

New York State Attorney General Letitia James

Dear New Yorkers,

New York is a diverse, multi-lingual state: roughly 5.5 million New Yorkers do not speak English as their primary language, and almost half of those speak English less than very well. Language barriers, however, should not be a barrier to receiving services and benefits. Individuals with limited English proficiency may be entitled to language access services when interacting with government agencies.



All federally-funded programs must provide some level of language assistance to ensure “meaningful access” for Limited English Proficient (“LEP”) persons. In addition, certain state and local laws also require programs and offices to provide language assistance. If you would like to know more about language access in New York State, please contact my office.

Sincerely,



Letitia James



New York State Attorney General
The State Capitol
Albany, New York 12224
1-800-771-7755
www.ag.ny.gov

Resources

If you were denied language access to a federally-funded program or activity, you may contact the federal agency funding the program (e.g. Department of Health and Human Services for Food Stamps). If you wish to make a complaint, you can contact the New York State Office of the Attorney General, the U.S. Department of Justice or the New York State Division of Human Rights:

New York State Office of the Attorney General
Civil Rights Bureau
28 Liberty Street
New York, NY 10005
(212) 416-8250
Civil.Rights@ag.ny.gov

New York State Division of Human Rights
One Fordham Plaza, 4th Floor
Bronx, New York 10458
(718) 741-8400
<http://www.dhr.ny.gov>
visit website for regional office contacts

United States Department of Justice
Civil Rights Division
Coordination & Federal Compliance Section
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
(888) TITLE-06 (voice/TTY)

Language Access

Overcoming Language Barriers in New York State



NEW YORK STATE OFFICE
of the
ATTORNEY GENERAL
Civil Rights Bureau

Language Access — Ensuring that all people, regardless of their primary language, have access to government services and information.

Obtaining Language Services

Certain agencies or offices must provide an interpreter for a person with limited English proficiency (LEP) - either in-person or through a phone service - during an appointment or meeting. For example, applicants for food stamps would identify their primary language using language cards. They would either be assigned a caseworker who speaks their primary language or have an interview conducted with the assistance of an interpreter by telephone. Forms, especially those considered “vital” (those required by law or containing information critical for benefits), would also be translated into their primary language.

Over the phone, callers should identify their primary language at the beginning of the call, especially in an emergency situation.

Sites required to provide language assistance may not charge for that service, and a notice of the right to language services should be posted prominently in public areas. These services should be provided in a timely manner: excessive delays may amount to a denial of service.

Interpreters Should be Skilled

In many circumstances, a professional interpreter - sometimes contracted with through a telephone service - will be used by the agency. Language telephone lines employ interpreters in most spoken languages. Offices may also use their own adequately skilled bilingual staff to help interpret. The quality and accuracy of interpretation and translation services must be higher for more serious or life-impacting services. For example, an interpretation provided during an emergency medical procedure must be of the highest quality and accuracy, but those provided in a library don't demand the same level of precision.

Important note: When the law requires an agency or office to provide language access services, it must provide them at no cost to the client. It may not require the client to be accompanied by a friend or family member to assist. However, if the client wishes to be accompanied by family or a friend, that should be permitted. In instances in which objectivity is required, e.g. during a police investigation or a medical consultation, the agency interpreter's version must be relied on.

Services At Which Language Assistance Can Be Expected

— Health Care & Social Services —

Federal Programs:

- Social Security Administration programs (including SSI, Disability, and Retirement);
- Public assistance benefits such as SNAP (Supplemental Nutrition Assistance Program), TANF (Temporary Assistance for Needy Families), and the Home Energy Assistance Program (HEAP);
- Health services such as Medicaid, Medicare, and SCHIP (State Children's Health Insurance Program).

New York State requires:

- Hospital patients to be advised and counseled in their primary languages;
- Pharmacies to translate warning labels and counsel customers in their primary languages. The Attorney General's Office currently has agreements in place with A & P, Costco, CVS, Duane Reade, Rite Aid, Eckerd, Genovese, Target and Wal-Mart, requiring all these pharmacies to counsel and advise clients in their primary languages and translate prescription drug and warning labels, all vital documents, and instructions.

New York City Department of Social Services

Offices must “provide prompt language assistance services in all interactions with that individual.”

— Elections —

Under the Voting Rights Act, the following counties must provide language services to specific communities: Bronx (Hispanic), New York and Kings (Hispanic and Chinese), Nassau (Hispanic), Queens (Asian Indian, Chinese, Hispanic, and Korean), Suffolk (Hispanic), and Westchester (Hispanic). The Voting Rights Act also requires that Spanish language assistance be provided in a number of other counties with sizeable Puerto Rican populations.

New York State law also requires election inspectors and poll clerks to assist persons with limited English proficiency during elections. Voters are also entitled to assistance from a person of their choice on Election Day, including friends or family members.

— Schools —

Federally-funded schools must provide language assistance services to students and parents. Under state law, new students are screened and LEP students must receive appropriate English-language development services. All school districts must provide LEP students with equal access to programs and services offered by the district, commensurate with their ages and grade level, including access to programs required for graduation.

— Law Enforcement —

Police departments that receive federal funds should consider the size of their LEP population when devising a proper language assistance plan. Departments serving larger LEP populations should use language lines, employ bilingual officers and utilize language cards to address the language needs and provide services. Vital documents, such as police incident reports and waivers, should also be available in other languages.

— Assistance for the Hearing-Impaired —

The Americans with Disabilities Act requires public accommodations and employers with at least 15 workers to provide disabled persons with appropriate interpretive services. Employees who require assistance to do their jobs may be eligible for a “reasonable accommodation” for interpretive services.

New York City's Language Gateway

New York City provides a multilingual web portal, Language Gateway, providing access to over 160 documents translated in Spanish, Russian, and Chinese in the areas of social services, employment, immigration, housing, and others. Those materials can be accessed at: <http://www.nyc.gov/html/lg/html/home/home.shtml>

New York State's Executive Order

In 2011, Governor Cuomo signed an executive order requiring all state agencies that provide direct public services to begin translating essential forms, instructions and other documents in the six most common languages found in the state. The agencies also must provide interpretation in clients' primary language, regardless of whether it is one of the six most common. State agencies must provide these services by October 6, 2012. Many of the agencies affected by this order are already providing at least some language services under other laws.