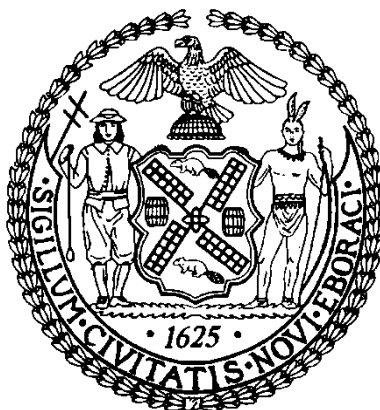


**CITY OF NEW YORK
OFFICE OF THE COMPTROLLER**

**John C. Liu
COMPTROLLER**

IT AUDIT and RESEARCH

**H. Tina Kim
Deputy Comptroller for Audit**



**Audit Report on the Adherence of the
New York City Department of City Planning to
Executive Order 120 Concerning
Limited English Proficiency**

7R10-155A

November 26, 2010



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 Department of City Planning (DCP) to determine whether DCP has complied with Executive Order 120 (EO 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 a few areas where DCP efforts should be enhanced to provide better services to LEP persons. We found that the translation of documentation on its website and the documentation of LEP training could be improved. In addition, Language Bank volunteers are not required go through language certification.

The results of the audit have been discussed with DCP 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 that reads "John C. Liu".

John C. Liu

Table of Contents

AUDIT REPORT IN BRIEF 1

 Audit Findings and Conclusions 2

 Audit Recommendations 2

INTRODUCTION 3

 Background 3

 Objective 5

 Scope and Methodology 5

 Discussion of Audit Results 6

FINDINGS AND RECOMMENDATIONS 7

 Translation of Documentation on Website While Compliant
 With EO 120 Could Be Improved 7

 Documentation of LEP Training Could be Improved 7

 Interpretation and Translation Procedures 8

OTHER ISSUES 8

 Enhancements to Executive Order 120 8

 Information Received from Agencies is Difficult to Corroborate 9

RECOMMENDATIONS 9

APPENDIX I Compliance Chart

APPENDIX II Descriptions of Tests Conducted

ADDENDUM I Department of City Planning’s Response

ADDENDUM II Joint Response from the Mayor’s Offices of Operations and Immigrant
 Affairs

*The City of New York
Office of the Comptroller
IT Audit & Research*

**Audit Report on the Adherence of the
New York City Department of City Planning
to Executive Order 120 Concerning
Limited English Proficiency**

7R10-155A

AUDIT REPORT IN BRIEF

We performed an audit of the New York City Department of City Planning's (DCP) compliance with Executive Order 120 (EO 120). DCP is a public-facing agency responsible for the City's physical and socioeconomic planning, including land use and environmental review; preparation of plans and policies; and provision of technical assistance and planning information to government agencies, public officials, and community boards. In addition, DCP is responsible for land use analysis in support of the Commission's review of proposals for zoning map and text amendments; special permits under the Zoning Resolution; changes in the City map; the acquisition and disposition of City-owned property; the acquisition of office space for City use; site selection for public facilities; urban renewal plans and amendments; landmark and historic district designations; and community-initiated plans under Section 197-a of the City Charter. DCP reports directly to the Deputy Mayor for Economic Development, and through this office to the Mayor.

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.

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

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) 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 DCP was generally in compliance with EO 120 where it is mandated that DCP ensure meaningful access of agency resources to LEP persons. DCP also implemented a program for language assistance that reflects the principles of plain language communication. However, there are a few areas where DCP efforts should be enhanced to provide better services to LEP persons. We found that the translation of documentation on its website and the documentation of LEP training could be improved. In addition, Language Bank volunteers are not required go through language certification.

Audit Recommendations

This report makes a total of 6 recommendations. To address the issues we found during this audit, the New York City Department of City Planning should:

1. Require all information be translated in the top six LEP languages and it should utilize a more extensive translation tool when available for its website based documents.
2. Ensure that training session materials and attendance sheets are retained as documentation for all interpreters and translators in attendance.
3. Require that Language Bank volunteers obtain certification of their interpretation and translation skills.

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

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

*The City of New York
Office of the Comptroller
IT Audit and Research*

**Audit Report on the Adherence of the
New York City Department of City Planning
to Executive Order 120 Concerning
Limited English Proficiency**

7R10-155A

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 in 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 Department of City Planning

The New York City Department of City Planning (DCP) is responsible for the City's physical and socioeconomic planning, including land use and environmental review; preparation of plans and policies; and provision of technical assistance and planning information to government agencies, public officials, and community boards. The Department is responsible for land use analysis in support of the Commission's review of proposals for zoning map and text amendments; special permits under the Zoning Resolution; changes in the City map; the acquisition and disposition of City-owned property; the acquisition of office space for City use; site selection for public facilities; urban renewal plans and amendments; landmark and historic district designations; and community-initiated plans under Section 197-a of the City Charter. DCP reports directly to the Deputy Mayor for Economic Development, and through this office to the Mayor.

Objective

The objective of this audit is to determine whether DCP 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 DCP's Language Access Policy and Implementation Plan;
- Created Compliance Charts to assess DCP's compliance with EO 120²;
- Interviewed agency officials involved, specifically the designated Language Access Coordinator;
- Interviewed officials from 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);

² See Appendix I for the complete list

- Conducted various audit procedures as noted below³;
- Reviewed and assessed whether DCP's EO 120 Plan was developed in accordance with the required four factor analysis;
- Tested whether DCP provided public services in at least the top six LEP languages spoken by the population of New York City;
- Obtained documentation and assessed whether DCP 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 DCP's staff members;
- Tested whether posting of signage in conspicuous locations about the availability of free interpretation services is being done by visiting several office locations to determine if the signage was posted;
- Assessed whether DCP established an appropriate monitoring and measurement system regarding the provision of agency language services; and
- Assessed whether DCP created appropriate public awareness strategies for that agency's service population.

Discussion of Audit Results

The matters covered in this report were discussed with officials from DCP, MOIA and Operations, during and at the conclusion of this audit. A preliminary draft report was sent to DCP, MOIA, and Operations officials and discussed at an exit conference held on September 29, 2010. On October 18, 2010, we submitted a draft report to DCP, MOIA, and Operations officials with a request for comments. We received DCP's response on November 1, 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 recommendation. Their response is included in the addendum of this report.

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

FINDINGS AND RECOMMENDATIONS

DCP was generally in compliance with EO 120 where it is mandated that DCP ensure meaningful access of agency resources to LEP persons. DCP also implemented a program for language assistance that reflects the principles of plain language communication. However, there are a few areas where DCP was partially in compliance with EO 120 and its efforts should be enhanced to provide better services to LEP persons.

Translation of Documentation on Website While Compliant with EO 120 Could be Improved

DCP has done an adequate job of providing information to LEP individuals through their website with the use of the Google Translation tool. With the Google Translation tool, the DCP website can be translated into 34 languages, including the top six LEP languages. However, when the Google Translation tool converted the contents of the website into the different languages, the translations are often not entirely accurate (DCP's website includes a disclaimer stating "translations are made through an automated process, which may not result in accurate or precise translations, particularly of technical and legal terminology).

DCP's homepage also provides a translation of the "About Us" section of the website; however, the only problem with this is that this particular part of the website is only translated in four of the top six LEP languages (Spanish, Haitian Creole, Korean and Italian). DCP stated in their checklist response that "Translation in Russian and Chinese requires professional services which are scheduled to be undertaken during Fiscal Year 2011". While we feel that this is another positive step in implementing the LEP program as it improves the accuracy of translated information on DCP's website, we note that other key sections of DCP's website would benefit from more accurate translations as well.

Documentation of LEP Training Could be Improved

Through our observation and interviews we have arrived at the conclusion that DCP has effective written procedures in place (included in the employee manual as an addendum) to deal with LEP individuals who may have contact with one of their many offices. Further, all the frontline people we have encountered in the DCP office were well informed as to how to assist LEP individuals.

As outlined in their Language Access Plan, DCP provided training for their staff regarding the policies and procedures for handling of LEP individuals. However, since DCP only conducted informal training sessions and could not provide the auditors with an agenda from these training sessions or sign-in sheets of all the employees who actually attended the training sessions, we cannot be assured that all required employees attended and received the required training.

Interpretation and Translation Procedures

DCP has a Language Bank which is comprised of DCP staff volunteers and these volunteers provide translation and interpretation services. According to DCP's Language Access Coordinator, the Language Bank volunteers are not required go through a language certification because, almost, if not all the volunteers who are providing these services would be doing so in their native language. It was also stated that the volunteers do not participate in the Language Bank unless they are completely comfortable in providing interpretation and/or translation either in-person, over the phone or at a public hearing. However, requiring the volunteers to go through a certification process such as NYCertified, (a citywide program for multilingual city employees who volunteer their language skills to provide translation and/or interpretive services to LEP persons) can only enhance their translation and interpreting skills.

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 and 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 agencies 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 Line⁴ (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, the New York City Department of City Planning should:

1. Require all information be translated in the top six LEP languages and it should utilize a more extensive translation tool when available for its website based documents.

DCP Response: “The Department of City Planning translates its website documentation into the top six LEP languages (Spanish, Chinese, Russian, Korean, Italian, and Creole). Moreover, DCP’s website allows viewers to use the Google Translate tool if they have limited English proficiency to review materials in any of 34 languages. This translation tool is an automated process that results in a reasonably accurate translation of material. Currently this is the only online automated process and there is no present alternative.

“The audit found that a portion of the Department’s website was only translated in four of the top six LEP languages. Please be aware that we have secured the necessary professional services to translate the remaining two languages. This translation was completed on September 24, 2010 and posted on the Department’s website.”

2. Ensure that training session materials and attendance sheets are retained as documentation for all interpreters and translators in attendance.

DCP Response: “As stated in the Audit the Department of City Planning has written procedures currently on how all staff should service LEP individuals seeking services at our

⁴ 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.

offices. The Department also provides training on these policies and procedures. Going forward, we will maintain necessary documentation to help demonstrate such activities.”

3. Require that Language Bank volunteers obtain certification of their interpretation and translation skills.

DCP Response: “The Department of City Planning maintains a Language Bank comprised of staff volunteers to provide translation and interpretation services. Indeed, nearly all of the 25 volunteers of the DCP Language Bank are native speakers in the language for which they are providing services. Prior to active participation in the Language Bank, the volunteers verify that they are completely comfortable with the services being provided, translation and/or interpretation. The Department of City Planning is certain that the use of its Language Bank is a beneficial service to individuals with limited English proficiency and will explore other opportunities as well as to certify volunteers, both native speakers and non- native speakers.”

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

4. A list of consequences an agency would face if its milestones for plan deadlines are not met;
5. Requiring agencies to produce Annual Reports that contain details of what agencies have already done; and
6. What 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	DCP's Response to the "Checklist for EO 120"	Auditor's Comments
1. Does DCP provide direct public services?	Yes	DCP provides direct public services	
2. Does DCP have a Language Access Policy and Implementation Plan, and when was it instituted?	Yes	DCP has a Language Access Policy, it was submitted to Operations & implemented on January 1, 2009	
3. Does DCP have a Language Access Coordinator?	Yes	Special Assistant to the Chair.	
4. Did the Language Access Coordinator oversee the creation of the Language Access Policy and Implementation Plan?	Yes	The Language Access Coordinator managed the creation of the plan, working closely with Counsel, the Executive Office and the relevant divisions. The Director of Intergovernmental Affairs was the Coordinator when the plan was originally created.	
5. Did the Language Access Coordinator oversee the execution of the Language Access Policy and Implementation Plan?	Yes	The Language Access Coordinator oversaw the execution and the daily management of the plan. Training sessions for managers and front-line employees were organized and regular reminders are sent to staff.	As read from the DCP's LAP and through the interview with the LAC, it has been determined that the LAC oversees the execution & implementation with the help of the Language Bank Liaison
6. Does the Language Access Coordinator monitor the Language Access Policy and Implementation Plan?	Yes	The Language Access Coordinator monitors the implementation of the plan with the assistance of the Language Bank Liaison. Every month, the Language Bank Liaison reports the number of LEP persons assisted by the agency as part of DCP's Customer Services Indicators.	We have received a copy of DCP's Customer Services Indicators
7. Is the Language Access Coordinator required to report plan updates and ongoing compliance?	Yes	The Language Access Coordinator reports four times a year on the implementation of the plan. The reports are directly sent to the Language Access Associate at the Mayor's Office of Operations. In addition, every month, the Language Bank Coordinator reports the number of LEP persons assisted by the agency as part of DCP's Customer Services Indicators. These indicators are directly sent to the Mayor's Office of Operations.	We have received a copy of Quarterly Reports (from DCP & Operations) as well as a copy of DCP's Customer Services Indicators

Compliance Chart

Question	Auditor's Assessment	DCP's Response to the "Checklist for EO 120"	Auditor's Comments
8. Did DCP develop the plan using the four factor analysis?	Yes	As set forth in the Language Access Plan, language access requirements for each service area were evaluated according to a needs assessment that balanced the four factors.	
9. Does DCP provide services in languages based on at least the top 6 NYC LEP languages?	Yes	All divisions in the agency have access to the DCP Language Bank, which is composed of DCP staff volunteers. All divisions also have access to a professional Language Line via the phone. The Language Bank and Language Line provide access in the top six LEP languages, and covers additional languages as our resources allow.	DCP has translators & interpreters internally in the top six LEP languages as well as additional languages.
10. Does DCP identify and translate their "essential public documents"?	Needs Improvement	Foreign Language Speaker Cards are available in the top six LEP languages. DCP website is translated using third party Google Translation tool. DCP has created a page on its website with basic information about land use review, zoning and instructions on how to give foreign language testimony. This page is currently available in Spanish, Haitian Creole, Italian and Korean. Translation in Russian and Chinese requires professional services which are scheduled to be undertaken during Fiscal Year 2011.	As DCP stated they did not have the "About Us" page translated in all the six languages We received a copy of Foreign Language Speaker Cards in the six top LEP languages (this should be posted on the DCP website)
11. Does DCP provide interpretation services (including telephonic interpretation) for the top six LEP languages and others as appropriate?	Yes	All divisions in the agency have access to the DCP Language Bank, which is composed of DCP staff volunteers. All divisions also have access to a professional Language Line via the phone. The Language Bank and Language Line provide access in the top six LEP languages, and covers additional languages as our resources allow.	When we observed frontline workers provide language assistance services, the process was to have the customer point to their language and then if the in-house DCP volunteer interpreters cannot provide the language service, they would call the DCP language line for an interpreter.
12. Does DCP train its frontline workers and managers on language access policies and procedures?	Needs Improvement	The Language Access Coordinator provided training on these policies and procedures for all staff in public contact positions. Staff was trained to assist LEP persons as well as to access wider interpretation/translation services through DCP's Language Bank and the Language Line. This training is also being provided to new employees as part of their orientation.	We were provided with an Employee Manual that included an addendum of the procedures for serving LEP individuals. Also, the training is informal, as per the LAC.

Compliance Chart

Question	Auditor's Assessment	DCP's Response to the "Checklist for EO 120"	Auditor's Comments
13. Are there any signs or postings in DCP regarding free available language assistance?	Yes	The eight locations providing direct public services have signs offering free available language assistance. In addition, the entrance to the CPC Public Hearing room, Spector Hall, contains signs indicating the protocol for public testimonies in the top six LEP languages.	All the DCP sites visited had signs posted notifying customers of their right to free language services. There are 22 languages including the top 6 LEP languages.
14. Did DCP establish an appropriate monitoring and measurement system regarding the provision of agency language services?	Yes	The Language Access Coordinator monitors the implementation of the plan with the assistance of the Language Bank Liaison. Every month the Language Bank Liaison reports the number of LEP persons assisted by the agency as part of DCP's Customer Services Indicators.	
15. Did DCP create public awareness strategies for language services?	Yes	After the issuance of the plan, DCP sent a letter to the 51 Community Boards of the city, announcing its language services and encouraging the Boards to share the news with their members and the community at large.	We were provided with a copy of the letter sent out to the Community Boards.
16. Did the Mayor's Office of Operation provide technical assistance to DCP (Was assistance requested?)	Yes	Although no technical assistance was requested, significant technical assistance was provided by the Mayor's Office of Operation during the creation of the Language Access Plan and its implementation strategy.	

Descriptions of Tests Conducted

Test	Criteria for Evaluation	Auditor’s Assessment
<p>1. Anonymous Phone Call</p>	<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? 	<p>Call was placed to the Manhattan DCP office in Spanish and the staff was able to answer the auditor’s questions very well in Spanish.</p> <p>Call was placed to the Queens DCP office in Chinese, the auditor was placed on hold and then told all Chinese speaking staff members were out of the office & asked for a call back number. (A call back number was not left)</p> <p>Call was placed to the Queens DCP office in Chinese; the auditor was placed on hold and then disconnected.</p>
<p>2. Is the website accessible in languages other than English?</p>	<ul style="list-style-type: none"> • Public information is available in languages other than English • Essential documents are translated 	<p>The “about us” was listed in 4 languages: Spanish, Haitian Creole, Italian, and Korean. You have the option to use Google to translate the entire website in the 34 languages, including the 6 LEP languages.</p>
<p>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 DCP sites)</p>	<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 	<p>The procedure for the frontline workers providing language assistance service is to have the person point to their language and then if the in-house DCP volunteer interpreters cannot provide the language service, they would call the DCP language line for an interpreter.</p> <p>Signs were posted notifying customers of their right to free language services. There are 22 languages including the 6 LEP languages. The sign says “Point to your language. An interpreter will be called. The interpreter is provided at no cost to you.”</p>

Descriptions of Tests Conducted

Test	Criteria for Evaluation	Auditor's Assessment
<p>4. Attend a public meeting/hearing</p> <p>a. Is language assistance advertised?</p> <p>b. If applicable, is language assistance provided?</p>	<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? 	<p>According to the staff members at the sites, language assistance is only provided if you are planning to speak or give testimony during a particular part of the public hearing.</p> <p>Auditors attended a public hearing; no one who spoke at the meeting needed interpretation. At the entrance of Spector Hall, there was a large poster in the six top LEP languages as well as English, giving instructions of the procedures to participate in the hearing (to give a testimony). They also have a sign with 22 languages saying "Point to your language. An interpreter will be called. The interpreter is provided at no cost."</p>
<p>5. Review a press release or public service announcement</p>	<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? 	<p>The press releases online can be translated using Google translation.</p>



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

Amanda M. Burden, FAICP, *Director*
Department of City Planning

OPERATIONS

October 29, 2010

H. Tina Kim
Deputy Comptroller for Audit
Office of the Comptroller
1 Centre Street, Room 1100
New York, NY 10007-2341

**RE: Audit Report on the Adherence of the New York City
Department of City Planning to Executive Order 120
Concerning Limited English Proficiency
7LR10-155A**

Dear Ms. Kim:

We appreciate the opportunity to respond to the Draft Audit Report on Adherence to Executive Order 120. Executive Order 120 is significant in that it makes City government substantially more transparent and accessible for New Yorkers with Limited English Proficiency. Given the important neighborhood planning work that directly affects communities across the City, the Department of City Planning (DCP) is pleased that the Audit found that DCP "ensures meaningful access of agency resources to LEP persons [and] also implemented a program for language assistance that reflects the principles of plain language communication."

The Audit included three recommendations for the Department of City Planning which are addressed below:

Recommendation #1 – Translation of Documentation on Website while Compliant with EO 120 could be Improved

The Department of City Planning translates its website documentation into the top six LEP languages (Spanish, Chinese, Russian, Korean, Italian, and Creole). Moreover, DCP's website allows viewers to use the Goggle Translate tool if they have limited English proficiency to review materials in any of 34 languages. This translation tool is an automated process that results in a reasonably accurate translation of material. Currently this is the only online automated process and there is no present alternative.

C. Kenneth Shillingford, *Director*
22 Reade Street, New York, N.Y. 10007-1216 Room 2W (212) 720-3650
FAX (212) 720-3219
nyc.gov/planning



The Audit found that a portion of the Department's website was only translated in four of the top six LEP languages. Please be aware that we have secured the necessary professional services to translate the remaining two languages. This translation was completed on September 24, 2010 and posted on the Department's website.

Recommendation #2 – Documentation of LEP Training could be Improved

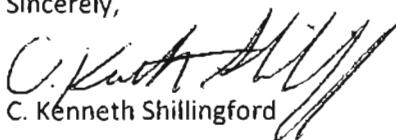
As stated in the Audit the Department of City Planning has written procedures currently on how all staff should service LEP individuals seeking services at our offices. The Department also provides training on these policies and procedures. Going forward, we will maintain necessary documentation to help demonstrate such activities.

Recommendation #3 – Interpretation and Translation Procedures: Certification of DCP Language Bank Volunteers

The Department of City Planning maintains a Language Bank comprised of staff volunteers to provide translation and interpretation services. Indeed, nearly all of the 25 volunteers of the DCP Language Bank are native speakers in the language for which they are providing services. Prior to active participation in the Language Bank, the volunteers verify that they are completely comfortable with the services being provided, translation and/or interpretation. The Department of City Planning is certain that the use of its Language Bank is a beneficial service to individuals with limited English proficiency and will explore other opportunities as well as to certify volunteers, both native speakers and non-native speakers.

We are pleased with the progress the Department has made toward increasing access the DCP services and will continue our work supporting New York City's population with limited English proficiency as we comply with EO 120. Should you have additional questions, please do not hesitate to contact me.

Sincerely,



C. Kenneth Shillingford

c: Amanda Burden, Director
Richard Barth, Executive Director
Purnell Lancaster, Fiscal Officer
Cecilia Kushner, Special Assistant to the Commissioner



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.