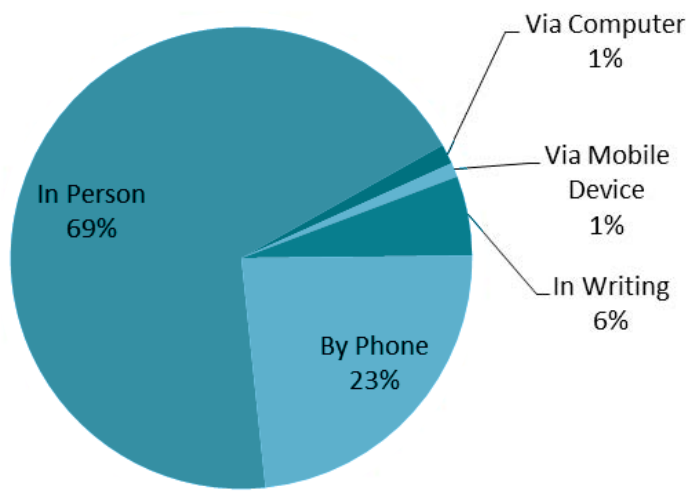
*Note: 67 surveys excluded for lack of LEP status, lack of state agency interaction, critical blanks.

Total Services/Assistance Sought by LEP Respondents



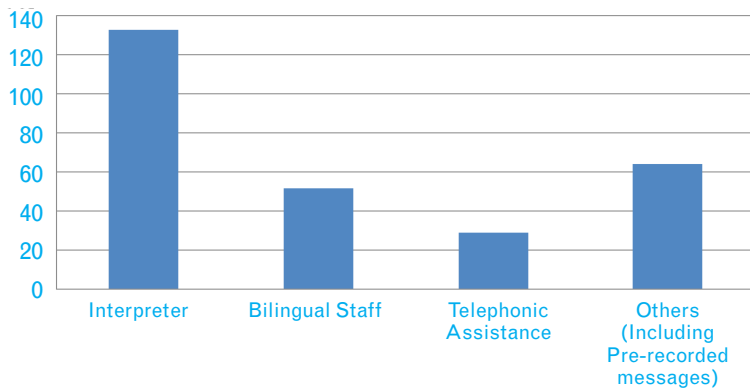
Total Services/Assistance Sought by Respondents	Responses
Food Stamps (OTDA)	119
Energy Assistance (OTDA)	31
Child Support Assistance (OTDA)	53
Cash Assistance/Welfare (OTDA)	74
Driver License (DMV)	155
Car Registration (DMV)	87
Unemployment Insurance (DOL)	64
Job/Career Center (DOL)	46
Wage Claim (DOL)	14
Special Education Services (NYSED)	13
Professional License (NYSED)	1
Medicaid Benefits (DOH DSS)	68
DHCR	16
Other Assistance	25

Method of Contact with Agency



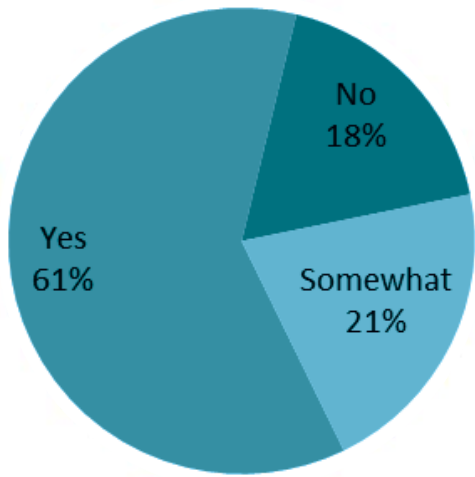
Method of Contact	Count
In Person	344
Via Com-puter	7
Via Mobile Device	5
In Writing	28
By Phone	118
TOTAL	502

Form of Oral Assistnace



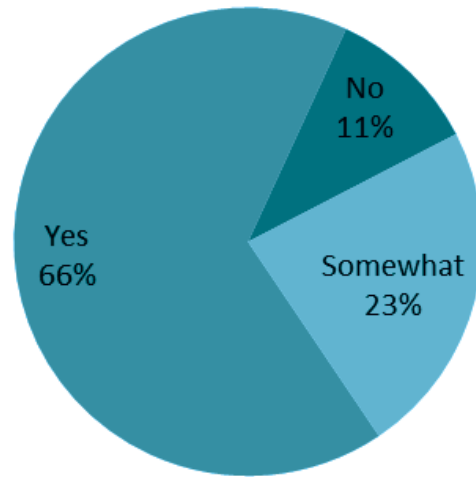
Form of Interpretation Services	Count
Interpreter	133
Bilingual Staff	52
Telephonic Assistance	29
Other (including pre-recorded messages)	64
TOTAL	278

If you received oral assistance, did it allow you to get necessary information or services?



Interpretation Helpful	
Yes	122
No	36
Somewhat	42
TOTAL	200

If you received written assistance, did it allow you to get necessary information or services?



Written Assistance Helpful	
Yes	63
No	10
Somewhat	22
N/A	3
TOTAL	98

Appendix B

Interview Theme Tables

Impact of Provided Services	Number of Responses	Percentage
Allowed us to pay for food	6	17%
Allowed us to pay rent	5	14%
Allowed us to pay utilities	2	5%
Allowed us to cover health care costs	6	17%
Allowed us to get important information	1	2%
Allowed us to “make ends meet”/cover living expenses	11	31%
Allowed us to meet general family needs	4	11%
TOTAL	35	100%

Strategies for Dealing with Lack of Assistance	Number of Responses	Percentage
Received translation or interpretation assistance from a child	5	24%
Received translation or interpretation assistance from an untrained relative	5	24%
Returned to the office on multiple locations seeking assistance	1	5%
Received translation or interpretation assistance from an untrained friend	7	33%
Received translation or interpretation assistance from a faith or community-based organization	3	14%
TOTAL	21	100%

Strategies for Meeting Needs w/o Agency Services	Number of Responses	Percentage
Did without services	4	33%
Secured services from a faith-based or community organization	1	8%
Friends and family provided help	6	50%
Cut back other expenses to cover costs	2	16%
TOTAL	12	100%

Appendix C

Executive Order Monitoring Project

LONG-FORM SURVEY

Surveyor's Name _____ Surveyor's Organization _____

Date _____ Location of Survey _____

Interviewer Read:

We are from the community based organization _____. Together with other groups around the state, we're conducting a survey to learn about your experiences using languages other than English in your encounters with government. Can we ask you some questions?

Before we begin, I just want to let you know that all of the information you give us will remain confidential. We will not write down your name. No information about you will be shared with any government agencies. You may refuse to answer or skip any question that you do not feel comfortable answering, and we appreciate your honest responses. We hope that your answers will make your future visits to government benefits offices better.

This survey will take 15 minutes. Would you like to continue?

If YES: Continue

If NO: Thank them for their time

Great! Thanks for agreeing.

LEP Status

1. *Do you feel comfortable speaking English when visiting or interacting with government offices?*

Yes

No

[If YES – end the interview politely. (We're only interviewing clients who can't get their needs met using English)]

If NO, what language do you feel comfortable using?

Spanish

Other _____

Government Encounters

2. *Have you interacted with any government agencies since October 5, 2012? Interactions include contacting an agency by phone or the internet, making an application for benefits or services, or in-person visits and encounters.*

Yes

No

[If the respondent is unsure, use the attached guide to pose prompting questions to help determine whether the respondent has interacted with a state agency]

a. *If yes→Can you tell me which agencies you interacted with? (Try to obtain as complete a list of agencies as possible.)* _____

b. *If no→Thank the individual for their time; the survey is over. (We are only surveying those individuals who have had interactions with government agencies.)*

Specific Agency Experience

I'd like to ask you some questions about your most recent experiences with state agencies. Since October 5th, have you sought assistance from any state agencies, whether in person, on the phone or on-line?

[Use the attached guide to identify which of the agencies identified by the respondent is a state agency. Use the name of that agency to complete the rest of the survey.

If NONE→Thank the respondent; the survey is over.

If MORE THAN ONE →Ask the respondent to describe his/her experience with each agency.]

During your last interaction with the [NAME OF AGENCY]:

3. *How did you attempt to contact the agency?*

An in-person visit

Through the web

i. *Via computer?*

ii. *Via mobile device|phone?*

By writing (letter, application, etc)

By phone

Other _____

4. *Do you have access to a computer with a reliable Internet connection that you could use to visit the agency website or apply for services online?*

Yes

No

5. *What type of assistance were you seeking from [NAME OF AGENCY]?*

Food stamps

Energy assistance

Cash assistance or welfare

Driver's license (new or renewal)

Register car

Child Support services

Unemployment benefits

Job or career center services

Wage claim

Special education services for child

Professional license

Medicaid benefits

OTHER _____

6. *Did the agency give you any help with oral communication in [respondent's language] during your last interaction?*

Yes

No

N/A [select if no oral communication]

If YES, what kind?

An in-person interpreter helped you speak with someone that does not speak your language

Bilingual staff person

Interpreter available by phone

Other

7. *During this interaction, did you receive any materials that were written in your language?*

Yes

No

N/A [select if no oral communication]

8. After your interaction, did you receive any materials in the mail from the agency that were translated into your language?

- Yes No N/A [select if no oral communication]

If YES, were ALL or SOME of the materials translated into your language

- All
 Some

9. Did the oral language assistance that was provided allow you to get the information or services needed from the agency?

- Yes No
 SOME, BUT NOT ALL. Please Explain _____

10. Did the written language assistance that was provided allow you to get the information or services needed from the agency?

- Yes No
 SOME, BUT NOT ALL. Please Explain _____

11. Based upon this interaction, how likely are you to contact this agency next time you need assistance?

- Not Likely Somewhat Likely Very Likely

12. Based upon your recent experience with [Agency Name], will you do anything differently next time you need assistance from this agency?

- No, Will take same approach;
 Will go in person
 Will access website
 Will write letter
 Will make phone call
 Will get assistance from English-speaking friend or relative
 Will seek assistance from another organization. What organization? _____
 Will not seek assistance from agency again

Demographics

13. (Circle the respondent's Gender. DO NOT ASK) FEMALE MALE
14. What year were you born? _____
15. Where were you born? _____
16. What zip code do you live in? _____

Follow-Up

17. Would you be willing to be interviewed at greater length about your experience seeking government
- Yes No

18. If so, what is the best way to contact you?

Phone: _____

E-mail: _____

19. If so, When is the best time to contact you? _____

Thank you for your time!

Appendix D

Guide Sheet

The purpose of this guide is to help you, the surveyor, identify whether the individuals you are surveying have had interactions with a *state* agency as compared with a local or federal agency, as our survey is only focused on *state agencies*. In the left column are the names of some frequently encountered state agencies. In the right column are prompting questions that can help you determine whether a respondent has had an encounter at one of these state agencies. Usually people do not know the official name of the agency they visited, but they do know whether they went in to apply for Medicaid benefits or tried to get a driver's license at the DMV. You do not have to ask respondents *all* of the questions in the right-hand column, and these agencies and questions are not comprehensive. You should simply use these questions as a way to prompt and help the respondent to figure out if he or she had a recent encounter with a government agency.

In addition, on the back of this sheet there is a more complete list of state agencies covered by Executive Order 26. If a respondent mentions any of these agencies, you should complete the survey.

Name of Agency	Prompting Questions
Office of Temporary & Disability Assistance	Have you recently tried to apply for or do you receive food stamps, energy assistance, or cash assistance/welfare ? Have you tried to get child support services ?
Department of Labor	Have you recently tried to apply for or do you receive unemployment benefits ? Have you visited or interacted with a local job or career center ? Have you tried to file a wage claim ?
Department of Motor Vehicles	Have you tried to obtain or renew your driver's license ? Have you tried to register your car ?
State Police	Have you been stopped at a traffic checkpoint ? Did you receive a ticket for speeding on the highway ?
Department of Education	Have you recently tried to obtain special education services for your child? Have you recently tried to get a professional license ?
Department of Health	Have you recently applied for or do you receive Medicaid benefits ?

List of Agencies

Office for the **Aging**

Office of **Alcoholism and Substance Abuse Services**

Office of **Children & Family Services**

Department of **Correctional Services & Community Supervision**

Division of **Criminal Justice Services**

Empire State Development

Department of **Health**

Office of **Mental Health**

Department of **Environmental Conservation**

Division of **Housing & Community Renewal**

Division of **Human Rights**

Department of **Financial Services**

Department of **Labor**

Department of **Motor Vehicles**

Department of **State**

Office of **Parks, Recreation and Historic Preservation**

Office for the Prevention of **Domestic Violence**

Division of **State Police**

Office of **Temporary and Disability Assistance**

Division of **Veterans' Affairs**

Workers Compensation Board

Department of **Public Service**

Office for People With **Developmental Disabilities**