

City of New York

OFFICE OF THE COMPTROLLER

Scott M. Stringer
COMPTROLLER



AUDITS & SPECIAL REPORTS

Marjorie Landa

Deputy Comptroller for Audit

Audit Report of the New York City
Department for the Aging's Oversight of
Senior Citizen Centers' Compliance with
Their Agreements Regarding Limited
English Proficiency

SZ16-109A

October 20, 2016

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

SCOTT M. STRINGER
COMPTROLLER

October 20, 2016

To the Residents of the City of New York:

My office has audited the New York City Department for the Aging (DFTA) to determine whether the contracted senior citizen centers (the Centers) funded by DFTA complied with their contractual requirements to provide meaningful language access to clients who are limited English proficient (LEP) and whether DFTA provided oversight to ensure that the Centers are in compliance. This audit focuses on both DFTA and its 260 contracted Centers. We audit City agencies such as DFTA and their contractors to help ensure that they are complying with applicable laws, regulations and their contractual agreements and that they are providing residents access to important City services.

This audit found that DFTA did not effectively oversee the Centers to ensure that they were in compliance with contract requirements mandating access to services for the LEP community. Moreover, although DFTA as an agency has had a Language Access Plan in place since 2009, contrary to contract requirements, most of the Centers did not have individual Language Access Plans as recently as March 2016, the date of our last visit to the Centers. Further, the Centers were not in compliance with additional contract requirements related to services for the LEP community. In particular, we found that neither Language Line nor any other telephonic interpretation service was available at 27 (84 percent) of the 32 Centers we visited. Officials at the other five Centers told us that they had recently initiated some aspects of language access services.

We also found that the Centers generally did not have a mechanism in place to accommodate residents who do not speak the predominant languages in those communities. Despite their contracts requiring them to "inform persons with limited English proficiency ... of the availability of language assistance, free of charge, by providing written notice of such assistance in a manner designed to be understandable," we found that 75 percent of the Centers sampled did not have the required multi-language signs posted indicating that free interpretation services were available.

The audit made the following three recommendations: (1) DFTA should ensure that all Centers adhere to their contracts and provide meaningful access to their services to the LEP population; (2) DFTA should ensure that signs notifying seniors of the availability of free language assistance are prominently displayed at the entrance to each Center; and (3) DFTA should monitor the providers of all DFTA-funded programs to ensure that they are adhering to the provisions of their contract regarding LEP requirements.

The results of the audit have been discussed with DFTA 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,

Scott M. Stringer

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
Audit Findings and Conclusion	1
Audit Recommendations.....	2
Agency Response.....	2
AUDIT REPORT	3
Background	3
Objectives.....	4
Scope and Methodology Statement.....	5
Discussion of Audit Results	5
FINDINGS AND RECOMMENDATIONS.....	7
DFTA Did Not Provide Effective Oversight to Ensure LEP Populations Received Services in Centers.....	7
Access to Services Was Not Available to the LEP Community in the Senior Citizen Centers	8
Recommendations	9
DETAILED SCOPE AND METHODOLOGY.....	11
APPENDIX I	
APPENDIX II	
ADDENDUM I	
ADDENDUM II	

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

Audit Report of the New York City Department for the Aging's Oversight of Senior Citizen Centers' Compliance with Their Agreements Regarding Limited English Proficiency

SZ16-109A

EXECUTIVE SUMMARY

This audit of the New York City Department for the Aging (DFTA) was conducted to determine whether the contracted senior citizen centers (the Centers) funded by DFTA complied with their contractual requirements to provide meaningful language access services to clients who are limited English proficient (LEP) and whether DFTA provided oversight to ensure that the Centers are in compliance. This audit focuses on both DFTA and its 260 contracted Centers.

DFTA's mission is to work for the empowerment, independence, dignity, and quality-of-life of New York City's older adults and for the support of their families through advocacy, education, and the coordination and delivery of services. In Fiscal Year 2016, over 90 percent of DFTA's \$310 million budget was used to ensure that the Centers were in compliance and to community partners to deliver services to the aging population. Over 60 percent of DFTA's budget was used to fund the Centers.¹ The Centers provide social and physical activities for their participants and most provide meals and snacks. According to DFTA, the average daily attendance at the Centers was 27,812 for Fiscal Year 2015 and 28,416 for the first four months of Fiscal Year 2016.²

Audit Findings and Conclusion

This audit found that DFTA did not effectively oversee the Centers to ensure that they were in compliance with contract requirements mandating access to services by the LEP community. Moreover, although DFTA as an agency has had a Language Access Plan in place since 2009, contrary to contract requirements, most of the Centers did not have individual Language Access Plans as recently as March 2016, the date of our last visit to the Centers. Further, the Centers were not in compliance with additional contract requirements related to services for the LEP community. In particular, we found that neither Language Line nor any other telephonic interpretation service was available at 27 (84 percent) of the 32 Centers we visited. Officials at

¹ Approximately 25 percent of DFTA's budget is federally funded.

² Preliminary Mayor's Management Report Fiscal 2016.

the other five Centers told us that they had recently initiated some aspects of language access services.

We also found that the Centers generally did not have a mechanism in place to accommodate residents who do not speak the predominant languages in those communities. Despite their contracts requiring them to “inform persons with limited English proficiency . . . of the availability of language assistance, free of charge, by providing written notice of such assistance in a manner designed to be understandable,” we found that 75 percent of the Centers sampled did not have the required multi-language signs posted indicating that free interpretation services were available.

Audit Recommendations

Based on the audit findings, we make the following three recommendations:

- DFTA should ensure that all Centers adhere to their contracts and provide meaningful access to their services to the LEP population. At a minimum, DFTA should ensure that each Center:
 - Develops and submits a Language Access Plan to DFTA;
 - Contracts with a language interpretation service provider such as Language Line; and
 - Provides the necessary training to their staff on the use of this service.
- DFTA should ensure that signs notifying seniors of the availability of free language assistance are prominently displayed at the entrance to each Center. This would minimize the chances of seniors visiting a Center and leaving without receiving needed services because of a lack of communication.
- DFTA should monitor the providers of all DFTA-funded programs to ensure that they are adhering to the provisions of their contract regarding LEP requirements.

Agency Response

In its written response, DFTA agreed with the recommendations and stated, “Thank you for the opportunity to respond to your September 16, 2016 ‘Audit Report of the New York City Department for the Aging’s (DFTA) Oversight of Senior Citizen Centers’ with Their Agreements Regarding Limited English Proficiency (LEP).’ We would like to thank the Comptroller’s auditors for their recommendations: all of which have been fully implemented.”

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.

In an effort to improve government services for persons living in the United States with limited English proficiency, the President, in August 2000, signed Federal Executive Order 13166: *Improving Access to Services for Persons with Limited English Proficiency*, which states that “Federal agencies shall examine the services [they] provide, and develop and implement a system by which LEP persons can meaningfully access those services.” This Federal Executive Order also requires that the Federal agencies “work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.” In addition, Executive Order 13166 requires agencies to follow the LEP Guidance issued by the U.S. Department of Justice in 2002 as the “compliance standards that recipients [of Federal financial assistance] must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons.”³

In 2003, New York City enacted Local Law 73 for the purpose of enhancing the ability of City residents with LEP to interact with City government and more specifically to obtain needed social services. The local 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, and requires them to “provide free language assistance services . . . to limited English proficient individuals.”

Building on Local Law 73, in July 2008, Mayor Bloomberg signed Mayoral 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. Further, City agencies providing direct public services must ensure meaningful access to those services to LEP persons. EO 120 is based in large part on Federal Executive Order 13166 and the LEP Guidance issued by the U.S. Department of Justice and expressly relies on these for certain of its requirements.

This audit focuses on DFTA and its 260 contracted senior citizen Centers. DFTA’s mission is to work for the empowerment, independence, dignity, and quality-of-life of New York City’s older adults and for the support of their families through advocacy, education, and the coordination and delivery of services. Over 90 percent of DFTA’s \$310 million budget in Fiscal Year 2016 was used to contract with community partners to deliver services to the aging population; 60 percent of the budget was used to fund the Centers and for meals.⁴ The Centers provide social and physical activities for their participants and most provide meals and snacks. According to DFTA, the average daily

³ U.S. Department of Justice’s Policy Guidance Document entitled *Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons With Limited English Proficiency* (LEP Guidance).

⁴ Approximately 25 percent of DFTA’s budget is federally funded.

attendance at the Centers was 27,812 for Fiscal Year 2015 and 28,416 for the first four months of Fiscal Year 2016.⁵

The aging population utilizing these Centers reflect the diverse population of New York City and as a result, DFTA's services must be available to those with limited English proficiency. Accordingly, among other requirements, DFTA's contracts with the Centers require the Centers to,

inform persons with limited English proficiency . . . of the availability of language assistance, free of charge, by providing written notice of such assistance in a manner designed to be understandable by LEP persons at service locations and, at a minimum, have a telephonic interpretation service contract or similar community arrangement with a language interpretation services provider of their choice. The Contractor shall train staff that have contact with the public in the timely and appropriate use of these and other available language services.⁶

The DFTA contracts further specifically require the Centers to follow Federal Executive Order 13166 and provide meaningful language access to their services to the LEP persons. According to LEP Guidance governing compliance with Federal Executive Order 13166 (that is substantially similar to the requirements of New York City's Executive Order 120), the programs and activities normally provided in English should be made accessible to LEP persons. To do so, the Centers should, among other things:

- Develop a written language access policy and implementation plan;
- Designate personnel responsible for the development and implementation of LEP policies and procedures;
- Provide services in languages that have been determined to be most dominant by the local government;⁷
- Ensure that the language access policy and implementation plan includes: identification and translation of essential public documents; interpretive services; training of frontline workers on language access policies; posting of signage in conspicuous locations about the availability of free interpretation services; and the establishment of an appropriate monitoring and measurement system regarding the provision of agency language services.

Objectives

The objectives of this audit were to determine whether the Centers funded by DFTA complied with aspects of EO 120 embodied in their contracts with DFTA that require the Centers to ensure meaningful language access to their services for the LEP population and whether DFTA provided oversight to ensure that the Centers are in compliance.

⁵ Preliminary Mayor's Management Report Fiscal 2016.

⁶ A copy of Appendix B of DFTA's contract with the Centers is contained in Appendix II to this report.

⁷ The New York City Department of City Planning, based on United States Census Data, has determined that the top six LEP languages spoken by the population in New York City are Spanish, Chinese (Mandarin and Cantonese), Russian, Korean, Italian, and Haitian Creole.

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 objectives, we reviewed DFTA's Language Access Plan, its contracts with the Centers, and other pertinent documents; interviewed key DFTA personnel; and conducted site visits at 32 Centers located throughout the 5 boroughs of New York City between February 25 and March 16, 2016. 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 DFTA and the Mayor's Office of Operations during and at the conclusion of this audit. DFTA officials were notified of our findings during the course of the audit. On May 24, 2016, we submitted a draft report to DFTA officials with a request for written comments. We received a written response from DFTA on June 10, 2016. In their written response, DFTA officials stated,

DFTA was audited recently and separately by the Comptroller's Office on the Department's adherence to EO120 relating to direct public service provided by DFTA. . . . However, EO120 does not extend to City funded non-profits, including DFTA's senior centers. While EO120 and its goals make sense from a citywide perspective for direct Agency services, EO120 does not apply to City funded non-profits serving communities with their respective local contexts. Language access plans and needs on a community level are unique to the communities the non-profits are serving. Hence, LEP accessibility plans and strategies will have to be grassroots and community-born and not government imposed (e.g. services delivered in 6 languages, having a designated language assistance coordinator etc.).

We understand DFTA's position that the language of EO 120 makes it directly applicable only to City agencies that provide direct services to the public.⁸ However, we take issue with DFTA's contention that EO 120's requirements should not be applicable to the service providers that DFTA contracts with to carry out its mission. To the contrary, that is exactly to whom EO 120's requirements should apply since it is these not-for-profit vendors that provide direct services to the City's seniors, which is the core of DFTA's mission. Indeed, DFTA, through its contracts with these service providers and its oversight of the Centers appears to implicitly agree. Although DFTA does not specifically require the service providers to comply with EO 120 in its contracts, it does require them to comply with the substantially similar requirements of Federal Executive Order 13166.

⁸ We have separately audited DFTA's compliance with EO 120 with regard to its provision of direct services in our *Audit Report on the Compliance of the New York City Department for the Aging with Executive Order 120 Regarding Limited English Proficiency*, SZ16-072A, issued on May 9, 2016 and found DFTA to be generally in compliance with EO 120.

Based on DFTA's comments, we have revised our draft report to clarify the criteria we utilized to audit the Centers' provision of language access to the LEP community. As noted, key aspects of EO 120 are embodied in DFTA's contracts with the Centers and pursuant to those contract requirements, the Centers are required to ensure meaningful language access to their services for the LEP population. Thus, we have audited the Centers' compliance with these contract requirements that are also embodied in EO 120.

These contracts, reinforced by DFTA in several memoranda sent to the Centers, reflect DFTA's intention to require the Centers to comply with essential elements of EO 120. Thus, while DFTA in its response maintains that EO 120 does not apply to the Centers, it has by contract made many of EO 120's requirements apply.

The full text of DFTA's response to the original draft is included as an addendum to this report. On September 16, 2016, we submitted a revised draft report to DFTA officials with a request for written comments. We received a written response from DFTA on September 29, 2016. In their written response, DFTA officials agreed with the recommendations and stated, "Thank you for the opportunity to respond to your September 16, 2016 'Audit Report of the New York City Department for the Aging's (DFTA) Oversight of Senior Citizen Centers' with Their Agreements Regarding Limited English Proficiency (LEP).' We would like to thank the Comptroller's auditors for their recommendations; all of which have been fully implemented."

DFTA's written comments are included as an addendum to this report.

FINDINGS AND RECOMMENDATIONS

DFTA Did Not Provide Effective Oversight to Ensure LEP Populations Received Services in Centers

DFTA did not effectively oversee the Centers to ensure that they were in compliance with contract requirements that address the needs of the LEP community. DFTA's contracts with the Centers require them to comply with Federal Executive Order 13166. In furtherance of that Federal Executive Order, the U.S. Department of Justice has issued LEP Guidance that requires that services be offered in the languages that have been determined by the local government to be most prevalent. In New York City, it has been determined that the top six LEP languages spoken by the population of New York City are Spanish, Chinese (Mandarin and Cantonese), Russian, Korean, Italian, and Haitian Creole. We found that the Centers did not generally offer services in the top six languages spoken by the population of New York City, but rather offered services in the predominant languages spoken in their individual communities.

Moreover, although DFTA, as an agency, has had a Language Access Plan in place since 2009, as recently as March 2016, the date of our last visit to the Centers, most of the Centers did not themselves have a Language Access Plan. However, Federal LEP Guidance, made applicable to the Centers pursuant to their contracts with DFTA, requires that each Center have a Language Access Plan, and states that the "goal of all language access planning and implementation is to ensure that your agency communicates effectively with limited English proficient (LEP) individuals." A Language Access Plan "describes how the agency will meet the service delivery standards . . . a roadmap" of how services will be delivered to the LEP community.

Further, the Centers were not in compliance with other contract requirements regarding the LEP community. In particular, we found that neither Language Line nor any other telephonic interpretation service was available at 27 of the 32 Centers we visited (84 percent). Officials at the other five Centers told us that they had recently initiated some aspects of language access services.

It is DFTA's responsibility to ensure that these Centers meet the obligations within their contracts, including providing meaningful language access to their services to the LEP community. On January 13, 2016, four months after this audit was announced, DFTA's Deputy Commissioner sent a memo to "All DFTA Providers" reminding them that their contract with DFTA required them to develop a Language Access Plan. The memo further stated that each DFTA-funded program must "at a minimum, have a telephonic interpretation service contract or similar community arrangement with a language interpretation services provider of their choice[,] and [t]he Contractor shall train staff that have contact with the public in the timely and appropriate use of these and other available language services." A second reminder was sent to all DFTA providers on February 4, 2016. However, it appears that beyond sending these notifications to the Centers reminding them of their obligation to ensure meaningful language access to services to all LEP individuals, DFTA did not proactively take any action to ensure that the Centers were in compliance. DFTA should develop a plan to facilitate full compliance among all of the Centers.

Access to Services Was Not Available to the LEP Community in the Senior Citizen Centers

As noted above, we found that the Centers did not generally make any accommodations for languages other than the predominant languages spoken in their respective communities and so, the Centers generally did not have a mechanism in place to accommodate residents who do not speak the predominant languages in those communities. For example, we visited three Centers in lower Manhattan where the predominant language was Chinese. However, in a NYCHA housing development located less than one mile from these three Centers, Chinese was not the only language spoken. The demographics of the housing development are 35 percent Asian/Pacific Islanders, 28 percent non-Hispanic, 27 percent Hispanic, and the remaining 10 percent of the residents were from other countries.⁹ We found that these Centers did not have a plan to accommodate other LEP persons in the community besides the Chinese population. As a result, non-Chinese speakers could potentially be discouraged from utilizing the Centers and from receiving necessary services.

Further, despite the providers' contract requirement that they "inform persons with limited English proficiency (LEP) of the availability of language assistance, free of charge, by providing written notice of such assistance in a manner designed to be understandable," we found that 75 percent of the Centers sampled did not have the required signs posted indicating that free interpretation services were available. In addition, we found that 19 of the 32 Centers (59 percent) did not have a Language Access Plan and 19 of the 32 (59 percent) Centers did not have a contract with Language Line or any other telephonic interpretation services. Even though DFTA's contracts with the Centers required them to have Language Access Plans and provide interpretative services, DFTA did not ensure that the Centers were in compliance.

During the period January 25, 2016, through March 16, 2016, we conducted observations at 32 of the 260 Centers located throughout the 5 boroughs of New York City. The results of our testing are shown in Table I below. (See Appendix I for the 32 Centers sampled.)

Table I

Results of Observations of Senior
Citizens Centers' LEP Access

	Number of Centers Visited						
	Manhattan	Brooklyn	Bronx	SI	Queens	Total Centers Visited	%
	8	9	6	3	6	32	
Free Interpretation Services Signage Not Posted	6	8	4	2	4	24	75%

⁹ New York City Community Board No. 3 – District Needs.

Language Line or Any Other Telephonic Interpretation Services Not Available	7	9	5	1	5	27	84%
Language Access Plan Not Available	5	6	4	1	3	19	59%
No Language Line or Any Other Telephonic Interpretation Services Training Provided	7	9	6	1	4	27	84%
Did Not Have a Contract with a Language Line	5	6	5	1	2	19	59%

Recommendations

DFTA should:

1. Ensure that all Centers adhere to their contracts and provide meaningful access to their services to the LEP population. At a minimum, DFTA should ensure that each Center:
 - a. Develops and submits a Language Access Plan to DFTA;
 - b. Contracts with a language interpretation service provider such as Language Line; and
 - c. Provides the necessary training to their staff on the use of this service.

DFTA Response: “All DFTA funded senior centers now have Language Access Plans. In a February 4, 2016 memo, DFTA shared with providers the various translation resources available. Appropriate training for senior center staff on how to use these language services is part of the language access plan.”

2. Ensure that signs notifying seniors of the availability of free language assistance are prominently displayed at the entrance to each Center. This would minimize the chances of seniors visiting a Center and leaving without receiving needed services because of a lack of communication.

DFTA Response: “DFTA agrees with this recommendation, and this recommendation has been fully implemented.”

3. Monitor the providers of all DFTA-funded programs to ensure that they are adhering to the provisions of their contract regarding LEP requirements.

DFTA Response: “DFTA agrees and have already included additional assessment questions which will become part of the annual program assessment and performance evaluation.”

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 EO 120 and Local Law 73; Federal Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency); U.S. Department of Justice's Policy Guidance entitled Enforcement of Title VI of the Civil Rights Act–National Original Discrimination Against Persons With Limited English Proficiency (LEP Guidance); Language Access Obligations under Executive Order 13166 Memorandum to Heads and Department Components from Attorney General Eric Holder, June 28, 2010; Memorandum to Federal Agencies from Attorney General Eric Holder Reaffirming the Mandates of Executive Order 13166, February 17, 2011; U.S. Department of Justice's Guidance entitled *Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs* . . . Federal Register, Vol. 67, No. 117; U.S. Department of Justice's Report Common Language Access Questions, Technical Assistance Guidance for Federally Conducted and Federal Assisted Programs issued, August 2011; Federal Memorandum for Heads of Federal Agencies, Counsels and Civil Rights Heads, dated February 17, 2011; and NYS Equal Access to Service and Target Policy (12PI-08); DFTA's Language Access Policy and Implementation Plan; and other pertinent documents. We also interviewed key DFTA personnel, and conducted site visits at Centers located in throughout the five boroughs of New York City between February 25 and March 16, 2016.

Of the 260 Centers funded by DFTA, we randomly sampled 32 Centers throughout the 5 boroughs for testing. We visited each center, interviewed the director or person in charge at the time of our visit, and observed whether signs were prominently displayed indicating that free interpretation services were available. We also inquired whether each Center had a language access plan, whether Language Line or other telephonic interpretation services were available and, where applicable, whether employees had been trained in the use of the telephonic interpretation service.

DETAILS OF CONDITIONS FOUND AT THE 32 CENTERS SAMPLED

SENIOR CENTER NAME	Free Interpretation Service Signage	Language Line Interpretation Services Available	Language Access Plan	Language Line Training Provided	Contract with Language Line
BROOKLYN					
CCNS ST Charles Neighborhood Center	No	No	No	No	No
Bay Ridge Neighborhood Senior Center	Yes	No	Yes	No	Yes
Independence Neighborhood Senior Center	No	No	Yes	No	No
Remsen Neighborhood Senior Center	No	No	No	No	No
House Of Jacob	No	No	No	No	No
Stuyvesant Gardens Social Club	No	No	Yes	No	Yes
Williamsburg Satmar Neighborhood Senior Center	No	No	No	No	No
Penn Wortman Neighborhood Senior Center	No	No	No	No	Yes
Albany Neighborhood Senior Center	No	No	No	No	No

DETAILS OF CONDITIONS FOUND AT THE 32 CENTERS SAMPLED

SENIOR CENTER NAME	Free Interpretation Service Signage	Language Line Interpretation Services Available	Language Access Plan	Language Line Training Provided	Contract with Language Line
BRONX					
PSS City Island	Yes	Yes	No	No	Yes
Rain Middletown Neighborhood Senior Center	No	No	Yes	No	No
Bay Eden Neighborhood Senior Center	Yes	No	Yes	No	No
Kips Bay Castle Hill Neighborhood Senior Center	No	No	No	No	No
East Concourse Neighborhood Senior Center	No	No	No	No	No
Betances Neighborhood Senior Center	No	No	No	No	No

DETAILS OF CONDITIONS FOUND AT THE 32 CENTERS SAMPLED

SENIOR CENTER NAME	Free Interpretation Service Signage	Language Line Interpretation Services Available	Language Access Plan	Language Line Training Provided	Contract with Language Line
MANHATTAN					
Stein Neighborhood Senior Center	No	No	No	No	No
Mott Street Neighborhood Senior Center	No	No	No	No	No
Our Lady of Pompeii Senior Center	No	No	Yes	No	No
CPC Project Open Door Neighborhood SC	No	No	No	No	No
Douglass Annex Social Club	Yes	No	No	No	Yes
City Hall Neighborhood Senior Center/Hamilton House	Yes	Yes	Yes	Yes	Yes
Corsi House Neighborhood Senior Center	No	No	No	No	Yes
East Harlem Neighborhood Senior Center	No	No	Yes	No	No

DETAILS OF CONDITIONS FOUND AT THE 32 CENTERS SAMPLED

SENIOR CENTER NAME	Free Interpretation Service Signage	Language Line Interpretation Services Available	Language Access Plan	Language Line Training Provided	Contract with Language Line
STATEN ISLAND					
Great Kills Neighborhood Senior Center	Yes	Yes	Yes	Yes	No
Todt Hill Neighborhood Senior Center	No	Yes	Yes	Yes	Yes
Anderson Neighborhood Senior Center	No	No	No	No	Yes

DETAILS OF CONDITIONS FOUND AT THE 32 CENTERS SAMPLED

SENIOR CENTER NAME	Free Interpretation Service Signage	Language Line Interpretation Services Available	Language Access Plan	Language Line Training Provided	Contract with Language Line
QUEENS					
CCNS Howard Beach Neighborhood SC	No	No	No	No	Yes
Brookville Neighborhood Senior Center	No	No	No	No	No
Brooks Memorial Neighborhood Senior Center	No	No	Yes	Yes	Yes
Selfhelp Maspeth Neighborhood Senior Center	Yes	Yes	Yes	Yes	Yes
JSPOA Theodora Jackson Neighborhood Senior Center	No	No	No	No	No
Woodside Neighborhood Senior Center	Yes	No	Yes	No	Yes

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SUBMITTING AGENCY CODE: 125
 CONTRACT NUMBER: 20131408799 MOD NUMBER EXT (5 DIGITS): _____
 OCA NUMBER: 1002082769 VENDOR NO. (10 DIGITS): 0001049124
 AGENCY CONTACT PERSON: MARGO JULIANO
 ADDRESS: 2 LAFAYETTE ST NY, NY 10007
 PHONE: 212-602-4250 FAX: 442-0994

Please indicate your reason for submitting the attached documents by filling out the form below:

A. NEW SUBMISSION: (check off only one box each for FMS Contract Code and Contract Class)

<input type="checkbox"/>	CTI	GENERAL CONTRACT	<input type="checkbox"/>	G	EXPENSE
<input type="checkbox"/>	RCTI	REVENUE CONTRACT	<input type="checkbox"/>	C	CATRAL
<input type="checkbox"/>	CTR	CONTRACT REVISION (INCREASE/DECREASES/ENCUMBRANCES AND DATA CHANGES)	<input type="checkbox"/>	X	MIXED/SPLIT FUNDING
<input type="checkbox"/>	MA1	MASTER AGREEMENT	<input type="checkbox"/>	V	REVENUE
<input type="checkbox"/>	MAR	MASTER AGREEMENT REVISION (INCREASE/DECREASES AND DATA CHANGES)	<input type="checkbox"/>	RN	MASTER AGREEMENTS
<input type="checkbox"/>	MMA1	MULTIPLE AWARD MASTER AGREEMENT	<input type="checkbox"/>	RG	REQUIREMENTS EXPENSE
<input type="checkbox"/>	CTA1	MULTIPLE AWARD CONTRACT	<input type="checkbox"/>	RC	REQUIREMENTS CATRAL
<input type="checkbox"/>			<input type="checkbox"/>	RB	REQUIREMENTS MIXED FUNDS

B. IS THIS A SUBMISSION OF A CONTRACT PACKAGE WHICH HAS BEEN PREVIOUSLY REJECTED OR WITHDRAWN? YES NO

OR

C. ADDITIONAL ITEM FOR A CONTRACT PACKAGE STILL UNDER REVIEW BY THE COMPTROLLER
(CIF fax # (212) 815-8780)

Was item requested by Comptroller staff? YES NO

If yes, indicate requestor's name: _____

OR

D. ADDITIONAL DOCUMENT(S) TO A REGISTERED CONTRACT FOR FILING PURPOSES ONLY.
REGISTRATION IS NOT NECESSARY

OR

E. DOCUMENT(S) SUPPORTING THE REGISTRATION OF MULTIPLE CONTRACTS

AMENDATORY Agreement made as of the 1st day of July, 2014 by and between the City of New York (hereinafter referred to as the "City"), acting through the Commissioner of the Department for the Aging (hereinafter referred to as the "Department") and

RIVERDALE SENIOR SERVICES INC

EIN: 23-7357997

**Located at 2600 NETHERLAND AVE
BRONX, NY 10463**

(hereinafter referred to as the "Contractor").

WITNESSETH:

WHEREAS, the Department entered into an Agreement ("the Original Agreement") with the Contractor for the period 12/1/2012 through 6/30/2016, Registration # 20131408799, a copy of which has been annexed hereto;

WHEREAS, the Contractor agreed to provide the services as specified in the last approved budget;

NOW, THEREFORE, it is hereby agreed that the Original Agreement shall be amended as follows:

Article X – Miscellaneous and Article XII – Appendices A & B of the Human Services Standard Contract are amended as follows:

ARTICLE X — MISCELLANEOUS

Section 10.01 Headings. The article and paragraph headings throughout this Agreement are for convenience and reference only and the words contained therein shall in no way be deemed to define, limit, describe, explain, modify or add to the interpretation or meaning of any provision of this Agreement or the scope or intent thereof, nor in any way affect this Agreement.

Section 10.02 Order of priority. During the term of the Agreement, conflicts between the various documents shall be resolved in the following order of precedence, such documents constituting the entire Agreement between the parties:

- Standard Human Services Agreement (this document);
- Appendix A (General Provisions Governing Contracts for Consultants, Professional, Technical and Human Client Services);
- Appendix B (Standard Terms & Conditions for Programs Funded Under the Older Americans Act and/or the New York State Elder Law);
- Appendix C (Budget & Scope of Work); and
- Fiscal Manual.

ARTICLE XII – APPENDICES A & B

Section 12.01 Appendix A. The attached Appendix A, "General Provisions Governing Contracts for Consultants, Professional, Technical, Human and Client Services" is incorporated and made a part of this Agreement.

Section 12.02 Appendix B. The attached Appendix B, "Standard Terms & Conditions for Programs Funded Under the Older Americans Act and/or the New York State Elder Law," is incorporated and made a part of this Agreement.

This Amendatory Agreement shall not become effective or binding unless authorized by the Mayor (if required by the Rules of the Procurement Policy Board), and the Comptroller shall have endorsed his certificate that there remains an unexpended balance of the appropriation of funds applicable hereto sufficient to pay the estimated expense of executing this Amendatory Agreement. This Amendatory Agreement shall neither be effective nor binding unless sufficient funds are received by the Department.

Contingent availability of Non-City Funds

- a) The contractor acknowledges that if this Amendatory Agreement is to be funded in whole or in part with funds to be provided to the City under State or Federal program grants, the City cannot insure that all of such funds as are presently earmarked by the City for use in connection with this Amendatory Agreement will ultimately be delivered to the City, and that the City's obligation to pay the Contractor for expenditures which are to be reimbursed with such funds extends only to the receipt of such funds by the City.

- b) City personnel responsible for managing the Original Agreement shall inform the Contractor of any interruption of contract funds earmarked by the City for payment under this Amendatory Agreement promptly upon receiving notice thereof.

Except as modified herein, all the terms and conditions of the Original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties set their hands and seals as of the above written.


**THE CITY OF NEW YORK
DEPARTMENT FOR THE AGING**



STEVEN FOO
GENERAL COUNSEL



RIVERDALE SENIOR SERVICES INC
CONTRACTOR

 EXECUTIVE DIRECTOR
BY: SIGNATURE TITLE

JULIA SCHWARTZ-LEPPER
PRINT NAME



CITY OF NEW YORK)
COUNTY OF NEW YORK)

SS:

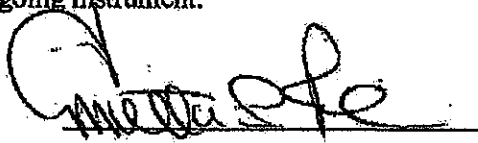
On the 17th day of MARCH, before me personally, came

Steven Foo
Department for the Aging
2 Lafayette Street
New York, N.Y. 10007

and being by me duly sworn, did depose and say:

That, he is the General Counsel of the Department for the Aging of the City of New York, the agency described in and who executed the foregoing instrument.

CONCETTA F. RICHES
Commissioner of Deeds
City of New York No. 5-1711
Certificate Filed in New York County
Commission Expires January 01, 2017



Notary Public

CITY OF NEW YORK)
COUNTY OF NEW YORK)

SS:

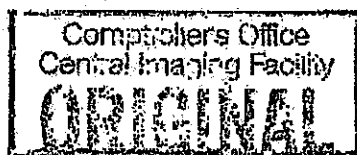


On the 6th day of MARCH 2015, before me personally, came JULIA SCHWARTZ-LEPER
residing at 2600 NETHERLAND AVENUE BRONX, NY 10463

and being by me duly sworn, did depose and say:

That ~~he~~/she is the EXECUTIVE DIRECTOR of RIVERDALE SENIOR SERVICES INC

The corporation described in and who executed the foregoing instrument; that ~~he~~/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that ~~he~~/she signed ~~his~~/her name thereto by like order.



Notary Public

LAURETA SINGH
Notary Public, State of New York
Qualified in Bronx County
No. 01S16098130
Commission Expires 9/19/2015

APPENDIX B: STANDARD TERMS & CONDITIONS FOR PROGRAMS FUNDED UNDER THE OLDER AMERICANS ACT AND/OR THE NEW YORK STATE ELDER LAW

1) Statutes, Regulations, and Policies: The Contractor agrees that all its activities under this Contract shall conform with all applicable Federal, State, and Local laws, and with Federal and State regulations, and program standards and Program Instructions of the New York State Office for the Aging that apply to such activities, including, but not limited to:

Rehabilitation Act of 1973, Sec. 504 (29 U.S.C. 794, Nondiscrimination)

Americans with Disabilities Act of 1990 (42 U.S.C. 12101, et seq.; see 92-PI-32, [8/4/92])

Civil Rights Act of 1964, Title VI, as amended (42 U.S.C. 2000-d et. seq.)

Older Americans Act

Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency)

Federal Executive Order 11246, as Amended by Executive Order 11375 (Affirmative Action); as Amended by Executive Order 12086 (Consolidation of Compliance Functions); and as Amended by Executive Order 13279 (Equal Protection for Faith-Based and Community Organizations)

Executive Law, Article 15 (State Human Rights Law Prohibiting Discrimination Based on Race, Color, Creed, National Origin, Sex, Age, Disability, Sexual Orientation and Other Factors)

Equal Access to Services and Targeting Policy (12-PI-08)

New York State Elder Law

2) Targeting: The Contractor, to the extent it has discretion regarding to whom it will provide services, agrees to provide services to those unserved and underserved older adults in greatest social or economic need, particularly those who are low-income, low-income minorities, older adults with limited English proficiency, Native Americans, and frail/persons with disabilities, in accordance with their need for such services, and to meet specific objectives established by the NYC Department for the Aging (DFTA) for providing services to the above groups. The Contractor agrees to concentrate the services on older adults in the targeted populations identified by DFTA following the methods DFTA has established for complying with the targeting requirements under the Older Americans Act and the Equal Access and Targeting Policy issued by the New York State Office for the Aging.

3) Language Access: The Contractor shall inform persons with limited English proficiency (LEP) of the availability of language assistance, free of charge, by providing written notice of such assistance in a manner designed to be understandable by LEP persons at service locations

and, at a minimum, have a telephonic interpretation service contract or similar community arrangement with a language interpretation services provider of their choice. The Contractor shall train staff that have contact with the public in the timely and appropriate use of these and other available language services.

4) Conformance with DFTA's Area Plan: To the extent that the contract with DFTA is for a program or service funded under the Area Plan, the Contractor agrees that it and any subcontractors will perform such work in accordance with the terms of the Area Plan. DFTA agrees to make the Area Plan available to the Contractor.

5) The Contractor agrees that for programs established and funded in whole or in part pursuant to Title III of the Older Americans Act, the Contractor shall: specify how it intends to satisfy the service needs of low-income minority individuals, and older adults with limited English proficiency; to the maximum extent feasible, provide services to low-income minority individuals, older individuals with limited English proficiency, and older adults residing in rural areas in accordance with their need for such services; and meet specific objectives established by DFTA, for providing services to low-income minority individuals, and older adults with limited English proficiency residing within the planning and service area.

Donna M. Corrado, PhD
Commissioner

June 10, 2016

2 Lafayette St. 7th Fl
New York, NY 10007

212 602 4100 tel
212 442 1095 fax

Marjorie Landa
Deputy Comptroller for Audit
Office of the Comptroller
One Centre Street, Room 1100
New York, NY 10007-2341

Re: Comptroller's Audit Report of New York City Department for the Aging's Oversight of Senior Citizen Centers' Compliance with Executive Order 120 Regarding Limited English Proficiency (SZ16-109A)

Dear Deputy Comptroller Landa:

Thank you for the opportunity to respond to your May 24, 2016 "Audit Report of the New York City Department for the Aging's (DFTA) Oversight of Senior Citizen Centers' Compliance with Executive Order 120 (EO120) Regarding Limited English Proficiency (LEP)."

As stated in this Comptroller's audit (pg. 3), "EO120 specifically requires City agencies providing direct public services to ensure meaningful access to those services to LEP persons." DFTA was audited recently and separately by the Comptroller's Office on the Department's adherence to EO120 relating to direct public service provided by DFTA. DFTA was found to be generally compliant in this June 3, 2016 Comptroller's audit report (SZ16-072A).

The purpose of this Comptroller's audit is to evaluate DFTA senior centers' compliance with EO120. However, EO120 does not extend to City funded non-profits, including DFTA's senior centers.

While EO120 and its goals make sense from a citywide perspective for direct Agency services, EO120 does not apply to City funded non-profits serving communities with their respective local contexts. Language access plans and needs on a community level are unique to the communities the non-profits are serving. Hence, LEP accessibility plans and strategies will have to be grassroots and community-born and not government imposed (e.g. services delivered in 6 languages, having a designated language assistance coordinator etc.).

With that said, DFTA believes in the vision and spirit of EO120. We would like to thank the Comptroller's auditors for their recommendations. DFTA had been in process of implementing these recommendations even prior to the auditors' site visits. We are pleased to share with you our progress.

Comptroller's Recommendation #1: DFTA should ensure that all Centers adhere to EO120 and provide meaningful access to their services to the entire LEP population and ensure that each Center adequately meets the language needs of all the communities it serves. At a minimum, DFTA should ensure that each Center: a) Develops and submits a Language Access Plan to DFTA; b) Contracts with Language Line; and c) Provides the necessary training to their staff on the use of Language Line.

DFTA Response #1: As mentioned earlier, EO120 applies to direct services provided by City agencies and does not extend to City funded non-profits, including DFTA funded senior centers.

With that said, DFTA agrees that senior centers should have language access plans, and most of our centers do have language access plans. DFTA was surprised to see the results of the auditors' visits because DFTA has plans on file for most of these programs. In fact, 29 out of 32 centers or 90% of the centers that the auditors visited had language access plans. Since this audit report, DFTA has followed up on the 3 remaining language access plans and will be receiving them shortly.

Re: Language Line, from a procurement perspective, DFTA can not mandate providers to contract with a particular vendor, such as Language Line. However, in a February 4, 2016 memo, DFTA shared with providers various translation resources available. Appropriate training for senior center staff on how to use these language services is part of the language access plan, which providers have sent to DFTA.

Comptroller's Recommendation #2: Ensure that signs notifying seniors of the availability of free language assistance are prominently displayed at the entrance to each Center. This would minimize the chances of seniors visiting a Center and leaving without receiving needed services because of a lack of communication.

DFTA Response #2: DFTA agrees with this recommendation and had been working with providers on appropriate signage prior to the auditors' visits. This DFTA-led initiative was underway but not finalized by the auditors' visits. DFTA expects to complete this initiative over the next few months.

Comptroller's Recommendation #3: Monitor the providers of all DFTA-funded programs to ensure that they are adhering to the provisions of their contract regarding LEP requirements.

DFTA Response #3: DFTA agrees, and prior to the auditors' site visits, had already informed senior centers that language access plans will become part of annual program assessment and performance evaluation.

We would like to thank the Comptroller's auditors for this report. DFTA is well underway to complete these initiatives in the near future. If you have any questions about our reply, please contact John Jones at (212) 602-4495 or by e-mail at jjones@aging.nyc.gov.

Sincerely,



Donna M. Corrado
Commissioner

cc: Steven Foo, DFTA
John Jones, DFTA
Karen Taylor, DFTA
Joy Wang, DFTA
Mindy Tarlow, Mayor's Office of Operations
George Davis, III, Mayor's Office of Operations



September 29, 2016

Donna M. Corrado, PhD
Commissioner

2 Lafayette St. 7th Fl
New York, NY 10007

212 602 4100 tel
212 442 1095 fax

Marjorie Landa
Deputy Comptroller for Audit
Office of the Comptroller
One Centre Street, Room 1100
New York, NY 10007-2341

Re: Comptroller's Audit Report of New York City Department for the Aging's Oversight of Senior Citizen Centers' Compliance with Their Agreements Regarding Limited English Proficiency (SZ16-109A)

Dear Deputy Comptroller Landa:

Thank you for the opportunity to respond to your September 16, 2016 "Audit Report of the New York City Department for the Aging's (DFTA) Oversight of Senior Citizen Centers' Compliance with Their Agreements Regarding Limited English Proficiency (LEP)." We would like to thank the Comptroller's auditors for their recommendations; all of which have been fully implemented.

Comptroller's Recommendation #1: DFTA should ensure that all Centers adhere to their contracts and provide meaningful access to their services to the LEP population. At a minimum, DFTA should ensure that each Center: a) Develops and submits a Language Access Plan to DFTA; b) Contracts with a language interpretation service provider such as Language Line; and c) Provides the necessary training to their staff on the use of Language Line.

DFTA Response #1: All DFTA funded senior centers now have Language Access Plans. In a February 4, 2016 memo, DFTA shared with providers the various translation resources available. Appropriate training for senior center staff on how to use these language services is part of the language access plan.

Comptroller's Recommendation #2: Ensure that signs notifying seniors of the availability of free language assistance are prominently displayed at the entrance to each Center. This would minimize the chances of seniors visiting a Center and leaving without receiving needed services because of a lack of communication.

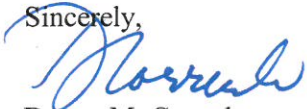
DFTA Response #2: DFTA agrees with this recommendation, and this recommendation has been fully implemented.

Comptroller's Recommendation #3: Monitor the providers of all DFTA-funded programs to ensure that they are adhering to the provisions of their contract regarding LEP requirements.

DFTA Response #3: DFTA agrees and have already included additional assessment questions which will become part of the annual program assessment and performance evaluation.

We would like to thank the Comptroller's auditors for this report. If you have any questions about our reply, please contact John Jones at (212) 602-4495 or by e-mail at jjones@aging.nyc.gov.

Sincerely,



Donna M. Corrado
Commissioner

cc: Steven Foo, DFTA
John Jones, DFTA
Karen Taylor, DFTA
Joy Wang, DFTA
Mindy Tarlow, Mayor's Office of Operations
George Davis, III, Mayor's Office of Operations