NASSAU COUNTY, NEW YORK

COUNTY-WIDE LANGUAGE ACCESS PLAN
2020

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County Executive
I. Policy and Purpose:

The Office of the Nassau County Executive (the “County Executive”) is committed to having the programs, services and activities administered under its jurisdiction be accessible to all residents. Living in a linguistically diverse county, the County Executive will employ a robust and inclusive policy (the “Policy”) where all residents have the right, in accordance with applicable law, to meaningful and timely access without regard to their competency in English.

As set forth herein, all executive departments, county offices, agencies, boards and commissions under the jurisdiction of the County Executive (the “Executive Departments”) will undertake reasonable measures to provide language access services for individuals with Limited English Proficiency (LEP). The term “language access services” describes efforts, including the allocation of resources and the establishment of protocols, to provide oral and written language assistance to LEP individuals. This Policy statement will serve as the Language Access Plan for Nassau County and can function as a template for the Language Access Plan that each Executive Department will be required to formulate.

The purpose of this Policy is to make certain that LEP will not prevent any person from appreciating important program information, understanding eligibility criteria, or otherwise participating in or with Nassau County government. This Policy guarantees that all LEP individuals, irrespective of their citizenship status, are provided with language access services so as to ensure meaningful and timely access. As detailed below, this Policy specifically calls for the provision of oral interpretation in any language at no cost to the individual and at a minimum the written translation of vital documents into at least six languages other than English.

The explicit goal of this Policy is to establish a threshold standard so that each Executive Department will be able to offer language access services in a consistent fashion. Achieving consistency is necessary because inconsistency can cause confusion for residents, increase costs, and needlessly expose the county to potential liability. By securing compliance, meaningful and timely access to programs, services and activities will become a tangible reality for LEP individuals in Nassau.

II. Authority of the County Executive:

As described in the Nassau County Charter, the County Executive is the responsible officer charged with setting policy for the direction and management of Nassau County’s Executive Departments. Furthermore, the County Executive makes sure that all laws and ordinances are faithfully observed. Article II, Section 203 of the Nassau County Charter states that:
It shall be the duty of the County Executive to supervise, direct, and control, subject to the provisions of the act, the administration of all departments, offices and functions of the county government. In the exercise of this responsibility, the County Executive shall be authorized, in addition to such other powers as may be necessary to maintain the efficient operation of county government, to develop, maintain and administer services on a county wide basis that are common needs of all departments of county government....”

There is a growing demand for language access services in Nassau. The County Executive is cognizant that any delay could constructively be a denial of important program information. Accurate and effective communication must take place if Executive Departments are to properly meet their obligations to the county’s residents. Accordingly, it is anticipated that every Executive Department will be in compliance with this Policy within 90 (ninety) days of the formal announcement of the Policy. On or before that date every Executive Department will submit written proof of compliance and be certified as such.

To facilitate this goal, the County Executive will appoint a Language Access Coordinator for Nassau County (NCLAC) to oversee implementation. The NCLAC will be designated to formally certify that an Executive Department has met the threshold standard set forth in this Policy. The NCLAC will submit periodic updates to the County Executive on the progress and status of all efforts undertaken. The NCLAC will advise the County Executive on additional measures in furtherance of this Policy.

The NCLAC will serve as an ombudsman concerning matters dealing with language assistance on a county-wide basis. The NCLAC will address and respond to inquiries from county employees, program operators, elected officials, and members of the public touching upon issues related to language access services. The NCLAC will hold meetings with Language Access Coordinators from each of the Executive Departments to monitor continued compliance, foster communication among them, and provide additional assistance as called for. The Deputy County Executive for Health and Human Services will be responsible for supervising the NCLAC.

III. The Executive Orders:

This issue was first addressed by Nassau County Executive Orders 67-2013 (which addresses issues of written translation) and 72-2013 (which concerns oral interpretation) (the “Executive Orders”). Taken together, the Executive Orders broadly obligate every Executive Department under the jurisdiction of the County Executive to:

1) make available on the county website and in printed format vital documents in English and the six most common non-English languages spoken in Nassau County
2) provide competent oral interpretation in a LEP individual’s primary language, either in person or by means of telephonic interpretation

3) publish a Language Access Plan with detailed requirements and a listing of competent bi-lingual employees which will be submitted to the Deputy County Executive for Minority Affairs

4) have a required training plan for initial mandatory as well regular and systemic employee training on its Language Access Plan

5) safeguard the confidentiality of individuals with LEP who access programs, services and activities

6) monitor compliance with the requirements of the Executive Orders by a Language Access Coordinator

7) have the Language Access Coordinator notify the public of the availability of language access services and that they are free of charge

8) have the Language Access Coordinator address and respond to issues related to language access services.

Since the Executive orders were first signed, the demand for language access services has increased and the methods for administering language assistance have evolved. Granted it would be impossible to anticipate the definitive answer to every question governing language access services. Nevertheless, this Policy seeks to impart fact-dependent guidance which incorporates practical measures in keeping with the laws of the United States, the state of New York and Nassau County.

IV. Applicable Laws, Regulations and Precedents:

In issuing this Policy, the County Executive is complying with the terms set forth in the Executive Orders as well as bringing Nassau County into line with federal and New York State legal requirements. These laws, regulations and precedents mandate the provision of language access services.

Detailed below are the legal requirements which serve as the foundation of this Policy:

1) Nassau County Executive Order Numbers 67-2013 and 72-2013 (See Attachment A)
2) Title VI, Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq.: This statute prohibits discrimination based on race, color, or national origin in programs and activities that accept federal funds; specifically, Section 601 provides that no person shall “on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

3) United States Supreme Court, in Lau v. Nichols, 414 U.S. 563 (1974) held that Title VI of the Civil Rights Act of 1964 prohibits any conduct that has a disproportionate impact on individuals with LEP because this conduct constitutes national-origin discrimination under the statute. In Lau, the Court was interpreting federal regulations issued by the then United States Department of Health, Education and Welfare. In this case a school district in San Francisco, California with a significant number of non-English speaking students of Chinese extraction was required to take reasonable measures to provide the students with a meaningful opportunity to participate in a federally funded educational program. (See Attachment B)

4) Presidential Executive Order 13166, Improving Access to Services by Persons with Limited English Proficiency, 65 FR 50121 (August 16, 2000)—calls for federal agencies to develop a system to improve access to federally assisted programs and activities for persons who due to National Origin have LEP. Clarifying Section 601 of Title VI of the Civil Rights Act of 1964; on August 11, 2000 President Bill Clinton signed this Executive Order which requires federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally funded or conducted activities who due to LEP cannot fully and meaningfully participate in or benefit from programs and activities. Section 2 of the Executive Order further directs departments or agencies “to prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons”, i.e. a Language Access Plan. (See Attachment C)

5) Federal Recipient LEP Guidance Document 2002: Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons 67 FR 41455 (June 18, 2002) as adopted by the United States Department of Justice final guidance is given regarding the national origin discrimination prohibitions contained in Title VI of the Civil Rights Act of 1964 and is issued pursuant to Executive Order 13166. (See Attachment D)

6) NYS Executive Order No. 26, October 6, 2011 as signed by Governor Andrew Cuomo calls for the provision of interpretation services by New York State agencies that provide
direct public services; the translation of vital documents in the six most common non-
English languages spoken by individuals with LEP based on data from the United States
Census Bureau; that each agency shall publish a Language Access Plan and have a
publicly identified Language Access Coordinator; and that oversight, guidance and the
monitoring of compliance shall be performed by the New York State Deputy Secretary
for Civil Rights. (See Attachment E)

V. Definition of Executive Departments:

This Policy applies to all Nassau County Executive Departments that operate under the
jurisdiction of and are accountable to the County Executive. For purposes of clarity, this policy
defines the term “Executive Departments” to include but not be limited to the following entities:

1. Anti-Bias Crime Task Force
2. Assessment
3. Assessment Review Commission
4. Board of Ethics
5. Civil Service Commission
6. Commissioner of Investigations
7. County Attorney
8. County Executive
9. County Treasurer
10. Economic Development
11. Emergency Management
12. Film Commission
13. Fire Commission
14. Hardship Review Board
15. Health Department
16. Human Rights Commission
17. Human Services
18. Medical Examiner
19. Medicaid & Public Assistance Fraud
20. Mental Health, Chemical Dependency & Developmental Disabilities Services
21. Minority Affairs
22. Office of Aging
23. Office of Asian American Affairs
24. Office of Consumer Affairs
25. Office of Hispanic Affairs
26. Office of Housing and Community Development
27. Parks, Recreation & Museums
28. Physically Challenged
29. Planning Department
30. Police Department
31. Probation
35. Public Administrator
36. Public Works
37. Real Estate Planning & Development
38. Sheriff's Department
39. Social Services
40. Taxi & Limousine Commission
41. Traffic & Parking Violations Agency
42. Veterans Service Agency
43. Youth Services

It is the County Executive’s sincere desire that this Policy serve to promote the use of language access services in all government offices throughout Nassau County. Please note that neither this Policy nor the Executive Orders apply to those county offices which operate outside of the County Executive’s jurisdiction. It is hoped that this Policy will serve as a catalyst encouraging independently elected Nassau County officials to adopt comparable measures. The County Executive is prepared to assist any office not already covered under the terms of this Policy so that they can offer language assistance to the public.

VI. Definition of Limited English Proficiency (LEP):

A person with Limited English Proficiency (LEP) is defined as someone whose primary language, i.e. the language they communicate most effectively in, is not English. Such a person is unable to read, write, speak or understand the English language at a sufficient level that would permit them to interact effectively. Also note that there may be instances where persons may be competent to communicate in English in certain modes, principally speaking or understanding, but still be considered to have LEP for other purposes, such as reading and writing.

In all instances, persons maintain the right to self-identify as being an individual with LEP. Upon self-identification, a LEP individual should formally request language assistance. Appropriate language access services will then be provided forthwith and done so free of charge. The goal is one of securing accurate communication between the LEP individual and county employees so that meaningful and timely access is realized.

There are occasions when an individual may be hesitant or reluctant to self-identify. In these situations, it may fall to an employee(s) to determine if the person does in fact need language assistance. It bears emphasis that when ascertaining if a language barrier (see below) is present, employees should endeavor to proceed in as respectful a manner as possible. It is not the intention of any Executive Department or its employees to offend, humiliate or embarrass anyone. Rather it is their intention to offer the highest level of professional service in accord with ethical standards.
Similarly, persons in need of language access services should not be made to feel uncomfortable, diminished, or as being in any way burdensome simply by being a LEP individual. All persons needing language assistance should be made to feel welcomed. It is important that the provision of language access services appears to be natural and no different than when serving a person who is competent in English.

When determining which language other than English is being spoken by a person with LEP, language indication tools such as “If you need an interpreter” or the “Interpreters Services Desk Guide” have been issued to employees at each Executive Department. These language identification tools are a written listing in a variety of different languages which ask if a person requires free interpretation services. The materials enable a person to literally point to the language that they are competent in so that interpretation can be offered either in person or over the telephone.

Additionally, in the common areas of Executive Departments which are open to the public, language access services signage should be prominently displayed. This signage will be on view in intake areas and other initial points of contact. Signage affords LEP individuals with notice that language access services are available, how to utilize them and that the services are free. Also, signage can help engender a more receptive and welcoming environment.

Much like the language identification tools, signage should include the listing of a variety of different languages so that individuals with LEP can identify the language necessitating interpretation. Signage along with audio-visual components (electronic video monitors which display recurring messages or announcements made over a public-address system for example) that are present in facilities housing Executive Departments, particularly those pertaining to health, safety, economic well-being or law enforcement should include slides conveying such information (See Attachment F).

Persons also have the right not to use and/or affirmatively refuse language access services if that is their manifest desire. Anyone refusing language assistance must in all instances sign a written waiver to that effect. The waiver, in which the person knowingly waives his or her right to free oral interpretation, must clearly express its terms. Within the text of the waiver, it must specifically state that the person does not require free oral interpretation and voluntarily refuses the use of any interpretation services. The waiver must be signed and dated by the individual.

The signed waiver should then be kept on file by the Executive Department. This waiver form is distributed in English only. This is because anyone who expressly waives the use of language
access services is considered competent in the English language thus has no need to have this or any other form translated. (See Attachment G)

VII. Definition of Language Barrier:

The mandates of this Policy will be accomplished by addressing the needs of otherwise eligible persons seeking access to programs, services and activities and eliminating potential language barriers. A language barrier is defined as a linguistic impediment which may in any way unnecessarily affect, impair or prevent someone from accessing important benefits or services, understanding or exercising important rights, complying with applicable responsibilities or understanding important program information being conveyed.

Language barriers most commonly occur when persons are unable to speak a common language, or in some instances the absence of a common dialect may be the cause. Although most adults living in the Nassau County can communicate competently in English, there is a significant and growing segment of the county’s population that does not. Many of these persons are recently arrived immigrants.

Since the passage of the Immigration and Nationality Act of 1965, the United States has witnessed a dramatic increase in immigration. Unlike previous waves of immigration, today’s new arrivals are settling in suburban communities like Nassau attracted by economic opportunity and the quality of life the county affords its residents. These newcomers represent a diverse array of cultures and speak a multitude of languages. It is not unusual to find that persons who come to the United States at an adult age have difficulties mastering English sufficiently.

Interacting with people who speak an unfamiliar language does not in way diminish the fundamental obligations of government. This Policy is predicated on the principle that it is responsibility of Nassau County and not of the LEP individual to ensure that effective communication is not impaired by a language barrier. “Effective communication” is defined as communication sufficient to provide the LEP individual with substantially the same level of access received by an individual who can competently communicate in English.

VIII. Top Six Languages spoken in Nassau other than English:

Based on data derived from the United States Census Bureau (the “US Census”), the six most common languages other than English spoken in Nassau County are in alphabetical order Chinese (Traditional), Haitian Creole, Italian, Korean, Persian (Farsi) and Spanish. These six languages will serve as the baseline languages (the “Six Baseline Languages”) for the implementation of this Policy.
The selection of Six Baseline Languages is referenced in the Executive Orders and was approved by the County Executive. Please note that individual languages may be added or removed from this selection as necessary. Any such alteration may be caused by demographic changes (as determined by the decennial data published by the US Census Bureau) or resulting from annual reviews conducted by the County Executive and/or the Executive Departments or stem from changes in circumstances requiring the list of the Six Baseline Languages be amended.

Every effort has been made to avoid any perception of bias, discriminatory treatment, unequal access or unfair coverage of in the selection of the Six Baseline Languages. For individuals who may speak languages other than the Six Baseline Languages, the Executive Departments will conduct themselves according to the following procedures:

1) Interpretation and translation services will be provided to individuals with LEP who are fluent in languages other than the Six Baseline Languages as requested and as required by applicable law.

2) In accordance with the terms of this Policy, interpretation and translation services should in most instances be furnished by Nassau County’s approved vendor LanguageLine Solutions.

3) Upon request, any individual with LEP, regardless of whichever language they may happen to speak, will have interpretation and translation services in their given language made available free of charge.

4) If a request is made for a document which presently has not been translated in a particular language, then the Executive Department will utilize the services of LanguageLine Solutions, as outlined below, and have that document made available. The document will then be kept on file by the Executive Department for future use.

The County Executive and the Executive Departments are committed to providing language assistance to all Nassau County residents. Anyone who is eligible for any program, service or activity will have meaningful and timely access whether that language be English, the Six Baseline Languages, or any other language.

**IX. Definition of Meaningful and Timely Access:**
To be effective, language access services should be provided in a “meaningful” and “timely” manner. To be considered “meaningful”, the language assistance being offered to the LEP individual must at a minimum result in actual support that is accurate, and which successfully conveys the information being communicated. Meaningful access further denotes that the LEP person is not in a significantly inferior or diminished position regarding the program, service or activity when compared to someone who is competent in English.

As a term of art, there is no one universal standard for being “timely” that would encompass all interactions that might occur between a LEP individual and county government. Some situations will easily and without great difficulty enable language assistance to be promptly available, say when a person walks into a county office; while other situations, namely an emergency or a law enforcement action in the field, may not.

To be considered “timely”, the language assistance must be offered at the time and at the place when needed so as to the greatest extent possible prevent the constructive or actual denial of access to the benefit, service, or activity at issue. In the case of law enforcement, the language assistance must be provided “timely” so as not to abridge any right, impair the delivery of a service, or unduly imperil safety or security.

Similarly, for language access services to be considered “timely” there must not be the imposition of an undue burden upon the LEP individual. All Executive Departments are committed in good faith to offering language access services in as “timely” a fashion as circumstances permit and as required by applicable law.

**X. Language Access Plan, Language Access Coordinator and Language Access Recommendation Form:**

Pursuant to this Policy, persons in charge of an Executive Department (“Department Heads”) will be responsible for preparing a periodically-updated written implementation plan for identifying and addressing the needs of LEP individuals, a Language Access Plan (“LAP”). Without such a written implementation plan, there is a substantial risk of having language access services implemented incompletely, half-heartedly or improperly.

The LAP will articulate a framework for the provision of language access services relevant to the operation of the Executive Department. Although this Policy can serve as a template for the drafting of a LAP, each Department Head has the flexibility to develop and maintain the directives and procedures, to be described in their LAP, that are appropriate for their respective Executive Department.
Although specifics may vary, the overriding reason for having a LAP is to develop a comprehensive language assistance protocol. Serving as more than simply a formal guarantee of equal access, the LAP will include factual information regarding the availability of resources for use by both county employees and members of the public. Each LAP should offer guidance on the proper use of interpreters, the translation of vital documents, the training of staff, the monitoring of compliance, notification of language access services to the public and related matters. The LAP will be reviewed on an annual basis and updated as necessary. The LAP will be available online and in printed format.

The Department Head will designate a Language Access Coordinator (LAC) to oversee the implementation of the LAP and all language assistance efforts within the Executive Department. The LAC will ensure that their Executive Department adheres to its language access services directives and procedures. The LAC will also represent their Executive Department at any county-wide meeting in furtherance of this Policy. The name and contact information for the LAC will be listed in the Executive Department’s LAP.

The LAP for each Executive Department will provide a Language Access Recommendation Form that is suitable for its programming requirements. A Language Access Recommendation Form is a means for the solicitation of comments from the public regarding the use of language access services. Any information derived from the form will be kept confidential. It will be translated in the Six Baseline Languages as well as formatted into a large print edition (18-point) for the visually impaired. The form will be available on-line and in printed format in the common areas of the Executive Department.

This Language Access Recommendation Form can serve to document complaints if a person believes they were denied meaningful and timely access or if the services offered were subpar or unsatisfactory. Anyone has the right to express a grievance. The LAC will be responsible for cataloging all complaints filed, investigating the grievance, and responding to the complainant in writing. It should be noted that filing a grievance will not in any way affect or have any bearing on any outcome or determination.

Based upon the nature of the grievances filed or if there is a recurrence of the same or similar complaint, there may be a need for corrective action. This corrective action may call for a change in procedures or practice within the Executive Department. The LAC, under the supervision and with the final approval of the Department Head, is responsible for developing a Remedial Action Plan ("RAP") if necessary. All corrective actions up to and including the implementation of a RAP should be noted in the following year’s revised LAP.
Where applicable, the LAC will compile a list of personnel in their respective Executive Departments who are bilingual or multi-lingual for inclusion in the LAP. The LAC will furnish this list to the Deputy County Executive for Minority Affairs as required by the Executive Orders.

The LAC will ascertain all vital documents currently in use by their Executive Department (see below). These vital documents will then be translated into the Six Baseline Languages and prepared in a large print (18-point) format. The LAC will also have in place a procedure for the translation of documents into languages other than the Six Baseline Languages when requested by a member of the public. All vital forms translated will be kept on file and made available online and in printed format.

**XI. Checklist for Threshold Compliance:**

The issue of language assistance should be addressed as expeditiously as possible. The following checklist has been prepared so that all Executive Departments can come into compliance as quickly as feasibly possible. These measures are the initial steps that every Executive Department must take within 45 (forty-five) days of the formal announcement of this policy:

1) Develop a Language Access Plan (LAP)

2) Designate a Language Access Coordinator (LAC)

3) Develop a Language Access Recommendation Form

4) Access Language Line via the County Blanket Purchase Order

5) Have a Language Line Representative provide in-house training on the use of LanguageLine Solutions products

6) Ensure staff has access to the County-wide power point training on Language Access

7) Compile a listing of competent bi-lingual employees

8) Compile a list of vital documents for translation and have said documents translated

9) Create and utilize signage for prominent display regarding language access services

**XII. Interpretation Services:**
As defined in this Policy, the term “interpretation” concerns oral multilingual communication, specifically the simultaneous conveying of information from one language into another. The term “translation” applies to written communication, specifically the written expression of words or text in another language being transcribed into the language of the party necessitating the use of the words or text.

Interpretation occurs when words in one language (the source language) is orally transmitted into another language (the target language). This is a multifaceted function wherein the meaning of the source language is faithfully and accurately rendered in the target language. In this context, the interpreter functions as both a listener and as a speaker working in real-time conveying information in both directions.

The interpreter must keep in mind the manner, the syntax and the cultural context of the speaker without any embellishment which may add to or subtract from the words being spoken or the meaning being expressed. This is particularly pertinent when it comes to the issue of dialects. Spanish, for example, is spoken in various dialects over the span of approximately twenty-two countries. Similarly, when one refers to Chinese, one is speaking about a group of related but in many cases mutually unintelligible languages which comprise the Sino-Tibetan language family.

The need for interpretation usually arises in one of two ways: either when a LEP individual visits the office wherein an Executive Department is housed or when an employee receives a telephone call from a LEP individual making an inquiry. In either instance, interpretation will be provided by an employee who is competent in the language in question or by using LanguageLine Solutions which has been contracted to offer telephonic/videoconferencing interpretation.

County employees are encouraged to use their foreign language skills to assist members of the public. Employees who have identified themselves as being able to communicate in a language other than English will on occasion be asked to interpret as needed and when appropriate. These employees can serve to meet certain language assistance obligations and should be listed in the Executive Department’s LAP.

However, unless specifically called for in their job description or duties (see below), these Nassau County employees cannot be mandated to serve as interpreters. It should be noted that having come forward as someone able to speak another language does not necessarily guarantee the competency to communicate effectively in and out of English. Likewise, these employees may not be qualified to perform the written translation of vital documents. Each Executive Department is obligated to manage their employees who can communicate in a language other than English to make sure that they are being properly utilized.
There are also employees whose civil service title designates them as being “Bilingual”. This classification until recently applied only to employees who are competent in Spanish. As part of their described job function, Spanish Speaking Bilingual employees should serve as an Executive Department’s primary Spanish language interpreters and/or translators. It is assumed that being designated as Bilingual, the employee has demonstrated proficiency in and ability to communicate information accurately in both English and Spanish.

Furthermore, these employees may possess specialized knowledge related to their program area including terms, concepts, vocabulary or phraseology that their civil service title necessitates. Being so equipped, Spanish Speaking Bilingual employees should be able to confidently transmit information without any difficulty. If an issue arises as to the adequacy of the interpretation being provided by a Spanish Speaking Bilingual employee, then LanguageLine Solutions can be used in their place.

Nassau County has a Blanket Purchase Order with LanguageLine Solutions. LanguageLine Solutions is a service that has been contracted to provide interpretation via telephone or videoconferencing. All Department Heads should make sure to sign on to the Purchase Order to engage LanguageLine Solution’s services and can do so by contacting the County Purchasing Department. (See Attachment H)

Telephonic interpretation instantly offers timely interpreting assistance in every language. When using LanguageLine Solutions, an interpreter over the phone relays to the listener(s) the words spoken from one language into another, enabling each one to understand what the other is saying. This interpretation takes place in what is known as “Consecutive Mode”. Consecutive Mode refers to the process by which the interpreter waits until the speaker finishes talking before rendering the interpretation in the language of the listener.

With telephonic interpretation, additional attention must be given so that the person receiving the interpretation is fully aware of the information that is being conveyed without the actual interpreter being present. Nuances in language may be missed over the phone and obviously non-verbal communication will go unrecognized. When written materials are being discussed, logistical measures need to be taken so that telephonic interpreters can review and convey the text information. Videoconferencing may in some instances resolve these issues.

The Language Access Coordinator is responsible for ascertaining which LanguageLine Solutions products and services would be the most useful and advantageous for their Executive Department. LanguageLine Solutions offers standard over the phone interpretation which can be performed on any receiver as well as a dual handset phone for use for when individuals with LEP
are physically available. LanguageLine Solutions also offers LanguageLine Insight Video interpreting which is available for all spoken languages and American Sign Language.

The costs associated with LanguageLine Solutions as of the effective date of this Policy are as follows: Language Line charges $0.75 per minute for phone translation, charges $0.19 per word for document translation in the Six Baseline Languages, translation of all other languages is $0.25 per word, the dual handset phone is free however maintenance for the phone is $4.50 per month, video interpreting for sign language is $1.99 per minute, video interpreting for Spanish is $1.25 per minute, and video interpreting for all other languages is $1.35 per minute.

Be advised that Sign Language interpreters are available through Mill Neck Interpreter Service, 501 South Broadway, Suite A, Hicksville NY 11801 (516) 512-6222 ext. 1. An interpreter may also be requested by going online to Millneck.org and clicking the Request an Interpreter Tab.

**XIII. Translation of Vital Documents:**

Translation of text and printed materials requires the translator to express the source’s ideas in the target language with precision and care to ensure quality. Conveying the written word from one language into another, demands fidelity to the content, style, and form of the original. Translators must also pay special attention when translating terms of art, legal jargon, technical concepts and specific program information.

Translations should be both factually accurate and culturally sensitive considering the expectations of the intended audience. Improperly or poorly translated materials do more than create confusion for individuals with LEP. Documents which unartfully convey content in effect deny meaningful and timely access. They may also be viewed as offensive, insensitive or inappropriate. Little is served if the translation discourages the reader from pursuing an entitlement or asserting a right.

An Executive Department’s Language Access Coordinator will initiate the translation process for identifying all vital documents. A “vital document” is a paper or an electronic written material that contains program information that is essential for accessing the program, service or activity or written material that is required to be provided by law. Vital documents generally fall within two distinct categories—those that are meant for use by the public and a much smaller sub-set consisting of communication that is intended to communicate information to a specific LEP individual.

Concerning vital documents for use by the public, the LAC will have these vital documents translated into the Six Baseline Languages as provided in the Executive Orders as well as in a large print (18-point) edition. All translations of vital documents will be maintained and made
available on-line and in printed format. The LAC is also responsible for keeping abreast of any changes which necessitate the translation of new forms.

Determining if a document is “vital” calls for thoughtful analysis. Clearly, the more central or integral a document is to the program, service or activity being carried out the more likely it will be identified as being “vital”. By the same token, if the failure to translate the document would have an adverse consequence or impact on a LEP individual than it should also be deemed as “vital”. Special attention should be payed to any document dealing with public safety, public health and economic well-being.

Applications, claim forms, consent forms, intake forms, grievance or complaint forms, letters of findings, notices affecting someone’s legal rights, notices pertaining to the granting/denying a benefit, notices pertaining to the increase/decrease or adequacy of a benefit, notices of disciplinary actions, notices advising of the availability of language assistance, outreach and community education materials; should in most instance be translated. If materials contain certain tell-tale signs such as eligibility rules, application procedures and applicant responsibilities, and terms and conditions then more likely than not the material in question is a vital document.

However, documents marked exclusively for internal office use by county employees or any document not intended for public dissemination would not be appropriate for translation. Documents related to employment, whether paid or not, should not be considered vital for these purposes.

Documents directed to attorneys, advocates, architects, real estate brokers, medical doctors and other similarly situated professionals should not be translated. There also may be written material that has information that is redundant (i.e. the information contained is already available in a document that has previously been translated) or the information it contains is otherwise available. For reasons of economy, it may be possible to avoid having such materials translated.

Vital documents communicating information needed by a specific individual should be translated on an ad-hoc basis. Regarding these materials, a good rule of thumb would be if not translating the document in question would constructively deny a LEP individual access or impair their legal rights. Any further assessment about the necessity, nature or importance of a potential vital document should be decided on a case-by-case basis by the Language Access Coordinator in consultation with supervisors versed in the programming needs of the Executive Department.

There is also the related concept of “sight translation”. Sight translation refers to the accurate conveying of written text into spoken language by an interpreter. Spanish Speaking Bilingual
employees will in most instances perform sight translations for LEP individuals whose primary language is Spanish. For all other languages, county employees who are competent in the particular language may perform this function. In most instances, LanguageLine Solutions will be called upon for sight translations and Executive Departments will establish procedures to facilitate these activities.

As with Interpretation, the translation of documents in languages other than the Six Baseline Languages must be performed as requested by a member of the public and as required under applicable law. When an employee receives a document in need of translation, each Executive Department will have in place a procedure for the translation of documents that best serves the needs of the given program area. When a document is translated, the document should be maintained by the LAC for future use.

**XIV. Civil Service Reform:**

Of further note, the County Executive is dedicated to expanding the definition of “Bilingual” as it currently applies to the Nassau County workforce. At present, this designation applies primarily to those employees who are Bilingual in Spanish. As well, “Bilingual” designations apply to only a limited number of current civil service titles. This paradigm is far too restrictive to adequately meet the needs of Nassau County residents with LEP.

A study will be initiated to explore the creation of new civil service titles. The priority of this endeavor will seek to expand the present designation of “Bilingual” to encompass languages other than Spanish. The long-term plan would be to create bilingual civil service titles that embrace the remaining Six Baseline Languages, namely Chinese (Traditional), Haitian Creole, Italian, Korean, and Persian (Farsi).

It should be noted that there is in Nassau County a pressing need to have employees who are competent in Haitian Creole. In July 2018, the Nassau County Civil Service Commission announced that it is creating two new bilingual civil service titles, Social Welfare Examiner Bilingual and Case Worker Bilingual, for this language. This is a positive first step.

As well as expanding the number of languages eligible, there must be a corresponding augmentation in the number of civil service titles presently designated as “Bilingual”. Determining the extent to which non-English proficiency is necessary for a given position is an important factor to be considered. After assessing the county’s language access needs, the Nassau County Civil Service Commission should extend opportunities for professional development to current employees and qualified applicants who possess the necessary language
skills. This initiative would have the added benefit of enhancing the diversity to the Nassau County workforce.

**XV. Training:**

All Executive Departments shall have in place a well-trained workforce to effectively provide language assistance to individuals with LEP. Department Heads and Language Access Coordinators will be responsible for instituting training regimens in their respective Executive Departments. These trainings should focus on the availability and use of language access services as well as best practices when dealing with LEP individuals.

Nassau County employees should be familiar with all relevant language access directives and procedures. Training efforts should include such topics as demographic information about county residents, how to work effectively with interpreters (both in-person and telephonic), how to respond to individuals with LEP whether they are in-person or on the telephone, requesting documents for translation, how to address written communication from LEP persons and tracking the use of language access services.

Employees will be made aware of their obligation to provide language assistance so that access is meaningful and timely and to do so in a courteous manner. In addition, issues of concern such as confidentiality, servicing those who are illiterate in their primary language, and cultural competence and cultural sensitivity will be part of any training regimen developed. Engaging in community outreach as well as having outside community-based organizations present trainings at county facilities are strongly encouraged.

Training shall be offered to all current employees who have regular and sustained contact with the public. There will be training sessions for new hires as part of an Executive Department’s employee orientation efforts. Training will also take place when new and novel issues arise mandating re-training or as part of a remedial action plan.

Nassau County’s Office of Shared Services will distribute to all current employees a copy of this Policy statement. Going forward, all newly hired employees will receive a copy upon the commencement of their employment. The Human Resources officer of each Executive Department will provide both current and new employees (when hired) with copies of the Language Access Plan and related materials for their Executive Department.

**XVI. Inclusion and Cultural Competence:**
The County Executive shares the concerns expressed by county residents that all activity with respect to the provision of language access services be responsive to and welcoming of individuals with LEP. The County Executive is committed to fostering inclusion as well as meaningful and timely access. Any impermissible barrier; linguistic, cultural or otherwise, that hinders or discourages a person’s participation with Nassau County government should be addressed and remedied.

Issues of cultural competence and cultural sensitivity have been considered and will continue to be an essential part of this Policy. Only by forthrightly recognizing the county’s diversity can this Policy be successful. This commitment will be demonstrated by promoting cultural competency training for employees at each Executive Department. It is very important that employees appreciate cultural differences and be equipped to appropriately deal with county residents irrespective of the language being spoken or the person’s national origin.

XVII. Law Enforcement and Public Safety:

Nassau County residents are entitled to impartial policing. Individuals with LEP, regardless of their citizenship status, should expect fairness, respect, and professionalism. By the same token, law enforcement has a critical role in ensuring public safety and maintaining public order. These functions are made more difficult when law enforcement personnel are dealing with LEP individuals who speak unfamiliar languages. Law enforcement must be able to effectively communicate with the diverse communities they protect and serve.

LEP individuals interacting with law enforcement encompass a broad spectrum of people. They range from someone making an inquiry at a local precinct to someone being held in physical custody, namely those under arrest, detainees, jail inmates, juveniles, etc. Also included in this category are witnesses, suspects, violators, victims and participants in crime prevention initiatives. The United States Department of Justice requires that law enforcement agencies receiving federal assistance have in place language access services to communicate with these persons.

Most encounters with law enforcement may appear routine. Commonly they occur either when uniform personnel respond to a service call or are discharging their duties while on patrol. But in fact, every encounter has the potential to involve the criminal justice system with implications for a person’s rights under the United States Constitution. Protecting the rights of the accused is a hallmark of our system of justice. Nassau County’s commitment to equal justice under law must not ever be “lost in translation”.

Police work, involving as it does the investigation and interdiction of crime, is by its very nature dangerous. The ability to communicate commands and instructions is imperative. The existence of meaningful and timely access to language assistance enables law enforcement personnel to exchange information with LEP individuals with greater safety. A language barrier always has the
potential to exacerbate a life-or-death situation conceivably costing someone, either a civilian or law enforcement personnel, their life.

The County Executive is committed to facilitating more effective communication between LEP persons and personnel of the Nassau County Police Department ("NCPD"), the Nassau County Sheriff's Office (the "Sheriff"), the Nassau County Probation Department ("Probation"), the Anti-Bias Crime Task Force and any other Executive Department under its jurisdiction engaged in law enforcement.

In October 2018, the County Executive and the Commissioner of the NCPD publicly announced that the County will equip the police force's fleet of patrol vehicles with iPhones which have an app for LanguageLine services installed. The LanguageLine app will enable officers to make audio or video calls for use in translation when interacting with members of the public, including for American Sign Language. When completed, this initiative will realize the provision of more than 650 cellphones with the LanguageLine app for use by NCPD personnel throughout the Department. The resulting translation of audio or video material will be saved for future use as provided for by applicable law and established measures for the preservation of such materials.

NCPD, the Sheriff, Probation and other similarly tasked Executive Departments will endeavor to augment existing language assistance capacity. In addition to the specifications applicable to all Executive Departments, the following affirmative measures will be adopted by law enforcement:

1. NCPD, the Sheriff and Probation will endeavor to review pertinent data about the changing demographics of the communities within their jurisdiction when allocating resources, deploying personnel, and ascertaining training and staffing needs.

2. NCPD, the Sheriff and Probation will endeavor to prepare LAPs which will inform uniform and civilian personnel on how to offer language access services in various situations, including when responding to calls for assistance, making enforcement stops, conducting field investigations, interviewing witnesses, custodial interrogations, intake and booking duties, and performing other law enforcement operations.

3. NCPD, the Sheriff and Probation will endeavor to encourage foreign language trainings in both in-person and online formats. Personnel who engage in foreign language training opportunities will endeavor to be compensated for their time and efforts.

4. NCPD, the Sheriff and Probation will endeavor to explore where appropriate the hiring of civilian employees who have been certified as qualified interpreters to assist in law enforcement activity.

5. NCPD, the Sheriff and Probation personnel will endeavor to be given pre-printed cards containing Miranda warnings informing LEP individuals of their rights upon arrest in the Six Baseline Languages as well as other languages in frequent use.
6. NCPD, the Sheriff and Probation will endeavor to prepare written protocols for the interrogation of LEP individuals in their custody, providing persons who are not competent in English with language access services which places them in a position equivalent to that of English-speaking suspects and which conform with established safeguards for the protection of Constitutional rights.

7. NCPD, the Sheriff and Probation personnel will endeavor to be supplied with electronic devices to more easily access LanguageLine Solutions products for telephonic or videoconferencing interpretation.

8. NCPD, the Sheriff and Probation personnel will endeavor to detail within the text of an incident report, summons, traffic ticket, violation, or citation, the language used to competently communicate with a LEP individual and whether an interpreter was needed for further investigations.

9. When using an interpreter in any capacity, notation by law enforcement personnel should be made about the interpreter, including the person’s name, identification and contact information, as well as the person’s status (i.e. whether the person was law enforcement personnel (uniform or civilian), an employee of LanguageLine Solutions, or other pertinent data).

10. Make sure that at each law enforcement facility there is sufficient signage prominently displayed in the common areas to notify the public that free language access services are available to individuals with LEP upon request.

11. To foster positive interactions and enhance the bonds between law enforcement agencies and members of the public; personnel from NCPD, the Sheriff and Probation will endeavor to perform outreach, attend community meetings and initiate a public information campaign to inform the public of the availability of free language access services and to strengthen police/community relations.

It is necessary in law enforcement actions to distinguish between structured and non-structured situations. Some situations lend themselves more readily to having a qualified interpreter physically present. In certain non-structured situations, having to wait for an interpreter may not be practicable. There is also a distinction to made during emergencies and non-emergencies.

Emergencies by their unstructured nature and given their potential for harm to persons and property, call for a more flexible approach. When confronted with an emergency, law enforcement personnel are to utilize the most reliable, temporary oral language assistance presently available. The use of family members, friends, or bystanders for interpretation and the gathering of applicable information is acceptable. However, unless no reasonable alternative presents itself, law enforcement personnel should refrain from using minor children to serve as interpreters.
Non-emergency situations, being less urgent, require greater adherence to standard procedures. Absent exigent circumstances, law enforcement personnel should use trained uniform or civilian staff to perform interpretation services. When interviewing a witness or a crime victim with LEP, law enforcement personnel should rely on an on-duty certified employee interpreter. If a uniform or civilian interpreter is for some reason not available, officers should only then use as an alternative LanguageLine Solutions.

When serving as interpreters in a law enforcement context, it is important that interpreters acknowledge and confine themselves to their proper function. Interpreters should not under any circumstances take on the role of legal advisor or counselor. Failure to adhere to this standard may adversely affect a LEP individual’s legal rights or negatively impact, and even jeopardize, a criminal prosecution. Considerable caution should be exercised.

**XVIII. Confidentiality:**

A request for language access services by an individual with LEP shall not be deemed by any employee of an Executive Department as a basis to inquire about the person’s immigration status, which is strictly confidential. A person’s immigration status shall not be disclosed unless such disclosure is necessary to provide language assistance and/or to determine eligibility and/or to meet program requirements under applicable regulation or is mandated or required by law.

To further ensure confidentiality, all individuals with LEP will be discouraged from using a family member, friend, or other such person as an interpreter other than in the case of an emergency or as otherwise provided in this Policy. However, in matters not related to law enforcement, there is no objection to having an individual with LEP, upon request, use a family member or friend as an interpreter for a routine matter such as informing them of a location, business hours or the scheduling of an appointment.

**XIX. Dealing with Individuals Unable to Read or Write in their Primary Language:**

When assisting a LEP individual who is unable to read or write in their primary language, special attention is called for. Be advised that Nassau County employees may in some instances be asked to perform additional duties when assisting this population such as having an interpreter read required forms to the LEP individual who cannot read or write in their primary language and having a translator write down any information he or she provides.

The following are some suggestions for dealing with LEP individual who is unable to read or write in their primary language:
1. Use as the circumstances dictate vocabulary that is easy to comprehend and employ short sentences when conveying important information.

2. Rephrase your idea or message if you sense it has not been completely understood by the LEP individual.

3. Refrain where possible from the use of technical language and avoid using abbreviations and acronyms.

4. If the person you are assisting cannot read a document, where feasible have the document in question read or in the alternative provide a clear and understandable summary of the contents of the document insuring that all pertinent information is communicated.

5. Take the initiative of having the information the LEP individual wants conveyed written for them legibly on any application or form.

6. Deemphasize any difficult or problematic situation with the LEP individual by noting that you often meet people who have similar difficulties with reading and writing and that you can “give them a hand” and assist them.

7. Make sure the date of an upcoming meeting or an event to which you are informing the person is clearly understood and, when necessary, provide reference points, such as “in two weeks’ time” or “the week after Christmas” or “right after school vacation starts,” and so on.

8. In addition to sending required notices or mailings, also make the effort to inform and confirm appointments orally and/or by use of the telephone whenever possible.

Because dealing with LEP individuals who cannot read or write in their primary langugae poses concerns over and above the issues routinely associated with language assistance, the County Executive and the Executive Departments are exploring trainings to address this issue and meet the needs of individuals who fall into this category.

**XX. Website and Phone:**

Executive Departments shall take reasonable steps to translate public website content so that all materials available on line are accurately translated. The website for Nassau County and for all Executive Departments can presently be translated by using a drop-down menu and each website shall provide a link to their Language Access Plan. Translations of web content should include or provide links to mission statements, program information, applications, language access resources, vital documents, and other germane materials.
Working in conjunction with Nassau’s Information Technology (IT) Department, Executive Departments will periodically update and improve online language access services efforts. In addition to materials presently available on the county website, computer generated web-based technologies will be utilized in novel and dynamic ways. Messaging content and download services for social media networks as Facebook, YouTube, Instagram, and Twitter will be developed. In August 2018, an app to offer language assistance from LanguageLine Solutions was installed on mobile devices for personnel issued smart phones by Nassau County. The possibilities for enhancing the quality and effectiveness of language access services via technology is boundless.

The County Executive, recognizing that a substantial portion of the public’s interaction with county government takes place over the telephone, will undertake reasonable measures to ascertain the most efficient and productive means to facilitate telephone communication with LEP individuals. A review of present phone systems at each county facility will be conducted to make sure that all telephonic communication adheres to this Policy.

One suggestion that has been proposed would be the use of a county-wide telephone voice mail menu system. This measure would provide information about the availability of language access services in the Six Baseline Languages. Additional voice mail menu systems could be devoted to providing information in the Six Baseline Languages on emergency services, disaster relief, law enforcement and other essential county functions. The County Executive will initiate a study to explore the best uses of voice mail menus and how these systems can be employed to better serve LEP individuals.

**XXI. Public Notification and Promoting Awareness:**

It is apparent that members of certain language groups are less inclined to participate in Nassau County programs, services and activities by virtue of their status as LEP applicants or participants. A major reason could be that many LEP individuals do not know about the availability of language access services. As a result, these persons/communities are disproportionately under-represented and can be constructively denied a benefit or a right or the assistance they need and are legally entitled to.

Another factor which may discourage participation could be one of perceived costs. Even if individuals with LEP are aware that Nassau County is providing language access services, these persons may be under the mistaken impression that they would have to pay for the use of these services. Nassau County has never and will never impose a fee for the language assistance it provides its residents. Hand in hand with informing the public that language access services are available is the related notion that these services are being offered without charge.
Informing newly arrived immigrant communities about language access services can present a serious challenge. This is particularly true when there is a language barrier to overcome. As first stated in the Executive Orders, increasing awareness among LEP persons/communities is critical. It is believed that a previously unrecognized or latent demand for free language assistance will be uncovered when people are made aware of its availability.

The County Executive and the Executive Departments will make reasonable efforts to notify the public about this Policy and how best to avail themselves of language access services. A concerted and wide-ranging promotional campaign in the Six Baseline Languages to publicize that language assistance is being offered by Nassau will be initiated. This marketing effort will encompass electronic and social media, the preparation of printed materials, and community-focused outreach.

Public service announcements will be produced for non-English media outlets, such as newspapers, radio and television, informing under-represented communities that interpretation and translation are available upon request at county offices. Specialized materials in the Six Baseline Languages will be developed and distributed, both online and in print format. Executive Departments can also include information about the availability of language access services in brochures, booklets, newsletters, recruitment information and their annual reports when distributed.

Representatives from the County Executive and the Executive Departments will engage with community groups and other stakeholders who have significant contact with LEP persons. This outreach should include participation in public forums held in community centers, schools, adult homes, faith-based organizations and other suitable venues conducted by organizations who advocate on behalf of LEP individuals or who work with newly arrived immigrants.

Feedback as to the effectiveness of language access services and community satisfaction with the county’s efforts can be obtained at these presentations. Valuable insight can be garnered into how to better employ resources and identify populations who would benefit from greater engagement with the county. They also afford the public the opportunity to provide input and have a stronger sense of participation. By engaging the public in this fashion, it is believed that language barriers can be dissipated between county government and LEP persons/communities.

XXII. Monitoring of Efforts and Commitment to Transparency:

It is necessary for information regarding language access services to be collected, recorded, and analyzed. Anecdotal evidence is a poor substitute for hard data and conditions do not remain
static over time. If the past five years are any indication, Nassau County government must periodically reassess its language assistance efforts. As such, Executive Departments will have a process in place for evaluating on a yearly basis their language access services.

These annual assessments should identify any significant changes in the language assistance needs of residents and include an appraisal of the performance of staff when delivering interpretation and/or translation services. Information can be derived from documenting interactions with LEP individuals, assessing whether financial resources are sufficient to fund current language assistance needs, and gauging the public’s awareness and satisfaction with present efforts.

Some factors to be considered when conducting an annual review are demographic changes in the county’s population, the number and frequency of interactions with LEP individuals, the continued availability of resources, technical advances that may enhance the delivery of service, the passage of new laws or ordinances, and the imposition of new rules and regulations from the federal government or New York State. A review should also be conducted to see if there are new, updated or additional vital documents that can be translated.

Please also note that the costs associated with the use of LanguageLine Solutions are an effective and straightforward measuring tool for monitoring compliance. By reviewing monthly billing statement information, an Executive Department can gauge the amount of money being expended for interpretation and translation services, the actual languages being utilized and their frequency of use, and the amount of time being expended working with Interpreters.

Transparency and accountability are the hallmarks of Nassau County government. Annually revised versions of the LAP for every Executive Department will be available online and in printed format. Because government functions best when it is responsive, input from members of the public will be welcomed and appreciated. If any significant change in language access services is contemplated, notice will be given with a reasonable opportunity for public comment.

In issuing this Policy, the County Executive seeks to ensure the availability of language access services so that individuals with LEP will have meaningful and timely access to all Nassau programs, services and activities. The County Executive welcomes constructive criticism from members of the public, elected officials, and community representatives concerned with issues related to the offering of language assistance to county residents. Any inquiries regarding this Policy should be directed to Rudy Carmenaty at (516) 227-8576.