



## **LANGUAGE ACCESS PLAN**

*Updated July 1, 2015*

## **OATH LANGUAGE ACCESS PLAN**

### **I. Agency Mission and Background**

#### **Background**

The Office of Administrative Trials and Hearings (OATH) is the City's central independent administrative law court. OATH is currently comprised of four separate divisions which are responsible for hearing disputes on different types of cases. The divisions include:

1. The OATH Trials Division
2. The OATH Hearings Division (Health and Consumer cases)
3. The Environmental Control Board (ECB) Hearing Division
4. The For Hire Vehicle, Livery, Taxi and Paratransit Hearing Division.

Additionally, OATH provides professional training and CLE courses for the City's Administrative Law Judges, Hearing Officers and OATH Practitioners through the [Administrative Judicial Institute \(AJI\)](#). OATH also provides conflict resolution support and resources, including offering free workplace mediation to City employees and City agencies through [The Center for Creative Conflict Resolution](#).

#### **Vision Statement: Future of OATH**

With a focus on how to provide exceptional convenience to New Yorkers who are summoned to our courts, OATH is embarking on an agency-wide transformation. By streamlining all rules, procedures and processes, OATH is making it easier for New Yorkers to contest summonses they receive from City agencies. The Hearings Division is being converted from its three different courts into one, single court which will be responsible for all administrative hearings that are conducted by OATH. To achieve this, OATH is streamlining all of its rules and procedures across its three hearing divisions with the goal of making the hearing process simple and fair for the New Yorkers who have been summoned to one of our now multiple divisions. An added benefit of having one division that is responsible for all hearings, rather than three divisions is that OATH will be able to create "One-Stop Hearing Centers" in every borough which will provide individuals and small businesses with the opportunity to deal with summonses issued by *any* City agency before an independent and impartial administrative law court with one uniform procedure.

#### **a. The Mission of OATH**

The mission of OATH is to provide fair and timely hearings on the cases that are filed with it by New York City's various agencies, boards and commissions. At its hearings divisions, OATH strives to hear cases fairly and efficiently while providing the public with access to justice. OATH's Trials Division hears cases equitably, with fairness to all parties appearing before it.

Some additional details are set out below.

## **OATH Trials Division**

The Trials Division is allowed by law to hold administrative hearings on cases brought by any of the City's agencies, boards or commissions. Most of the cases heard by the OATH Trials Division are complex cases that require full trials. The Trials Division is responsible for hearing disciplinary cases relating to the City's more than 325,000 civil servant workforce. OATH also holds trials on a diverse range of administrative matters including: human rights and discrimination cases, car seizure cases, license revocation cases, and complex contractual disputes, among other types of cases.

## **Hearings Divisions:**

### **Health and Consumer Hearings**

OATH formally created its "Hearings Division" on July 1, 2015 when the new rules went into effect. As stated above, OATH is in the process of moving all of its hearings at all three divisions into this one Hearing Division. The OATH Hearings Division rules can be found on the OATH website, or by [clicking here](#). The OATH Hearings Division is currently only responsible for holding hearings on alleged violations issued by the Department of Health and Mental Hygiene. The majority of cases currently filed at the Hearings Division involve restaurants and other types of food service establishments. On July 24, 2015, Mayor Bill de Blasio signed an Executive Order that mandates that the Department of Consumer Affairs ("DCA") file all of its cases at OATH. Per the Order, this will become "effective September 20, 2015 or as soon thereafter as maybe practicable." DCA enforcement and inspector cases will be filed and heard at the newly created OATH Hearings Division, along with the cases that are currently heard at the Hearings Division which are issued by the Health Department.

### **Environmental Control Board (ECB) Hearings**

The OATH/ECB division holds hearings on alleged violations of the laws that govern quality of life and public safety in the City. 13 different City enforcement agencies- including the Sanitation Department, Buildings Department, Department of Environmental Protection, and Fire Department, among others- issue Notices or Summonses that are heard by Hearing Officers at the OATH/ECB division. ECB receives approximately 650,000 Notices of or Summonses each year from these enforcement agencies and conducts approximately 200,000 hearings.

### **For Hire Vehicle, Livery, Taxi and Paratransit Hearings**

The For Hire Vehicle, Livery, Taxi and Paratransit Hearings Division holds hearings on potential violations of the rules and regulations established by the City's Taxi and Limousine Commission (TLC). Summonses can be issued by TLC, NYPD, and the Port Authority of NY.

### ***b. The direct public services offered by OATH***

#### ***Overview of the Direct Public Services Provided by OATH***

Throughout all of OATH's tribunals, the agency provides direct public services in its

hearings and in the operations of its Clerk's Office.

### ***Details Regarding the Direct Services Provided by OATH***

The direct public services offered by OATH include public services offered at *trials*, at *hearings* and by *its hearing support clerks*. These services are described below:

- ***Trials Division:*** OATH holds trials for City agencies, boards and commissions. Some details about the trial process are:
  - Before a trial takes place, an OATH Administrative Law Judge (ALJ) usually discusses the case with the parties. That discussion is called a settlement conference. Sometimes cases are settled this way. If so, there is no need for a trial.
  - If the case is not settled, a different ALJ hears the case by listening to witnesses and reviewing other evidence from each side. This is a trial. OATH offers limited-English proficient (LEP) persons free interpretation services at trials. Sign language interpretation is also provided for free upon request.
  - After the trial, the ALJ writes a decision. In some kinds of cases, the ALJ recommends (suggests) to the head of the agency that referred (sent) the case what action should be taken. In other kinds of cases, the ALJ makes a final decision that can only be appealed to the New York State Supreme Court.
- ***Hearings Divisions:*** OATH's three hearing divisions adjudicate (issue decisions) on Notices or Summonses that have been issued by various City enforcement agencies.
  - When a City agency writes a ticket, the person or business named as "respondent" on the ticket must contact OATH to take care of the ticket.
    - Some tickets can be admitted to and paid without attending a hearing; however, other tickets require the respondent to attend a hearing at the OATH Hearing Division where the charges are filed. OATH offers Limited-English proficient (LEP) persons free interpretation services at all hearings.
  - If the person or business named as the respondent wants to contest (fight) the charges contained in the Notice or Summons but doesn't want to come to a hearing at OATH in person, most cases can be resolved by submitting a defense to the charges (and thus having a hearing) online, by mail or over the phone. OATH offers limited-English proficient (LEP) persons free interpretation services for these types of hearings.
    - OATH will accept defenses that are written in foreign languages and have those written defenses translated by a third party vendor, free of charge, before the defense is assigned to a Hearing Officer for adjudication.

- After a hearing is held, the person or business named on the ticket gets a written decision that says if the person or business won or lost the case (in other words, if the case was “dismissed,” or found “in violation”).
  - OATH Hearings Divisions also have Appeals Units which decide appeals of hearing decisions. An appeal may be filed by the party who lost the case. This may be the person or business named as “respondent” on the ticket or the City agency that wrote the ticket and filed it with OATH for a hearing. To appeal, the party (person, business, or City agency) that disagrees with the decision sends an appeal application to the OATH Hearings Division where the case was decided. The party writing the appeal must say why, in its view, the hearing decision was wrong. The Rules for appealing cases can be found on the OATH website.
    - OATH now makes appeal application forms available in up to seven (7) languages. OATH also offers appeals online.
    - OATH accepts appeals written in any language and will have the appeal translated into English by a third party vendor, free of charge to the respondent before it is given to the Appeals Unit for consideration.
- o When a hearing decision is appealed, both parties (the person or business named on the ticket and the City agency) receive a written appeals decision in the mail that says who won or lost the appeal.

#### *OATH Hearing Support Clerks*

##### **At OATH Trials:**

Among other jobs, the OATH calendar unit and clerks get interpreters for LEP persons. This happens most often in vehicle-seizure trials and in trials in which taxi drivers might lose their licenses.

##### **At OATH Hearings:**

Hearing Support Clerks at the OATH Hearings Divisions work at desks in public waiting areas and also respond to questions from the public by phone. Clerks are trained on, and use, Language Line to communicate with LEP respondents who call over the phone and who appear in person. The public can get information and assistance from clerks on many topics including the following:

- Signing in for hearings (at that time, customer service staff will arrange for an interpreter for the hearing, if needed).
- Getting a new hearing date.
- Getting information on the status of their cases.
- Getting information on penalties they need to pay.

In addition, OATH’s Interactive Voice Response telephone system (1-844-OATH-NYC) provides information to the public in 8 different languages. Information contained in the IVR includes recorded information about the hearing and appeal process, as well as case-specific information regarding the status of the case, the case outcome, outstanding payments and other information.

## **II. OATH's Language Access Goals**

### **a. The goals of OATH Language Access Plan.**

The overall goal of OATH's Language Access Plan (LAP) is to provide language access services so that persons with limited English proficiency (LEP) have meaningful access to OATH's direct public services. This includes making sure that LEP persons can get information about OATH's direct public services. (See Point I.(b) above for description of OATH's direct public services.)

Part of this goal is to provide a welcoming environment to LEP persons, including an environment that makes it easy for OATH employees to communicate with members of the LEP community. OATH will work towards providing seamless communication with LEP persons. More specific goals are set out below.

### **Goals Already Achieved Prior to 2009**

OATH has already made significant progress towards its goal of providing language access services, as follows:

- OATH already has free professional language interpretation services for all languages at trials and hearings,
- The OATH Tribunal has provided interpretation at trials since the 1990s. Interpretation is usually done over conference phones using a professional, third-party interpretation service. However, an Administrative Law Judge may decide it is necessary to use a professional in-person interpreter.
- ECB started providing professional language interpretation service in November of 2007. When OATH took over the operations of the Health Hearings Division and the For Hire Vehicle, Livery, Taxi and Paratransit divisions in 2011, OATH ensured that these hearing divisions had the same language assistance services it had employed at the ECB hearing division.
- Interpretation for LEP persons at OATH Hearings Divisions is done over conference phones, using a professional, third-party interpretation service (unless the LEP person specifically requests to use his or her own interpreter and the hearing officer considers that appropriate under the circumstances).
- OATH hearing support clerks already assist in identifying and then assisting LEP persons.
- OATH reception counters and windows and OATH hearing offices have desk top signs, written in sixteen different languages, saying that free interpretation service is available to respondents.
- As stated above, OATH also uses interpreters to interpret clerk conversations with LEP persons – for both in-person and over the phone conversations. Once the language is identified by a clerk or with the aid of the third-party interpretation service, OATH staff arranges for an interpreter at the hearing.

- At the Hearings Divisions, Hearing Support Clerks have instruction sheets written in ten LEP languages. These sheets tell LEP persons that staff is contacting an interpreter to proceed with the hearing. Sometimes, the third-party interpretation service is used to communicate this fact.
- The OATH website has a built-in translation feature. This feature allows someone looking at any OATH website page or online form to translate that page or form easily.

**a. Goals Achieved Since 2009**

Since 2009, OATH has achieved the following goals set forth in the initial Language Access plan it created in 2008.

OATH has:

- Provided on-line translation capability for all website page views.
- Re-written documents of key importance in plain language and then translated them into the top six LEP languages.
- Displayed posted signs using universal symbols, or English and Spanish.
- Where the text of a posted sign is informational and of key importance, OATH makes that text available in the six top LEP languages by other means, such as by PowerPoint presentation in waiting areas and/or by translated handouts.
- Designed a PowerPoint presentation that includes messages about OATH in at least the top six LEP languages, to be shown continuously on video monitors in OATH waiting areas where waiting area conditions permit.

**b. How OATH decides if it has successfully implemented its Language Access Plan.**

To decide if OATH has successfully implemented its Language Access Plan (in other words, done everything it should do under the Plan) OATH staff:

- Looks at data from its language interpretation contractor to be sure that its interpretation service is being used on a regular basis.
- Conducts surveys of OATH staff about their experiences with LEP persons to be sure their experiences indicate they are effectively communicating with LEP persons.
- Conducts surveys of the LEP persons who use OATH translation services.
- Provides training to Hearing Support Clerks on how and when to use interpretation services with respondents.
- Reviews the OATH Language Access Plan periodically.
- Has a Language Access Coordinator to implement and monitor compliance with the Language Access Plan on an ongoing basis.
- Maintains records of compliance with the Language Access Plan, including the submission of an annual report to the Mayor's Office of Operations.

### III. LEP Population Assessment

#### **a. OATH will use the top six LEP languages in its Language Access Plan.**

OATH has previously used the top six languages at *each respective division* in its plan. This means that languages used for translated materials may vary from division to division. As of July 1, 2015, when the new rules went into effect that established the OATH Trials Division (formerly the OATH Tribunal) and the OATH Hearings Division (formerly the OATH Health Tribunal) the agency officially began the process of its reorganization (described in section 1a of this plan).

The newly created Hearings Division has made all of its forms and brochures available in the top 8 languages as reported by interpreter requests at the agency and from guidance and input from the Mayor's Office. They include: English, Spanish, Arabic, Bengali, Chinese, French-Creole, Korean and Russian. The forms and brochures can be [found here](#) on the OATH website.

#### **How OATH determined the top seven foreign languages.**

Language access services must be provided in at least the top six LEP languages as those languages are determined by the Department of City Planning and also "as those languages are relevant to services offered by each agency" (Executive Order 120 of 2008).

To determine the top seven foreign languages of its service populations, OATH has reviewed data on how many trials and hearings have been interpreted at each of its divisions, and the languages used during those trials and hearings. This data is a good indicator of the languages spoken by each division's service population because OATH's service population is in large part made up of persons who are required to contact OATH's divisions about and/or to respond to alleged violations that have been filed at each respective division. OATH has also reviewed City Planning data.

*Desk-top signs saying there are free translation services:* OATH already has desk-top signs saying there are free interpretation services for LEP persons. These signs include sixteen languages, namely Spanish, Chinese, Bangla, Kreyol, French, Urdu, Hindi, Russian, Sign language, Hebrew, Korean, Albanian, Polish, Punjabi, Arabic and Yiddish.

*Interpretations at trials and hearings:* At hearings, conferences, and trials, OATH provides free interpretation into all available languages (up to 250 different languages) through its independent language interpretation contractor.

*Signs:* OATH has translated important permanent entry-way signs posted in its offices into Spanish or other LEP languages if space provides. Translated information in up to 6 languages at OATH offices has already been placed on Powerpoint-type presentations and seven languages for our brochures, handouts and applications, depending on what is appropriate at each location.

The number of LEP languages used in a translated posted entry-way sign will depend in part on the importance of the information and on the space available for the sign. The four US DOJ factors (see point III(b) below) will be taken into account in making

decisions about signs.

**Documents:** It is a goal of OATH to translate key documents into the top six languages at each of its respective divisions and when the reorganization into the Trials Division and the Hearings Division is complete, to have all documents and informational materials translated into the top seven languages.

**Interpretations of conversations with hearing support clerks:** It was a goal of OATH to provide interpretations for conversations with its hearing support clerks. That goal has already been achieved via the use of over the phone third party interpretation using an outside vendor as well as with the Interactive Voice Response (IVR) telephone number 1-844-OATH-NYC which provides information to callers in 8 different languages.

**b. How OATH will execute the U.S. DOJ “Four-Factor Analysis.”**

City entities have flexibility to decide what language assistance is appropriate for their service populations. In deciding, the agency must do an analysis based on the four factors set out by the U.S. Department of Justice (DOJ). Those four factors are:

**Factor 1:** The number or proportion of LEP persons in the eligible service population.

**Factor 2:** The frequency with which LEP persons come in contact with the agency.

**Factor 3:** The importance of the benefit, service, information, or encounter to the LEP person (including the consequences of lack of language services or inadequate interpretation/translation).

**Factor 4:** The resources available to the agency and the costs of providing various types of language services.

**The proportion of LEP persons in the service population and the frequency with which they come into contact with the agency.**

OATH can estimate the proportion of LEP persons in the service population and the frequency with which LEP persons come into contact with OATH by comparing the number of hearings that are done with professional third-party interpreters with the number of hearings that are done without interpreters. This will let OATH estimate the proportion of LEP persons in its service population.

OATH can estimate how often LEP persons come in contact with OATH by reviewing reports from its interpretation contractor to see how often LEP persons have hearings. Those reports indicate the number hearings at OATH’s divisions in which interpretation services were provided in a given period of time. The reports also indicate the languages in which the hearings were conducted. This will let OATH estimate the frequency (how often) LEP persons come in contact with each of OATH’s divisions and the languages LEP persons were using.

### **The importance of the benefit, service, information, or encounter to the LEP person**

OATH looks at the importance of its services to its LEP population in the following ways:

***Trials and Hearings:*** Fair and impartial trials and hearings are essential to due process. Accordingly, OATH's first step was to provide interpretation services at pretrial conferences and trials at the OATH Trials Division and at hearings at its three other hearings divisions. This is because it is important that LEP respondents:

- Make themselves clearly understood at trials and hearings
- Understand everything that occurs at trials and hearings

***Hearing Support Clerks:*** Hearing Support Clerks provide important information about OATH services.

- OATH provides interpretation services for conversations with its clerks as set out in the benchmarks in its initial plan.

***Documents:*** It is important that key documents, including key informational and website materials, be translated or interpreted.

- OATH has translated all informational brochures about the hearing processes at each of its divisions into the top six languages spoken by respondents at those tribunals. The Hearings Division (formerly the OATH Health Tribunal) already has all forms and brochures translated into the top seven languages.
  - OATH has made its website easily translatable so that online information as well as online application forms can be easily translated into different languages.

### **The resources available to the agency and the costs of providing various types of language services.**

OATH has designated the following resources for language assistance services:

***Personnel:*** OATH has designated a Language Access Coordinator, who will be assisted by OATH staff as needed.

***Translation & Interpretation:*** OATH has set aside money in its budget for contractors on an ongoing basis for the following purposes:

- Interpretation contractor for interpretations at trials and hearings and for interpretations of clerk conversations and settlement conferences.
- Translator contractor for translations of documents, brochures, signs and any document submitted by a respondent in a foreign language.

***Equipment:*** OATH has already set aside money in its budget, or does soon on an ongoing basis, for the following costs:

- Signage.
- Telephone equipment needed for interpretation services.
- Other equipment, including computers and formatting programs used for the creation of PowerPoint or other informational materials.
- Supplies such as toner, special brochure paper and folding machines to create,

update and continuously provide, translated informational materials for the public in OATH waiting rooms.

**Training:** OATH staff is trained using the following resources:

- In conjunction with the interpretation contractor, employees are trained on using equipment needed for over the phone interpretation services.
- In conjunction with its interpretation contractor, employees are trained (and retrained as needed) on working with interpreters.
- OATH's Administrative Judicial Training Institute (AJI) provides training on cultural competency, diversity and cultural sensitivity.

**Surveys:** OATH will set aside staff resources as necessary to conduct periodic surveys of both the LEP persons and OATH staff who use OATH's interpretation and translation services to assess the quality and sufficiency of those services.

**All four factors will be considered.**

OATH will be taking the four U.S. DOJ factors into account on an ongoing basis, as it implements, revises and revamps its Language Access Plan.

## **IV. Implementation Plan Logistics**

**a. The timeline for implementing the OATH Language Access Plan.**

The general timeline for implementing this version of the OATH Language Access Plan is set out below:

The key parts of the initial OATH Language Access Plan that have already been implemented are:

- Interpretation of trials and hearings is available for LEP persons.
  - Interpretation at clerk counters at OATH hearings centers is available for LEP persons who call or visit the hearings divisions with questions.
- Hearing Support Clerks are trained in identifying LEP persons.
  - All informational brochures at all OATH divisions have been translated into the top 6 languages spoken by respondents at the respective divisions and into 7 languages at the Hearings Division (formerly the OATH Health Tribunal).
  - Signs at clerks' desks at reception let LEP persons know that free interpretation at hearings is available.
- Further implementation of OATH's Language Access Plan will be ongoing (see the major milestones set out below).

**b. What are the major milestones in your plan?**

The major milestones in this 2015 version of the OATH Language Access Plan, calculated with a start date of July 1, 2015, include the following:

- **Signs:** Review and document all existing signs in all OATH offices and decide

which signs should be translated and into what format (posted sign; PowerPoint or handout); order translations of the sign texts; wait for completion of translations; prepare proofs of texts of signs; order signs and wait for delivery; install signs.

- *Completion date (rough estimate):* November, 2015.
- **Refresher Training:** Re-train agency staff on City-wide language access policy
  - *Completion date (rough estimate):* January 2016 or when DCAS releases online training program for staff's use.
- **Surveys:** Conduct surveys of both LEP persons and of OATH staff to see if OATH is meeting its Language Access goals. Surveys have already been drafted and created. Next survey period will span one quarter in the second half of 2016.
  - *Completion date (rough estimate):* December 2016

**c. Persons at OATH involved in implementing the Language Access Plan.**

OATH's Language Access Coordinator is Marisa Senigo, Assistant Commissioner for Public Affairs & Communications. She is the person who will be implementing the Language Access Plan.

**Language Access Coordinator:** The responsibilities of the Language Access Coordinator include:

- Achieve the specific goals of the Initial and subsequent LAPs.
- Work on an ongoing basis with the Managing Attorneys and Branch Managers of OATH's divisions to achieve those goals and ensure that the public has access to translated materials and interpretation services.
- Submit an "Annual Report" on the agency's language access efforts and accomplishments to the Mayor's Office of Operations (MOO) and the Mayor's Office of Immigrant Affairs (MOIA).
- Act as the point person for the Mayor's Office on language access evaluation programs, such as Language Access Secret Shopper (LASS) evaluations.
- Act as the point person for the public, for LEP persons and for people with disabilities.
- Work with the Director of the Administrative Judicial Institute (AJI) at OATH, and also with other OATH executive staff as needed, in connection with the implementation of the Language Access Plan.
- Maintain records of the language services provided by OATH including maintaining copies of all translated document submissions, brochures, applications and forms.
- Conduct an annual review of the Language Access Plan.
- Investigate and respond to any direct correspondence or correspondence to

311 in which a constituent files a complaint about OATH's language accessibility or interpretation services.

- Alert the General Counsel's office, and also other OATH executive staff as needed, of any significant problems that come up regarding the Language Access Plan.

## **V. Service Provision Plan.**

### **a. Interpretation services**

#### **1. OATH will continue to provide interpretation both over the phone and at its offices.**

OATH already provides interpretation at hearings and with clerk staff at its divisions.

#### **i. OATH will use one of the vendors approved by the City (DCAS) for telephonic language interpretation service. OATH will use another DCAS approved vendor in the transcription service category as well as another DCAS approved vendor for document translation. OATH will use existing bilingual staff only on a limited basis.**

- OATH's over the phone interpretation service provider is currently Language Line.
- OATH's document translation interpretation service provider is currently Language Line.
- OATH's transcription service provider is currently Geneva, Inc.
- OATH's plan does not include a formal role for bilingual OATH staff.
  - As an independent administrative court, it is important for OATH to maintain its impartiality in the hearing process. By using a third-party independent contractors, OATH ensures that all hearings that require interpretation proceed fairly and are impartial and neutral and that all documents submitted that require translation are translated accurately.

#### **ii. How OATH identifies someone as an LEP person.**

- **Hearing Support Clerks:** All OATH locations have desk top signs, written in sixteen different languages, at its front desks. An LEP person can point to his or her language on the sign. This is one way that clerks will know that someone is an LEP person. In addition, clerks may determine a person needs language assistance by speaking with that person.
- **Hearings:** Clerks sometimes tell the Hearing Officer or Administrative Law Judges (ALJs), before the hearing begins that an interpreter is needed at the hearing. If not, the Hearing Officer or ALJ will know someone is an LEP person because either (i) the person will ask for an interpreter, or (ii) the Hearing Officer or ALJ realizes when talking to the person that he or she is an LEP person.
- If the methods described above still do not help OATH staff find out what language the LEP person speaks, OATH staff will call the interpretation service. The interpreters will help find the correct language.

## **b. Translation of Written Material**

OATH will use a contractor to translate signs and documents as necessary. OATH used Language Line to translate its informational brochures into the top 6 languages spoken at each of its divisions, starting in 2012. With new rules in affect and the formation of the "Hearings Division" new forms and brochures were created. The Hearings Division now has its forms and brochures available in 7 different languages.

### **1. How OATH will identify essential public documents.**

The term "essential public documents" is defined in Executive Order 120 of 2008 as documents which contain or elicit important and necessary information regarding the provision of "basic City services" and that are commonly distributed to the public. OATH's documents do not fall within the literal terms of this definition because OATH does not provide "basic City services" (for example, it does not provide government benefits). Regardless of the words used to describe its documents, OATH does have key documents that will be translated (other documents may also be translated). For example, a sign that says that free translation services are available is a key document that will be translated. A document that gives the public information about their rights, their options and the rules and procedures of OATH's divisions are key documents.

Decisions about which documents will be translated, and in what order, and into what languages, are made by OATH's Language Access Coordinator, in consultation with other OATH executive staff as needed (see Point IV.(c) above). These decisions will include a U.S. DOJ four-factor analysis.

Decisions about which documents will be translated will be made on a document-by-document basis. Different types of translation will be considered for different types of documents. For example, an approach that will be considered in connection with document types will be as follows:

- **Signs:** For posted signs, a universal symbol will be used or the sign will be in English and Spanish. Where the text of a posted sign is informational and of key importance, that text will be available in the six top LEP languages by other means, such as by PowerPoint presentation in waiting areas and/or by translated handouts.
- **Informational documents:** When the text of a key document is translated, it will be translated into the top six or seven LEP languages used by OATH respondents. OATH uses annual data from the previous year to determine which languages it should use in its translations and reviews this usage on an annual basis in order to ensure that OATH is servicing its current LEP populations.
- **Forms:** Forms are documents on which the name (the field name) of each blank area on the form is always the same, but on which one-of-a-kind (unique) information is filled in. Some forms are filled in by OATH staff (such as Orders of Adjournment); and some forms are filled in by persons appearing at OATH (such as Notices of Appearance). OATH has translated all forms for its Hearings Division into the top 7 languages. Even if the

language used on a form is not one of the languages in which a form has been translated, OATH will accept that form and will translate the submission, free of charge to the respondent.

- **Quality Assurance Check:** OATH will do a quality assurance check on forms and the brochures that it has translated to ensure that the translation is accurate. OATH has used volunteers from the City's Language Bank or OATH employees to assist with this process.

## **2. Use of plain language guidelines and standards.**

OATH's goal is to use plain language as much as possible. Before translating a document into another language, OATH continues its practice- started in 2010- of rewriting the document using plain language principles. It is the plain language version of the documents that will become commonplace and will be used as the basis for translated versions.

## **3. Website**

The OATH website has a built-in translation function. The website is written in plain language so that much of the website translations are accurate. An added benefit is that many of OATH's electronic forms are not in PDF format, but rather are webpage-based forms that are processed through the City's 311 electronic routing system. These types of forms that are webpage based can also be translated by pressing the "translate this page" button on the OATH website. Instructions to this effect are provided on [pages containing these forms](#), stating the following:

*Please note that the online form can be translated by using the "Translate This Page" black button on the top of the page. You can submit this form in the language you feel most comfortable using.*

Additionally, OATH has added numerous announcements on various locations of its website that alert respondents that documents can be submitted in the language of their choice. For example, on the [Forms](#) section of the OATH Hearings Division website the page states the following:

### ***Translation Services***

*If you feel more comfortable writing your responses on these forms in a language other than English, please do so. Your responses can be written on these forms in the language of your choice. The OATH Hearings Division will have all applications and forms translated into English, free of charge.*

## **c. Signage at Public Hearings Centers**

OATH currently has 12 public locations across its four divisions.

### **1. Public notices about OATH's free language assistance.**

OATH has already installed desk top signs at its reception and check-in window. These signs inform the public that OATH provides free interpretation services.

### **2. Translation of directional signage in OATH offices**

OATH will be translating directional signs. See Point V(b)(1) above.

**d. Letting the public know about services offered for LEP persons**

OATH will continue to let the public know about services offered for LEP persons in the following ways:

- The OATH Language Access Plan will be posted online.
- OATH has signs at its reception in-take desks that are written in sixteen different languages which state that OATH provides free interpretation services.
- OATH Hearing Support Clerks assist in finding out if someone is an LEP person, and then let them know that interpretation is available, and arranges for a hearing with an interpreter.
- Informational materials and brochures state that free translation services are available at OATH's divisions.
- The OATH websites have numerous references to the agency's free interpretation services.

**VI. Training**

**a. Training on OATH's Language Access Plan.**

Training on OATH's Language Access Plan will include the following:

- OATH staff who have regular contact with LEP persons receive training on OATH's Language Access Plan. This staff includes OATH hearing officers, Administrative Law Judges and Hearing Support Clerks. The training will be on-the-job training, training by Memo, online training or classroom training, as needed.
- Language Access Plan information will be incorporated into new employee orientation.
- Language Access Plan training will include information on the following topics:
  - OATH's legal obligation to provide language assistance.
  - A review of when OATH provides language assistance.
  - A review of their role in providing language assistance.
  - Tips on working with interpreters.
  - Who to contact at OATH if they have questions about language access issues.
- The Language Access Coordinator will meet with managers to explain the Language Access Plan and to explain their roles in implementing the plan and in training staff.

**b. Training on identifying a person's primary language: use of dual hand-set phones and conference phones for interpretation.**

Use of dual-handset phones and conference phones:

- Hearing officers and Administrative Law Judges and Hearing Support Clerks have received on-the-job training in using phone interpretation services and conference phones.

- New staff in these positions will also continue to receive this training upon their arrival at OATH.
- The calendaring unit staff at the OATH Trials Division is experienced in identifying LEP persons and in getting interpreters for them. Administrative Law Judges at the OATH Trials Division have already received on-the-job training in using phone translation services. Newly hired ALJs at the OATH Trials Division will also continue to receive this training upon their arrival at OATH.

**c. Cultural competency training**

Cultural competency training is training to increase awareness about and sensitivity to diversity and cultural differences.

- OATH's Administrative Judicial Training Institute provides cultural competency training to hearing officers and Administrative Law Judges and customer service staff.

## **VII. Record Keeping and Evaluation**

**a. Ensuring quality of language access services.**

OATH will ensure the quality of its language access services by doing the following:

- OATH will conduct periodic surveys of the LEP persons and of OATH staff who use OATH's interpretation and translation services to determine quality of language access services.
- OATH will continue to use professional third-party interpreters for its interpretation services at hearings and for clerk office interactions with LEP persons, and also for translation of documents.

**b. Maintaining records of the language services OATH provides.**

OATH will maintain records of the language services it provides by doing the following:

- Obtaining statistics from the interpretation provider that indicate how many interpretations were done at each OATH location and what languages were interpreted.
- Keeping file copies of all translated documents.
- Documenting any formal classroom training provided and keeping file copies of training materials.
- Keeping copies of the results of any surveys it conducts in connection with services provided to LEP persons.

**c. Ensuring compliance with the Executive Order.**

OATH will ensure compliance with Executive Order 120 of 2008 in the following

ways:

- Hearing Officers, ALJs and Hearing Support Clerks will be trained in the use of language assistance services.
- OATH will get monthly reports from the interpretation contractor, and from OATH staff, to ensure that interpretation services are being used, and understand how they are being used.
- The Language Access Coordinator will regularly communicate and work with OATH staff to ensure they are implementing the Language Access Plan.
- The OATH Language Access Coordinator will work with other OATH executive staff as needed, to continue deciding issues relevant to compliance- including deciding which newly created documents should be translated and in what order and into which languages.
- OATH will review the Language Access Plan at least once every year.

## **VIII. Resource Analysis and Planning**

### **a. Using current agency resources to implement the Language Access Plan.**

Some parts of the initial OATH Language Access Plan could be afforded in its budget as one-time costs. These were placed in our budget for Fiscal Year 2009 and Fiscal Year 2010:

- o Signage.
- o Purchase of dual-handset phones, conference phones, or equivalent technology.
- o Training of current clerks in the use of dual-handset phones and use of interpretation services.
- o Re-writing of document(s) into plain language
- o Translation of document(s) into LEP languages.
- o Preparation of a PowerPoint presentation.
- o Providing on-line translation capability for all website page views.

Other parts of the OATH Language Access Plan, such as interpretation at hearings, involve ongoing costs which OATH includes in its budget annually.

#### **1. Using existing contracts for services or training.**

The current telephonic interpretation requirements contract will be used for interpretation services, data retrieval, and possibly for some staff training.

#### **2. Use of a volunteer language bank.**

OATH does not intend to use a volunteer language bank at this time due to the nature of the service (*impartial* administrative hearings) the agency provides to the public. It will use the volunteer language bank to check document translations of important outreach materials when those translations are made by a third party vendor under contract with OATH.

**b. Use of citywide resources.**

When possible, OATH will use citywide resources to help provide language access services at OATH. To learn about citywide resources (such as pre-printed language cards), OATH's Language Access Coordinator will be in contact with the Mayor's Office of Operations. That Office, as is directed by Executive Order 120 of 2008, helps City agencies to get language services to the public and gives technical assistance to City agencies in providing language services.

**CONTACT US**

**Contact OATH's Language Access Coordinator:**

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