LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

County Agency: Suffolk County Department of Social Services
Effective Date of Plan: November 1, 2013 (Revised February 2014)

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PART 1 – INTRODUCTION

Pursuant to Executive Order No. 10-2012, GUARANTEEING LANGUAGE ACCESS SERVICES IN COUNTY OFFICES, the Department has prepared this Language Access 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:

The Department of Social Services mission is to enrich the quality of life for Suffolk County citizens who find themselves in need of assistance and services by providing child support enforcement services, food stamps, temporary assistance, emergency shelter, medical and home energy assistance as well as protective and preventive services for vulnerable children and adults. Our goal is to provide clients and applicants with the ability to obtain self-sufficiency while ensuring that they have meaningful access to all benefits, programs and services for which they are eligible, including those offered by other agencies operating on our behalf.

(re: meaningful access
The U.S. Court of Appeals for the First Circuit held that the protection afforded by the ADA is characterized as a guarantee of "meaningful access" to government benefits and programs which broadly means that public entities must take reasonable steps to ensure that individuals with disabilities can take advantage of such public undertakings. See *Theriault v. Flynn,* 162 F.3d 46, 48 (1st Cir. 1998).

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 periodically as needed, but at least every two years starting from the effective date of this plan.

PART 2 – ASSESSING LEP POPULATION LANGUAGE NEEDS

In determining the languages spoken by the LEP population with which DSS front-line staff interact, the Department used data from the United States Census Bureau Community survey and also surveyed the staff, clients and applicants in each of the four DSS centers. We anticipate that most of the languages identified in the 2012 U.S. Census will match those encountered by DSS staff. The department also uses data from the American Community Survey, data collected on client contacts and information gathered from community organizations to determine the top six languages spoken by LEP individuals. The Department can offer LEP assistance verbally, with use of hands out pocket/palm cards, notice of language access on DSS home page stating "Language Services Available at all sites." Additionally, the Department has translation assistance via phone available for 223 languages not just limited to the six most spoken languages.

Frequency of contacts with the LEP population is estimated as follows: Spanish continues to be the most frequently encountered language throughout all programs. The frequency of other languages identified informally by DSS staff include: Italian, Polish, Portuguese, Chinese (Mandarin) and French Creole.

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

The Department informs LEP individuals, in the languages previously mentioned, about their right to free language assistance services by using the following measures:

a. LEP individuals are informed directly by our staff
b. Contacting an oral interpreter when needed
c. Showing LEP individuals LEP posters and/or desk guides that include a notice of free language assistance (these are also posted in public areas of the agency)
d. Notification on the DSS website stating "Language Services Available at all Sites"
e. Outreach to faith-based groups and other community organizations
f. The public will be advised of the availability of language interpretation at all community events such as the advocate training and informational fairs.

PART 4 – PROVISION OF LANGUAGE ASSISTANCE SERVICES

The Department of Social Services uses the following resources to determine when an individual is LEP and what the individual's primary language is, when encountered ***IN PERSON***:

a. Reception staff makes determinations based on experience with the assistance of bilingual staff members where available. DSS line staff MUST make reasonable efforts to recognize potential needs based on the applicant/recipient's disclosure or on an indication of an apparent need.
b. The "I SPEAK "poster, OTDA PUB 4842

c. TV monitors in all four centers contain a slide notifying clients of translation services
d. When other methods are unsuccessful, staff uses a telephonic interpreting service.

The Department uses the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is ***BY TELEPHONE:***

a. Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available.
b. Telephonic Interpreting Service – DSS uses PROPIO Language Services
c. Another appropriate person, such as a family member of the LEP individual, may be used to identify the LEP person's primary language. A family member who is a minor would only be used as a language resource in an ***emergency*** until an appropriate interpreter is contacted**. *note*In the interest of preserving the integrity of an interview, DSS staff prefers NOT to use the services of a minor. In no way should this practice be interpreted to mean that access to our services and programs is being denied or that the applicant is being discouraged from applying for the programs and services.**

DSS staff record and maintain documentation of each LEP individual's language assistance needs on the original application and in the "***MY FULL VIEW"*** section of Centraport.

The Department's Language Access Coordinator maintains the list of written translation resources that are available to staff which include the names and contact information for all staff members who are available to provide oral and written translation of documents and the languages which they are proficient in, the languages in which each translation service is qualified and the procedure for accessing each translation service. The Department is currently in compliance with Executive Order #10. PROPIO Language Services, the Department's current translation service provider, can interpret 223 languages including several dialects.

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:

a. For in-person encounters: DSS uses posters (PUB 4842) and desk aids that cover 19 languages that inform LEP individuals of their right to free language assistance. DSS staff will inform English-speaking family members, if applicable, of the LEP person's right to free language assistance. DSS staff will reach out to bilingual staff or an oral telephonic interpreter for assistance.
b. By telephone: LEP individuals often state their spoken language and that they are seeking free interpretation assistance. Alternatively, bilingual staff and/or an oral interpretation service will advise the LEP person that he/she is eligible for free interpretation assistance.

c. At initial contact in the filed: DSS uses posters and desk aids that cover 19 languages, to help LEP individuals identify their spoken language. DSS will use available language resources to communicate the availability of free language assistance to an LEP person, which includes bilingual staff or the use of a 24/7 oral interpretation service.
d. For pre-planned appointments with LEP individuals: DSS staff will request an on-site interpreter ahead of time to communicate with an LEP individual.

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:

a. LEP individuals that come into contact with our agency will be informed of the availability of free interpreting services. Generally, an LEP individual may not use a family member, friend, or a minor as an interpreter. However, during emergencies an LEP individual will be permitted to use a minor, family member or friend as an interpreter. Upon request, an LEP individual may also be permitted to use a minor, family member or friend as an interpreter for routine matters, such as asking the location of the office, hours of operation of rescheduling an appointment. Where the interaction with the LEP individual occurs at the agency's office and an individual is permitted to use an interpreter of their choosing.
b. Applicants may identify a family member/other resource person to interpret for them. Staff is reminded that contracted vendor interpretation services must still be offered to those applicants/recipients.
c. It is important to elicit permission from the applicant/recipient to discuss confidential information with all parties prior to conducting the interview/application process and documents this in the applicant's file

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

All DSS staff has access to telephonic oral interpretation services and is assigned an identification code that allows for immediate access to interpreters in over 223 languages. Oral interpretation services via our vendor are available on a 24/7 basis from any location. In addition, interpreters can be contacted to assist staff and clients on-site for scheduled visits.

Competency and confidentiality

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

DSS has offered training in cultural competence to all staff. The oral interpretation vendor DSS uses has a privacy policy that can be found on their web site. This policy states:

Propio's management and its staff understand the importance of maintaining the confidentiality of interpreting sessions. Each member of our staff is trained in HIPAA requirements and signs a confidentiality agreement prior to starting employment.

Similar language regarding confidentiality is also contained in the contract with DSS.

PART 5 – MANDATORY STAFF TRAINING

The person(s) in the agency responsible for the provision of training to staff in language access issues is: at this time, the Language Access Coordinator who will assist with the training and any follow-up questions or assistance that may be required. Staff is regularly informed of the availability of oral interpretation services and language identification tools. Supervisory staff is reminded of their responsibility to share language access information with line staff as necessary and appropriate each division is sent instructions with individual access codes. This mandatory staff training includes the following components:

a. The legal obligations to provide meaningful access to LEP individuals
b. How to access language assistance services
c. How to work with interpreters
d. Cultural competence and cultural sensitivity
e. Documenting the language needs of LEP individuals and the language services provided to them by the agency
f. How to obtain written translation services

Executive Order #10 does not mandate that the Department train non-county staff.

PART 6- ADMINISTRATION

To ensure compliance with the plan, the LAC will monitor its implementation on an annual basis as follows:

Monitoring

The Department has developed a draft LEP Language Access Plan which, when finalized, will be distributed to all staff. The Department presently monitors the placement of LEP posters and use of language identification tools verifying the availability of oral interpretation services and staffs knowledge of how to obtain oral and written translation services as well as the availability of complaint forms and information on the complaint process. The Department is waiting for a standard form that is to be used by all County Departments.

Complaints

The Department of Social Services provides information to the public, including to LEP individuals in languages regularly encountered in this service area advising them of the right to file a complaint if they feel that they have been the subject of discrimination. The information provided describes how and/or where to file a complaint. The staff does not retaliate or take

Other adverse action because an individual has filed a complaint alleging discrimination based on LEP status of needs. This notification is on the monitors and posters at all locations.

The Suffolk County Department of Social Services displays information on the right to file a complaint, and the procedures to file a complaint in the following manner:

DSS will distribute a standard complaint form, which is to be translated into the six languages identified by the American Community Survey. The form will be made available to the public at our offices and on line.

The Department handles complaints made to the agency regarding the provision of language assistance services in the following manner:

DSS records complaints and works to resolve them promptly, first attempting to understand the reason for the complaint. Depending on the situation, corrective action is taken in a collaborative fashion. The LEP client is advised that if her or she remains dissatisfied, he/she can file a complaint with the appropriate State and/or Federal authorities whose contact information is also available at all locations.

Processing Time

Requests for information submitted in languages other than English are currently being completed within the mandated OTDA (Office for Temporary and Disability Assistance) processing time frames. The Department is currently awaiting direction from the County Executive's designee regarding which documents are to be translated.

PART 7 – SIGNATURES

Commissioner/Agency Head	Title	Date