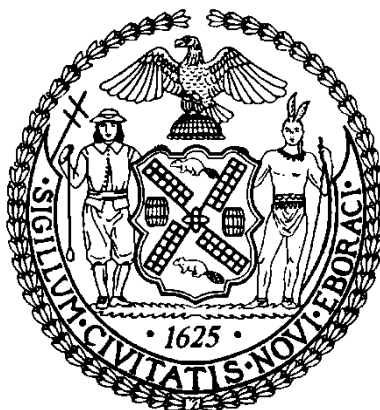


**CITY OF NEW YORK
OFFICE OF THE COMPTROLLER**

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COMPTROLLER**

IT AUDIT and RESEARCH

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Deputy Comptroller for Audit**



**Audit Report on the Adherence of the
New York City Commission on Human Rights
To Executive Order 120 Concerning
Limited English Proficiency**

7R10-153A

November 26, 2010

<http://comptroller.nyc.gov>



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
1 CENTRE STREET
NEW YORK, N.Y. 10007-2341

John C. Liu
COMPTROLLER

November 26, 2010

To the Residents of the City of New York:

My office has audited the New York City Commission on Human Rights (CCHR) to determine whether the CCHR has complied with Executive Order 120.

EO 120 requires public-facing agencies to develop and implement language access policy and implementation plans to accommodate Limited English Proficiency (LEP) persons. Agencies were required to have their plans in place by January 1, 2009.

The audit found there are several areas where efforts are in need of improvement. For example, we found that CCHR does not post signage, distribute translated documents, or use language access resources consistently across all office locations. We also found that front line staff at some field office sites provided unsatisfactory on-site language assistance. Additionally, CCHR's telephonic interpretation services can be improved and public outreach can be strengthened. Lastly, front line workers and managers may need additional training, and the agency's current format of providing training orally may need to be formalized and documented.

The results of the audit have been discussed with CCHR and the Mayor's Office, and their comments have been considered in preparing this report. Their complete written responses are attached to this report.

If you have any questions concerning this report, please e-mail my audit bureau at audit@Comptroller.nyc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'John C. Liu'.

John C. Liu

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IT Audit and Research*

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AUDIT REPORT IN BRIEF

We performed an audit of the New York City Commission on Human Rights' (CCHR) compliance with Executive Order 120 (EO 120). CCHR is a public-facing agency that promotes the New York City Human Rights Law and is responsible for any claims based on this law. The law prohibits discrimination in employment, housing and public accommodation based on race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, and partnership status.

EO 120 requires public-facing agencies to develop and implement language access policy and implementation plans to accommodate Limited English Proficiency (LEP) persons. Agencies were required to have their plan in place by January 1st, 2009. In implementing a program of language assistance, EO 120 requires that each agency designate a Language Access Coordinator to oversee the creation and execution of the agency's language access policy and implementation plan; conduct a population needs assessment utilizing guidelines from the U.S. Department of Justice; train front line staff; establish an appropriate monitoring and measurement system; and provide free language assistance based on at least the top six LEP languages¹ spoken in the City (as determined by the NYC Department of City Planning), including the identification and translation of essential public documents, telephonic and on-site interpretation services, and posting of signage notifying the public of their rights to access these services free of cost.

Our fieldwork was conducted from July 2010 to August 2010, a year and a half after the deadline by which agencies' were required to have completed their language access policy and implementation plans (see Compliance Chart in Appendices I and II of the Audit Report). As the Executive Order calls for the Mayor's Offices of Operations (Operations)

¹ The designated top six LEP languages spoken by the population in New York City are: Spanish, Chinese, Russian, Korean, Italian, and Haitian Creole.

and Immigrant Affairs (MOIA) to play a leadership role overseeing agencies' language access initiatives, and to provide technical assistance and promote access to LEP customers through public outreach in its statute, we also included a review of the Mayor's Office's oversight efforts in our audit scope.

Audit Findings and Conclusions

We found that CCHR was generally compliant with EO 120 and has pursued meaningful language access initiatives. However, there are several areas where efforts are in need of improvement. For example, we found that CCHR does not post signage, distribute translated documents, nor utilize language access resources consistently across all office locations. We also found that front line staff at some field office sites provided unsatisfactory on-site language assistance. Additionally, CCHR's telephonic interpretation services can be improved and public outreach can be strengthened. Lastly, our observations indicated that front line workers and managers may need additional training, and that the agency's current format of providing training orally may need to be formalized and documented (written down).

Audit Recommendations

This report makes a total of 9 recommendations. To address the issues we found during this audit, we recommend that CCHR should:

1. Follow-up with each site to ensure that all locations have the free interpretation service poster and are using "I Speak" cards, as well as ensure that staff are familiar with the procedures to use these resources.
2. Investigate the use of Language Line as a tool that could enable CCHR to provide more effective language assistance upon initial communication with LEP customers as well as reduce the inconsistencies in service provision and unreasonable wait times.
3. Improve customer call services to accommodate the top six LEP languages, and reduce wait times (Language Line may also address this challenge).
4. Distribute translated documents in a more consistent manner to ensure that field office locations provide documents translated into the languages that reflect the language needs of the communities those offices serve.
5. Take stronger steps to ensure that LEP customers are made aware of CCHR's provision of language assistance services. Providing community partners with written information or materials for them to distribute via mail and electronically or post at their facilities may further ensure that LEP communities are aware of CCHR's services.
6. Provide staff with written training materials or guidelines such job aids or "cheat sheets" for providing different types of services. CCHR may also want to explore

self-assessment initiatives to strengthen internal quality assurance efforts and achieve more uniform delivery of services citywide.

To address other issues we found during this audit, the Mayor's Office of Operations should revise EO 120 to include:

7. A list of consequences an agency would face if its milestones for plan deadlines are not met;
8. Requiring agencies to produce Annual Reports that contain details of what agencies have already done; and
9. What the agencies plan to do in the future to meet or enhance their LEP plans.

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INTRODUCTION

Background

New York with more than 3 million foreign-born residents from more than 200 different countries is home to one of the most diverse populations in the world. New Yorkers come from every corner of the globe and speak over 200 different languages. Nearly one-half of all New Yorkers speak a language other than English at home, and almost 25 percent, or 1.8 million persons, are limited in English proficiency. For these New Yorkers, interacting with City Government can often be a challenge.

Local Law 73 and Executive Order 120

This Law's purpose was to enhance the ability of City residents with LEP to interact with city government and more specifically to obtain needed social services. The law pertains to four social service agencies: Human Resources Administration, Department of Homeless Services, Administration for Children's Services and the Department of Health and Mental Hygiene. The law requires free language assistance services be provided for clients at job centers, food stamps offices, and in obtaining other services.

In response to Local Law 73, Mayor Bloomberg, in July 2008, signed EO 120. EO 120 required all City agencies to provide opportunities for limited English speakers to communicate and receive public services. EO 120 requires all City agencies that provide direct public services to ensure meaningful access to those services to LEP persons. To accomplish this EO 120 requires these agencies to develop and implement agency-specific language assistance plans regarding LEP persons.

In implementing a program of language assistance EO 120 requires that each agency shall:

- Designate a Language Access Coordinator within 45 days of the date of EO 120 to oversee the creation, and the execution of an agency specific internal language access policy and implementation plan.
- Develop such language access policy and implementation plan by January 1, 2009, using a four-factor analysis including: the number or proportion of LEP persons in the eligible service population; the frequency with which LEP individuals come in contact with the agency; the importance of the benefit, service, information, or encounter to the LEP person; and the resources available to the agency and the costs of providing various types of language services.
- Provide services in languages based on at least the top six LEP languages spoken by the population of New York City, as those languages are determined by the Department of City Planning, based on United States Census data, and as those languages are relevant to services offered by each agency. The designated top six LEP languages spoken by the population in New York City are: Spanish, Chinese, Russian, Korean, Italian, and Haitian Creole.
- Ensure that the language access policy and implementation plan includes: identification and translation of essential public documents; interpretive services, including telephone interpretation for the top six languages and others as appropriate; training of frontline workers on language access policies; postage of signage in conspicuous locations about the availability of free interpretation services; establishment of an appropriate monitoring and measurement system regarding the provision of agency language services.

EO 120 notes that the New York City Charter provides that the Mayor's Office of Operations (Operations) shall coordinate the provision of language services to the public and provide technical assistance to City agencies providing such services. The Mayor's Office of Immigrant Affairs (MOIA) is responsible for promoting access to City services by immigrants through developing appropriate policies and outreach programs to educate immigrant and foreign language speakers of such services.

The Customer Service Group (CSG) of Operations, in partnership with MOIA, plays a leadership role overseeing various language access initiatives undertaken to support agencies' compliance with EO 120. CSG established quarterly Language Access Coordinator meetings and developed a quarterly reporting system to track agencies' progress in achieving the milestones outlined in their respective Language Access Plans; the Office reviews submissions to monitor citywide compliance with EO 120, and provides agencies with feedback on their progress. CSG also developed training guidance on language access policies and procedures and cultural sensitivity. Additional initiatives developed and coordinated by Operations to support agencies' compliance with EO 120 include the Language Access Gateway, an online portal that allows translated documents to be stored in one central location, and NYCertified, a citywide program for multilingual city employees who volunteer their language skills to provide translation and/or interpretive services to LEP customers.

The New York City Commission on Human Rights

The New York City Commission on Human Rights (CCHR) promotes the New York City Human Rights Law and is responsible for any claims based on this law. The law prohibits discrimination in employment, housing and public accommodation based on race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, and partnership status.

Objective

The objective of this audit is to determine whether CCHR has complied with Executive Order 120.

Scope and Methodology

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

Our fieldwork was performed from July 2010 to August 2010. To achieve our audit objectives we:

- Reviewed EO 120 and Local Law 73;
- Reviewed and analyzed CCHR's Language Access Policy and Implementation Plan;
- Created Compliance Charts to assess CCHR's compliance with EO 120²;
- Interviewed agency officials involved, specifically the designated Language Access Coordinator;
- Interviewed officials from the MOIA and Operations and reviewed documents requested;
- Asked the agency to respond to the "Checklist for EO 120" which outlines a series of questions corresponding with the requirements for providing language access as described in EO 120 (agency's response is included as part of Appendix I);
- Conducted various audit procedures as noted below³;
- Reviewed and assessed whether CCHR's EO 120 plan was developed in accordance with the required four factor analysis;

² See Appendix I for the complete list.

³ See Appendix II for further descriptions of the tests we conducted.

- Tested whether CCHR provided public services in at least the top six LEP languages spoken by the population of New York City;
- Obtained documentation and assessed whether CCHR identified and translated essential public documents provided to or completed by the public;
- Tested whether interpretation services, including the use of telephonic interpretation services are available;
- Tested whether training of frontline workers and managers on language access policies and procedures is being done;
- Obtained training materials and/or written policies and procedures, conducted interviews with CCHR's staff members;
- Tested whether posting of signage in conspicuous locations about the availability of free interpretation services is being done by visiting all office locations to determine if the signage was posted;
- Assessed whether CCHR established an appropriate monitoring and measurement system regarding the provision of agency language services; and
- Assessed whether CCHR created appropriate public awareness strategies for the agencies' service population.

Discussion of Audit Results

The matters covered in this report were discussed with officials from CCHR, MOIA and Operations, during and at the conclusion of this audit. A preliminary draft report was sent to CCHR, MOIA, and Operations officials and discussed at an exit conference held on September 24, 2010. On October 18, 2010, we submitted a draft report to CCHR, MOIA, and Operations officials with a request for comments. We received CCHR's response on October 28, 2010, which generally agreed with our findings and recommendations. Their response is included in the addendum of this report. We received Operations' and MOIA's joint response on November 1, 2010, which generally agreed with our findings and recommendations. Their response is included in the addendum of this report.

FINDINGS AND RECOMMENDATIONS

CCHR was generally in compliance with EO 120 where it is mandated that CCHR ensure meaningful access of agency services to LEP individuals. CCHR has implemented a program for language assistance that reflects the principles of plain language communication. It has developed a Language Bank that provides language assistance services. Furthermore, where possible they provide interpretation services via conference calls for remote locations. CCHR has also translated a variety of documents into multiple languages. However, it has demonstrated weaknesses in several specific areas and its efforts need to be improved.

Does Not Post Signage or Utilize “I Speak” Cards Consistently Across All Sites

EO 120 states that every agency should post signage in conspicuous locations that provides information about the availability of free interpretation service. Additionally, CCHR’s Language Access Plan states that Primary Language Identification, or “I Speak,” cards⁴ have been distributed to all field Offices’ reception areas. However, our site observations revealed inconsistencies with the Language Access Plan in delivering these services.

We found not every CCHR office has a free interpretation service poster visible, or uses “I Speak” cards to identify a LEP customer’s primary language. While posters were available at the Manhattan, Brooklyn and Queens Offices, CCHR’s Community Relation Bureau in the Bronx and Staten Island sites did not have these free interpretation service posters posted. Our observations also revealed that only the Manhattan Office placed their cards in a publically accessible area. Several Community Service Center signs on the door were also in English only.

Field Office Sites Provide Unsatisfactory On-Site Language Assistance

EO 120 requires agencies to provide interpretation services to ensure that LEP customers can access agencies’ services. Our observations disclosed that across the board, staff members at CCHR field offices were not able to provide immediate language assistance.

Specifically, we found that: there were no interpreters on site, the language bank volunteers were often unavailable to provide immediate assistance; and direct walk-in LEP customers were required to schedule a meeting with a CCHR interpreter at another time/location. In some cases staff handed the customer a phone number and they instructed the customer to call the Main Office directly, rather than assist the customer to make those arrangements. In other cases, despite CCHR’s policy against using friends or families for interpreters, we observed a staff person ask a customer if they had a bilingual family member, upon learning that the customer was not proficient in English.

We recognize that resources are limited and that it is not realistic to have a bilingual staff person on hand for each of the covered languages and at each site. We also acknowledge that

⁴ “I Speak,” cards are designed as a tool for staff to use to identify the foreign language that a LEP person speaks, reads or understands upon initial contact with a LEP customer.

arranging a meeting with an interpreter at another time may be appropriate or necessary for a more in-depth conversation discussing the details of a complaint. We are concerned however, that CCHR does not have an effective procedure in place to handle basic and immediate communication with LEP customers who speak at least the top six covered languages upon these customers initial contact with the agency.

We found that a number of other agencies use tools such as Language Line⁵ to handle immediate communication with LEP customers. However, we are concerned that a LEP customer at a CCHR borough office may not have their basic questions answered or can even understand an explanation given by a staff person about scheduling a meeting with an interpreter at another point in time. When this issue was discussed with the Agency, we were told that: “It will depend on what languages the LEP person speaks to determine whether immediate interpretation or future arrangement will be made.”

CCHR needs to ensure its front line staff have the tools they need to communicate with a LEP person as soon as they make contact with the agency and request service. In that regard CCHR must be equipped to provide basic information about its services upon initial contact.

Customer Call Interpretation Services Can Be Improved

EO 120 states that interpretation services be available for the top six languages, including telephonic services. However, we noted that when LEP clients called CCHR field offices, Spanish was the only covered language that received satisfactory language assistance. When we called in other languages (such as Chinese), staff were less likely to handle the call effectively. Additionally, we experienced unreasonable wait times when placing phone calls in foreign languages.

Translated Publications Can Be Distributed More Consistently

EO 120 states that essential documents shall be identified and translated to accommodate LEP customers. CCHR has translated a series of important publications informing the public of various protections they have under Human Rights law into several languages, predominantly Spanish, Chinese, Korean, and Russian. While all versions are all available online, we found that not all borough offices had these publications in all of the translated languages at the field offices. For instance, the Queens Office only has Spanish and Russian versions and the Manhattan Office only has Spanish and Korean versions.

⁵ Language Line provides a telephonic interpretation service that allows staff to communicate with customers in over 170 languages. Language Line interpreters serve as a communications conduit between agency staff and limited English proficient customers through a three-way call function. Language Line staff can also assist employees identify a customer’s foreign language.

Public Outreach Can Be Strengthened

EO 120 states that an appropriate public awareness strategy be created. Meanwhile, CCHR has provided limited public outreach efforts to ensure that LEP customers are made aware of CCHR's efforts to provide language assistance. CCHR states that "information regarding availability of interpretation services is provided to community groups verbally." The audit team is concerned that relying solely on verbal communication is not an effective strategy.

Training Can Be Strengthened

EO 120 requires that front line workers receive training on language access policies and procedures. Our observations about the inconsistencies and the improvements needed in service delivery discussed above indicate that frontline workers and managers may need additional training. We also learned that CCHR's current training has been given orally; providing written guidance may help address these issues. Additional training should also be conducted and CCHR should invest in additional tools or modify its language access policies and procedures in the future.

OTHER ISSUES

The Comptroller's Office recognizes the efforts of the Mayor's Office in pursuing these initiatives to provide New York City with its own language access policy to enhance civil rights protection. The Comptroller's Office would like to acknowledge that the Operations MOIA have taken the initial steps in language access initiatives that have resulted in providing LEP customers access to services. Since the execution of EO 120 in 2008, the Mayor's Office has undertaken measures to provide agencies with resources and technical assistance to assist agencies achieve compliance with the Executive Order. However, as our audits of the LEP program demonstrate, more must be done to ensure meaningful access to direct public services from the City to LEP residents. The Comptroller's Office has observed areas where oversight and coordination efforts can be strengthened to achieve greater LEP access to government services.

Enhancements to Executive Order 120

EO 120 could be updated to require that Operations provide more oversight accountability over agencies. For example, EO 120 does not include any consequences for not complying with its provisions. In addition Operations has little authority to require that agency's meet the current milestones listed in their language access plan or meet or develop future milestones for long-term implementation of the plan.

EO 120 does not require an agency to publish an annual report that would describe the steps the agency has already taken to achieve compliance, it does not mention what performance indicators should be used to report agency compliance, nor does it mention how often these

indicators would be reported. As a result, as of now, no LEP indicators have been included in the Mayor's Management Report since the execution of EO 120.

EO 120 only includes City agencies, but not contractors that work with the City. Any contractor that provides direct access to the public should also be included in EO 120 requirements.

Information Received from Agencies is Difficult to Corroborate

CSG developed a quarterly reporting system to track agencies' progress in achieving the milestones outlined in their respective Language Access Plans; CSG reviews submissions to monitor citywide compliance with EO 120, and provides agencies with feedback on their progress. CSG also developed training guidance on language access policies and procedures and cultural sensitivity. We found that CSG does not corroborate the information submitted to them by LEP agencies, as well as data received from other agencies. CSG explained that the systems cannot be integrated into the MMR, and although LEP agencies provide CSG with information on how many people use Language Line (for example), it is difficult to make everything uniform because of the different needs, resources, tools and availability of information at each agency.

RECOMMENDATIONS

To address the issues we found during this audit, we recommend that CCHR should:

1. Follow-up with each site to ensure that all locations have the free interpretation service poster and are using "I Speak" cards, as well as ensure that staff are familiar with the procedures to use these resources.

CCHR Response: "The Commission will take all necessary steps to ensure that posters and "I Speak" cards are visible at each office reception area, and are replenished as needed."

2. Investigate the use of Language Line as a tool that could enable CCHR to provide more effective language assistance upon initial communication with LEP customers as well as reduce the inconsistencies in service provision and unreasonable wait times.

CCHR Response: "The Commission is preparing the necessary documentation in order to utilize the City's contract with Language Line. The Agency will also obtain and cause to be installed the necessary telephones at each of its offices, and will train its staff as to the effective use of this service. The goal is to ensure that LEP individuals receive services from the Commission as promptly and effectively as do English-speaking customers."

3. Improve customer call services to accommodate the top six LEP languages, and reduce wait times (Language Line may also address this challenge).

CCHR Response: “The Commission has staff who speak some, but not all, of the top six languages. The Agency makes use of those staff members’ skills as much as is feasible, and will continue to do so. In addition to commencing the use of Language Line, the Commission will make greater use of the Volunteer Language Bank to fill in existing gaps and ensure prompt and adequate service to all LEP customers.”

4. Distribute translated documents in a more consistent manner to ensure that field office locations provide documents translated into the languages that reflect the language needs of the communities those offices serve.

CCHR Response: “The Commission will ensure that its documents are maintained at its Central office and that they are distributed to its borough offices in proportions consistent with the needs of each such office. In addition, the Agency will re-evaluation the appropriate proportional distribution of these materials as the demographics and LEP populations of each borough evolve. In assessing the language needs of each borough, the Commission relies upon its staff’s experience as well as upon the “Community District Needs for Fiscal Year 2009” publication prepared by the Department of City Planning. This is the most recent publication of this nature.”

5. Take stronger steps to ensure that LEP customers are made aware of CCHR’s provision of language assistance services. Providing community partners with written information or materials for them to distribute via mail and electronically or post at their facilities may further ensure that LEP communities are aware of CCHR’s services.

CCHR Response: “The Commission will prepare written documents setting forth the availability of free interpretation and translation services, and will translate and distribute these materials to community and other service organizations that work with LEP populations. In determining where these documents should be distributed, and in what languages, the Commission will rely on the data referenced in its response to the previous recommendation.”

6. Provide staff with written training materials or guidelines such as job aids or “cheat sheets” for providing different types of services. CCHR may also want to explore self-assessment initiatives to strengthen internal quality assurance efforts and achieve more uniform delivery of services citywide.

CCHR Response: “The Commission will train its current and new staff members regarding the appropriate procedures for serving LEP individuals, and institute regular observations and corrective training where necessary.

“In conclusion, CCHR is committed to addressing the concerns raised in the Draft Report, and will take all necessary steps to ensure full compliance with Executive Order 120.”

To address other issues we found during this audit, the Mayor’s Office of Operations should revise EO 120 to include:

7. A list of consequences an agency would face if its milestones for plan deadlines are not met;
8. Requiring agencies to produce Annual Reports that contain details of what agencies have already done; and
9. What the agencies plan to do in the future to meet or enhance their LEP plans.

Operations Response: ‘. . . the Mayor’s Office will be requiring agencies to review their Language Access plans annually, and to update them accordingly based on demographic changes or priorities. We believe that this, in addition to the quarterly reports and other tools, will detail an agency’s accomplishments and objectives to ensure the continued, effective delivery of service across agencies.’

Compliance Chart

Question	Auditor's Assessment	CCHR's Response to the "Checklist for EO 120"	Auditor's Comments
1. Does CCHR provide direct public services?	Yes	Yes	CCHR provides direct public service through handling complaints and reaching out to the community to inform the public about their rights. CCHR has 5 borough community service centers.
2. Does CCHR have a Language Access Policy and Implementation Plan, and when was it instituted?	Yes	Yes March 31, 2009	CCHR had the plan in place by March 2009. The plan is available online. The plan is not dated. There is no announcement of the plan.
3. Does CCHR have a Language Access Coordinator?	Yes	Yes	
4. Did the Language Access Coordinator oversee the creation of the Language Access Policy and Implementation Plan?	Need Improvements	Yes	There is no documentation to demonstrate that the coordinator oversaw the creation of the Plan.
5. Did the Language Access Coordinator oversee the execution of the Language Access Policy and Implementation Plan?	Need Improvements	Yes	There is no documentation to demonstrate that the coordinator oversaw the execution of the Plan.
6. Does the Language Access Coordinator monitor the Language Access Policy and Implementation Plan?	Yes	The coordinator has phone conversations with site staff on an as-needed basis.	There is no monitoring report.
7. Is the Language Access Coordinator required to report plan updates and ongoing compliance?	Yes	Yes. Mayor's Office of Operations. A report is submitted quarterly.	The coordinator submits quarterly report to Operations about updates to the Plan's milestones. Copies are available.

Compliance Chart

Question	Auditor's Assessment	CCHR's Response to the "Checklist for EO 120"	Auditor's Comments
8. Did CCHR develop the plan using the four-factor analysis?	Yes	Yes	CCHR did not use DCP's data. CCHR has developed informal calculations by obtaining data from site staff. We were unable to get the calculations as they are based on phone conversations; however, he is planning to formalize the process.
9. Does CCHR provide services in languages based on at least the top 6 NYC LEP languages?	Need Improvements	Yes. The agency provides services in any language in which they are requested. If no one on staff speaks the requested language, the Language Liaison reaches out to the Language Liaisons at other City agencies to obtain a volunteer, who then assists by telephone or in person as appropriate.	
10. Does CCHR identify and translate their "essential public documents"?	Need Improvements	Yes	CCHR identifies intake forms, complaints form, documents relating to investigations, response to complaints and brochures as essential public documents. None of the documents are translated into all six LEP languages. Borough offices do not have every version.
11. Does CCHR provide interpretation services (including telephonic interpretation) for the top six LEP languages and others as appropriate?	Need Improvements	Yes. The agency provides these services in any language in which they are requested.	Only have in-house Spanish and Russian speakers. No contract with Language Line. Reach out to other agencies when other language interpreter is needed.

Compliance Chart

Question	Auditor's Assessment	CCHR's Response to the "Checklist for EO 120"	Auditor's Comments
12. Does CCHR train its frontline workers and managers on language access policies and procedures?	Yes	Yes. All managers and frontline workers have been trained as to language access policy and procedures.	The Plan states CCHR has trained all staff. The plan also said staffs will be trained annually. The coordinator conducted training for attorneys and directors of community service centers by 2009; he shared in the interview that once staff have been trained, there is no follow-up training needed.
13. Are there any signs or postings in CCHR regarding free available language assistance?	Yes	Yes. Posters and "I Speak" cards are visible in the reception areas at the central office and at the four outer borough field offices.	Based on site visits, only Manhattan, Queens and Brooklyn had posted the free interpretation service poster.
14. Did CCHR establish an appropriate monitoring and measurement system regarding the provision of agency language services?	Yes	Yes. A record-keeping template has been developed for this purpose.	Operations Quarterly Reports. The new initialized feedback card is a recent tool to conduct evaluations and survey the public. The feedback card is only in Spanish, Chinese, Italian and Haitian Creole. The coordinator monitored the implementation.
15. Did CCHR create public awareness strategies for language services?	Yes	Yes. Community outreach includes informing people of availability of free interpretation services.	CCHR recently worked with different local community organizations; the coordinator response in the interview was consistent with the Plan.
16. Did the Mayor's Office of Operation provide technical assistance to CCHR? (Was assistance requested?)	Yes	Yes. The Mayor's Office of Operations has provided assistance through quarterly meetings of Language Access Coordinators	Quarterly reports; Language Access Coordinator Meetings

Descriptions of Tests Conducted

Test	Criteria for Evaluation	Auditor's Assessment
1. Anonymous Phone Call	<ul style="list-style-type: none"> • Is a staff person able to respond to the call in the language of need, or else able to transfer the call to another staff person or a telephonic Interpreter service? • If a number to call back is requested, is the phone call ever returned, and in the appropriate language? 	Unsatisfactory. CCHR is unable to recognize Chinese and put the call on hold for 3 times; ask for call back number.
2. Is the website accessible in languages other than English?	<ul style="list-style-type: none"> • Public information is available in languages other than English • Essential documents are translated 	No application is available online. Only informational booklets are available in various languages. Spanish, Chinese, Korean, Russian, French
3. Make a site visit to a service center and meet with front line workers and evaluation in-person procedures for language accommodation. (We visited all CCHR sites)	<ul style="list-style-type: none"> • Frontline workers are able to provide language assistance services either directly or through a tool / procedure such as “I Speak” cards and placing a call to an interpreter to provide language assistance • Signage is posted notifying customers of their right to free language services 	
4. Attend a public meeting/hearing a. Is language assistance advertised? b. If applicable, is language assistance provided?	<ul style="list-style-type: none"> • Is notice of free language services included on advertisements for the event? • Is a 1-800 number or email address included for customers to contact to request that language services be provided at the event? • If language assistance is requested, was it provided? 	
5. Review a press release or public service announcement	<ul style="list-style-type: none"> • Is the document either translated or a 1-800 number / email address provided for customers to request more information in a language other than English? 	



COMMISSION ON HUMAN RIGHTS

40 RECTOR STREET, NEW YORK, NY 10006


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PATRICIA L. GATLING

Commissioner and Chair

MEMORANDUM

TO: H. Tina Kim, Deputy Comptroller

FROM: Patricia L. Gatling, Commissioner/Chair 

DATE: October 28, 2010

RE: Response to Draft Audit Report on the Adherence of the New York City Commission on Human Rights to Executive Order 120, Concerning Limited English Proficiency, 7R10-153A

The New York City Commission on Human Rights ("the Commission") submits this response to the above-referenced Comptroller's Draft Audit Report ("Draft Report").

The Commission will address each of the six recommendations pertaining to its services to Limited English Proficient ("LEP") customers.

1. The Commission will take all necessary steps to ensure that posters and "I Speak" cards are visible at each office reception area, and are replenished as needed.

2. The Commission is preparing the necessary documentation in order to utilize the City's contract with Language Line. The Agency will also obtain and cause to be installed the necessary telephones at each of its offices, and will train its staff as to the effective use of this service. The goal is to ensure that LEP individuals receive services from the Commission as promptly and effectively as do English-speaking customers.

3. The Commission has staff who speak some, but not all, of the top six languages. The Agency makes use of those staff members' skills as much as is feasible, and will continue to do so. In addition to commencing the use of Language Line, the Commission will make greater use of the Volunteer Language Bank to fill in existing gaps and ensure prompt and adequate service to all LEP customers.

4. The Commission will ensure that its documents are maintained at its Central office and that they are distributed to its borough offices in proportions consistent with the needs of each such office. In addition, the Agency will re-evaluate the appropriate proportional distribution of these materials as the demographics and LEP populations of each borough evolve. In assessing the language needs of each borough, the Commission relies upon its staff's experience as well as upon the "Community District Needs for Fiscal Year 2009" publication prepared by the Department of City Planning. This is the most recent publication of this nature.

5. The Commission will prepare written documents setting forth the availability of free interpretation and translation services, and will translate and distribute these materials to community and other service organizations that work with LEP populations. In determining where these documents should be distributed, and in what languages, the Commission will rely on the data referenced in its response to the previous recommendation.

6. The Commission will train its current and new staff members regarding the appropriate procedures for serving LEP individuals, and institute regular observations and corrective training when necessary.

The Commission wishes to address two additional points not specifically mentioned in the Recommendations, but referenced elsewhere in the Draft Report.

First, the Draft Report indicates that the Commission does not provide an online "application" in any of the top six languages. In fact, the Agency does not provide any online application, or an application via any other means. Members of the public seeking services from the Commission must do so either by telephone or in person with an investigator or staff attorney. Individuals coming to the Central office to file a legal complaint of discrimination are given an intake form that they complete in the office. In the case of an LEP individual, the interpreter, be it a Commission staff member or a volunteer from another City agency, will assist the individual in completing the intake form.

Second, the Draft Report states that the Commission's borough-based Community Service Center staff members often refer LEP individuals to our Central office. This is a common practice in cases where the individual visiting the Community Service Center presents a situation that will require the preparation and filing of a legal complaint of discrimination. Such complaints are prepared by attorneys in our Central office. The Commission has initiated a program where staff attorneys visit each of the Commission's Community Service Centers one day a week. Under this program, individuals seeking to file a complaint of discrimination with the Commission may do so at the borough office.

In conclusion, CCHR is committed to addressing the concerns raised in the Draft Report, and will take all necessary steps to ensure full compliance with Executive Order 120.



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

TO: H. Tina Kim, Deputy Comptroller for Audit, Office of the Comptroller

FROM: Elizabeth Weinstein, Director, Mayor's Office of Operations *Elizabeth Weinstein*
Commissioner Fatima Shama, Mayor's Office of Immigrant Affairs *Fatima Shama*

DATE: November 1, 2010

SUBJECT: Audit Report Title: Audit Report on Adherence to Executive Order 120
Concerning Limited English Proficiency
Audit Report Number: DOT (7R10-152A); DCP (7R10-155A); CCHR (7R10-153A); CCRB (7R10-154A); & TLC (7R10-151A)

INTRODUCTION

The Bloomberg Administration has taken significant strides to increase access and improve customer service to all New York City residents, including the twenty-five percent (25%) of New Yorkers who are limited English proficient ("LEP").

Prior to the development of Executive Order 120, the Mayor's Office managed, and manages today, a citywide volunteer language bank comprised of City employees who volunteer their language skills to assist with a variety of translation and interpretation needs for City agencies. In 2003, the City began offering information through the 311 Customer Service Center in over 170 different languages, and expanded the Translation Unit in the Department of Education to ensure that parents who are LEP receive pertinent information in the top eight languages. In 2005, the Mayor's Office of Immigrant Affairs formed an Interagency Task Force on Language Access, a working group of representatives from over 30 City agencies that meet regularly to share language access best practices and learn about topics that improve their language access service provision. In 2006, the City established a citywide contract with the interpretation and translation service provider Language Line that allows City agencies needing such services access at a reduced rate.

These efforts strengthened the Bloomberg Administration's commitment to accessible services for LEP New Yorkers, and laid the groundwork for the signing of the Language Access Executive Order 120 ("EO 120") in July 2008.

EO 120 ACCOMPLISHMENTS

EO 120 requires all agencies providing direct public service to ensure meaningful access by taking reasonable steps to develop and implement agency-specific language assistance plans regarding LEP persons. The Mayor's Office of Operations ("Operations") and the Mayor's Office of Immigrant Affairs ("MOIA") are charged with the application and oversight of EO 120.

As the audit report duly indicates, the "Mayor's Office has undertaken measures to provide agencies with resources and technical assistance to assist agencies achieve compliance with the Executive Order."¹ Below are some highlights of the resources and initiatives developed to improve language access service delivery across agencies.

EVERY AGENCY PROVIDING DIRECT PUBLIC SERVICES ASSIGNED A LANGUAGE ACCESS COORDINATOR.

EO 120 required each agency to assign a Language Access Coordinator who would be responsible for liaising with the Mayor's Office and could be held accountable for the development and implementation of language access plans. While some agencies had these liaisons in place previous to the Executive Order – many did not.

38 DIRECT SERVICES AGENCIES DEVELOPED A LANGUAGE ACCESS IMPLEMENTATION PLAN THAT IS AVAILABLE FOR PUBLIC VIEWING ON THE CITY'S WEBSITE.

Language access implementation plans were created by each direct services agency. Each plan outlines how an agency will provide meaningful access to the LEP community. These plans include an LEP population assessment, the process for identification and translation of essential public documents, interpretation services, language access training, signage, tracking, and outreach. Before an agency developed its plan, at least one in-person meeting was held with the agency language access liaison to discuss the requirements of the Executive Order and for the Mayor's Office to learn more about current agency efforts and the agency's specific goals for fitting language access into their current operation. Each plan was reviewed by the Mayor's Office when it was received and many revisions were drafted and discussed between the Mayor's office and the relevant agency before the agency plan was approved. The 38 language access implementation plans are available online on the Mayor's Office website and on individual agency sites.

THE MAYOR'S OFFICE DEVELOPMENT OF A LANGUAGE ACCESS TOOLKIT FOR USE BY CITY AGENCIES

The Mayor's Office developed multilingual signage and tools to increase awareness of the availability of language services at no cost to the LEP community. These tools include a

¹ City of New York Office of the Comptroller, "Audit Report on the Adherence of the Executive Order Concerning Limited English Proficiency". October 18, 2010.

Language Identification Poster using the top 22 languages spoken by LEP individuals in the City, an “I Speak” card that indicates primary language, and a notice of free translation services

EO 120 COMPLIANCE AND MILESTONES REPORTING

In order to track agency language access implementation, agencies send quarterly reports to the Mayor’s Office of Operations with updates on the milestones they committed to in their Language Access Plans.

ESTABLISHMENT AND QUARTERLY MEETINGS OF A PERMANENT LANGUAGE ACCESS COUNCIL

The Mayor’s Office hosts quarterly meetings with language liaisons from each agency. The agenda for the meetings include updating liaisons on progress made on projects initiated by the Mayor’s Office. Outside speakers are invited to share best practices in the field of language access.

THE MAYOR’S OFFICE LAUNCHED THE “LANGUAGE GATEWAY”- A MULTILINGUAL WEB PORTAL THAT PROVIDES ESSENTIAL CITY RESOURCES TRANSLATED IN THE MOST COMMONLY SPOKEN LANGUAGES.

The Language Gateway was launched in April 2010 to provide essential documents to the LEP community. The web portal includes translations of frequently requested documents, applications, forms and notices on the topics of: Business, Education and Child Care, Employment and Taxation, Health and Public Safety, Housing, Immigration, Social Services, and Transportation and Safety. Each document is accompanied by a plain language description of its content or utility. This new web portal serves as a 'one-stop-shop' for the most immediate needs of LEP New Yorkers and the community-based organizations that serve them. The Language Gateway currently includes 160 documents from 17 City agencies in English, Spanish, Chinese and Russian.

THE MAYOR’S OFFICE LAUNCHED THE “NYCERTIFIED PROGRAM” TO TEST AND TRAIN CITY BILINGUAL EMPLOYEE VOLUNTEERS

The Mayor’s Office has also enhanced the citywide volunteer language bank system by launching the NYCertified Language Assessment and Training Program. Through this program, City employees are tested on their language proficiency and go through either an interpretation or translation training. The NYCertified Program was created to enhance the City’s ability to deliver quality language assistance services while promoting the professional development of our diverse employees.

THE MAYOR’S OFFICE CREATION OF THE CUSTOMER SERVICE PROFESSIONAL CERTIFICATE PROGRAM

In partnership with agency coordinators and using best practices, the Mayor's Office developed training curricula on Customer Service, Cultural Sensitivity, and Plain Language for frontline and internal staff, managers, and supervisors. Through Cultural Sensitivity training, participants increase self-awareness about personal values, motives, and beliefs, and understand how these impact their interactions with LEP customers.

Clear and effective communication is vitally important to City agencies achieving their missions. Plain language training helps agencies create documents that are clearly written and understandable by their intended audience.

This training module is being offered at the Citywide Training Center (CTC) at the Department of Citywide Administrative Services. Twenty-one employees have been trained in Cultural Appreciation at CTC. Moreover, 67 trainers have gone through the train the trainer program, and are providing this training program at their agency.

The Mayor's Office also developed a Language Access Training module describing policies and procedures for agency employees. This training program was disseminated to city agencies.

THE MAYOR'S OFFICE DEVELOPED AN LEP CUSTOMER SURVEY TO HELP ASSESS SERVICE DELIVERY

Survey cards were created and specifically designed to gather feedback from LEP customers throughout the City's agencies. These surveys were translated in the top 6 citywide LEP languages and are made available at public points of contact. This is one of many tools the City is utilizing to measure service delivery, and the feedback the City receives will help better assess the delivery of services to LEP New Yorkers.

THE MAYOR'S OFFICE LAUNCHED FIRST EVER MAYOR'S MANAGEMENT REPORT INDICATORS RELATED TO LANGUAGE ACCESS

The City's Mayor's Management Report, published in September 2010, includes data on the number of interpretation requests fulfilled during FY 2010. This number includes those requests made by customers in-person and on the phone.

In Fall 2010, indicators including the number of requests for interpretation that have come from customers calling an agency, and the number of requests for interpretation for customers visiting an agency in person will be included in a newly developed Customer Service web portal.

The Mayor's Office will continue to support agencies in their implementation efforts and provide ongoing technical assistance and oversight in the provision of language assistance services.

AUDIT RECOMMENDATIONS

Below we have addressed the recommendations included in the audit report.

Recommendation: Make Enhancements to Executive Order 120

Response: Executive Order 120 is a policy that promotes a positive and cooperative understanding of the importance of language access to City agencies, and the implementation plans were meant to ensure that the provision of language assistance services was conducted in a consistent and effective manner across agencies. The Mayor's Office allowed agencies to assess their language access needs and determine a suitable timeframe for plan implementation. This is similar to how federal agencies rolled out their language access plans, and is consistent with the implementation requirements set forth by Local Law 73, a City Council bill that was passed in 2003, that allowed the City's four (4) human and social services agencies five (5) years to phase-in their language access plan.

The Mayor's Office is charged with coordinating and overseeing agency compliance with the Executive Order. To ensure compliance, Operations requires agencies to submit quarterly reports with specific milestones and performance benchmarks. In addition, Operations meets with agencies periodically to discuss their language access milestones and provide the agency with feedback on their progress. We have found these tools effective in measuring progress in the implementation of agencies' language access plans. The above statement corroborates the Comptroller's findings that, "CSG developed a quarterly reporting system to track agencies' programs in achieving milestones outlined in their respective Language Access Plans; CSG reviews submissions to monitor citywide compliance with EO 120, and provides agencies with feedback on their progress."²

However, the Mayor's Office will be requiring agencies to review their Language Access plans annually, and to update them accordingly based on demographic changes or priorities. We believe that this, in addition to the quarterly reports and other tools, will detail an agency's accomplishments and objectives to ensure the continued, effective delivery of service across agencies.

Recommendation: Information Received from Agencies is Difficult to Corroborate

Response: The Mayor's Office relies on agencies to provide data for the Mayor's Management Report. For most agencies, data for the number of interpretation requests completed comes directly from their Language Line bill. The Mayor's Office will explore ways to audit interpretation indicators by reviewing agencies' vendor statements.

In addition to the data that is provided to the Mayor's Office for the MMR, Operations also conducts its own "mystery shop" assessment to gather information on EO 120 compliance. The Mayor's Office of Operations conducted a Customers Observing and Researching Experience (CORE) assessment in the summers of 2009 and 2010. For the CORE assessment, inspectors on behalf of the Mayor's Office visited 305 service centers at 28 city agencies and recorded observations on the conditions and environment of the service center and its host building.

² City of New York Office of the Comptroller, "Audit Report on the Adherence of the Executive Order Concerning Limited English Proficiency". October 18, 2010. Page 6, paragraph 4.

Each agency was rated on its accessibility to LEP customers. Inspectors were to record if facilities had prominent notices of free interpretation, translated welcome signage and/or directional signage, and literature and/or applications available for the public in multiple languages. Inspectors rated the service center from a scale of Excellent to Poor. These ratings were incorporated in the overall score received by agencies.