STATE OF NEW YORK

9355

IN ASSEMBLY

February 23, 2022

Introduced by M. of A. CRUZ -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to language access services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The executive law is amended by adding a new section 202-a to read as follows:

§ 202-a. Language access services. 1. Acting pursuant to section two hundred of this article, the commissioner of general services shall establish, within the office of general services, a division of language access services and shall appoint and fix the compensation of a director of language access services and such other assistants and other employees necessary to assist in overseeing the provision of language access services by state agencies and ensuring compliance with the provisions of this section. The director of the division of language access services shall report directly to the commissioner of general services.

2. Each state agency that provides direct public services in New York state shall translate all vital documents relevant to services offered by the agency into the ten most common non-English languages spoken by limited-English proficient individuals in the state, based on the data in the most recent American Community Survey published by the United States census bureau. Agencies subject to this section, in their discretion, may offer at least two additional languages beyond the ten most common languages, and shall offer any additional languages that are recommended by the director of language access services and approved by the office of general services based on the population of limited-English proficient individuals served by the agency, feedback from impacted community or advocacy groups, the geographic region within which the services are offered, any other relevant data published by the United States census bureau.

3. Each agency subject to the provisions of this section shall designate a language access coordinator who will work with the division of

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

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language access services to ensure compliance with the requirements of this section.

4. Each agency subject to the provisions of this section shall develop a language access plan in consultation with the division of language access services and submit such plan to the office of general services.

a. An agency's initial language access plan shall be issued by the agency within ninety days of the effective date of this section.

b. Language access plans shall be updated and reissued every two years on or before January first.

c. Language access plans shall set forth, at a minimum:

(i) when and by what means the agency will provide or is already providing language assistance services;

(ii) the titles of all available translated documents and the languages into which they have been translated;

(iii) the number of public contact positions in the agency and the number of bilingual employees in public contact positions, and the languages such employees speak;

(iv) a training plan for agency employees which includes, at minimum, annual training on the language access policies of the agency and training in how to provide language assistance services;

(v) a plan for annual internal monitoring of the agency's compliance with this section;

(vi) a description of how the agency intends to notify the public of the agency's offered language assistant services;

(vii) an assessment of the agency's service populations to determine whether additional languages of translation should be added beyond the top ten languages;

(viii) an explanation as to how the agency determined it would provide any additional language beyond the top ten languages required by this section;

(ix) if direct public services are provided on behalf of the agency by local governments, the extent to which translation and interpretation services are provided by such local governments and all efforts by the agency to ensure that such direct public services are provided in compliance with this section; and

(x) the identity of the agency's language access coordinator.

5. Each agency subject to the provisions of this section shall:

a. provide interpretation services between the agency and an individual in each individual's primary language with respect to the provision of services or benefits by the agency; and

b. publish the agency's language access plan on such agency's website.

6. For purposes of this section, "vital document" means any paper or digital document that contains information that is critical for obtaining agency services or benefits or is otherwise required to be completed by law.

7. The division of language access services shall solicit and review community feedback on the provision of language access services and serve as a clearinghouse on agencies' capacities to provide language access services, and shall work with agency language access coordinators to develop improvements in the state's language access efforts.

8. The office of general services and the division of language access services shall ensure agency compliance with this section and shall prepare an annual report, which shall be made public on the office of general services' website, detailing each agency's progress and compliance with this section.

§ 2. This act shall take effect July 1, 2022.