

LANGUAGE ACCESS POLICY AND IMPLEMENTATION PLAN

The New York City Commission on Human Rights ("CCHR") submits this Language Access Policy and Implementation Plan pursuant to Executive Order 120 of 2008.

AGENCY MISSION AND BACKGROUND

CCHR enforces the New York City Human Rights Law ("NYCHRL"), New York City Administrative Code, Title 8, Chapter 1, et seq. This statute prohibits discrimination in employment, housing and public accommodations, as well as bias-related harassment, on the basis of the following protected classes: race; color; creed; age; national origin; alienage or citizenship status; gender; sexual orientation (including sexual harassment and gender identity); disability; marital status; partnership status; any lawful source of income; status as a victim of domestic violence or status as a victim of sex offenses or stalking; lawful occupation; whether children are, may be or would be residing with a person; and conviction or arrest record.

Any member of the public who believes he/she has been the subject of unlawful discrimination in New York City within the past year may contact CCHR. If CCHR determines that the matter falls within its jurisdiction, a member of its Law Enforcement Bureau ("LEB") staff prepares a Complaint that the Complainant signs, and which is then served upon the person, persons or organization alleged to have violated the NYCHRL. CCHR, through LEB, then conducts an investigation of the Complaint and if it concludes that there is probable cause to believe that discrimination has occurred, it refers the matter to the Office of Administrative Trials and Hearings ("OATH") for an administrative trial. A LEB staff attorney assists the Complainant before OATH.

CCHR also provides information and services through its Community Relations Bureau ("CRB"). CRB includes five borough Community Service Centers ("CSC"), one at the same location as CCHR's central office in Manhattan, and one in each of the outer boroughs. CRB provides educational literature, workshops, and other presentations to community groups, employers, landlords, real estate brokers, owners of retail establishments and other individuals and organizations concerning the provisions of the NYCHRL. Some of these educational forums are conducted or interpreted in Spanish, Russian and/or Haitian Creole. As CCHR is a HUD-Certified, Housing Counseling Agency, each CSC provides mortgage counseling to individuals in danger of foreclosure.

CCHR has a total staff of just over eighty persons. Most of these individuals work in the Manhattan central office (40 Rector Street), including the Manhattan field office. The outer borough field offices have approximately six to eight staff members per office.

AGENCY LANGUAGE ACCESS GOALS

CCHR aims to make agency services accessible to New Yorkers with limited English proficiency (LEP) and to standardize the use of language access practices for services that include communication with members of the public.

Implementing this Language Plan will help CCHR staff to better understand protocols for providing service to LEP individuals. As a result, the agency's customer service ratings for LEP individuals will improve.

DEMOGRAPHICS, LEP POPULATION ASSESSMENT

CCHR will take the following steps to assess the LEP populations it serves, and to offer the widest level of language access possible. CCHR will provide interpretation services in all available languages including, but not limited to, Spanish, Russian, Mandarin, Cantonese, Haitian Creole, Korean, and Italian. The Agency will do this through its in-house Language Bank, through the Citywide volunteer Language Bank, and/or through the DOITT Language Line contract.

As to materials to be translated, CCHR will use surveys of members of the public and staff, as well as specific requests, to determine which materials need to be translated, and into what languages.

CCHR will utilize the US Department of Justice "Four Factor Analysis" to aid in determining the language access needs for the agency:

DOJ Factor 1: CCHR's CSC's have access to statistical information as to the racial and ethnic composition of each area of their respective Boroughs. These are broken down by Community Board and by zip code. CCHR has obtained statistical information as to the number of LEP individuals throughout the City, both by geographic distribution and by primary languages most commonly spoken.

DOJ Factor 2: CCHR's Language Liaison estimates that its Law Enforcement Bureau receives two to five requests per week for interpretive services. This does not include Spanish-speaking individuals as these are assigned to LEB staff, and generally do not come to the Language Liaison's attention. Over the past several months, the most frequently requested languages have been Mandarin, Cantonese, and Russian. Most of the requests start out as telephone requests, some of which will result in face-to-face meetings should LEB deem the matter which the LEP individual is bringing to its attention to fall within its jurisdiction. CCHR will use the information referenced in the above paragraph to arrive at a more accurate assessment as to the number or potential number of LEP individuals whom it serves, or who may be in need of its services. This will include, if available, the number of calls referred to CCHR by 311 in the various foreign languages. In addition, CCHR will track data from surveys and other sources,

including its staff, to determine actual demand for language access services. CCHR will adjust its specific services as necessary to meet actual demand.

DOJ Factor 3: The most important aspect of CCHR's mission is to insure that those living and/or working in New York City are aware of their rights under the NYCHRL, and of the mechanism available to them for redressing their rights under that Law. As detailed more fully below, CCHR has had many of its documents describing the provisions of the NYCHRL translated into the most commonly used languages within New York City. Also, CCHR has taken steps to assure that LEP individuals have available to them the means to file and participate in the investigation of complaints of discrimination.

DOJ Factor 4: As detailed more fully below, CCHR will endeavor to make greater use of resources available in-house, especially bilingual staff, in order to both provide more comprehensive service, and to reduce, if possible, its reliance on other City agencies. Given CCHR's size, however, some reliance on other City agencies and upon the Language Line or other contract will continue to be necessary.

SERVICE PROVISION PLAN

CCHR staff's interaction with members of the public includes both telephone conversations and face-to-face meetings. When a LEP individual contacts CCHR, whenever possible, a member of the CCHR staff who is fluent in that person's primary language is assigned either to meet with the individual or to act as interpreter. In the case of a LEP individual who is filing a complaint of discrimination with CCHR, if there is a staff attorney fluent in that person's primary language, that attorney will be assigned to investigate the complaint. If CCHR does not have such a staff attorney, but has someone in another job title who speaks the LEP individual's primary language, CCHR will, whenever possible, assign that staff member to act as the interpreter between the LEP individual and the staff attorney assigned to investigate his or her complaint.

If CCHR has no person on staff that speaks the LEP individual's primary language, the Language Liaison will reach out to Language Liaisons at other City agencies in order to identify someone from one of those agencies who can act as an interpreter. That person will then interpret either through conference call or in face-to-face meetings, or both. If the Language Liaison is unable to identify anyone who can act as an interpreter, then CCHR will use the DOITT Language Line contract, or another existing contract. CCHR will not ask a LEP individual to provide a relative or friend to act as interpreter, but will permit the individual to do so if he/she wishes.

Some of the CRB presentations are given in or interpreted in Spanish, Russian, and/or Haitian Creole. These languages were chosen based on staff's experience as to the need for them. Further presentations such as these will be given upon request.

In addition, CRB has a grant through which it gives presentations regarding employment rights to adult students as part of their English for Speakers of Other Languages course. CCHR gives approximately fifty of these presentations per year. The presentations are given to literacy classes of LEP individuals whose primary languages range from Spanish to Russian to various Asian and South-Asian languages. CCHR is planning additional literacy classes that explain other areas of the Human Rights Law, e.g., Disability Rights and Fair Housing.

CCHR's Language Liaison is currently in the process of updating the Agency's internal list of employees who are willing and able to act as volunteer interpreters and/or translators. The goal is to make interpretive and/or translation services more readily available in-house, thus shortening response time to requests for such services, as well as reducing CCHR's dependence upon other City agencies for assistance. In addition, CCHR is committed to insuring that no person is denied its services, or denied timely service, simply because he/she has limited English proficiency. To that end, the Language Access Coordinator will oversee the development of this Plan, as well as monitor its implementation and effectiveness. The Language Access Coordinator will review the Plan at least annually, and modify it as needed.

CCHR currently has available its most frequently distributed documents, such as informational brochures about the NYCHRL and Agency services, translated into a number of languages. These languages include Spanish, Chinese, Korean, Russian, French, Haitian Creole, Polish, Arabic and Urdu. These languages were chosen based on CCHR staff's experience as to the languages into which translations were most frequently requested. This literature is written in plain language, and is, thus, translated accordingly. CCHR will begin exploring the cost-effectiveness of translating its Web site into one or more of the most commonly used languages within New York City.

In the case of documents to be filled out and/or signed by a member of the public, CCHR will have the person acting as interpreter, as described above, orally translate the information in the document, and assist the LEP individual by writing his or her orally communicated responses in English on the form. In the case of a complaint of discrimination, the interpreter will read the document to the LEP individual in his or her primary language before he/she signs the document.

ADVERTISING AND SIGNAGE

CCHR will develop methods to insure that LEP individuals are aware that its services are available to them. This will include informing staff that the Agency provides or arranges for the provision of free interpretive services, and informing them of the procedure to follow when needing such services.

In addition, CCHR will develop written information, such as flyers and posters, in the most commonly spoken languages within New York City informing LEP individuals of the availability of free interpretive services.

CCHR has obtained language identification or "I speak" cards for each of its six office reception areas (one on each floor of its central office, and one in each of the outer borough offices). These will assist staff in determining a LEP individual's primary language.

CCHR does not have directional signage in its offices. However, it will determine whether there is a need for installation of such signage, and, if so, will obtain or translate it accordingly.

OUTREACH AND PUBLIC AWARENESS

CCHR will work to identify community groups and other organizations which serve LEP individuals, or to which large numbers of LEP individuals may come for various types of services. The Agency will then inform these groups and organizations, by oral, written, and/or electronic communication, as appropriate, of the availability of its services to LEP individuals.

TRAINING

CCHR will train its staff as to all facets of this Policy and its implementation. The Policy will be e-mailed to all staff, as well as distributed in hard copy at training sessions. CCHR will conduct training of existing staff on at least an annual basis, and will train newly hired staff as part of their general orientation. Topics of the training will include: the protocol for use of bilingual staff; the procedure for providing or arranging for the provision of interpretive or translation services; means of identifying a LEP individual's primary language; and the process for referrals to the Language Line when appropriate.

RECORD KEEPING AND EVALUATION

CCHR will develop methods for keeping records as to the requests it receives both for interpretive services and for translations. It will also develop and implement means for evaluating the quality of the services it provides to LEP individuals. These will include evaluating the language proficiency of the individuals, be they members of its own staff or others, who provide the services, as well as requesting feedback from LEP individuals as to their level of satisfaction with the services they have received.

RESOURCES ANALYSIS AND PLANNING

CCHR will continue to utilize the resources discussed above, as well as any others that become known or available to it, in order to assure continued improvement in the quality of the interpretation and translation services it provides. The Agency is committed to full compliance with Executive Order 120.

TIME LINES

March 2009, Update list of CCHR employees willing and able to provide interpretive and/or translation services.

March 2009, Distribute language identification or "I speak," cards, to office reception areas.

April 2009, Complete training of current staff on the implementation of this Plan.

April 2009, Determine extent to which CCHR will rely on the DOITT Language Line contract, then prepare documentation and encumber appropriate funds for a CCHR Task Order.

April 2009, Determine need, if any, for creation and installation of directional signage, as well as determine what languages, if any, such signage should be translated into.

May 2009, Develop methods for evaluating the quality of the services which CCHR's employees and other individuals provide, as well as for determining the satisfaction of LEP individuals receiving these services.

May 2009, Determine efficacy of translating CCHR's Web site.

May 2009, Develop means for advertising the availability of interpretation and translation services from CCHR, as well as methods for conducting outreach to organizations working with LEP individuals.