

NYCHA STANDARD PROCEDURE MANUAL
SP 007:09:1, LANGUAGE ASSISTANCE SERVICES

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NYCHA STANDARD PROCEDURE MANUAL

NEW YORK CITY HOUSING AUTHORITY

STANDARD PROCEDURE

SUBJECT	PROCEDURE OWNER	APPROVED DATE	APPROVED BY	INDEX NO.
LANGUAGE ASSISTANCE SERVICES	DEPARTMENT OF COMMUNICATIONS	Issued May 13, 2009 Revised April 20, 2011 Revised March 16, 2015 Revised July 5, 2016 Date: <u>2/9/19</u>	 David Pristin Executive Vice-President for External Affairs  Vito Mustaciuolo General Manager	007:09:1

I. PURPOSE

This Standard Procedure provides guidance on how the New York City Housing Authority (NYCHA) offers language assistance services to Limited English Proficient (LEP) persons. These services are designed to promote the meaningful access of LEP persons to NYCHA programs and activities.

II. POLICY

It is the policy of NYCHA to take reasonable steps to ensure LEP persons may effectively participate in and benefit from NYCHA programs and activities in compliance with the United States Department of Housing and Urban Development (HUD) notice entitled "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient (LEP) Persons," published on January 22, 2007, at 72 Federal Register 2732.

III. APPLICABILITY

This Standard Procedure applies to all NYCHA departments serving LEP persons seeking meaningful access to and information about NYCHA's programs, services, or activities, including public housing, or Section 8 assistance.

IV. DEFINITIONS

A. Bilingual

The ability to speak and/or write fluently and communicate directly and accurately in two languages. As a prerequisite for conducting business, NYCHA requires English to be one of the languages of a bilingual employee.

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B. Civil Service Bilingual Employee

A NYCHA employee who performs one of the following functions:

1. Serves in a specialized civil service title with duties and responsibilities that include interpretation and/or translation in language(s) other than English; e.g., an interpreter.
2. Performs in an appointed position in the appropriate language in a general title from a selectively certified civil service list pursuant to Rule 4.7.10 of the Personnel Rules and Regulations of the City of New York.

C. Covered Languages

The most frequently-encountered languages at NYCHA other than English. As of the most recent revision of this Standard Procedure, covered languages for both translation and interpretation are:

1. Chinese
2. Russian
3. Spanish

This list is modified, as necessary, to accommodate the language needs of LEP persons NYCHA most frequently encounters.

D. Exigent Circumstances

Situations where there is an imminent threat to life, health, or safety.

E. Language Bank Volunteer

A NYCHA employee assessed by the Department of Communications Language Services Unit (LSU) and determined to have the language skills necessary to provide oral interpretation and/or written translation in particular languages and for certain events (i.e., meetings, hearings, and over the telephone).

F. Limited English Proficient (LEP) Person

A person who does not speak English as their primary language and has a limited ability to read, write, speak, or understand English.

G. Oral Language Interpretation

The process of orally interpreting information from a source language into a target language; i.e., translating for people speaking in different languages.

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There are three types of oral language interpretation:

1. Simultaneous

The interpreter orally converts speech into the target language at almost the same time as the source-language speaker is talking.

2. Consecutive

The interpreter orally converts speech into the target language after the source-language speaker finishes talking.

3. Sight

The interpreter converts a written document from a source language into an oral communication in a target language.

H. Sign Language Interpreter

A person who interprets spoken language into manual communication, or sign language.

I. Source Language

The language of a document requiring written translation or spoken communication requiring oral interpretation.

J. Target Language

The language into which a written document is translated or an oral communication is interpreted.

K. Written Language Translation

The process of translating a written document from a source language into a target language.

L. Vendor

A third party under contract with NYCHA.

M. Vital Document

A document that is determined to be critical for ensuring meaningful access to NYCHA's major programs and activities by beneficiaries generally and LEP persons specifically.

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Vital documents include written materials soliciting or containing information for establishing or maintaining eligibility to participate in NYCHA programs or activities (for example, annual recertifications), and documents creating or defining legally enforceable rights or responsibilities (for example, leases).

V. REVIEW CYCLE

The Department of Communications shall review this Standard Procedure once every three (3) years, or earlier if necessary; and advise the Department of Procedures Development and Administration via e-mail if no changes are needed, or submit its revisions to the procedure by submitting NYCHA Form 022.008, *Procedure Development Request*.

VI. RESPONSIBILITIES

This Standard Procedure applies to the following titles:

A. Department of Communications

1. Chief communications officer
2. Language access coordinator
3. Language Services Unit employees

B. All Other Departments

1. Department directors
2. All employees who encounter LEP persons who seek access to NYCHA's programs or activities
3. Supervisors of employees who encounter LEP persons who seek access to NYCHA's programs or activities
4. Language liaisons
5. Language Bank volunteers

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VII. PROCEDURE

A. Departments' Assessment of Language Service Needs

1. Department of Communications

- a. The chief communications officer appoints an employee to serve as the language access coordinator.
- b. The language access coordinator:
 - (1) Meets with the language liaisons to ensure compliance with language assistance service requirements.
 - (2) Assesses NYCHA's language assistance needs annually by reviewing data on the current year's and prior year's provision of language assistance services.
 - (3) Recommends modifications to NYCHA's Executive Department, as needed, regarding the provision of language assistance services.
 - (4) Monitors the translation of vital documents.
 - (5) Oversees quality control assessment of language services.

2. All Other Departments

- a. All departments encountering LEP persons who seek access to NYCHA's programs or activities, including the public housing and Section 8 programs, conduct periodic evaluations of the language services provided to LEP persons. These evaluations determine the need for revisions to achieve the goal of meaningful access of LEP persons, including potential applicants or individuals seeking information about NYCHA.
 - (1) The department director:
 - (a) Assigns an employee to serve as their department's language liaison.
 - (b) Conducts periodic evaluations of the quality of language assistance services provided by the department.
 - (c) Assesses the need of the department for language assistance services.
 - (d) Identifies staff members needing instruction to be familiar with this Standard Procedure.

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(2) Language liaisons:

- (a) Work with the language access coordinator to regularly monitor and assess the language assistance services provided by the department.
- (b) Assist the language assistance coordinator with:
 - i. Compiling information about language assistance their respective departments provide to LEP persons
 - ii. Identifying vital documents that require translation
 - iii. Identifying changes in language needs, if any
- (c) Work with their respective departments, as needed, to assist in:
 - i. Determining cost-effective ways to provide language assistance to LEP persons
 - ii. Familiarizing staff members with this Standard Procedure
 - iii. Encouraging staff members with bilingual skills to volunteer for the Language Bank

B. Providing Language Assistance Services

- 1. Types of activities for which interpretation services are offered to LEP persons include, but are not limited to:
 - a. Eligibility interviews
 - b. Voucher briefings
 - c. Rental interviews
 - d. Resident/applicant/voucher holder hearings
 - e. Interviews regarding annual and interim recertification
 - f. Termination of tenancy hearings
 - g. Emergency repairs

NOTE:	If an employee learns the LEP person's inquiry involves a situation where there are exigent circumstances, the employee may use bilingual bystanders or minors under the age of 18 to provide language assistance services, or may call 911 as needed.
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2. Using LEP Person's Own Interpreter

- a. NYCHA cannot require or ask LEP persons to bring their own interpreter.
- b. If an LEP person requests an adult family member or friend (18 years of age or older) to provide interpretation, this practice is acceptable only if it is the choice of the LEP person. The employee must advise the LEP person about the availability of free language services and document if the LEP person still chooses to use their own interpreter.
- c. There are some situations in which the use of family members or friends is not suitable, e.g., domestic violence, elder abuse, or sexual assault. In those situations, NYCHA provides language assistance services even if LEP persons bring family members or friends.

3. Oral Language Interpretation Services

Under the following guidelines, each NYCHA department, office, or location offering programs or activities to LEP persons provides oral language interpretation at points of contact and service at no charge to LEP persons:

- a. Property Management, Customer Contact Walk-In Centers, and Office of Safety and Security

(1) Identifying an LEP Person

When an LEP person needs assistance at a Property Management location, a Customer Contact Walk-In Center, or the Office of Safety and Security, an employee tries to identify the LEP person's spoken language using NYCHA Form 036.034, *Language Identification Card*.

(2) Bilingual Employees

If available, civil service bilingual employees or Language Bank volunteers within the department who speak the person's spoken language should provide oral language interpretation services.

(3) Vendor

- (a) If the employee cannot identify the LEP person's spoken language, or if there is no bilingual employee readily available to assist, the employee contacts the vendor by calling the Language Assistance Hotline.
- (b) The employee follows the prompts to be connected with a representative.

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- (c) When the employee is connected to the appropriate language representative, the interpreter assists them in addressing the LEP person's questions and/or needs on a conference call, and in accordance with the terms of the vendor contract.
- (d) Future Appointments at Property Management Locations
- i. If the LEP person needs more extensive assistance (e.g., completing an Annual Review/Interim Change, requesting a transfer, resolving rent delinquency etc.), the property management employee schedules a future appointment with the assistance of the interpreter, and obtains the following information:
 - a. Full name
 - b. Preferred contact number
 - c. Preferred date and time for the appointment
 - ii. The employee ensures the interpreter makes the following statement to the LEP person:

“If we are unable to schedule an appointment for the date and time you requested, you will receive a call from Property Management staff, with an interpreter on the line, to reschedule your appointment.”
 - iii. To request an LSU interpreter or Language Bank Volunteer to be available for a future appointment with an LEP person, the Property Management employee either:
 - a. (Preferred method) Submits NYCHA Form 036.017, *Translation/Interpretation Request*, to LSU via e-mail to languageservices@nycha.nyc.gov; or
 - b. Calls the LSU Hotline at (212) 306-4443. Press 2 to schedule an appointment with an LSU interpreter.
 - iv. If an appointment needs to be rescheduled, the Property Management employee contacts the LEP person with the vendor on the phone to arrange a new date and time; and then resubmits NYCHA Form 036.017, *Translation/Interpretation Request*, at least five business days in advance of the rescheduled date.

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NOTE:	To the extent possible, employees should plan in advance to schedule appointments or interviews that may require interpretation services. If an appointment or interview must be rescheduled to a later date to provide language assistance services, there must not be any penalty or negative action taken against the LEP person.
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- b. Departments Other Than Property Management, Customer Contact Walk-In Centers, and Office of Safety and Security

NYCHA employees in departments other than Property Management, Customer Contact Walk-in Centers, and the Office of Safety and Security are **not** authorized to contact the vendor for oral language interpretation services unless they first follow the following steps.

(1) Identifying an LEP Person

When an LEP person needs assistance, an employee tries to identify the LEP person's spoken language by using NYCHA Form 036.034, *Language Identification Card*.

(2) Assisting LEP Persons

- (a) Employees contact the appropriate supervisor for assistance in determining how to provide interpretation services to visitors and telephone callers.
- (b) The supervisor determines how to provide interpretation and translation services by following the steps listed below **in the following order**:

i. Civil Service Bilingual Employees

The supervisor utilizes civil service bilingual employees from their own department, if available.

ii. Language Bank Volunteers

If civil service bilingual employees are unavailable, the supervisor utilizes Language Bank volunteers from their own department, if available.

iii. Contact LSU

- a. If neither civil service bilingual employees nor Language Bank volunteers from their own department are available, the supervisor calls LSU at (212) 306-4443.

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- b. LSU employees provide assistance or seek the assistance of Language Bank volunteers from other departments.
- iv. A meeting or telephone call not involving exigent circumstances may be rescheduled for a later date after confirming the availability of an interpreter.
 - a. If an appointment needs to be rescheduled, the employee contacts the LEP person with a translator on the phone to arrange a new date and time.

(3) Contract Vendor Services

- (a) If civil service bilingual employees and Language Bank volunteers from their own department are not available, and LSU cannot provide for oral interpretation services, the supervisor contacts their department director for contract vendor services.
- (b) The department director requests contract vendor interpretation services by contacting LSU at (212) 306-4443 or languageservices@nycha.nyc.gov.
- (c) If authorized, a department may use contract vendors for interpretation services. In such instances, before engaging the vendor, the department director approves the proposed use.
- (d) All costs relating to the use of contract vendors are charged to the budget of the department requesting the services.
 - i. Department directors reconcile all payment invoices with entries listed on NYCHA Form 036.035, *Telephone Interpretation Services Log*, before processing payment.
 - ii. Employees charge all costs relating to the use of contract vendors to the budget of the department requesting the services.

4. Written Language Translation Services

Each department reviews all new documents to determine if they are vital documents that require translation before distribution.

a. Documents to Be Posted on the Forms and Reference Library (FRL)

- (1) A department uses NYCHA Form 139.003, *Forms Request & Tracking Sheet*, to submit the original document in English to the Process and Information Management Department (PIMD).

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(2) After the requesting department approves the draft version of the document, PIMD submits the final version of the document to LSU for translation.

(3) LSU sends the translated documents to the requesting department and PIMD.

b. Other Documents

(1) For any vital document that is not going to be posted on the Forms and Reference Library (FRL), a department submits NYCHA Form 036.017, *Translation/Interpretation Request*, to LSU.

(2) Documents needing translation must be submitted in MS Word format.

(3) Any document translated by someone other than LSU must be submitted to LSU for review prior to being issued.

5. Sign Language Interpreters for Hearing-Impaired Persons

a. Contract vendors provide sign language interpretation services. The cost for these services is charged to the budget of the department requesting the services.

NOTE:	<p>NYCHA cannot require or ask a hearing-impaired person to bring their own sign language interpreter.</p> <p>If a hearing-impaired person requests an adult family member or friend (18 years of age or older) to provide sign language interpretation, this practice is acceptable only if it is the choice of the hearing-impaired person. The employee must advise the hearing-impaired person about the availability of free sign language interpretation and document if the hearing-impaired person still chooses to use their own interpreter.</p> <p>There are some situations in which the use of family members or friends is not suitable, e.g. domestic violence, elder abuse, or sexual assault. In those situations, NYCHA provides a sign language interpreter even if the hearing-impaired person brings family members or friends.</p> <p>If an employee learns the hearing-impaired person's inquiry involves a situation where there are exigent circumstances, the employee may use bystanders or minors under the age of 18 to provide sign language interpretation, or may call 911 as needed.</p>
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- b. Prior to requesting sign language interpretation services, an employee determines if the resident or applicant understands American Sign Language (ASL).

(1) When Resident or Applicant Understands American Sign Language

- (a) A department submits NYCHA Form 036.020, *Request for Sign Language Interpreter Services*, to LSU at least 10 days in advance of a scheduled interview.
- (b) LSU procures an ASL interpreter for the indicated location at the date and time scheduled and confirms procurement with the requesting department.
- (c) The requesting department notifies the hearing-impaired individual of the date and time of the interview.

(2) When Resident or Applicant Does Not Understand American Sign Language

- (a) If the resident or applicant does not understand ASL, then LSU can request the services of a Certified Deaf Interpreter (CDI). A CDI is certified as an interpreter by the Registry of Interpreters for the Deaf.
- (b) A CDI is procured following the same process described directly above for an ASL interpreter in Section VII.B.4.b.(1).

NOTE:	Lip reading must not be used to communicate with a hearing-impaired person. Written notes may be used only for minor issues or short-term interactions. Follow the process outlined above to arrange for a sign language interpreter for hearings or other lengthy or complex communications.
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C. Outreach

At locations where LEP persons interact with employees notices must be posted that include information about the availability of free language assistance services. These locations include, but are not limited to:

1. Development management offices
2. Hearing offices
3. Leased Housing and Application and Tenancy Administration centers
4. Customer Contact Center walk-in centers
5. NYCHA's website (Google Translate is available on the website)

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D. Complaints

1. Discrimination Related to Language Assistance Services

The denial of language assistance services to LEP persons seeking meaningful access to, and information about, NYCHA's programs, services, or activities violates the NYCHA Fair Housing Non-Discrimination Policy and applicable laws that prohibit discrimination on the basis of national origin. Employees are encouraged to refer to NYCHA Standard Procedure 007:67:1, *Equal Opportunity*, for guidance on how to report internal allegations of housing discrimination.

2. 311 Complaint Processing

LEP persons may call 311 to file a language access-related complaint. LSU employees must follow the 311 service request response process.

VIII. OUTPUTS, REPORTS, AND RECORDKEEPING

A. Outputs

1. Translation/Interpretation Request forms processed (includes written and oral – in person assignments)
2. Request for Sign Language Interpreter Services forms
3. Administer interpretation and translation requests for Language Bank Volunteers

B. Reports

1. The language access coordinator ensures the following reports are issued to the Performance Tracking and Analytics Department :
 - a. Interpretation Services, issued quarterly and annually
 - (1) Number of LEP persons served, sorted by language:
 - (a) Via telephone with staff interpreters/Language Bank volunteers
 - (b) Via telephone with contract vendors
 - (c) In person with staff interpreters/Language Bank volunteers
 - (d) In person with contract vendors

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- b. Translation Services, issued monthly and annually
 - (1) Number of documents and pages translated, sorted by language.

- c. Number of calls received and handled, by language, upon request.

- 2. The Department of Information Technology issues a periodic report to the language access coordinator and the Performance Tracking and Analytics Department with statistics based on the use of Google Translate on the NYCHA website.

C. Recordkeeping

LSU maintains a data warehouse to collect and compile all interpretation and translation requests handled by LSU and Language Bank volunteers.

IX. TRAINING REQUIREMENTS

NYCHA's Human Resource Department Learning and Development Unit provides ongoing training for applicable staff about the language assistance services policy and procedure. Training topics include:

- A. An overview of NYCHA's language assistance policy, including this Standard Procedure.
- B. How to use NYCHA's language identification card to identify the language of an LEP person.
- C. How to access language services through bilingual staff, LSU and Language Bank, or contract vendor.
- D. How to work with an interpreter.
- E. Prohibition against requiring or asking an LEP person to bring his or her own interpreter.
- F. Cultural sensitivity.

X. PERFORMANCE METRICS

- A. Translation/Interpretation Request forms processed within established timeframes
- B. Sign language interpreter services requests completed within established timeframes

XI. NON-COMPLIANCE

- A. Failure to comply with the requirements of this procedure may result in disciplinary action.

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- B. Departments are required to take any necessary corrective actions to bring NYCHA in compliance.

XII. FORMS

- A. NYCHA Form 036.017, Translation/Interpretation Request
- B. NYCHA Form 036.020, Request for Sign Language Interpreter Services
- C. NYCHA Form 036.034, Language Identification Card
- D. NYCHA Form 139.003, Forms Request & Tracking Sheet

XIII. WORKFLOW

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XIV. REVIEW/REVISION HISTORY PAGE

LANGUAGE ASSISTANCE SERVICES

SP 007:09:1

Review/ Revision	Review/ Revision Date	Sections Amended
1.	3/16/15	SP reformatted to comply with new Standard Procedure template.
2	3/16/15	Added Table of Contents
3.	3/16/15	Banner
4.	3/16/15	Section I. Purpose
5.	3/16/15	Section II. Policy
6.	3/16/15	Section III. Applicability (Section IV in previous version)
7.	3/16/15	Section IV. Definitions (Section III in previous version)
8.	3/16/15	Added Section V. Review Cycle
9.	3/16/15	Added Section VI. Responsibilities, Subsections A-B
10.	3/16/15	Section VII. Procedure, Subsections A-E (Sections V., VI, VII, and X in previous version)
11.	3/16/15	Added Section VIII. Outputs, Reports, and Recordkeeping, Subsections A-C
12.	3/16/15	Section IX, Training Requirements (Section VIII. in previous version)
13.	3/16/15	Section X. Performance Metrics (Section IX. In previous version)
14.	3/16/15	Added Section XI, Non-Compliance
15.	3/16/15	Section XII. Forms (Section XI. in previous version)
16.	3/16/15	Added Section XIII. Workflow
17.	3/16/15	Added Section XIV, Review/Revision History Page
18.	3/16/15	Added Section XV. Appendices
19.	7/5/16	Banner
20.	7/5/16	Section IV. Definitions.
21.	7/5/16	Section VI. Responsibilities, Subsection A
22.	7/5/16	Section VII. Procedure, Subsections B and C
23.	7/5/16	Section IX. Training Requirements
24.	7/5/16	Section XII. Forms
25.	2/7/19	Banner
26.	2/7/19	Section I., Purpose
27.	2/7/19	Section II., Policy
28.	2/7/19	Section III., Applicability
29.	2/7/19	Section IV., Definitions
30.	2/7/19	Section V., Review Cycle

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31.	2/7/19	Section VI., Responsibilities
32.	2/7/19	Section VII., Procedure
33.	2/7/19	Section VIII., Outputs, Reports, and Recordkeeping
34.	2/7/19	Section IX., Training Requirements
35.	2/7/19	Section X., Performance Metrics
36.	2/7/19	Section XI., Non-Compliance
37.	2/7/19	Section XV., Appendices

XV. APPENDICES

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