

**Suffolk County
Soil and Water Conservation
District**

**LANGUAGE ACCESS POLICY:
Providing Meaningful Language Assistance**

November 2013

LEP IMPLEMENTATION GUIDE

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I. SCSWCD LEP Plan Purpose

The Suffolk County Soil and Water Conservation District (SCSWCD), as a requirement of Suffolk County Executive Order 10 Guaranteeing Language Access Services in County Offices, November 14, 2012, must ensure free translation and interpretation to limited-English proficient (LEP) residents of Suffolk County in their interactions with county agencies.

The SCSWCD plan presents the LEP plan requirements and instructions for determining if the threshold to show the need for languages assistance is present. The plan will provide guidelines for SCSWCD to meet those needs. Specifically, this plan will outline how to collect LEP information, and how to analyze that information. Part of the ongoing process for serving LEP people at SCSWCD will be the creation of an LEP Implementation Guide, which will include service goals and a data collection provided by Suffolk County Planning (K:\PLambert\Census and Demographics\Race Minority Ancestry\LanguageSpoken.xlsx. Source: U.S. Census, 2007-2011 American Community Survey, Table B16001) to be integrated with other Suffolk County service requirements and reports.

Finally, this plan contains information regarding Background for Executive Order 10, Key Components of the Executive Order and What This Executive Order Achieves. It is also contains recommendations and resource material to hone its future focus and acknowledge the excellent work Suffolk County already accomplished in serving LEP people.

A. Who is an LEP person?

Most individuals living in the United States read, write, speak and understand English. There are many individuals, however, for whom English is not their primary language. For instance, based on the 2000 census, over 26 million individuals speak

Spanish and almost 7 million individuals speak an Asian or Pacific Island language at home. If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient, or "LEP."

In other words, an individual with a primary language other than English who must, due to limited fluency in English, communicate in that primary language in order to have an equal opportunity to participate effectively in, or benefit from any aid, service, or benefit provided by SCSWCD.

B. What are reasonable steps to meaningful access?

Because the needs of LEP populations vary throughout Suffolk County, the definition of meaningful access to SCSWCD services is also varied. As such, each employee within SCSWCD will determine the extent of obligation to LEP people by using this plan as a guide.

II. Source of Authority and Guidance

Policy: Executive Order 10

On November 14, 2012, Suffolk County Steven Bellone signed an executive order ensuring free translation and interpretation to limited-English proficient (LEP) residents of Suffolk County in their interactions with county agencies. This is a historic good government and civil rights victory for Suffolk County and civil rights and grassroots organizations applauded County Executive Bellone for showing tremendous leadership on this issue.

EXECUTIVE ORDER NO. 10 - 2012

Countywide Language Access Policy

WHEREAS, Suffolk County is a linguistically diverse county in which 20 percent of the County's population over 5 years old speaks a language other than English at home, and nearly 10 percent of the people in Suffolk County are English-language learners or they are limited-English proficient, insofar as English is not their primary language and have limited ability to read, speak, write or understand English, thereby presenting potential barriers to accessing important government programs or services;

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

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

WHEREAS, the public safety, health, economic prosperity, and general welfare of all Suffolk County residents is furthered by increasing language access to County programs and services; and

WHEREAS, the County is committed to ensuring that language access services are implemented in a cost effective and efficient manner;

NOW, THEREFORE, I, Steven Bellone, the County Executive of Suffolk County, by virtue of the authority vested in me pursuant to the authority of the Suffolk County Charter and Suffolk County Administrative Code, do hereby order as follows:

Definitions.

For purposes of this Order:

"Direct public services" means services administered by an agency directly to program beneficiaries and/or participants. For agencies that provide services to the public that are not programmatic in nature, such as emergency services, the provisions of this order shall be implemented to the greatest degree practicable.

"Executive County agencies" mean the agencies, departments and divisions of Suffolk County government overseen by the Suffolk County Executive as their administrative head.

"Vital documents, including essential public documents" means those documents most commonly distributed to the public that contain or elicit important and necessary information regarding the provision of basic County services.

Language Access Requirements

1. Executive County agencies that provide direct public services shall, in all relevant programs and services, competently translate vital documents, including essential public documents such as forms and instructions provided to or completed by program beneficiaries or

participants. The translation shall be in the six most common non-English languages spoken by individuals with limited-English proficiency in the County of Suffolk, based on United States census data, and relevant to services offered by each of such agencies. Competent translation shall mean a trans-language rendition of a written message in which the translator comprehends the source language and can write comprehensively in the target language to convey the meaning intended in the source language. Agencies shall not use online translation tools such as Google Translate, Yahoo!, babel fish, or comparable services. Translation shall be achieved on a rolling basis to be completed no later than 365 days from the signing of the Order.

2. Each such agency, in all relevant programs and services, shall provide competent interpretation services between the agency and an individual in his or her primary language with respect to the provision of services or benefits. Competent interpretation shall mean a trans-language rendition of a spoken message in which the interpreter comprehends the source language and can speak comprehensively in the target language to convey the meaning intended in the source language. The interpreter shall know relevant terminology and provide accurate interpretations by choosing equivalent expressions that convey the best matching and meaning to the source language and capture to the greatest possible extent, all nuances intended in the source message.

3. Each such agency shall publish a language access plan that will reflect how the agency will comply with this Order and all progress since it last submitted a language access plan. Such plan shall be issued within 90 days of the signing of this Order, and updated every two years thereafter.

4. Each language access plan shall set forth, at a minimum, the following:

a. When and by what means the agency will provide, or is already providing, language assistance services;

b. The titles of all available documents and the languages into which they have been translated;

c. The number of public contact positions in the agency and the number of fully bilingual employees in public contact positions, including the languages they speak;

d. A training plan for agency employees which includes, at minimum, annual training on the language access policies of the agency and how to provide language assistance services;

e. A plan for annual internal monitoring of the agency's compliance with this Order;

f. A plan of how the agency intends to notify the population of offered language assistance services; and

g. A language access coordinator at the agency, who shall be publicly identified.

5. The language access coordinator for each such agency shall monitor the agency's compliance with this Order by annual collecting data on the provision of language assistance

services, the availability of translated materials, whether signage is properly posted, and any other relevant measures. The monitoring plan shall include feedback from the public, community groups, and other stakeholders.

6. *Use of language services shall not be deemed by any county employee as a basis for inquiring into confidential information relating to immigration status or other personal or private attributes. No county employee shall inquire about or disclose confidential information including, but not limited to, immigration status, unless such inquiry or disclosure is required by law.*

7. *The Deputy County Executive for Intergovernmental Affairs shall oversee, coordinate and provide guidance to agencies in implementing this Order and ensure that the provision of services by agencies meets acceptable standards of translation or interpretation.*

Dated: November 14, 2012

*Steven Bellone
Suffolk County Executive*

*cc: Regina M. Calcaterra, Chief Deputy County Executive
Fred Pollert, Deputy County Executive
Jon Schneider, Deputy County Executive
Hon. Joseph Sawicki, Jr., Comptroller
Hon. Judith A. Pascale, County Clerk
Hon. Thomas J Spota, District Attorney
Hon. Vincent F. DeMarco, Sheriff
Hon. Angie M. Carpenter, County Treasurer
Hon. William J. Lindsay, Presiding Officer
Hon. DuWayne Gregory, Legislator
Hon. John M. Kennedy, Legislator*

Background

Limited English-proficient (LEP) residents struggle mightily in interactions with government. In police precincts, communication barriers make it difficult for LEP residents to report domestic violence, hate crimes, and other incidents to police officers, jeopardizing officers' ability to protect and build trust with residents. In health centers, LEP patients without professional translation and interpretation services have difficulty communicating with doctors, resulting in poor care and dangerous misunderstandings.

On August 11, 2000, President Clinton signed Executive Order 13166, entitled "Improving Access to Services for Persons with Limited English Proficiency". Accordingly, it prohibits recipients of Federal financial assistance from discriminating based on national origin by failing to provide meaningful access to services to individuals who are LEP. This protection requires that LEP persons be provided an equal opportunity to benefit from or have access to services that are normally provided in English. This executive order signed by President Clinton in 2000 instructed all agencies receiving federal funds to implement language access plans to comply with the Civil Rights Act of 1964, which protects US citizens against discrimination based on language in accessing government services. Several states and cities have adopted language access policies to ensure equal access to government services and facilitate compliance with federal requirements. In New York City, Mayor Bloomberg signed Executive Order 120 in 2008 to ensure that New York State agencies not discriminate against residents based upon language or national origin. In 2011, Governor Cuomo followed suite by issuing Executive Order 26.

Suffolk County, meanwhile, has remained rife with language access problems. According to the Migration Policy Institute, Suffolk has approximately 116,000 LEP

residents. These residents struggle to be understood in courts, police precincts, health centers, and social services offices; many are forced to return to these offices several times before finding someone who can help them. This undermines public health and public safety and unjustly denies LEP residents basic services.

Key Components of the Executive Order

- Guarantees access to free oral interpretation for all LEP residents in their interactions with all county agencies with significant public contact;
- Guarantees that all vital documents of all applicable agencies will be professionally translated into six languages spoken by the most limited English-proficient (LEP) residents of Suffolk County: Spanish, Italian, Mandarin, Polish, French Creole, and Portuguese.
- Ensures widespread notification to the public of the availability of free translation and interpretation.
- Requires that each agency develops a language access plan within 90 days and implements it within 365 days;
- The designation of a language access coordinator within each agency and a countywide language access coordinator to ensure each agency's compliance.

What this Executive Order Achieves

- Good Government Through:
 - Equal Access to government Services: this order will ensure that all Suffolk County residents, irrespective of dominant language or national origin, can access the county government services to which they are entitled.
 - Efficiency of public services: this order will increase the efficiency and quality of government service provision, leading to likely cost reductions in health care (effective preventative care costs less than later-stage or emergency

care) and other government services (for which visits would be fewer and shorter).

○ Public Safety and Public Health: this order will offer public safety and public health benefits by ensuring that public safety officers, health care workers, and social service providers can communicate effectively with all of their clients. This will also reduce the county's liability to potentially expensive litigation.

➤ Alignment with state and federal policy: this executive order aligns the county with Governor Cuomo and President Clinton's executive orders, ensuring consistency and compliance with state and federal policy.

County leadership: with this order, Suffolk has become one of the first US suburban counties to pass a comprehensive language access policy, demonstrating the administration's commitment to addressing critical civil rights and equal justice issues and its sensitivity to the needs of Suffolk's increasingly diverse population.

III. Determining the need for language assistance

Determining the Need (Four Factor Analysis)

Factor 1: The number and proportion of LEP persons in the eligible service area

Factor 2: The frequency with which LEP persons come in contact with SCSWCD's programs

Factor 3: The importance of Service provided by SCSWCD's programs

Factor 4: The resources available to the recipient

- Identifying LEP Individuals Who Need Language Assistance
- Language Assistance Measures
- Translation of written materials
- Oral Language Services

- Providing Notice of Available Language Service to LEP Persons

Monitoring and Updating the LEP Plan

A. Four Factor Analysis

1. Portion of LEP people

As a Soil and Water Conservation District, we work closely with the New York State Department of Agriculture & Markets. They have based the U.S. Census as the resource to determine the languages they serve or potentially serve. They include the following six languages: Spanish, Chinese, Russian, Haitian Creole, Italian, and Korean. Although we have no statistics from agency data, client contacts or information from community organizations, there is a notable population of Polish and Spanish speaking individuals in the Suffolk County farming community.

The five East End towns of East Hampton, Riverhead, Shelter Island, Southampton and Southold make up the predominate agricultural community whom we service.

Based on “*Language Spoken At Home by Ability to Speak English, for the Population Age 5 and Over*”, K:\PLambert\Census and Demographics\Race Minority Ancestry\LanguageSpoken.xlsx, Source: U.S. Census Bureau, 2007-2011 American Community Survey Table, Table B16001, I have calculated the following. These percentages are evaluated by languages spoken at home by ability to speak English less than very well.

<u>East Hampton</u>	<u>Riverhead</u>	<u>Shelter Island</u>	<u>Southampton</u>	<u>Southold</u>	<u>Suffolk County</u>
Spanish-59.7%	Spanish – 84%	Russian – 100%	Spanish – 51%	Spanish – 63.6%	Spanish – 52%
Polish – 30%	French – 13%		French – 4.6%	Italian – 10.7%	French -19%
Thai – 24% (of 37)	Polish – 84%		Italian – 20.8%	German – 23%	French Creole – 45.9%
Persian – 100% (of 11)	German – 34%		Portuguese – 42.7%	Greek – 55.8%	Italian – 26%
Other & unspecified -	Greek – 45%		Greek – 22.5%	Polish – 24%	Portuguese - 47.9%

33% (of 18)					
	Chinese - 28%		Polish – 56.5%	Chinese – 100% (of 19)	German – 16%
	Russian – 47%		Chinese – 47.5%	Serbo-Croatian – 100% (of 12)	Yiddish – 21%
	Italian – 36.9%		Other Slavic – 28%	Thai – 100% (of 17)	Scandinavian – 26.9%
	Other Indic- 100%		Other Indic – 38%	Other Asian – 77.4%	Greek – 25%
	Serbo-Croatian – 100% (of 13)		Korean – 90.9%	Other Indo- European – 17%	Russian – 34.5%
	Other Indo- European – 61%		Other Asian – 22%		Polish – 43.6%
	Other Asian – 100%		Arabic – 18.9%		Serbo-Croatian – 31%
	Tagalog – 50% (of 30)		Gujarati – 24%		Other Slavic – 32%
	Other & unspecified – 100%		Hindi – 28.7%		Armenian – 44%
			Other Indo- European – 16%		Persian – 24%
			Tagalog – 17.7%		Gujarati – 38.5%
					Hindi – 34%
					Urdu – 40.8%
					Other Indic – 35%
					Other Indo- European – 32%
					Chinese – 47.7%
					Japanese – 45%

					Korean – 58.8%
					Thai – 44%
					Laotian – 54%
					Other Asian – 45%
					Tagalog – 28%
					Other Pacific Island – 26.8%
					Other Native Amer. – 42.7%
					Hungarian – 18%
					Arabic – 26%
					Hebrew – 13%
					African – 30.8%
					Other & unspecified – 44.9%

From these deductions, (other than minimal populations of a language) the major populations who have limited English proficiency (LEP) in the five towns are Spanish, Polish, Greek, Italian, Korean, Chinese, Russian, and a combination of Other Asian, Other Indic, Other Indo-European, and Other and Unspecified. Overall in Suffolk County, listing only those populations over 40% who do not speak English well, the need for language access directives, plans and procedures are Spanish, French Creole, Portuguese, Polish, Armenian, Urdu, Japanese, Korean, Thai, Laotian, Other Asian, Other Native American, and Other and Unspecified. We do assist landowners and farmers in the towns of Brookhaven, Babylon, Huntington, Islip and Smithtown but not as frequently.

2. Frequency of Contact

The Suffolk County Soil and Water Conservation District staff has not had any specific experience in the last 20 plus years that required assistance for interpretation or translation. However, we did not perform any research into the matter nor did we advertise these services.

3. Nature and Importance of Service Provided

We hope to reach out to the public and offer this much needed service in Suffolk County. We do have posters and interpreter service desk guides available as you enter our office at 423 Griffing Avenue, Riverhead, NY 11901.

The SCSWCD has put the availability of our translation services on our County website highlighted under “Special Programs” on our introductory page. www.suffolkswcd.org or www.suffolkcountyny.gov/Department/SoilWaterConservationDistrict.aspx. We plan to advertise this service on Cornell Cooperative Extension’s monthly *Ag News*, Long Island Farm Bureau’s newsletter and through emails from Suffolk County Legislators in Districts 1 and 6, which are sent to all their constituents. A copy of our webpage is attached.

C. Alternative Communication Methods

Since the establishment of the SCSWCD, we have been co-located with the in the USDA Natural Resources Conservation Service (NRCS). Currently we are in the Cornell Cooperative Extension Building in the same office with NRCS. Currently, we have the service advertised on the Department’s website: <http://www.suffolkcountyny.gov/Departments/SoilWaterConservationDistrict.aspx>. It is also advertised in the Long Island Farm Bureau’s newsletter and Cornell Cooperative Extension’s *Ag News*.

D. Monitoring

1. Implementation guide – this implementation guide will be kept in the office and any pertinent information related to language accessibility for LEPs.

2. A periodic review of the language access needs of the department, led by the Department language access coordinator, will be conducted annually on the provision of language assistance services, the availability of translated materials, whether signage is properly posted, demographic data, and any other relevant measures.

3. The Department will consult with community-based organizations and conduct an internal review in order to assess the efficacy of its program.

4. Monitoring will be conducted using all of the following methods:

- Staff interviews (ask them to explain policy, how they can contact interpreter, process for requesting translation, etc.)
- Data analysis – what is the general population compared to usage – who is the Department not serving?
- Matrix (check-list)
- Spot checks throughout the year (secret shoppers, as possible)
- Review complaints for systemic issues
- Random file review to see whether language preference is being recorded and whether services have subsequently been provided (i.e., are documents sent in correct language?)

E. Training

1. Staff training is mandatory.

2. Staff trainings will be held at least once per year or more often, as needed.

3. All staff will be included in these trainings. We do not have security guards in the building.

4. Topics that will be covered in staff trainings

- Identify person needing LAS
- Procedures for accessing services
- Cultural competence

F. Notification

1. The public will be notified of the availability of language access services through prominent signage, notification on the website and at multiple points of contact when interacting with the Suffolk County Soil and Water Conservation District. The notice shall specify that there shall be not charge for these services. The Department is not permitted to inquire about one's immigration status based upon their request for interpretation or translation services.

2. Web pages that meet the standard of "vital document" should be treated as such, and translated to the six languages. For all webpages, and especially for "landing" pages, there should be a large notification button of the availability of oral interpretation services, with the phone number of such services.

G. Complaints

1. Recommended language: The Department will display signage in its public areas and information on its website indicating the process for filing a complaint with the agency and with the Office of Civil rights when the individual is not satisfied with the quality or availability of the Department's language access services. (See attached for a complaint form from the Suffolk County Office of Community Services "Access to Services in Your language: Complaint form.")

2. The Department shall specify a clear plan for reviewing and responding to language access complaints.

3. Complaint procedure will be centralized through the County Executive's office.

V. Compliance and Enforcement with LEP Requirements

A. **Who must comply** – every employee within the Suffolk County SWCD. All Department personnel who will provide interpretation or translation services shall receive

training regarding the ethics of interpretations and will have their language proficiency assessed in accordance with Civil Service standards.

B. Roles and Responsibilities

1. Responding to complaints

- Recommended language: The Department will display signage in its public areas and information in its website indicating the process for filing a complaint with the agency and with the Office of Civil rights when the individual is not satisfied with the quality or availability of the Department's language access services. (See attached for a complaint form from the Suffolk County Office of Community Services, as well as federal complaint forms that residents also have the right to file).
- The Department shall specify a clear plan for reviewing and responding to language access complaints.
- Complaint procedure will be centralized through the County Executive's office.

2. Technical Assistance

- The technical assistance which the Suffolk County Soil and Water Conservation District provides is to the agricultural community and the way we offer that is through our website and at conferences and trainings. We could put our Language Access Availability on any conference announcements, or mailings we do. However, we do not have any specific vital documents at this time.
- Minors should be used for interpretation only in exigent circumstances. Recommended language is:
 - LEP individuals that come into contact with our agency will be informed of the availability of free interpreting services.

Generally, an LEP individual may not use a family member, friend, or a minor as an interpreter. However, during dire 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 an adult 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. Minors will not be used during these routine encounters. Where the interaction with the LEP individual occurs at Soil and Water Conservation District's office, and an individual is permitted to use an interpreter of his or her choosing, he or she must fill out a written consent/waiver form. This waiver is only valid for the date it is signed, and must be re-filled out upon each visit if the person continues to proactively request to use an interpreter of their choosing in these types of situations.

- Where an LEP individual is engaged in official business with our agency, the agency will provide an independent interpreter at all times and free of charge to the LEP individual. An LEP individual will not be permitted to use an independent interpreter of his or her choosing when filling out applications or when involved in other legal matters. However, if the LEP individual would prefer to have their informal interpreter present, their interpreter may sit-in on the conversation unless there are compelling reasons to exclude them.

➤ Documents will be explained orally to people who are illiterate.

- The Department will have a process for providing quality interpretation at any community meetings that the Department holds so that information is equally accessible to those who are LEP.
- Interpretation will be provided for all languages.
- The Department will provide notification of the availability of language access services in written notices sent by the agency.
- The Department will provide a protocol for communication with hearing-impaired and/or deaf residents.

3. Resource Sharing

The Suffolk County Soil and Water Conservation District receives State grant funding that offers cost-sharing to the farming community. The method in which we announce the availability of this cost-sharing is through the mail with postcards, on our website, or through local newsletters. We plan to insert a box on all announcements that states or asks if there is a need for language translation or interpretation, which we will supply.

4. General Responsibilities

The Language Access Plan Coordinator is Elizabeth Condon, who serves as the Principal Account Clerk in the department. The remaining staff is comprised of the Department Head and three District Soil Technicians who perform technical work in the office and in the field. It may be necessary to have training meetings to update the staff of what is expected when the need arises to implement the Language Access Plan. We hope to be part of a bigger department's training plan.

The Suffolk County Soil and Water Conservation District provides the following assistance to the public (residents, landowners, the farming community and municipalities):

- Site Plan and Subdivision Reviews – includes an inventory of potential and present soil erosion, sediment and drainage problems and suggestions for Conservation Practices to control them.
- Bluff and Erosion Control – an Inventory and Evaluation, which includes a summary of potential erosion and site conditions after a site inspection, and offers solutions to reduce or prevent erosion along bluffs.
- Soil Group Worksheets – includes determining soil types, according to the New York State Soils List, on a tax map parcel(s) in order to assess agricultural values for the purpose of partial reduction in Real Property Taxes for Eligible Farmland in NYS. The landowner brings the completed Soil Group worksheet to their respective township to apply for tax reduction.
- Soils Information - Soil Maps are available in book form or paper maps for all areas of Suffolk County showing the boundaries of soils as classified by the USDA. Boundary maps are displayed on an aerial photo base map, and descriptions of soil types are also available as they pertain to land use.
- Conservation Plant Materials Sheets – Technical data sheets are available on USDA recommended plant species for erosion control and wildlife management that tell how to plant and maintain varieties of grasses, trees and shrubs.
- Wildlife Management Sheets – the availability of data sheets that offer suggestions for attracting and supporting native wildlife.
- Soil Erosion and Drainage – Evaluations and recommendations are made to reduce or alleviate soil erosion and drainage problems including gullies, wet spots and sink holes.

- Irrigation Water Management - recommendations
- Cost-Share Assistance – New York State grants that implement USDA approved conservation practices through Soil and Water Conservation District staff design work, inspection, coordination, and payment processing.

VI. Contract Agency

1. Language Line Solutions

A. Interpretation Services Available

B. Signage Provided to be displayed in the Department's entry hall

- A list of languages to be interpreted and translated in the following designated areas
 - a. India, Pakistan and Southwest Asia
 - b. Africa
 - c. Middle East
 - d. Asia
 - e. Europe
 - f. Pacific Islands
 - g. North America, South America, and Caribbean

C. A Quick Reference Guide for the Department explaining steps to take

D. Language Line Identification Card

E. Contract – client I.D. # 572408. Dial 1-866-874-3972 (Access code required).

State contract to be under Suffolk County I.T. umbrella.

VII. Resources and References

APPENDIX I – LEP IMPLEMENTATION GUIDE

1. Implementation Guide – this implementation guide will be kept in the office and any other pertinent information related to language accessibility for LEPs.

2. A periodic review of the language access needs of the department, led by the Department language access coordinator, will be conducted annually on the provision of language assistance services, the availability of translated materials, whether signage is properly posted, demographic data, and any other relevant measures.

3. The department will consult with community-based organizations and conduct an internal review in order to assess the efficacy of its program.