

LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: New York State Insurance Fund

Effective Date of Plan: October 5, 2012

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PART 1 – INTRODUCTION

Pursuant to Executive Order No. 26 (“Statewide Language Access Policy”), we have prepared this Language Access Plan (“Plan”) that sets forth the actions we will take to ensure that persons with limited English proficiency (“LEP”) have meaningful access to agency services, programs, and activities.

Statement of Agency Services to the Public: NYSIF is a full-service, competitive insurance carrier specializing in both workers’ compensation (on-the-job injuries and illnesses) and disability benefits (off-the-job injuries and illnesses) insurance in the state of New York.

The Workers’ Compensation Law requires virtually all employers operating in New York State to have workers’ compensation coverage for their employees. New York is one of a handful of states that requires covered employers to provide disability benefits coverage to employees for an off-the-job injury or illness.

In developing this plan, we have understood LEP individuals to be persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. We will reassess language needs annually and update this plan every two years.

PART 2 – ASSESSING LEP POPULATION LANGUAGE NEEDS

The estimated total number of individuals in our service area is: NYSIF has approximately 166,000 policyholders and 132,000 open claims in workers’ compensation. In Disability Benefits we have approximately 59,987 policyholders and 7,500 processed claims in 2011. Please note, Disability claims are short term, generally six to eight weeks in duration.

The top six languages spoken by LEP individuals are as follows:

Language	Estimated Number of LEP Individuals Who Speak this Language
Spanish	2,577,033 (U.S. Census) -2008 Update
Chinese	545,479 (U.S. Census)
Italian	235,045 (U.S. Census)
Russian	230,989 (U.S. Census)
French Creole	135,430 (U.S. Census)
Korean	106,949 (U.S. Census)

We use the following resources to determine the top six languages spoken by LEP individuals:

U.S. Census data (including American Community Survey data)

Agency data on client contacts

School system data

Information from community organizations that serve LEP individuals

Names of organizations:

Information from other government agencies

Names of agencies: New York State Workers' Compensation Board

Other (describe)

We have determined the frequency of our contacts with LEP individuals as follows:

A review of our translation services was conducted. We reviewed our claims data, our call center data, and our District office data to determine how often NYSIF is currently serving LEP individuals. Please note based on our survey of internal and vendor data, NYSIF's top six languages are Spanish (1260), Mandarin (43), Polish (33), Cantonese (25), Arabic (29) and Russian (19). NYSIF is already using translation services for these languages and will continue to do so. In order to comply with Executive Order No. 26, we will also provide translations services in Korean, French and Italian.

PART 3 – PUBLIC OUTREACH AND NOTICE OF AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES

We inform LEP individuals, in the languages indicated in the chart in Part 2 of this plan, about their right to free language assistance services by using the following measures:

LEP individuals are informed directly by our staff

In what ways? NYSIF will implement the use of "I Speak" posters which will be provided by the Executive Chamber. This will allow LEPs to alert our staff of the need for assistance. This will aid our staff in making a determination about an LEP individual while maintaining cultural sensitivity to the LEP's needs. Our staff will then be able to refer back to the "I Speak" posters that the service is free of charge. A longer range goal will be to provide assistance on our website. Additionally, NYSIF staff is trained and will continue to receive enhanced methodologies on how to best identify LEP individuals and their needs.

Brochures or flyers about language assistance services

In public areas of the agency

Elsewhere in the agency's service areas

Signs posted about language assistance services

In public areas of the agency

Elsewhere in the agency's service areas

Outreach and presentations at schools, faith-based groups, and other
What are the LEP populations targeted?

Local, non-English language media directed at LEP individuals in their languages

Telephonic voice menu providing information in non-English languages

In which languages:

Other (describe)

PART 4 – PROVISION OF LANGUAGE ASSISTANCE SERVICES

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *in person*:

"I Speak" posters or visual aids

Reception staff make those determinations based on experience, with the assistance of bilingual staff members where available

Other (describe) "Point to Your Language" posters will be posted in public places in our Business Offices. This will aid our staff members and help ensure cultural sensitivity to the LEP's needs.

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *by telephone*:

Reception staff make those determinations based on experience, with the assistance of bilingual staff members where available

Telephonic interpreting service

Other (describe)

We record and maintain documentation of each LEP individual's language assistance needs as follows:

NYSIF has developed a metric for compiling data for in person encounters. Staff has and will continue to receive training on how to use the metric in order to ensure accurate reporting. NYSIF will have a language bank which will consist of those individuals which NYSIF has determined are able to provide oral interpreting services. NYSIF has a vendor for telephonic and in person encounters. Any data related to claims is also tracked by NYSIF and our vendor companies. We have instructed our claims staff to inquire about language needs, of stakeholders, employers, medical provider, etc., during initial work-up of new claim. WCB has taken proactive approach by including following question in their C-3 form: "Will you need a translator if you have to attend a Board hearing? If yes for what language?" NYSIF will also be looking at that form to assist in the assessment for LEP services.

A. Oral Interpreting Services

Our protocol(s) for assessing whether an LEP individual needs oral interpreting services is as follows:

For in-person encounters: NYSIF has implemented the use of "I Speak" posters which will be provided by the Executive Chamber. This allows LEP individuals to alert our staff of the need for assistance. This will aid our staff in making a determination about an LEP individual while maintaining cultural sensitivity to the LEP's needs. Our staff is able to refer back to the "I Speak" posters that the service is free of charge.

By telephone: Staff contacts our interpretation service vendor. Our vendor will state that the service is provided free of charge.

At initial contact in the field: Staff contacts our interpretation service vendor. Also if members of our staff have been pre-selected as translators we allow them to assist LEP individuals. Both our vendor and our staff will inform those in need of assistance that the service is provided free of charge.

For pre-planned appointments with LEP individuals: NYSIF arranges in advance to have interpretation services provided if requested by an LEP individual. If an LEP is in need of an Independent Medical Exams because of a language barrier, NYSIF does and will continue to

arrange for and independent interpreter to be present at the exam. The claimant's family and friends are not satisfactory interpreters. Once an IME appointment date and time have been established, the respective case manager will notify the IME company that an interpreter will be arriving and must be present for the exam. The same is true if the physician does not speak the language the claimant speaks. NYSIF is committed to insuring that both parties are able to communicate with one another. NYSIF has and will continue to provide interpretation services to LEP claimants at the Workers' Compensation Board. This also is true of any pre-planned audits. Again, NYSIF would make arrangements with a vendor company to be sure that our field staff is able to communicate with our policyholder.

Other (describe):

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

For in-person encounters: NYSIF will post "I Speak" posters in public areas of our offices. The Executive Chamber will provide these posters to us.

By telephone: Our vendors will inform our clients that interpreters are provided and that the service is free of charge. Our staff will make sure that they inform our vendor that they must indicate the service is provided free of charge.

At initial contact in the field: Our vendors will inform our clients that interpreters are provided and that the service is free of charge. If our staff is able to provide these services they too will inform the LEP individual.

For pre-planned appointments with LEP individuals: Our vendors will inform our clients that interpreters are provided and that the service is free of charge. If our staff is able to provide these services they too will inform the LEP individual.

Other (describe):

If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocol(s) for determining 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 his 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 our offices and an individual is permitted to use an interpreter of his choosing, he 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 choosing when filling out applications or when involved in other legal matters.

Our protocol(s) for obtaining interpreter services in a timely manner is as follows:

Staff has been trained to assess the need for interpretation services. Once a determination has been made that a client is in need of such service we take the client to a designated LEP area and contact our interpretation vendor. The vendors NYSIF contracts with are well equipped to handle the languages that have and may be need. We stay with the client while they are on the line with the interpretation vendor to assist the client.

We record and maintain documentation of oral interpreting services provided to LEP individuals at each encounter as follows:

NYSIF has developed a metric for compiling data for in person encounters. Staff has been trained on how to use the metric in order to ensure accurate reporting.

Competency and confidentiality

The linguistic and cultural competence of interpreters is addressed as follows:

On a case by case basis, NYSIF uses multilingual staff volunteers who are self-assessed in their own language competency. Where NYSIF utilizes independent interpreting services, that vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent.

The issue of confidentiality pertaining to the use of interpreters is addressed as follows:

The training provided to staff will address the importance of confidentiality. Furthermore, independent interpreters are required to sign a confidentiality agreement and will enforce standards of confidentiality in accordance with NYS Law.

Maintaining a list of oral interpreting resources

We use, or have available for oral interpreting, the following resources:

- Bilingual staff members who work directly with LEP individuals

Number of staff and languages spoken: NYSIF has two Spanish Language positions filled at this time. The Civil Service titles are: Senior Personnel Administration SL and Keyboard Specialist 1 SL.

Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: In addition to the two employees mentioned above, NYSIF employs 34 staffers that are able to provide oral interpreting services when necessary. The languages spoken are: Spanish, Hindi, French, Mandarin, Cantonese, Arabic, Russian, Polish, Baluchi (Iran), Farsi/Pushto (Afghanistan), Punjabi (Bangladesh) and Urdu.

Telephonic interpreting service

Names of vendors: InterpreTalk

Contracts or other arrangements with community organizations or individuals for oral interpreting services

Other (describe)

The agency's Language Access Coordinator maintains the list of oral interpreting resources that are available to staff, which 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 the LEP individual's primary language

Languages in which each interpreter or service is qualified

Procedure for accessing each interpreter or service

We inform all staff members who have contact with the public how to obtain oral interpreting services as follows:

It is listed on our website and annual training is provided to our staff. Any incoming staff will also be required to take LEP training.

B. Translations of Written Documents

NYSIF has done a thorough review of how it assists LEP clients. Please note the vast majority of our vital documents, as defined by the United States Department of Justice, are promulgated by the New York State Workers' Compensation Board. We have assessed our remaining documents, in keeping with, but not limited to the USDOJ's definition of a vital document. We will reassess at least annually to determine if other documents need to be added to our vital document listing.

NYSIF estimates that our in person and telephonic encounters with LEPs total 1,442 during 2011. This number is based on data we received from our vendors. Assuming NYSIF's own staff provided comparable service, NYSIF's total interactions equal 2,284 in 2011. We have been advised by the Executive Chamber that our LEP population will grow. Given that premise, we have doubled that number to determine an estimated LEP population of 4,568 individuals. NYSIF's book of business includes 166,000 workers' compensation policyholders, 60,000 disability benefits policyholders, 132,000 open workers' compensation claims, and 7,500 disability benefits claims. Assuming that each of those claims or policies represents one person, NYSIF's estimated LEP population will account for just over 1 percent of NYSIF's universe of customers.

NYSIF is currently in the practice of aiding its LEP clients. We have contracts with vendors who are able to translate and transcribe pertinent information. We provide our policyholders and claimants the ability to communicate with us at every level. The main focus of NYSIF's plan is to further educate our own staff on the systems and practices we have in place. Our own staff will receive additional training on how best to assist the LEP community.

The process to determine and reassess, at least every two years starting from the effective date of this plan, those vital documents (including website content) which must be translated is as follows:

A master spreadsheet of all vital documents will be maintained. Our documents will be reviewed annually to determine if any changes have occurred. Any documents in need of revision will be put through the plain language test and sent to a translation service and updated.

The process to timely translate documents that LEP individuals submit in their primary languages is as follows:

This may depend on the document, but to the extent possible NYSIF will submit documents submitted by LEP individual in their primary language for translation as soon as possible

The process for ensuring that documents are written in plain language before they are translated into other languages is as follows:

We will run it through a plain language test to ensure that the reading level of the document is appropriate. We will use appropriate software to determine the document meets the reading level test. Word has the ability to determine the reading grade level of a specific document. NYSIF will use documents that do not exceed 8th grade reading levels.

The following documents are currently translated by the agency in the languages indicated:

Claims guide, claimant info packet, claims quick reference card, Partners in Safety brochure, and safety posters are all translated into Spanish. These do not have publication numbers as they are not vital documents. Any documents determined to be vital will be translated into the top 6 languages indicated above.

The process for ensuring that translations are accurate and incorporate commonly used words is as follows: Language Service Associates is our vendor. They are responsible for determining that translations are accurate. (Note: The Office of the Deputy Secretary for Civil Rights will maintain a list of commonly used words.)

We use, or have available for translating, the following resources:

Contracts with language service vendors

Names of vendors: Language Service Associates

Contracts or other arrangements with community organizations or individuals for oral interpreting services

Names of individuals/organizations and languages:

Oral translations of written documents by bilingual staff members

Oral translations of written documents by other individuals or community organizations

Other (describe)

The agency's Language Access Coordinator maintains the list of written translation resources that are available to staff, which includes:

Names and contact information for all resources

Names and locations of staff members who are available to provide oral translations of written documents

Languages in which each translation service is qualified

- Procedure for accessing each translation service

PART 5 – STAFF TRAINING

The person(s) in the agency who is responsible for the provision of training to staff in language access issues is: Heather Woolfolk and Denise Miller

The staff training includes the following components:

- The legal obligations to provide meaningful access to benefits and services to LEP individuals
- How to access language assistance services
- How to work with interpreters
- Cultural competence and cultural sensitivity
- Documenting the language needs of LEP individuals and the language services provided to them by the agency
- How to obtain written translation services

The methods and frequency of training are as follows:

NYSIF's training division took part in a train the trainer session in February 2012. Training is being shared with our training and Affirmative Action office so they may conduct necessary training for the rest of the NYSIF staff. Any LEP training will be stand alone and will not be combined with any other training programs. All staff will be required to verify with the NYSIF Training Department that they have read and understood our LEP policies and procedures annually. Training will be ongoing. Any new hires will be required to take training within 30 days of their start date.

PART 6 – ADMINISTRATION

Monitoring

To ensure compliance with the Plan, the LAC will monitor its implementation as follows:

The LAC will chair a steering committee specifically for NYSIF's language access plan. The committee will meet annually or as otherwise needed. The committee will assess if we need to add additional vital documents based on requests, demographics and complaints. Spot checks will be

conducted in our buildings to ensure that posters are prominently displayed. The LAC will survey all business managers and department heads bi-annually to determine if there have been any changes with our staff listing of those who provide translation services. An agency wide e-mail will be sent to staff annually as a reminder of our Language Access Plan.

Complaints

We provide information to the public, including to LEP individuals in languages regularly encountered in our service area, advising them of the right to file a complaint if they feel that they have been the subject of discrimination. The information we provide describes how and/or where to file a complaint. We do not retaliate or take other adverse action because an individual has filed a complaint alleging discrimination based on LEP status or needs.


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

All information concerning the right to file a complaint will be posted in public places with our buildings in close proximity to the "I Speak" posters. Information will also be posted on our website. This information and the complaint form will be made available in the 6 languages stated above.

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

All complaints will be reviewed and investigated by our Affirmative Action office. In addition, complaint forms provided by the Governor's office will be made available in our offices and on our website.

PART 7 - SIGNATURES

 CHIEF EXECUTIVE DEPUTY DIRECTOR 9/5/12
Head of Agency Title Date

 Director of Customer Service Sept. 4, 2012
Agency LAC Title Date

 9/17/12
Deputy Secretary for Civil Rights Date