



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 Consumer
Affairs with Local Law 30 Regarding
Access to City Services for Residents
with Limited English Proficiency

SZ18-131A

May 20, 2019

<http://comptroller.nyc.gov>



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER

May 20, 2019

To the Residents of the City of New York:

My office has audited the New York City Department of Consumer Affairs (DCA) to determine whether DCA is in compliance with Local Law 30, which requires that City agencies providing direct or emergency services to the public create a language access implementation plan and to ensure meaningful language access to their services. According to the New York City Department of City Planning, nearly one-half of all New Yorkers speak a language other than English at home, and almost 25 percent of City residents age five and over, or 1.8 million persons, are not proficient in English. For residents with limited English proficiency, interacting with City government can often be a challenge. We audit City agencies such as DCA 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 DCA generally complied with Local Law 30. Our review of DCA's Language Access Plans dated 2008 and 2018 found that DCA has made continuous progress to provide meaningful language access to the agency's services for Limited English Proficient (LEP) customers. Its Language Access Plans describe the steps that DCA has taken to provide its services to the LEP population. Specifically, we found that DCA provides direct public services in 15 languages including the top 10 New York City LEP languages as required by Local Law 30. Further, we found that through City-wide contracts with language vendors, (Language Line Services LLC and Geneva Worldwide, Inc.) DCA has the ability to provide documentation, translation and phone interpretation services in a minimum of 170 languages. Through its contract with Accurate Communications, DCA can provide American Sign Language and in-person interpretation services in up to 250 languages.

The report recommends that DCA should continue to adhere to Local Law 30 to ensure that it adequately meets the language needs of the communities it serves.

The results of the audit have been discussed with DCA 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 that reads "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 Consumer Affairs with Local Law 30 Regarding Access to City Services for Residents with Limited English Proficiency

SZ18-131A

EXECUTIVE SUMMARY

In 2017, the New York City Council enacted Local Law 30, effective July 1, 2017, which requires City agencies that provide direct public services or emergency services to have a language access plan that allows residents meaningful access to City services regardless of their proficiency in English. These translation services must be provided in the top 10 designated Citywide languages, consisting of the top 6 limited English proficiency languages spoken by the population of New York City as determined by the Department of City Planning and the Mayor's Office of Language Services Coordinator, based on U.S. census data, and the top 4 limited English proficiency languages spoken by the population served or likely to be served by the agencies of the City of New York, excluding the languages designated based on U.S. census data.

This audit focuses on whether Department of Consumer Affairs (DCA) complied with Local Law 30.¹ DCA is responsible for licensing and regulating more than 81,000 businesses in more than 50 industries. DCA also provides mediation assistance to consumers and assists complainants in seeking restitution from offending entities. DCA enforces various workplace laws, including those requiring employers to offer paid sick leave, by investigating complaints, and conducting preemptive investigations, and recovering restitution, such as compensation that was wrongfully withheld or denied. Furthermore, DCA collects fines from businesses that violate the City laws and rules governing weights and measures requirements, consumer protection, licensing, and labor issues. In addition, DCA contracts with several vendors throughout the five boroughs to provide free one-to-one financial counseling and coaching and, through *NYC Free Tax Prep*, tax filing services for eligible New Yorkers.

¹ DCA is currently listed as such in Chapter 64 of the New York City Charter. However, in January 2019, the Mayor announced that DCA will become the Department of Consumer and Worker Protection, and the agency currently refers to itself as such on its public website. NYC Consumer Affairs, <https://www1.nyc.gov/site/dca/about/overview.page>, accessed April 24, 2019.

Audit Findings and Conclusion

We found that DCA generally complied with Local Law 30. Our review of DCA's Language Access Plans dated 2008 and 2018 found that DCA has made continuous progress to provide meaningful language access to the agency's services for Limited English Proficient (LEP) customers. Its Language Access Plans describe the steps that DCA has taken to provide its services to the LEP population.

Specifically, we found that DCA provides direct public services in 15 languages including the top 10 New York City LEP languages as required by Local Law 30. Further, we found that through City-wide contracts with language vendors, (Language Line Services LLC and Geneva Worldwide, Inc.) DCA has the ability to provide documentation, translation and phone interpretation services in a minimum of 170 languages. Through its contract with Accurate Communications, DCA can provide American Sign Language and in-person interpretation services in up to 250 languages. Appendices I and II contain details of the specific items we tested and the results of our tests. Appendix III illustrates DCA's efforts to ensure Local Law 30 compliance.

Agency Response

In its response, DCA agreed with the audit's findings and recommendations. DCA stated, "[w]e appreciate your office acknowledging our efforts to provide meaningful language access to the agency's services for New Yorkers with limited English proficiency. DCA will continue to comply with Local Law 30 to effectively meet the needs of New Yorkers with limited English proficiency when accessing DCA's services."

AUDIT REPORT

Background

New York City, with a population of more than 8.5 million people, is home to one of the most diverse populations in the world, with more than 3.2 million foreign-born residents from more than 200 countries. According to the New York City Department of City Planning, nearly one-half of all New Yorkers speak a language other than English at home, and almost 25 percent of City residents age five and over, or 1.8 million persons, are not proficient in English. For residents with limited English proficiency, interacting with City government can often be a challenge.²

Local Law 73 was enacted in 2003 to enhance the ability of City LEP residents 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 that free language assistance services be provided for clients when they seek to obtain services at any of these agencies, as well as job centers and food stamp offices. In July 2008, Mayor Michael 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.

In 2017, the New York City Council enacted Local Law 30, effective July 1, 2017, which requires City agencies that provide direct public services or emergency services to have a language access plan that allows residents meaningful access to City services regardless of their proficiency in English. These translation services must be provided in the top 10 designated City-wide languages, consisting of (1) the top six LEP languages spoken by the population of New York City as determined by the Department of City Planning and the Mayor's Office of the Language Services Coordinator, based on U.S. census data; and (2) the top four LEP languages spoken by the population served or likely to be served by the agencies of the City of New York as determined by the Mayor's Office of the Language Services Coordinator, based on language access data collected by the City Department of Education, excluding the languages designated based on U.S. census data.

Specifically, Local Law 30 requires each agency to:

- Designate a Language Access Coordinator to oversee the creation and execution of an agency-specific internal language access policy and implementation plan.
- Develop such a plan 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 into 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.

² Mayor's Office of Immigrant Affairs, "State of Our Immigrant City" annual report, March 2018; New York City Department of City Planning <https://www1.nyc.gov/site/planning/about/language-access.page>

- Provide services in languages based on the top 10 LEP languages spoken by the population of New York City. These languages are determined by the Department of City Planning and the Mayor's Office of the Language Services Coordinator, based on (1) United States Census data, as to six languages; and (2) data collected by the Department of Education, as to four languages, as those languages are relevant to the services offered by each agency. The designated top 10 LEP languages spoken by the population in New York City are Spanish, Chinese (Mandarin, Cantonese, Taiwanese and Formosan), Russian, Haitian/French Creole, Bengali, Korean, Arabic, Urdu, French, and Polish.³
- Ensure that the language access policy and implementation plan includes: identification and translation of the most commonly distributed 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 the establishment of an appropriate monitoring and measurement system regarding the provision of agency language services.
- Incorporate consideration of language access in agency communications such as emergency notifications, public hearings and events; and incorporate plain language principles for documents most commonly distributed to the public that contain important or necessary information.
- Update the Language Access Plan based on changes in the agency's service population or services at least every three years and publish the plan on the agency website.

Local Law 30 references the New York City Charter's 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. In addition, 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 immigrants and foreign language speakers about such services.

We are conducting a series of audits of City agencies' compliance with Local Law 30. We have created a compliance checklist and designed audit tests to be performed to facilitate uniformity in our reporting to the extent reasonably possible. The checklist and testing criteria, with results for this audit, are presented in Appendices I and II.

This audit focuses on whether DCA complied with Local Law 30. DCA's mission is to license and regulate more than 81,000 businesses in more than 50 industries. DCA provides mediation assistance to consumers and assists complainants in seeking restitution from those offending entities. Through its Office of Labor Policy and Standards, DCA enforces various workplace laws, including Paid Sick Leave, by investigating, complaints and conducting pre-emptive investigations and recovering restitution (compensation). Furthermore, DCA collects fines from Business that violate the weights and measures Consumer Protection Licensing and City Labor Laws. In addition, DCA contracts with

³ The New York City Department of City Planning designated these as the top 10 languages, https://www1.nyc.gov/assets/planning/download/pdf/about/language-access/lap_dcp.pdf?r=0818. As defined by the Mayor's Office of Immigrant Affairs, MOIA Annual Report-March 2018 page 25, Guidance on City Legislation.

vendors throughout the five boroughs to provide free one to one financial counseling and coaching in addition to free tax filing services for eligible New Yorkers through NYC Free Tax Prep.

Objective

The objective of the audit was to determine whether DCA is in compliance with Local Law 30, which requires that City agencies providing direct or emergency services to the public create a language access implementation plan and 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 DCA's Language Access Plans dated 2008 and 2018 and other pertinent documents and interviewed key DCA personnel, conducted site visits at DCA's Manhattan location at 42 Broadway, where direct public services are located. Our scope period is from May 2018 through April 12, 2019. 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 DCA during and at the conclusion of this audit. DCA officials were notified of our findings during the course of the audit and agreed that an exit conference was not necessary. On May 1, 2019, we submitted a draft report to DCA with a request for comments. We received a written response from DCA on May 2, 2019. In its response, DCA generally agreed with the audit and stated, "[w]e appreciate your office acknowledging our efforts to provide meaningful language access to the agency's services for New Yorkers with limited English proficiency. DCA will continue to comply with Local Law 30 to effectively meet the needs of New Yorkers with limited English proficiency when accessing DCA's services."

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

FINDING AND RECOMMENDATION

We found that DCA generally complied with Local Law 30. Our review of DCA's Language Access Plans dated 2008 and 2018 found that DCA has made continuous progress to provide meaningful language access to the agency's services for LEP customers. Its Language Access Plans describe the steps that DCA has taken to provide its services to the LEP population.

Specifically, we found that through its three divisions and its licensing centers, DCA offered free interpretation services online, by mail, by telephone, or in person for consumer and worker complaints, business compliance counseling and business licensing. We found that essential documents that are posted on DCA's website and those posted in locations with high consumer traffic have been translated to the top 10 languages other than English. These essential documents that have been translated into the top 10 LEP languages relate to several of DCA's responsibilities, including: an overview of worker protection rights in various types workplaces, such as fast food establishments, free-lance workers, the paid care industry, grocery companies, and building services; and knowing the work place laws to assist with improving working condition such as *Paid Safe and Sick Leave*, *Living Wage*, *Minimum Wage and Commuter Benefits*, and *Temporary Change of Schedule*. DCA also enforces workplace laws and may initiate investigations against a business in response to a complaint in the top 10 LEP languages. Correspondence between DCA and defendants, in languages other than English, are translated to the appropriate language. In addition, DCA provides LEP business owners the capability of applying for a license and or renewing licenses (e.g., car washes, employment agencies, minority women-owned business enterprises, horse drawn carriages, laundries, and sidewalk cafes) by providing instructions in the top 10 LEP languages.

DCA provides direct public services at its three business centers located at 42 Broadway, Manhattan, (Lobby, 5th Floor, and 9th Floor); the New York City Small Business Support Center in Queens; and the Weights and Measures testing Station in Brooklyn. The hours of operation for the Manhattan and Queens locations are Monday through Friday from 9:00 a.m. to 5:00 p.m. The hours of operation for the Brooklyn location are Monday through Friday, 9:00 a.m. to 2:00 p.m. We found that the DCA staff working at the three business centers' waiting rooms and other high traffic areas were trained on the use of the telephonic services through Language Line Services, LLC., and were able to communicate in languages other than English with the LEP clients who called and visited the offices. In addition, DCA staff were able to use Geneva Worldwide Inc., to prepare translations of written documentation. We found that DCA also has an interactive voice response telephone system that provides information to the public in 15 different languages.

Overall, we found that DCA provides direct public services in 15 languages, including the top 10 New York City LEP languages as required by Local Law 30. Further, we found that through City-wide contracts with language vendors (Language Line Services LLC., and Geneva Worldwide Inc.), DCA has the ability to provide documentation, translation, and phone interpretation services in a minimum of 170 languages. Through its contract with Accurate Communications, DCA can provide American Sign Language and in-person interpretation services in up to 250 languages. Appendices I and II contain details of the specific items we tested and the results of our tests. Appendix III illustrates DCA's efforts to ensure Local Law 30 compliance.

Recommendation

DCA should continue to adhere to Local Law 30 to ensure that it adequately meets the language needs of the communities it serves.

DCA Response: “We appreciate your office acknowledging our efforts to provide meaningful language access to the agency’s services for New Yorkers with limited English proficiency. DCA will continue to comply with Local Law 30 to effectively meet the needs of New Yorkers with limited English proficiency when accessing DCA’s services.”

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 are conducting a series of audits of City agencies' compliance with Local Law 30. To ensure uniformity in reporting on these audits, we have created a format that lists the specific tests conducted as it relates to the methodology. Please see Appendices I and II for details.

We reviewed the DCA Language Access Policy and Implementation Plans issued in 2008 and 2018, reviewed other pertinent documents, and interviewed key DCA personnel.

To achieve our objectives, we performed the following:

- Reviewed EO 120 and Local Law 30;
- Created compliance checklists to assess DCA's compliance with Local Law 30;⁴
- Conducted interviews with DCA's designated Language Access Coordinator and other staff members;
- Reviewed and assessed whether DCA's language assistance plan was developed in accordance with Local Law 30, using the required four-factor analysis;
- Tested whether DCA provided direct public services in at least the top 10 LEP languages spoken by the New York City population;⁵
- Obtained and reviewed documentation and assessed whether DCA identified and translated most commonly distributed public documents provided to or completed by the public;
- Tested whether interpretation services, including the use of telephonic interpretation services, are available. We made anonymous phone calls to DCA's main public access line to determine whether it could provide telephonic interpreter services in the top 10 LEP languages;
- Obtained and reviewed the employee manual for language access training and/or written policies and procedures;
- Observed DCA signage kits to determine whether they contained multilingual posters;
- Assessed whether DCA established an appropriate monitoring and measurement system regarding the provision of agency language services;
- Assessed whether DCA created appropriate public awareness strategies for the agency's serviced LEP population;
- Reviewed whether DCA's Language Access Plan is posted to its website; and

⁴ See Appendix I for the completed checklist created in connection with this audit.

⁵ See Appendix II for further descriptions of the tests we conducted.

- Accessed DCA's website and translated the information into the top 10 languages spoken in New York City.

LEP COMPLIANCE CHECKLIST

Question	Auditor's Assessment	Auditor's Comments
1. Does DCA provide direct public services or emergency services?	Yes	DCA provides direct public services Citywide.
2. Does DCA have a Language Access Policy and Implementation Plan, and when was it instituted?	Yes	DCA's original Language Access Plan (2008) was based on EO 120, the predecessor to Local Law 30. DCA's current Language Access Plan 2018 was developed by DCA and approved by the Mayor's Office of Immigrant Affairs in June 2018. This plan is currently posted on DCA's website.
3. Does DCA have a Language Access Coordinator?	Yes	DCA's Director of City Legislative Affairs is the designated Language Access Coordinator.
4. Did the Language Access Coordinator oversee the creation of the Language Access Policy and Implementation Plan?	Yes	The Language Access Plan was revised and updated by the current coordinator. Local Law 30 of 2018 requires that each agency update its Language Access Plan, based upon the changes in the agency's service population or services at least every three years. The Language Access Coordinator stated that DCA will revise and update the plan when necessary. The Language Access Plan is current as of September 2018.
5. Did the Language Access Coordinator oversee the execution of the Language Access Policy and Implementation Plan?	Yes	DCA's language coordinator oversees the execution of the Language Access Plan.
6. Does the Language Access Coordinator monitor the Language Access Policy and Implementation Plan?	Yes	DCA's language coordinator monitors the progress of the Language Access Plan.
7. Did DCA develop the plan using the four-factor analysis?	Yes	DCA's 2018 Language Access Plan was developed using the four-factor analysis and the language needs most often used by affected population. DCA utilizes historical data, for Factors 1 through 3. Historic data indicated customer demand for translation and interpretation in Spanish, Chinese, Korean, Russian, Haitian Creole, Arabic and Bengali. With the enactment of Local Law 30, DCA identified new language needs including French, Hindi, Nepali, Polish, Portuguese, Punjab, Tagalog and Urdu for a total of 15 languages. For the fourth factor, DCA contracted for language access services. In FY 2018 DCA contracted for sign language and in-person interpretations from Accurate Communication. Language

		Line was contracted for telephone interpretations, and Geneva Worldwide Inc. was contracted for written documentation. In addition, DCA uses data from the New York City Department of City Planning and the Mayor’s Office of Immigrant Affairs to ensure that the four-factor analysis is properly utilized.
8. Does DCA provide services in languages based on at least the top 10 NYC LEP languages?	Yes	Pursuant to DCA’s Language Access Plan, DCA provides services in 15 LEP languages, which includes the top 10 NYC languages, as required by Local Law 30. DCA maintains contracts with several language-services vendors (including Language Line Services, LLC and Geneva Worldwide, Inc.) and has the ability to provide document translation and phone interpretation services in more than 170 languages as required by Local Law 30. DCA uses Accurate Communication for American Sign Language. Moreover, DCA also uses the services of 311, which has telephonic capability for 175 languages. ⁶
9. Does DCA identify and translate their “most commonly distributed public documents?”	Yes	DCA’s Language Access Plan identifies its most commonly distributed documents for translation into the 15 LEP languages including the top NYC 10 languages. The following are examples of documents that are translated: <i>Consumer Protection Tips For Immigrants, Consumer Bill of Rights Regarding Tax Preparers, Freeze Your Rent, Minimum Wage, and File A Consumer Complaint, and Consumer Protection Tips for Older Adults</i> . We translated these examples to the 15 LEP languages.
10. Does DCA provide interpretation services (including telephonic interpretation) for the top 10 LEP languages and others as appropriate?	Yes	Through the Citywide contract with the Language Line Services, LLC, DCA is able to provide interpretation services in over 170 languages, including the top 10 LEP Languages. DCA also contracts with Geneva Worldwide, Inc. to provide written transcription services. In addition, DCA uses translators from 311 which enables them to provide translation into 175 languages.
11. Does DCA train its frontline workers and managers on language access policies and procedures?	Yes	DCA updated its training manual and procedures June 2018 and employees received the training as required by Local Law 30. Employees are available via the Agency’s intranet. This training material describes DCA’s language access policies and procedures and the Citywide Interagency Language Access Protocol. We reviewed a copy of the employee-training material and training sign in sheet. We verified that the employees were employed by DCA as of that time.

⁶ Source: NYC 311 Language Access Plan 2018.

12. Are there any signs or postings in DCA regarding free available language assistance?	Yes	DCA has wall posters and desktop signage indicating free interpretation assistance is available in the designated areas deemed to be high traffic areas where DCA services the public. These areas are located at DCA's Licensing Center (Lobby), Collection and Settlement Unit Division (5 th Floor), Consumer Services, Legal Division (9 th Floor) which are all located at 42 Broadway. In addition, the NYC Small Business Support Center, located in Jamaica, Queens and the Weights and Measure Testing Station in Brooklyn as have the free interpretation signage. During site testing, we observed "Free Interpretation Services Available" signs posted in the agency's public/common areas and office areas. In addition, there is a continuous PowerPoint presentation in the waiting area that displayed the availability of free language translation services.
13. Did DCA establish an appropriate monitoring and measurement system regarding the provision of agency language services?	Yes	DCA maintains a record-keeping system that tracks essential documents that have been translated and what request for additional information and or resources are need to comply with the changing and addition LEP communities. This enables DCA to create a translation schedule and apply the necessary funds to meet its demand.
14. Did DCA create public awareness strategies for language services?	Yes	DCA provides direct language assistance services. DCA advertises the availability of language access services on public communications, via website, media broadcast and outreach presentation through vendors, press releases, event flyers, and other appropriate communications.

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 transfer the call to another staff person or a telephonic Interpreter service? 	DCA's main public access line, which is 311, is able to provide telephonic interpreter services in the top 10 LEP languages.
2. Is the website accessible in languages other than English?	<ul style="list-style-type: none"> Was public information available in languages other than English? 	Of the 103 languages listed on DCA's website, we sampled and successfully translated the top 10 languages spoken in New York City.
3. 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? 	DCA's signage kit contain multilingual poster informing residents with LEP that they can request free interpretation.

LOCAL LAW 30 COMPLIANCE --- OBSERVATION



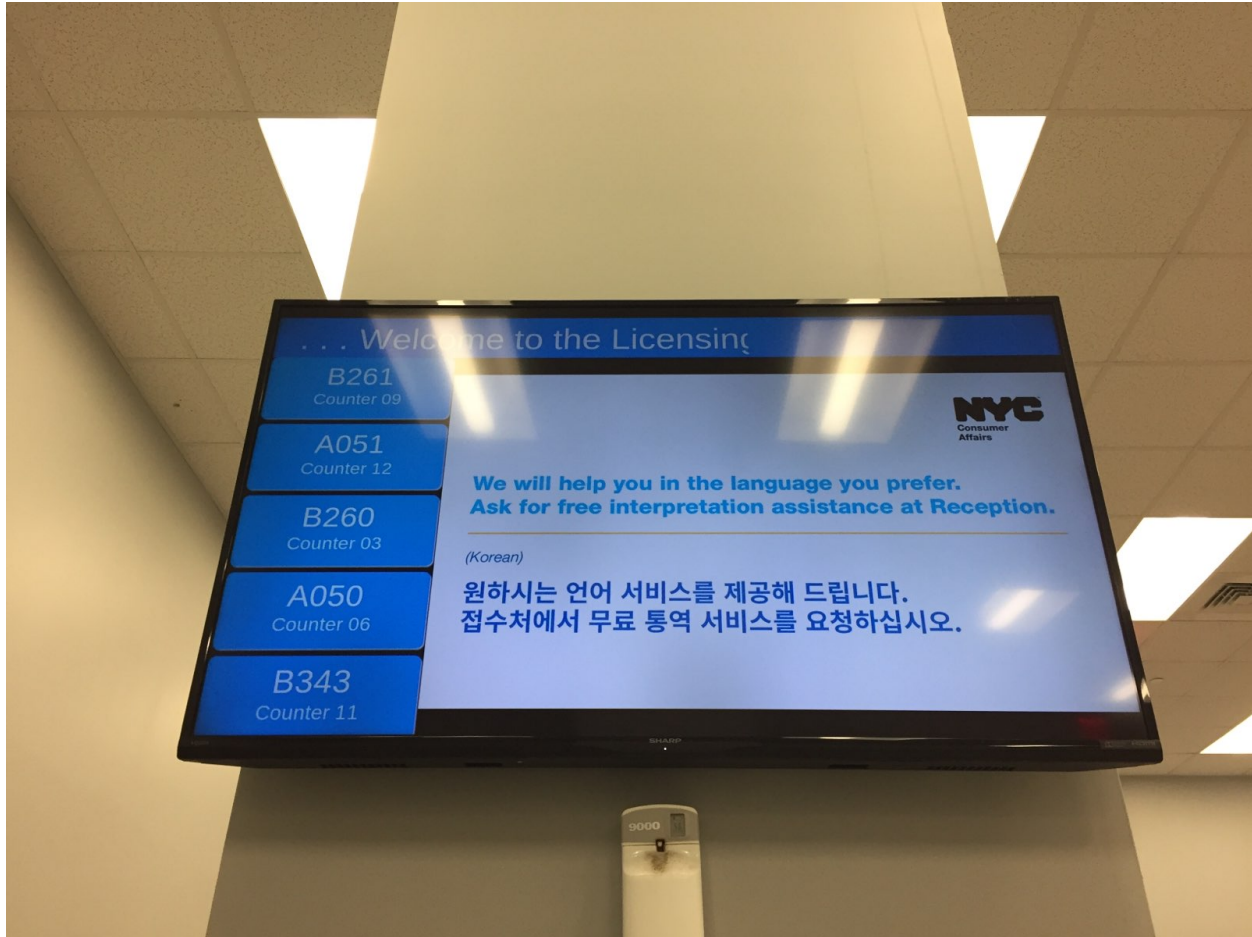
LANGUAGE LINE TELEPHONE HANDSET ILLUSTRATED 20 FREE INTERPRETATION

LOCAL LAW 30 COMPLIANCE-- OBSERVATION



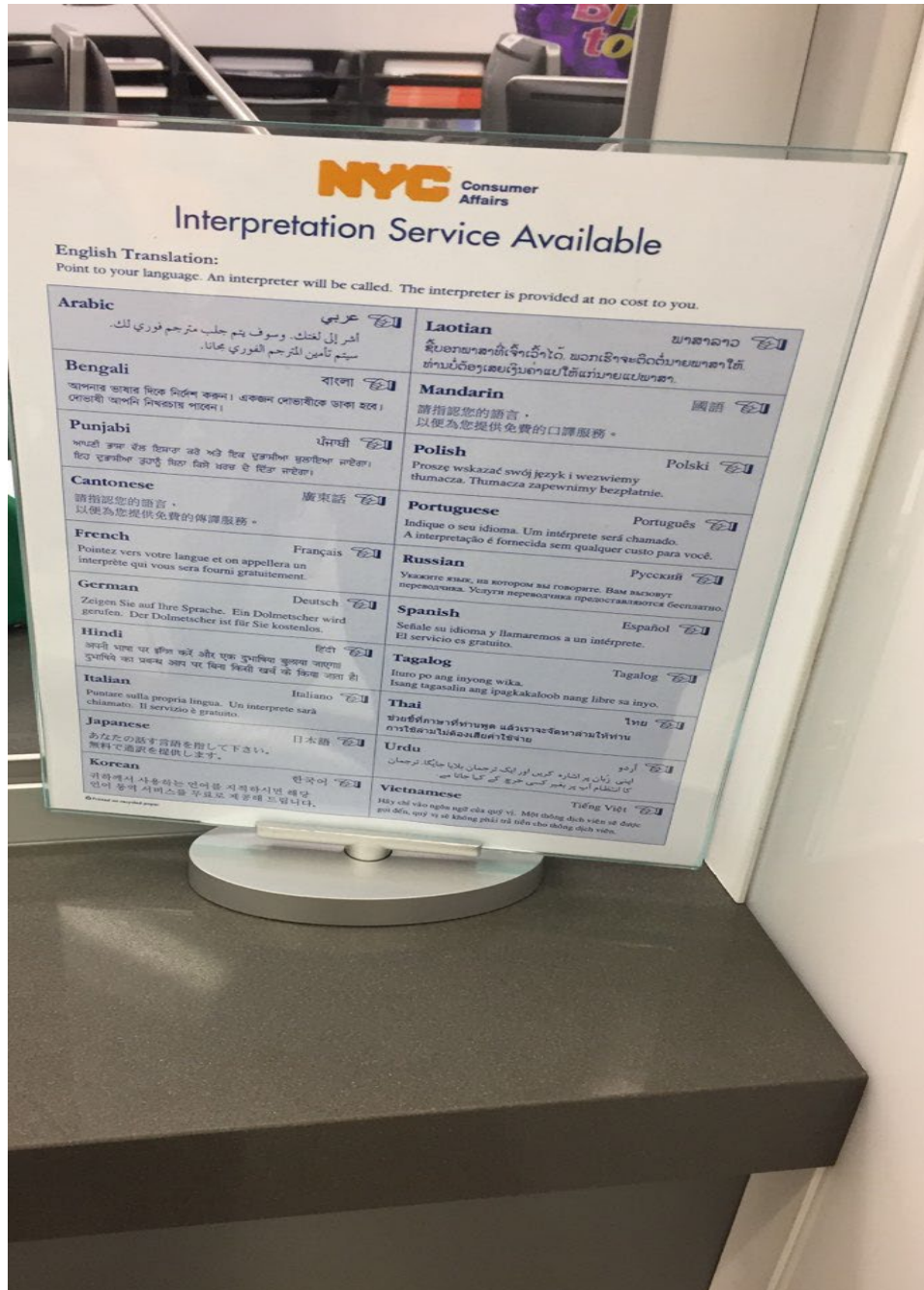
DCA PUBLICATIONS IN TOP 10 LEP LANGUAGES AND IN ENGLISH

LOCAL LAW 30 COMPLIANCE-- OBSERVATION



POWER POINT –TELLING CONSUMERS THAT THEY CAN RECEIVE FREE INTERPRETATION.

LOCAL LAW 30 COMPLIANCE-- OBSERVATION



NOTIFICATION OF THE AVAILABILITY OF FREE INTERPRETATION SERVICES

LOCAL LAW 30 COMPLIANCE-- OBSERVATION

NYC's Paid Sick Leave Law covers domestic workers.

Get answers to frequently asked questions to help you better understand the Law.

Q. Who is a domestic worker?

A. New York State Law defines "domestic worker" as someone who works in another person's home. You are considered a domestic worker if an individual or family employs you as a:

- Nanny
- Housecleaner
- Home care worker



Generally, you are not considered a domestic worker if you are a:

- Casual babysitter who works only occasionally
- Relative of your employer

Q. How much sick leave do I get every year?

A. In addition to the three days of paid rest you get under New York State Labor Law, your employer must provide two days of paid sick leave every year if:

- You have worked for your employer for more than one year. AND
- You worked more than 80 hours for a single employer in the previous year.

Q. For what reasons can I use paid sick leave?

A. You can use paid sick leave when you need to take off work because of an illness or to seek treatment or diagnosis for a mental or physical illness, injury, or health condition or to care for a family member who is ill or who needs medical treatment. The Law recognizes the following as family members:

- Child (biological, adopted, or foster child; legal ward; child of an employee standing *in loco parentis*)
- Grandchild
- Spouse
- Domestic partner
- Parent
- Grandparent
- Child or parent of an employee's spouse or domestic partner
- Sibling (including a half, adopted, or step sibling)

Q. How much does my employer have to pay me for paid sick leave?

A. Your employer must pay your regular hourly rate at the time you use sick leave. You cannot be paid less than the minimum hourly wage set by New York State Law. In 2016, the minimum wage is \$9 per hour.

Note: Your employer's existing policy for sick leave may meet or exceed the requirements of the Law. Many domestic workers can and do negotiate with their employers for more paid sick and vacation leave.

Resources

For more information about NYC's Paid Sick Leave Law or to file a complaint about an employer, **contact 311** or visit nyc.gov/PaidSickLeave.

For information about New York State Labor Law, visit labor.ny.gov and search "Domestic Workers' Bill of Rights."

For tips when working with an employment agency, visit nyc.gov/consumers.

INFORMATION FOR DOMESTIC WORKERS-PAID SICK LEAVE BROCHURE (ENGLISH)

LOCAL LAW 30 COMPLIANCE-- OBSERVATION

中文 / Chinese

《紐約市帶薪病假法》 也適用於家傭。

瞭解常見問題的解答，進一步認識這條法案。

問：何謂家傭？

答：按照《紐約州法》的規定，受僱於他人家中的工作者即稱為「家傭」。若您受僱於個人或家庭並負責下列工作，您的身分即為家傭：

- 褙姆
- 居家清潔人員
- 看護



一般而言，若您符合以下情況，則不具備家傭身分：

- 只是偶爾擔任臨時兒童看護人
- 是雇主的親戚

問：我一年可以請幾天帶薪病假？

答：除了《紐約州勞工法》規定的三天帶薪休假期外，如有下列情況，您的雇主每年必須提供兩天的帶薪病假：

- 您為雇主工作的時間已滿一年。且
- 您在過去一年內為同一位雇主工作的時數超過 80 個小時。

問：我可以憑哪些理由請帶薪病假？

答：可以申請帶薪病假的情況包括：您無法上班的原因是因為生病、就醫或因精神或生理疾病、受傷或健康狀況而接受診斷或治療，或是需要照顧生病或需要治療的家庭成員。法律認定的家庭成員如下：

- 子女 (親生子女、養子女或寄養子女；法定受監護的未成年子女；代行父母義務之員工的子女)
- (外) 孫子女
- 配偶
- 同居伴侶
- 父母
- (外) 祖父母
- 員工配偶或同居伴侶的子女或父母
- 兄弟姐妹 (包含同父異母、同母異父、領養或繼兄弟姐妹)

問：若我請帶薪病假，我的雇主必須付我多少薪水？

答：在您申請帶薪病假期間，您的雇主必須按正常時薪支付。您的酬勞不得少於《紐約州法》規定的最低時薪。2016 年的最低工資是每小時 9 美元。

注意：雇主目前採行的帶薪病假政策可能會符合或超過法律規定。許多家傭可以 (而且確實會) 與雇主協商帶薪病假和休假方面的事宜。

資源

如需關於《紐約市帶薪病假法》的詳細資訊，或欲投訴雇主，請聯絡 311 或造訪 nyc.gov/PaidSickLeave。

如需《紐約州勞工法》的相關資訊，請造訪 labor.ny.gov 並搜尋 "Domestic Workers' Bill of Rights" (家傭權利法案)。

如需瞭解與職業介紹所合作的注意事項，請造訪 nyc.gov/consumers。

LOCAL LAW 30 COMPLIANCE --- OBSERVATION

#1 Verifye Si Ou Bezwen yon Lisans pou Biznis

Pou konnen si ou bezwen youn nan 55 lisans DCA, ale sou Entènèt nan sitwèb nyc.gov epi chèche “Business Toolbox” oswa [rele 311](http://rele.311). Ou kapab ale sou Entènèt tou nan sitwèb nyc.gov/business pou konnen kisa ou bezwen pou kòmanse ak opere biznis nan Vil New York. DCA ankouraje pwopriyetè biznis yo pou yo wè Deklarasyon Dwa Pwopriyetè Biznis, ki disponib sou Entènèt nan sitwèb nyc.gov/bizrights.

#2 Afiche Pri ak Metòd Peman

- Si ou vann machandiz, pri chak atik dwe swa sou yon etikèt ki sou atik la oswa sou yon ansèy kote ou mete atik la.
- Si ou fè biznis ki vo plis pase \$2 milyon dola nan yon ane, ou dwe mete etikèt pri apa sou pifò atik yo.
- Si biznis ou vann yon sèvis—pa egzanp, salon kwafi oswa maniki ak pediki, dray-klinin, tayè, reparatè, seriryè, preparatè taks—ou dwe afiche yon lis pri toupre kote moun fè kòmman yo ak nan rejis la.
- Li ilegal pou afiche diferan pri pou gason ak fanm pou menm sèvis la.
- Si ou limite kantite lajan pou kliyan achte avèk kat kredi, ou dwe afiche règleman an aklè toupre rejis la ak antre a.

#3 Afiche Règleman ou pou Ranbousman

Ou kapab mete anplas règleman pa ou pou ranbousman, men lalwa egzije pou afiche règleman an toupre rejis la kote kliyan yo kapab li l san pwoblèm. Ansèy ou dwe eksplike tout kondisyon oswa limit sou fason pou jwenn

yon ranbousman oswa boukantay, tankou si ou reklame frè pou re-estokaj, si ou mande yon resi, si ou gen limit tan pou retounen machandiz yo, oswa si ou bay ranbousman an avèk lajan kach, kredi oswa kredi magazen an sèlman. Si ou afiche yon règleman pou ranbousman, kliyan yo kapab retounen nenpòt atik pou 30 jou.

#4 Asire Resi yo Konplè ak Kòrèk

Si yon kliyan mande yon resi pou yon acha ant \$5 ak \$20, ou dwe bay resi a, epi si atik kliyan an achte a se pou \$20 oswa plis, lalwa egzije ou pou bay kliyan yon resi.

Dapre lalwa, resi ou yo dwe montre:

- Non ak adrès biznis ou epi, si ou gen yon lisans, ou dwe mete “Department of Consumer Affairs” (Depatman Afè Konsomatè), epi apre ou dwe mete nimewo lisans DCA
- Kantite lajan kliyan an peye pou chak atik
- Kantite lajan total kliyan an te peye, ansanm avèk yon liy apa pou taks
- Dat kliyan an te achte
- Mak ak modèl nenpòt aparèy elektwonik kliyan an achte ki vo plis pase \$100

Resi yo *pa kapab* montre dat ekspirasyon yon kat kredi oswa plis pase dènye senk (5) chif ki nan kat kredi a.

#5 Asire Reklam ou Fè pou Lavant ou Pa Fo oswa pa Twonpe Kliyan yo

- Li ilegal pou fè reklam pou ti pri sou atik ou pa genyen ki disponib vre pou kliyan yo (“manti nan reklam”).
- Nenpòt atik ou endike kòm “on sale” (k ap vann avèk rabè) dwe montre pri atik la anvan rabè a aklè, epi ou dwe gen kantite rezonab ki disponib anvan ou fè reklaman pou lavant avèk rabè a. Si ou fè reklam pou fè konnen ou gen

10 THINGS EVERY BUSINESS SHOULD KNOW (HAITIAN CREOLE)

LOCAL LAW 30 COMPLIANCE-- OBSERVATION

Português / Portuguese

A Lei do Estado de Nova York sobre Licença Remunerada abrange os trabalhadores domésticos.

Leia as respostas para as perguntas frequentes para ajudá-lo a entender a lei.

P. Quem é um trabalhador doméstico?

R. A Lei de Licença Remunerada do Estado de Nova York define "trabalhador doméstico" como alguém que trabalha na casa de outra pessoa. Você é considerado um trabalhador doméstico se uma pessoa física ou uma família o contrata na qualidade de:

- Babá
- Faxineiro
- Cuidador domiciliar



Em geral, você *não* é considerado um trabalho doméstico se você for:

- Babá temporária, que trabalha somente ocasionalmente
- Parente do seu empregador

P. Quantos dias de licença médica eu posso tirar por ano?

R. Além dos três dias de descanso pago ao qual você tem direito de acordo com a Lei Trabalhista do Estado de Nova York, seu empregador deve proporcionar dois dias de licença médica remunerada por ano, se:

- você trabalhou para seu empregador durante mais de um ano, E
- você trabalhou mais de 80 horas para um único empregador no ano anterior.

P. Por quais motivos eu posso usar a licença médica remunerada?

R. Você pode usar a licença médica remunerada quando precisar se ausentar do trabalho devido a uma doença, para tratamento médico ou por diagnóstico de uma doença mental ou física, lesão ou condição de saúde, ou para cuidar de um membro da família que esteja doente ou que precise de tratamento médico. A lei reconhece as seguintes pessoas como sendo membros da família:

- filho (biológico, adotivo, ou criança sob guarda; criança sob tutela; filho de um empregado que age *in loco parentis* (no lugar dos pais);
- neto/neta;
- cônjuge;
- parceiro doméstico;
- pai/mãe;
- avô/avó;
- filho/filha ou pai/mãe do cônjuge de um empregado ou parceiro doméstico;
- irmão/irmã.

P. Quanto meu empregador é obrigado a pagar para que eu tire licença médica remunerada?

R. Seu empregador deve pagar o que você ganhava por hora quando ficou doente. Você não pode ser pago menos que o salário mínimo por hora estabelecido pela lei do Estado de Nova York. Em 2016, o salário mínimo por hora é de US\$ 9.

Nota: a política de licença médica adotada pelo seu empregador pode prever requisitos iguais ou a mais que os da Lei. Muitos trabalhadores domésticos podem negociar e negociar com seus empregadores para obterem mais licença médica remunerada e férias.

Recursos

Para obter mais informações sobre a Lei do Estado de Nova York sobre Licença Médica Remunerada ou para fazer uma queixa contra um empregador, **ligue para 311** ou acesse nyc.gov/PaidSickLeave.

Para obter informações sobre a Lei Trabalhista do Estado de Nova York, visite labor.ny.gov e procure "Domestic Workers' Bill of Rights" (Direitos dos Trabalhadores Domésticos).

Para obter sugestões quando você trabalhar com uma agência de empregos, visite nyc.gov/consumers.

INFORMATION FOR DOMESTIC WORKERS-PAID SICK LEAVE BROCHURE
(PORTUGUESE)



Lorelei Salas
Commissioner

42 Broadway
Lobby
New York, NY 10004

Dial 311
(212-NEW-YORK)

nyc.gov/dca

May 2, 2019

Marjorie Landa
Deputy Comptroller for Audit
David N. Dinkins Municipal Building
1 Centre Street, Room 1100
New York, NY 10007

RE: Draft Report on the Compliance of The New York City Department of Consumer Affairs with Local Law 30 Regarding Access to City Services for Residents with Limited English Proficiency (SZ18-131A)

Dear Deputy Comptroller Landa:

Thank you for the opportunity to respond to the draft report dated May 1, 2019, regarding the compliance of the New York City Department of Consumer Affairs (DCA) with Local Law 30.

We appreciate your office acknowledging our efforts to provide meaningful language access to the agency's services for New Yorkers with limited English proficiency. DCA will continue to comply with Local Law 30 to effectively meet the needs of New Yorkers with limited English proficiency when accessing DCA's services.

If you require further information, please contact Kenny Minaya, Chief of Staff, at (212) 436-0219.

Sincerely,

A handwritten signature in black ink, appearing to read "Lorelei Salas", written over a horizontal line.

Lorelei Salas
Commissioner