S T A T E O F N E W Y O R K

8276

2011-2012 Regular Sessions

I N A S S E M B L Y

June 9, 2011

Introduced by M. of A. LINARES -- read once and referred to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to limited-English proficiency requirements for the agencies of the city of New York; and to amend the executive law, in relation to limited-English proficiency requirements for state agencies providing direct public services in a city with a population of one million or more

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision a of section 8-1002 of the administrative code of the city of New York, as added by local law 73 of the city of New York for the year 2003, is amended to read as follows:

a. ["Agency"] EXCEPT FOR THE PURPOSES OF SECTION 8-1003.1 OF THIS CHAPTER, "AGENCY" means the human resources administration/department of social services, including any part, subdivision, field office or satellite facility thereof.

S 2. The administrative code of the city of New York is amended by adding a new section 8-1003.1 to read as follows:

S 8-1003.1 LIMITED-ENGLISH PROFICIENCY REQUIREMENTS. A. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "DIRECT PUBLIC SERVICES" SHALL MEAN SERVICES ADMINISTERED BY AN AGENCY DIRECTLY TO PROGRAM BENEFICIARIES AND/OR PARTICIPANTS.

2. "ESSENTIAL PUBLIC DOCUMENTS" SHALL MEAN THOSE DOCUMENTS MOST COMMONLY DISTRIBUTED TO THE PUBLIC THAT CONTAIN ELICIT IMPORTANT AND NECESSARY INFORMATION REGARDING THE PROVISION OF BASIC CITY SERVICES.

B. 1. EVERY CITY AGENCY THAT PROVIDES DIRECT PUBLIC SERVICES SHALL ENSURE MEANINGFUL ACCESS TO SUCH SERVICES BY TAKING REASONABLE STEPS TO DEVELOP AND IMPLEMENT AGENCY-SPECIFIC LANGUAGE ASSISTANCE PLANS REGARDING LIMITED-ENGLISH PROFICIENT PERSONS.

2. EVERY CITY AGENCY THAT PROVIDES SERVICES TO THE PUBLIC THAT ARE NOT PROGRAMMATIC IN NATURE, SUCH AS EMERGENCY SERVICES, SHALL IMPLEMENT THE PROVISIONS OF THIS SECTION TO THE EXTENT PRACTICABLE.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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C. EVERY CITY AGENCY SHALL:

1. DESIGNATE A LANGUAGE ACCESS COORDINATOR WITHIN FORTY-FIVE DAYS OF THE EFFECTIVE DATE OF THIS SECTION TO OVERSEE THE CREATION AND EXECUTION OF AN AGENCY-SPECIFIC INTERNAL LANGUAGE ACCESS POLICY AND IMPLEMENTATION PLAN;

2. DEVELOP SUCH LANGUAGE ACCESS POLICIES AND IMPLEMENTATION PLANS BY JANUARY FIRST, TWO THOUSAND TWELVE. SUCH PLAN SHALL BE DEVELOPED BY ASSESSING THE FOLLOWING FOUR FACTORS:

(I) THE NUMBER OR PROPORTION OF LIMITED-ENGLISH PROFICIENT PERSONS IN THE ELIGIBLE SERVICE POPULATION;

(II) THE FREQUENCY WITH WHICH LIMITED-ENGLISH PROFICIENT PERSONS COME INTO CONTACT WITH THE AGENCY;

(III) THE IMPORTANCE OF THE BENEFIT, SERVICE, INFORMATION OR ENCOUNTER TO THE LIMITED-ENGLISH PROFICIENT PERSONS, INCLUDING THE CONSEQUENCES OF LACK OF LANGUAGE SERVICES OR INADEQUATE INTERPRETATION OR TRANSLATION; AND

(IV) THE RESOURCES AVAILABLE TO THE AGENCY AND THE COSTS OF PROVIDING VARIOUS TYPES OF LANGUAGE SERVICES;

3. PROVIDE SERVICES IN LANGUAGES BASED ON AT LEAST THE TOP SIX LIMITED-ENGLISH PROFICIENCY LANGUAGES SPOKEN BY THE POPULATION OF THE CITY, AS THOSE LANGUAGES ARE DETERMINED BY THE DEPARTMENT OF CITY PLANNING, BASED ON UNITED STATES CENSUS DATA, AND AS THOSE LANGUAGES ARE RELEVANT TO SERVICES OFFERED BY EACH AGENCY;

4. ENSURE THAT THE LANGUAGE ACCESS POLICY AND IMPLEMENTATION PLAN INCLUDES THE FOLLOWING ELEMENTS FOR LIMITED-ENGLISH PROFICIENT PERSONS:

(I) IDENTIFICATION AND TRANSLATION OF ESSENTIAL PUBLIC DOCUMENTS PROVIDED TO OR COMPLETED BY PROGRAM BENEFICIARIES AND/OR PARTICIPANTS;

(II) INTERPRETATION SERVICES, INCLUDING, BUT NOT LIMITED TO, THE USE OF TELEPHONIC INTERPRETATION SERVICES FOR THE TOP SIX LANGUAGES, AS DETERMINED PURSUANT TO PARAGRAPH THREE OF THIS SUBDIVISION AND OTHERS AS APPROPRIATE;

(III) TRAINING OF FRONTLINE WORKERS AND MANAGERS ON LANGUAGE ACCESS POLICIES AND PROCEDURES;

(IV) POSTING OF SIGNAGE IN CONSPICUOUS LOCATIONS ABOUT THE AVAILABILITY OF FREE INTERPRETATION SERVICES;

(V) ESTABLISHMENT OF AN APPROPRIATE MONITORING AND MEASUREMENT SYSTEM REGARDING THE PROVISION OF AGENCY LANGUAGE SERVICES; AND

(VI) CREATION OF APPROPRIATE PUBLIC AWARENESS STRATEGIES FOR THE AGENCIES' SERVICES POPULATIONS; AND

5. REFLECT THE PRINCIPLES OF PLAIN LANGUAGE COMMUNICATION AS PROVIDED IN GUIDANCE ISSUED BY THE MAYOR'S OFFICE OF ADULT EDUCATION.

D. THE MAYOR'S OFFICE OF OPERATIONS SHALL PROVIDE TECHNICAL ASSISTANCE TO INDIVIDUAL AGENCIES AND COORDINATE AND OVERSEE AGENCY COMPLIANCE WITH THIS SECTION.

S 3. The executive law is amended by adding a new article 14-A to read as follows:

ARTICLE 14-A

LIMITED-ENGLISH PROFICIENCY REQUIREMENTS FOR STATE AGENCIES

SECTION 280. DEFINITIONS.

281. LIMITED-ENGLISH PROFICIENCY REQUIREMENTS FOR CERTAIN STATE AGENCIES.

S 280. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "DIRECT PUBLIC SERVICES" MEANS SERVICES ADMINISTERED BY AN AGENCY DIRECTLY TO PROGRAM BENEFICIARIES AND/OR PARTICIPANTS;

2. "ESSENTIAL PUBLIC DOCUMENTS" MEANS THOSE DOCUMENTS MOST COMMONLY DISTRIBUTED TO THE PUBLIC THAT CONTAIN IMPORTANT AND NECESSARY INFORMATION REGARDING THE PROVISION OF BASIC CITY SERVICES;

3. "LIMITED-ENGLISH PROFICIENT PERSONS" MEANS PEOPLE WHO IDENTIFY AS BEING OR ARE UNABLE TO SPEAK, READ OR WRITE THE ENGLISH LANGUAGE AT A LEVEL THAT PERMITS EFFECTIVE INTERACTION WITH AN AGENCY;

4. "STATE AGENCY" MEANS ANY STATE DEPARTMENT, BOARD, BUREAU, DIVISION, COMMISSION, COMMITTEE, COUNCIL, OFFICE OR OTHER GOVERNMENTAL ENTITY PERFORMING A GOVERNMENTAL OR PROPRIETARY FUNCTION FOR THE STATE, EXCEPT FOR THE JUDICIARY OR THE STATE LEGISLATURE.

S 281. LIMITED-ENGLISH PROFICIENCY REQUIREMENTS FOR CERTAIN STATE AGENCIES. 1. EVERY STATE AGENCY THAT PROVIDES DIRECT PUBLIC SERVICES IN CITIES WITH A POPULATION OF ONE MILLION OR MORE SHALL ENSURE MEANINGFUL ACCESS TO SUCH SERVICES BY TAKING REASONABLE STEPS TO DEVELOP AND IMPLEMENT AGENCY-SPECIFIC LANGUAGE ASSISTANCE PLANS REGARDING LIMITED-ENGLISH PROFICIENT PERSONS.

2. EVERY STATE AGENCY PROVIDING DIRECT PUBLIC SERVICES IN A CITY WITH A POPULATION OF ONE MILLION OR MORE SHALL:

(A) DESIGNATE A LANGUAGE ACCESS COORDINATOR WITHIN FORTY-FIVE DAYS OF THE EFFECTIVE DATE OF THIS SECTION TO OVERSEE THE CREATION AND EXECUTION OF AN AGENCY-SPECIFIC INTERNAL LANGUAGE ACCESS POLICY AND IMPLEMENTATION PLAN;

(B) DEVELOP SUCH LANGUAGE ACCESS POLICIES AND IMPLEMENTATION PLANS BY JANUARY FIRST, TWO THOUSAND TWELVE. SUCH PLAN SHALL BE DEVELOPED BY ASSESSING THE FOLLOWING FOUR FACTORS:

(I) THE NUMBER OR PROPORTION OF LIMITED-ENGLISH PROFICIENT PERSONS IN THE ELIGIBLE SERVICE POPULATION;

(II) THE FREQUENCY WITH WHICH LIMITED-ENGLISH PROFICIENT PERSONS COME INTO CONTACT WITH THE AGENCY;

(III) THE IMPORTANCE OF THE BENEFIT, SERVICE, INFORMATION OR ENCOUNTER TO THE LIMITED-ENGLISH PROFICIENT PERSONS, INCLUDING THE CONSEQUENCES OF LACK OF LANGUAGE SERVICES OR INADEQUATE INTERPRETATION OR TRANSLATION; AND

(IV) THE RESOURCES AVAILABLE TO THE AGENCY AND THE COSTS OF PROVIDING VARIOUS TYPES OF LANGUAGE SERVICES;

(C) PROVIDE SERVICES IN LANGUAGES BASED ON AT LEAST THE TOP SIX LANGUAGES SPOKEN BY THE LIMITED-ENGLISH PROFICIENCY POPULATION OF THE CITY WITH A POPULATION OF ONE MILLION OR MORE, AS THOSE LANGUAGES ARE RELEVANT TO SERVICES OFFERED BY EACH AGENCY;

(D) ENSURE THAT THE LANGUAGE ACCESS POLICY AND IMPLEMENTATION PLAN INCLUDES THE FOLLOWING ELEMENTS FOR LIMITED-ENGLISH PROFICIENT PERSONS:

(I) IDENTIFICATION AND TRANSLATION OF ESSENTIAL PUBLIC DOCUMENTS PROVIDED TO OR COMPLETED BY PROGRAM BENEFICIARIES AND/OR PARTICIPANTS;

(II) INTERPRETATION SERVICES, INCLUDING, BUT NOT LIMITED TO, THE USE OF TELEPHONIC INTERPRETATION SERVICES FOR THE TOP SIX LANGUAGES, AS DETERMINED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION AND OTHERS AS APPROPRIATE;

(III) TRAINING OF FRONTLINE WORKERS AND MANAGERS ON LANGUAGE ACCESS POLICIES AND PROCEDURES;

(IV) POSTING OF SIGNAGE IN CONSPICUOUS LOCATIONS ABOUT THE AVAILABILITY OF FREE INTERPRETATION SERVICES;

(V) ESTABLISHMENT OF AN APPROPRIATE MONITORING AND MEASUREMENT SYSTEM REGARDING THE PROVISION OF AGENCY LANGUAGE SERVICES; AND

(VI) CREATION OF APPROPRIATE PUBLIC AWARENESS STRATEGIES FOR THE AGENCIES' SERVICES POPULATIONS.

S 4. This act shall take effect immediately.