

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:

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

3 § 202-a. Language access services. 1. Acting pursuant to section two
4 hundred of this article, the commissioner of general services shall
5 establish, within the office of general services, a division of language
6 access services and shall appoint and fix the compensation of a director
7 of language access services and such other assistants and other employ-
8 ees necessary to assist in overseeing the provision of language access
9 services by state agencies and ensuring compliance with the provisions
10 of this section. The director of the division of language access
11 services shall report directly to the commissioner of general services.

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

26 3. Each agency subject to the provisions of this section shall desig-
27 nate 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.

LBD14759-01-2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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