



**MEMO TO:** Limited English Speakers

**FROM:** Anita Fitzpatrick, Commissioner of Personnel

**DATE:** July 8, 2014

**SUBJECT:** Language Access for Individuals with Limited English Proficiency

## **PART 1 - INTRODUCTION**

Pursuant to Title VI of the Civil Rights Act and Executive Order 13166, this Language Access Plan will set forth the actions that Tompkins County Personnel will take to ensure that individuals with limited English proficiency (LEP) have meaningful access to Tompkins County Personnel's services, programs and activities. In developing this plan, we understand that LEP individuals are persons who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English. We will reassess language translation and interpretation needs periodically as necessary.

The Personnel Department has responsibility for recruitment for all County departments, as well as the various towns, villages, school districts and special districts under our jurisdiction. We are also mandated by law to administer civil service tests, manage the resulting eligible lists and ensure compliance with the New York State Civil Service law and our local Rules. We have a commitment to providing access to this information the greatest extent possible. With the exception of select parenthetical titles in specific geographical areas, New York State Civil Service does not provide interpretation services as an accommodation for the civil service testing process.

## **PART 2 – ASSESSING LEP POPULATION LANGUAGE NEEDS**

As a general rule, anyone interested in employment with Tompkins County government, or any of the agencies under our jurisdiction, and who resides within Tompkins County or one of the six contiguous counties, is within our service area. To date, the frequency of Tompkins County Personnel's contact with LEP individuals has been infrequent, but we are prepared to offer LEP individuals free interpretation services as needed..

## **PART 3 – PUBLIC OUTREACH AND NOTICE OF AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES**

Tompkins County Personnel informs LEP individuals about their right to free language assistance services through this document posted on our website, by LEP individuals being informed directly by staff and by providing brochures or flyers about language assistance services in public areas of the department.

## **PART 4 – PROVISION OF LANGUAGE ASSISTANCE SERVICES**

We use “I Speak” posters or visual aides to determine the language spoken.

We access Cornell University’s Translator and Interpreter Program (TIP) to locate a suitable individual to interpret or translate; by telephone, in person or in writing.

As an alternative, we also have access to telephonic oral interpretation services.

We also have Spanish speaking bi-lingual individuals on staff in other departments who are sometimes an option.

We will record and maintain documentation of each LEP individual’s language assistance needs.

### **Notification of Free Interpretation Services**

Through this document, through TIP translators/interpreters and through our telephonic interpretation service, all LEP individuals are informed that they do not need to provide their own interpreters and that free interpreting services will be provided upon request. We discourage the use of family members, friends or other persons as interpreters or translators. An LEP individual may only use a family member, friend or other person as an interpreter if emergency situation exists and if he or she completes a written consent/waiver and HIPAA form (if necessary). LEP individuals are notified that in no instance will a minor child under the age of 18 years of age be used as an interpreter.

### **Protocol for obtaining interpreter services in a timely manner**

Once aware than an individual needs language assistance, Personnel staff take action to provide translation services through TIP, telephonic translation services or through bilingual colleagues.

### **Competency of translators/interpreters**

Cornell University provides no guarantee of the accuracy of their free TIP services. When utilizing telephonic interpretation services through a for-profit third party provider, that vendor will implement appropriate quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent.

### **Confidentiality**

All Tompkins County Personnel staff are considered “confidential” employees and receive training on the importance of confidentiality in all of our dealings with the public. TIP and telephonic interpreters will enforce standards of confidentiality in accordance with NYS law.

## **Translation of written documents**

The following have been identified as vital documents:

Online Application Instructions

The Online Application form

Examination Announcements

Vacancy Notices

Civil Service Rules for Tompkins County

Any other document determined vital to being able to access services.

Currently, there is no data that shows that any language in Tompkins County reaches the “significantly sufficient” threshold (5% of the general population or 5,000 persons) for requiring translation of vital documents.

## **PART 5 – STAFF TRAINING**

The Commissioner of Personnel, who is the Affirmative Action Officer for Tompkins County, has the legal obligation to provide training to Personnel staff in regard to language access issues. This staff training will encompass:

- The legal obligation to provide meaningful access to benefits and services to LEP individuals
- How to access language assistance services
- How to work with interpreters
- Cultural competence and cultural sensitivity

Current employees with public contact will have an initial training and will be provided refresher training on an as-needed basis. New employees will receive handouts and/or training on LEP as part of their orientation to the department. They will be trained on how to obtain telephonic or face-to-face translation/interpretation services through agencies that we work with. They will be taught how to obtain written translation services. They will learn how to document the language needs of LEP individuals and document the language and services provided to the LEP individual by the Personnel Department.

## **PART 6 – ADMINISTRATION**

### **Monitoring**

As the Affirmative Action Officer for the County, the Commissioner of Personnel will verify on an annual basis that the plan is being followed. This will include verifying that information on accessing language services is available online, in the office, and ensuring that staff participates in appropriate training.

### **Complaints**

We provide information to the public, including LEP individuals, in the language regularly encountered in our service area. LEP individuals are advised of their right to file a complaint if they feel that they have been the subject of discrimination. The information that we provide describes how and/or where to file a complaint. We do not retaliate or take other adverse action because an individual has filed a complaint alleging discrimination based on LEP status or needs.

## **Tompkins County Discrimination Complaint Procedure**

Tompkins County is an Equal Opportunity Employer with an Affirmative Action Plan adopted by the Tompkins County Board of Representatives in 1985. Each department head has a copy of the Affirmative Action Plan, which you may review. A copy of the Plan may also be reviewed at the office of the Affirmative Action Officer.

It is the policy of Tompkins County to maintain a work environment free of unlawful discrimination for all employees. Discrimination is defined as unequal or disparate treatment because of race, color, creed, national origin, sex, gender identity (local law only), sexual orientation, religion, age, disability, marital status, military status, arrest record, prior conviction record, and predisposing genetic characteristics.

Unequal treatment for any of the above reasons is a violation of the policies of the Tompkins County Legislature. This applies to the conduct of a supervisor toward a subordinate, OR the conduct of one employee toward another employee, OR the conduct of an employee toward an employment applicant, OR the conduct of a non-employee toward one of our employees while conducting County business.

If you have any questions concerning this policy, or if you wish to file a complaint of discrimination, you should contact the County Affirmative Action Officer (607-274-5526) or the Tompkins County Workforce Diversity and Inclusion Committee, in care of the Tompkins County Legislature, which will facilitate contact with the Affirmative Action Officer and access to the procedures; or you may contact the Tompkins County Office of Human Rights (607-277-4080) or the New York State Division of Human Rights, 44 Hawley Street, Room 603, Binghamton, NY 13901 (607) 721-8467. You may also contact the EEOC at 1-800-669-4000 or 1-800-669-6820 (TTY) or email to [info@eeoc.gov](mailto:info@eeoc.gov) to report alleged unlawful discrimination. Additional information can be found at: <http://www.eeoc.gov/contact/>.

Allegations of discrimination will be investigated immediately and thoroughly. The facts will determine the response to each allegation. Substantiated acts of discrimination will be met with appropriate corrective action, up to and including discharge and the victim of discrimination may be entitled to restitution. All information gathered in the disposition of each allegation will be handled in a confidential manner. Retaliation made against any person making a complaint of discrimination is both expressly forbidden and illegal.



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Anita Fitzpatrick, Commissioner of Personnel  
Affirmative Action Officer for Tompkins County

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07/08/14

Date