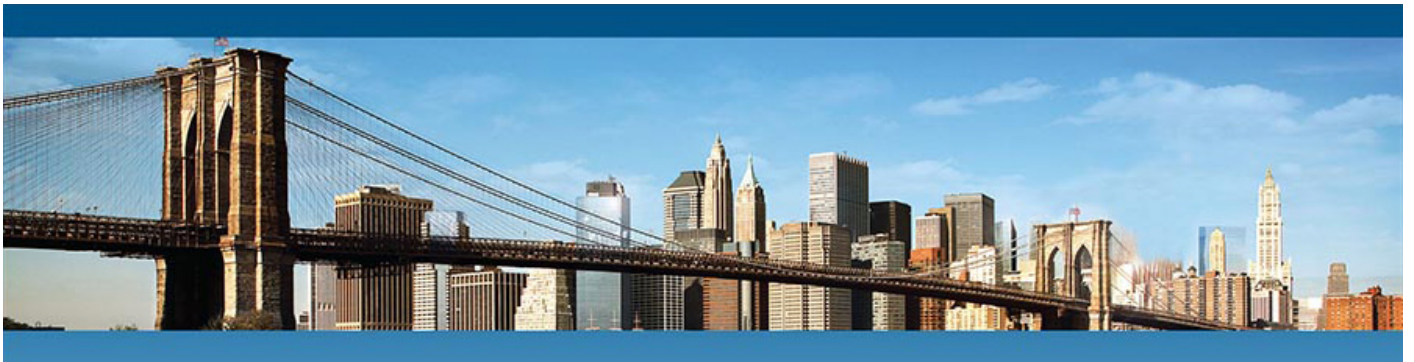


City of New York

OFFICE OF THE COMPTROLLER

Scott M. Stringer
COMPTROLLER



AUDITS & SPECIAL REPORTS

Marjorie Landa

Deputy Comptroller for Audit

Audit Report on the Compliance of the
New York City Department of Youth and
Community Development with Executive
Order 120 Regarding Limited English
Proficiency

SZ16-073A

June 10, 2016

<http://comptroller.nyc.gov>



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
1 CENTRE STREET
NEW YORK, NY 10007

SCOTT M. STRINGER
COMPTROLLER

June 10, 2016

To the Residents of the City of New York:

My office has audited the New York City Department of Youth and Community Development (DYCD) to determine whether DYCD is in compliance with Executive Order 120 (EO 120), which requires City agencies that provide direct services to the public to create a language access implementation plan to ensure meaningful language access to their services. According to the 2013 American Community Survey, over 75 percent of all New Yorkers speak a language other than English at home, and almost 46 percent of the City's population is limited in English language proficiency (LEP). For these New Yorkers, interacting with City government can be a challenge. We audit City agencies such as DYCD to help ensure that they are complying with applicable laws and regulations and that they are providing residents access to important City services.

The audit found that in its offices, DYCD generally complied with EO 120. DYCD's current Language Access Plan describes steps DYCD is undertaking to provide information on the agency's resources and services to the LEP population. Specifically with regard to the services DYCD provides in connection with the Youth Connect program, we found that DYCD generally provides these services to its customers in the top New York City LEP languages. Further, we found that through a City-wide contract with Language Line Services, Inc., DYCD has the ability to provide documentation translation and phone interpretation services in 180 languages.

The report recommends that DYCD continue to adhere to EO 120 to ensure that it adequately meets the language needs of the communities it serves. As required by EO 120, DYCD should utilize available and relevant studies and update and post all subsequent Language Access Plans on its website.

The results of the audit have been discussed with DYCD officials, and their comments have been considered in preparing this report. Their complete written response is 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 blue ink, appearing to read "Scott M. Stringer".

Scott M. Stringer

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THE CITY OF NEW YORK OFFICE OF THE COMPTROLLER AUDITS & SPECIAL REPORTS

Audit Report on the Compliance of the New York City Department of Youth and Community Development with Executive Order 120 Regarding Limited English Proficiency

SZ16-073A

AUDIT REPORT

Background

With more than four million foreign-born residents from more than 200 different countries, New York 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. Over 75 percent of all New Yorkers speak a language other than English at home, and almost 46 percent, or 1.8 million people, are limited in English proficiency. For these New Yorkers, interacting with City government can often be a challenge.¹

Local Law 73 was enacted in 2003 for the purpose of enhancing the ability of City residents with Limited English Proficiency (LEP) to interact with City government and more specifically to obtain needed social services. The law applies to four social service agencies: the Human Resources Administration; the Department of Homeless Services; the Administration for Children's Services; and the Department of Health and Mental Hygiene. It requires free language assistance services be provided for clients at job centers and food stamp offices, and when they seek to obtain other services from any of those four City agencies.

In July 2008, Mayor Bloomberg signed Executive Order 120 (EO 120), which requires all City agencies to provide opportunities for limited English speakers to communicate with City agencies and receive public services. EO 120 specifically requires City agencies providing 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 for LEP persons.

¹ Data is from the Mayor's Office of Immigrant Affairs.

Specifically, EO 120 requires each agency to:

- Designate a Language Assistance Coordinator within 45 days of the date of EO 120 to oversee the creation and execution of an agency-specific internal language access policy and implementation plan.
- Develop such a plan by January 1, 2009, using a four-factor analysis based on guidance issued by the U.S. Department of Justice 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 (Mandarin and Cantonese), 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; posting of signage in conspicuous locations about the availability of free interpretation services; and establishment of an appropriate monitoring and measurement system regarding the provision of agency language services.

EO 120 references the New York City Charter requirement that the Mayor's Office of Operations (Operations) 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 is responsible for promoting immigrants' access to City services by developing appropriate policies and outreach programs to educate immigrant and foreign language speakers about such services.

This audit focuses on the New York City Department of Youth and Community Development's (DYCD) compliance with EO 120. It specifically concerns the services DYCD provides directly to the public. These services primarily consist of referrals of New York City residents to services through Youth Connect, a resource and referral service for youth, families and community-based organizations that includes an online database of information and resources, and a confidential toll-free hotline. Youth Connect is located at 123 William Street in Manhattan, one of two DYCD locations. In addition to Youth Connect, DYCD contracts with a network of community-based organizations and programs to provide services that promote positive youth development and strong, healthy communities. We will conduct a separate audit of DYCD's efforts to ensure compliance with EO 120 by the contracted service providers.

Objective

The objective of the audit was to determine whether DYCD is in compliance with EO 120, which requires that City agencies that provide direct services to the public create a language access implementation plan in order to ensure meaningful language access to their services.

Scope and Methodology Statement

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.

To achieve our audit objective, we reviewed DYCD's Language Access Plan and other pertinent documents, interviewed key DYCD personnel, and conducted site visits on April 27, 2016, at DYCD's two Manhattan locations located at 2 Lafayette Street and 123 William Street. Please refer to the detailed scope and methodology at the end of this report for the specific procedures and tests that were conducted.

Discussion of Audit Results

The matters covered in this report were discussed with officials from DYCD and Operations during and at the conclusion of this audit. DYCD officials were notified of our finding during the course of the audit and no exit conference was needed due to the recurring nature of these audits. On May 17, 2016, we submitted a draft report to DYCD officials with a request for written comments. We received a written response from DYCD on May 27, 2016. In their written response, DYCD officials generally agreed with the audit and stated, "DYCD agrees with the sole Recommendation that it should continue to adhere to EO 120 to ensure that it adequately meets the language needs of the communities it serves. As required by EO 120, DYCD will utilize available and relevant studies and update and post all subsequent Language Access Plans on its website."

The full text of DYCD's response is included as an addendum to this report.

FINDING AND RECOMMENDATION

We found that DYCD generally complied with EO 120 in providing meaningful language access to the agency's services for LEP customers. DYCD's current Language Access Plan describes steps DYCD is undertaking to provide information on the agency's resources and services to the LEP population. Specifically with regard to the services DYCD provides in connection with the Youth Connect program, we found that DYCD generally provides these services to its customers in the top New York City LEP languages. Further, we found that through a City-wide contract with Language Line Services, Inc., DYCD has the ability to provide documentation translation and phone interpretation services in 180 languages. Appendices I and II contain details of the specific items we tested and the results of our tests.

Recommendation

DYCD should continue to adhere to EO 120 to ensure that it adequately meets the language needs of the communities it serves. As required by EO 120, DYCD should utilize available and relevant studies and update and post all subsequent Language Access Plans on its website.

DETAILED 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.

We reviewed DYCD's Language Access Policy and Implementation Plan and other pertinent documents, interviewed key DYCD personnel, and conducted site visits on April 27, 2016, at DYCD's two Manhattan locations (2 Lafayette Street, and 123 William Street).

To achieve our objectives, we performed the following:

- Reviewed EO 120 and Local Law 73;
- Reviewed and analyzed DYCD's Language Access Policy and Implementation Plan;
- Created Compliance Checklists to assess DYCD's compliance with EO 120;²
- Conducted interviews with DYCD's designated Language Access Coordinator and other staff members;
- Reviewed and assessed whether DYCD's Language Access Plan was developed in accordance with EO 120, using the required four-factor analysis;
- Tested whether DYCD provided public services in at least the top six LEP languages spoken by the New York City population;
- Obtained and reviewed documentation and assessed whether DYCD identified and translated essential public documents;
- Tested whether interpretation services, including the use of telephonic interpretation services, are available;
- Obtained training materials and/or written policies and procedures;
- Visited two locations on April 27, 2016, (2 Lafayette Street and 123 William Street) and observed whether there were signs indicating that free interpretation services were available and whether signs were displayed in conspicuous locations throughout the office;
- Visited and observed the Call Center operations (Youth Connect);
- Assessed whether DYCD established an appropriate monitoring and measurement system regarding the provision of agency language services; and
- Assessed whether DYCD created appropriate public awareness strategies for the agency's service population.

In addition, we conducted various audit tests as noted in Appendix II.³

² See Appendix I for the completed checklist created in connection with this audit.

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

LEP COMPLIANCE CHECKLIST

Question	Auditor's Assessment	Auditor's Comments
1. Does DYCD provide direct public services?	Yes	DYCD provides direct public service through Youth Connect.
2. Does DYCD have a Language Access Policy and Implementation Plan, and when was it instituted?	Yes	DYCD's plan was implemented in 2009 and updated in August of 2015, which is currently posted on DYCD's website.
3. Does DYCD have a Language Access Coordinator?	Yes	DYCD's Program Director is the designated Language Access Coordinator.
4. Did the Language Access Coordinator oversee the creation/execution of the Language Access Policy and Implementation Plan?	Yes	The Language Access Plan was updated under DYCD's current Language Access Coordinator.
5. Does the Language Access Coordinator monitor the Language Access Policy and Implementation Plan?	Yes	DYCD's language coordinator monitors the progress of the Language Access Plan.
6. Did DYCD develop the plan using the four-factor analysis?	Yes	DYCD's updated Language Access Plan, dated August 2015, was developed using the four-factor analysis.
7. Does DYCD provide services in languages based on at least the top six NYC LEP languages?	Yes	Pursuant to DYCD's Language Access Plan, DYCD provides services in the top six LEP languages. DYCD's Youth Connect has the ability to provide information and assistance to callers in over 180 languages.
8. Does DYCD identify and translate their "essential public documents?"	Yes	DYCD's Language Access Plan identifies its essential documents for translation into the top six LEP languages. Translated documents are available on DYCD's website.
9. Does DYCD provide interpretation services (including telephonic interpretation) for the top six LEP languages and others as appropriate?	Yes	DYCD through the City-wide contract with Language Line uses Youth Connect, a toll-free hotline, to provide language interpretation assistance in over 180 languages.

LEP COMPLIANCE CHECKLIST

<p>10. Does DYCD train its frontline workers and managers on language access policies and procedures?</p>	<p>Yes</p>	<p>DYCD trains all new hires affiliated with Youth Connect on Language Line access policies and procedures.</p>
<p>11. Are there any signs or postings in DYCD regarding free available language assistance?</p>	<p>Yes</p>	<p>DYCD has “Free Interpretation Services Available” signs posted in the agency’s reception areas.</p>
<p>12. Did DYCD establish an appropriate monitoring and measurement system regarding the provision of agency language services?</p>	<p>Yes</p>	<p>DYCD’s Youth Connect joined DoITT’s citywide Language Line contract in June 2010 and updated its call center tracking software to record the number of language assistance requests and the type of language requests made through the call center.</p>
<p>13. Did DYCD create public awareness strategies for language services?</p>	<p>Yes</p>	<p>DYCD has a multi-language 311 Notice to Providers, an Intake Form, and a multi-language enrollment form available to the public.</p>

LEP TESTS CONDUCTED

Test	Criteria For Evaluation	Auditors' Assessment
1. Anonymous phone calls.	<ul style="list-style-type: none"> Was 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? 	Yes. DYCD's main public access line (1-800-246-4646) is available in English and Spanish. Additional language interpretation services are available upon request.
2. Is the website accessible in languages other than English?	<ul style="list-style-type: none"> Public information was available in languages other than English. 	Of the 56 languages listed on DYCD's website, we successfully translated the top six languages spoken in New York City.
3. Make site visit to DYCD's location, meet with personnel responsible for language accommodation.	<ul style="list-style-type: none"> Personnel were able to provide language assistance services either through "I Speak" cards, or placing a call to an interpreter to provide language assistance. Signage was posted regarding free language services. 	Personnel were able to provide Language Line assistance through Youth Connect. Signage was posted regarding the availability of free language services.
4. Translate "You Have a Right to Free Interpretation" posters.	<ul style="list-style-type: none"> Did the poster state that free translation and interpretation services were available? 	Each of the languages on the poster was translated and accurately reflect that free translation and interpretation services were available.



Bill Chong
Commissioner

May 19, 2016

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Ms. Marjorie Landa
Deputy Comptroller for Audit
Office of the Comptroller
One Centre Street, Room 1100 North
New York, New York 10007

Dear Ms. Landa:

Re: Draft Audit Report on the Department of Youth and Community Development's Compliance with Executive Order 120 Regarding Limited English Proficiency SZ16-073A (Draft Report)

The Department of Youth and Community Development (DYCD) appreciates this opportunity to review and provide the attached response to the Draft Report. It is respectfully requested that the response be attached as part of the Final Report.

If you have questions regarding the response, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Bill Chong". The signature is written in a cursive style. Below the signature is the printed name "Bill Chong".

Bill Chong

- c. George Davis, III, Deputy Director, Mayor's Office of Operations
Caroline Press, General Counsel
John Cirolia, Deputy Commissioner, DYCD
William M. Kamen, Director of Internal Review, DYCD

**RESPONSE
TO THE DRAFT AUDIT REPORT
ON THE DEPARTMENT OF
YOUTH AND COMMUNITY'S DEVELOPMENT'S
COMPLIANCE WITH EXECUTIVE ORDER (EO) 120
AUDIT NUMBER SZ16-073A (DRAFT REPORT)**

The Department of Youth and Community Development (DYCD) is pleased to acknowledge the conclusions of the Draft Report that “DYCD generally complies with Executive Order 120 in providing meaningful language access to the agency’s services for LEP customers” and:

- DYCD’s current Language Access Plan describes steps being undertaken to provide information on the agency’s resources and services to the LEP population
- in connection with the Youth Connect program, DYCD generally provides these services to its customers in the top New York City LEP languages
- through a City-wide contract with Language Line Services, Inc., DYCD has the ability to provide documentation translation and phone interpretation services in 180 languages
- DYCD meets each of the 13 indicators on the LEP Compliance Checklist in Appendix I
- DYCD meets the criteria for evaluation for each of the four tests described in Appendix II.

DYCD agrees with the sole Recommendation that it should continue to adhere to EO 120 to ensure that it adequately meets the language needs of the communities it serves. As required by EO 120, DYCD will utilize available and relevant studies and update and post all subsequent Language Access Plans on its website.