

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON IMMIGRATION

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May 7, 2009
Start: 1:23pm
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HELD AT: Hearing Room
 250 Broadway, 14th Floor

B E F O R E:

KENDALL STEWART
Chairperson

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CHAIRPERSON STEWART: Good

afternoon. I am Dr. Kendall Stewart. And, I am the Chair of the City Council's Committee on Immigration. I would like to thank everyone for coming here today on this hearing on Executive Order 120.

On July 22nd, 2008, Mayor Bloomberg signed Executive Order 120, which established a uniform policy and standards for translation and interpretation services for City agencies that have direct interaction with New Yorkers. Nine months have passed since the signing of the Executive Order and we look forward to hearing about the progress that has been made by the Mayor's Office of Immigrant Affairs and the Mayor's Office of Operations in their administration of the Executive Order, as well as the status of those agencies required to create language access.

If Executive Order is properly executed, this Executive Order will help millions of New Yorkers access City services and information. The Committee on Immigration would like to be a part of this process and provide our

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2 assistance in any way that we possibly can. The
3 Committee looks forward to hearing testimony for
4 the Mayor's Office of Immigrant Affairs and the
5 Mayor's Office of Operations. We're also anxious
6 to hear from the community-based organizations and
7 members of the public that are here with us today.

8 I would like to thank everyone for
9 attending today's hearing. Unless any of my
10 colleagues, which haven't arrived yet, but, I can
11 tell you that sitting with me is our counsel to
12 the Committee, Julene Beckford and also, Israel
13 Rodriguez, the Policy Analyst.

14 We'd like to call on Guillermo
15 Linares, our friend, Commissioner from Office of
16 Immigrant Affairs and also, Elizabeth Weinstein
17 from Mayor's Office of Operations. Remember I
18 said friend, huh. I just want you to keep that in
19 mind. What you can do, sir, is first, introduce
20 yourself and then, we, you know, want to hear from
21 you.

22 GUILLERMO LINARES: Good afternoon
23 Chairman Stewart, members of the Immigration
24 Committee and City Council. My name is
25 Dr. Guillermo Linares and I am Commissioner of the

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2 Mayor's Office of Immigrant Affairs. I would like
3 to thank you for giving us the opportunity to come
4 before you today to discuss my office's work in
5 addressing the needs of limited English proficient
6 New Yorkers and assisting City agencies with
7 building their capacity to serve this diverse
8 population. These efforts helped lay the
9 groundwork for the creation and implementation of
10 Executive Order 120.

11 I want to start off this testimony
12 by sharing my personal experience overcoming
13 language barriers. When I came to New York City
14 as a young teenager, I barely spoke a word of
15 English. Everyday tasks and communications were
16 challenging, so I can attest unequivocally that
17 life in the United States without the ability to
18 speak English is very difficult. So I worked very
19 hard to learn English, and in fact, became a
20 teacher and a Council Member, it's good to be
21 back, earned my doctorate in education, and today,
22 I proudly serve our City's diverse immigrant
23 communities through my role as Commissioner of
24 Immigrant Affairs.

25 My story is similar to the

generations of immigrants who came and continue to come to New York City in search of a better life. During the process of integration into the new home, which includes learning English, they strengthen our communities and neighborhoods both economically and socially. We continue to benefit from the contributions of immigrants, so by helping limited English proficient immigrants communicate with government, we are in turn helping our City as a whole.

With the passage of Executive Order 120, we make it possible for our newest immigrants to access social services, report crimes or talk about their children's education with their teachers, among other essential activities.

I want to take this opportunity to highlight what we all know so well about our City's diverse population, that over 50% of New Yorkers speak a language other than English at home. And this population is incredibly multilingual, speaking over 200 languages across our City. Immigrants and their children make up over 60% of the population of New York City, and a quarter of New Yorkers, that is 1.8 million

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2 people, speak English less than very well, which,
3 according to the U.S. Census, classifies them as
4 limited English proficient, or LEP. It is within
5 this context that the Mayor identify the
6 importance of providing language access so that
7 LEP New Yorkers could access the City services to
8 which they are entitled.

9 Second, I will share with you the
10 role of the Mayor's Office of Immigrant Affairs.
11 In 2001, New York City voters passed a referendum
12 establishing permanently the Office of Immigrant
13 Affairs within the Mayor's Office. Building on
14 its Charter mandate, the Mayor's Office of
15 Immigrant Affairs promotes the wellbeing of
16 immigrant communities by recommending policies and
17 programs that help facilitate successful
18 integration of immigrant New Yorkers. The Office
19 core mission is to promote the full and active
20 participation of immigrants in the civic, social
21 and economic life of New York City.

22 We rely on, and actively seek,
23 input from immigrant communities and organizations
24 serving immigrants to help determine the Office's
25 priorities each year. With this in mind, the

Office of Immigrant Affairs hosted a large-scale community strategic planning meeting in 2005. We called together leaders from the City's immigrant communities, representatives from agencies and nonprofit service providers, educators and policy experts. This diverse group came to a consensus that language barriers were creating obstacles for LEP New Yorkers across almost all immigrant groups. The voices of leaders and community representative clearly articulated the pressing need to expand and augment language assistance services throughout the City.

New Yorkers speak over 200 languages, demonstrating the strength of our diversity. But it also represents a challenge. My office embraced this challenge and made language access a priority over the next few years.

First, we researched national best practices in the provision of language access services to share with agencies. We also looked internally and recognized the strength of our own agencies. Some agencies were already leaders in this field, and others were in the process of

1
2 developing robust language access policies and
3 programs, thanks in part to the passage and
4 implementation of Local Law 73. To capitalize on
5 this wealth of knowledge, we launched the
6 Interagency Task Force on Language Access in
7 September 2005. This gave agencies the
8 opportunity to share language access best
9 practices and exchange ideas for improving service
10 provision. We created workshops on various aspect
11 of language assistance services, which included
12 guest speakers from other state and local
13 government that had been successful in
14 implementing language access policies and
15 programs. But most of our meetings feature
16 examples of elements of successful language access
17 practices in City agencies.

18 In 2007, our language access work
19 was strengthened and augmented when the Center for
20 Economic Opportunity, the poverty-alleviation
21 initiative created under the leadership of Mayor
22 Bloomberg and Deputy Mayor Gibbs, funded the
23 City's first Director of Language Access position.
24 The Center recognized the significant link between
25 English proficiency and economic status.

1
2 According to City Planning data, as an
3 individual's level of proficiency decreased, his
4 or her rate of poverty increased. With the
5 creation of the Director of Language Access
6 position, a dedicated staff member could now
7 provide language access technical assistance to
8 CEO initiative and other agencies and programs
9 serving low-income individuals and families.

10 We continue to use the Task Force
11 as a venue for sharing and disseminating
12 information and strategies that we collected as we
13 worked one-on-one with agencies more aggressively.
14 Thanks to the Task Force and our technical
15 assistance role, we achieved several important
16 successes. We learned that there was a wide
17 discrepancy in what agencies were paying for
18 vendors to provide translation and interpretation
19 services.

20 Some agencies had negotiated
21 affordable prices, while others were paying as
22 much as three times as much as the lowest rates.
23 We surveyed the agencies to determine their needs
24 and shared this information with the Department of
25 Information Technology and Telecommunications, who

1
2 then negotiated a consortium contract with the
3 language services vendors, Language Line, allowing
4 all Mayoral agencies to sign onto the contract at
5 the same low rates.

6 Several agencies also created
7 language access policies and implementation plans
8 as a result of the Task Force meetings. Others
9 adopted the use of language identification cards
10 and multilingual signage offering free
11 interpretation services. Some created agency
12 volunteer language banks.

13 It became evident, over the course
14 of this work, that agencies would benefit from
15 guidance and Citywide standards to ensure that
16 their language assistance services were consistent
17 across the City and were of quality. We started
18 investigating the benefits of a Citywide language
19 access policy, using existing language access
20 policies as a basis, but taking the unique aspect
21 of New York City's population into account, as the
22 largest city serving the most linguistically
23 diverse population in the country. Under the
24 direction of Deputy Mayor Robles-Roman, we
25 partnered with the Mayor's Office of Operations,

Legislative Affairs, and the Mayor's Counsel to lay out the blueprint for what would become Executive Order 120.

The Mayor's signing of Executive Order 120 in July 22nd, 2008 represents the culmination of many years of work by the Mayor's Office and City agencies. It also represents the work of many dedicated people in the advocacy community who also provided invaluable feedback over the years. But the Executive Order is also a starting point. It has given us the opportunity and mandate to tackle language access challenges from a Citywide perspective.

My office has been working closely with the Mayor's Office of Operations, the office charged with overseeing implementation, to provide technical assistance and guidance to all City agencies charged with providing language access. Since the Mayor signed the Executive Order, we have achieved many successes.

The Mayor's Office of Immigrant Affairs is committed to continue to support the outstanding work of the Mayor's Office of Operation on the implementation of Executive Order

120.

We will now turn over the floor to Elizabeth Weinstein, from the Mayor's Office of Operations, who will share with you the work of our offices since the Mayor signed the Executive Order 120. I thank you again for allowing me the opportunity to appear before you today, and to provide you with an overview of the history of my office work on language access. I welcome any questions you may have at the conclusion of Ms. Weinstein testimony.

ELIZABETH WEINSTEIN: Good afternoon, Chairman Stewart, members of the Committee and Council. As Commissioner Linares said, my name is Liz Weinstein. And, I'm the Director of the Customer Service Group at the Mayor's Office of Operations. Thank you for the opportunity to come here today to discuss language access and the implementation of Executive Order 120.

The Customer Service Group at the Mayor's Office of Operations was created by Mayor Bloomberg through Executive Order 115. We are charged with improving the experience for New York

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2 City customers across City agencies and across
3 customer service channels. We work with all City
4 agencies to improve the way customers experience
5 our city, whether they interact with us at walk-in
6 centers, over the telephone, through
7 correspondence or on the web.

8 Given the statistics that
9 Commissioner Linares mentioned about the number of
10 LEP New Yorkers, it is fitting that the Customer
11 Service Group is implementing the City's language
12 access strategy. One cannot seriously contemplate
13 customer service in New York without a focus on
14 improving language access. As you know, Executive
15 Order 120 included two specific mandates for
16 agencies as well as a description of the
17 components that agencies should include in a
18 comprehensive language access plan.

19 The first mandate articulated in
20 the Executive Order was that every agency needed
21 to assign a language access coordinator by
22 September 5th, 2008. This coordinator is an
23 existing staff member at the agency who serves as
24 the primary contact between the agency and the
25 Mayor's Office on language access issues. I'm

happy to say that all agencies assigned a coordinator on time.

The second mandate was to submit a language access implementation plan to Operations on January 1st of this year. As agencies worked on their plans from September to January, the Mayor's Office met individually with all of the participating agencies and held multiple group meetings with our language access coordinators. Our role during this period was to offer guidance on how exactly a language access plan should be created.

Using the content of the Executive Order, as well as leading practices across the City and the country, we created an outline of what a comprehensive language access plan should look like. We also developed a model plan which agencies could use to get a sense of how a completed plan comes together. The model plan included key sections that we felt would provide important information to any New Yorker who might read the plan online, whether they were versed in language access issues or not.

In addition, the sections of the

1
2 plan would compel an agency to think through how
3 and why they were providing services for LEP
4 customers. For example, each agency had to
5 analyze their customer base and their language
6 access protocols based on the Department of
7 Justice's four-factor analysis which includes the
8 following points. Factor one asks agencies to
9 look at the number or proportion of LEP persons
10 served or encountered in the eligible service
11 area. Factor two asks them to consider the
12 frequency with which LEP individuals come in
13 contact with the program or agency or division.
14 And, factor three asks agencies to consider the
15 nature and importance of the program, activity, or
16 service provided by the program. And, the fourth
17 factor is to look at the resources available to
18 your agency.

19 We knew that rollout strategies
20 would, and could, vary from agency to agency; for
21 example, an agency that is dependent on forms and
22 applications for customer interaction may focus on
23 translation before it tackles interpretation
24 services. But each agency had to explain why they
25 were choosing their course of action and justify

those choices using the same analysis. Other sections of the plan included training, record keeping and evaluation.

While it is clearly essential for agencies to outline in their plans the interpretation and translation services they will provide, a simple list of vendors or forms to be translated would not do enough to ensure access for LEPs at a City agency. Equally important is that staff is trained on how to interact with LEP clients, and how to connect customers to language services. In addition, without a way to keep track of interactions and provided services, an agency could not evaluate the quality of their plans.

Perhaps the most challenging section of the plans for agencies was creating a timeline of major milestones that the agency would commit to meeting. Most plans contain specific goals that the agencies will meet over time. Examples of these milestones include dates or timeframes by which an agency will provide training for frontline staff on agency language access protocols; or when an agency will create a

task-order to become part of an interpretation contract; or the date by which they will install translated signage and notices of free interpretation in service centers.

Many of our agencies had never written a language access plan before and none had created one as comprehensive as what we demanded. I am proud to say that all agencies offering direct public service have submitted a plan to our office.

Our work has continued in earnest since January 1st. To ensure that the plans we received were consistent and of high quality, Operations and Immigrant Affairs created a checklist of plan requirements that all agencies had to meet. The checklist included the major requirements mentioned in the template, including; language access goals, timelines and milestones, interpretation services, translation services, training, record keeping and evaluation and outreach.

While we've been offering guidance and working to hold agencies accountable, the Mayor's Office has also spent the last few months

1
2 creating tools and resources to make it easier for
3 agencies to do their jobs. We created, printed
4 and distributed to agencies a language
5 identification card, which lists the top twenty-
6 two LEP languages in New York City. This card can
7 be printed in a variety of sizes and used at
8 agency walk-in facilities. In its smaller size,
9 the standard 8.5 x 11, it can be used by an
10 employee at a customer window or reception desk
11 who is attempting to assess a customer's primary
12 language. The customer simply points to their
13 language on the card. When printed larger, it can
14 be used as a sign in a waiting-room, so customers
15 know that free interpretation is available and
16 feel comfortable entering the facility. We have
17 also heard from some agencies that they are
18 shrinking the card to fit into book or pocket-
19 sized materials that their field workers can use
20 to identify the language of customers they
21 interact with around the City.

22 We also created and distributed 'I
23 speak cards.' These cards are circulated by
24 agency staff to a customer, once their primary
25 language has been identified. Many agency

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2 customers are repeat visitors, and this card
3 allows the customer to save time upon their next
4 visit, when they can simply present the card to
5 the customer service agent, and the employee can
6 engage the appropriate services. Once all of our
7 agencies are offering interpretation services, it
8 is our hope that this card could be used across
9 agencies by one customer.

10 While we encourage agencies to
11 translate as many documents as possible, we know
12 that it will take some time to get to everything.
13 To ensure that we provide as much information as
14 possible in the meantime, we created a cover sheet
15 that can be sent or distributed with any agency
16 document. The cover sheets states, in the top six
17 languages, that the customer has a right to free
18 translation of the documents they are receiving
19 and provides the necessary information for
20 obtaining a translation of the document. Agencies
21 received the language ID card and signage, the I
22 Speak cards and the cover sheet template in
23 November, and we are continually fielding requests
24 for more copies.

25 The Mayor's Office is also

spearheading longer term Citywide initiatives to enhance the delivery of language access while making it easier for agencies to implement their plans. These projects include a testing and training program for bilingual employees and language bank volunteers; the creation of Citywide glossaries of translated terms; the creation of a multilingual web portal on nyc.gov; and training curriculums for front-line staff. As you can see, there's still a lot of work to be done.

Today, almost every agency's language access plan is available on both the agency's website and the Mayor's Office site. We are the only city in the country with this level of specific commitment to language access planning. However, the public awareness of these plans is only one piece of a multipronged strategy for holding agencies accountable for their plans.

In addition to making the plans public, Operations has at least two other methods for following the progress of agencies as they implement their plans. First, each agency receives from us a quarterly milestone update at the end of each quarter. This report lays out all

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2 of the milestones that an agency anticipated
3 completing for the relevant quarter. Upon
4 receipt, agencies are asked to tell us if the
5 milestone has indeed been completed, and if not,
6 what percentage of it is complete and the
7 anticipated completion date, as well as an
8 explanation about why it is late. In this way, we
9 are frequently apprised of the movement agencies
10 are making in satisfying the commitments they made
11 in their plans.

12 Second, Operations partnered with
13 agencies to create a set of new customer service-
14 related indicators. Beginning this summer,
15 agencies will report through nyc.gov's NYCSTAT
16 page how they are doing in various service areas
17 including call centers, walk-in centers,
18 correspondence, customer satisfaction and language
19 access. While these indicators are fairly basic,
20 they represent an unprecedented effort to actually
21 measure the way we provide services to our
22 customers.

23 We will also continue to meet
24 quarterly with language access coordinators from
25 all agencies to ensure that we are sharing

practices, taking advantage of economies of scale, and providing the support that our agencies need to turn the goals they created in their plans into reality.

Through the other work of the customer service group, language access resources were also enhanced, proving the benefit of combining language access with the larger customer service efforts. Over the past few months, the top six languages have been included in an agency welcome sign pilot program, and cultural sensitivity will be part of a new comprehensive customer service training made available to frontline staff and supervisors across agencies. In addition, during a secret shopper program completed last summer of agency walk-in facilities, shoppers evaluated language access as one of five key customer service themes, giving agencies feedback and scores on specific encounters and observations at their service centers.

Executive Order 120 has lit a fire under our public-facing departments to start thinking about every person who needs or desires

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2 services from them, as a customer, no matter what
3 language they speak or read. I'm proud to say
4 that by the end of 2009, all 37 agencies will
5 provide some interpretation services and make
6 translated documents available. Thanks to Mayor
7 Bloomberg signing Executive Order 120, we will be
8 much closer to providing full and equal services
9 to all New Yorkers than we are today.

10 Thank you for listening and we
11 would be happy to answer any of your questions.

12 CHAIRPERSON STEWART: Now, we have
13 quite a lot of questions. And, I hope that we can
14 get some resolutions on these questions. First
15 question I have here is agencies covered under the
16 Executive Order are required to provide services
17 based on at least the top six LEP languages spoken
18 by New Yorkers. Can you tell us what those top
19 six languages that you're using?

20 GUILLERMO LINARES: First of all,
21 the way we selected the languages was base on the
22 survey that the American Survey that gets done
23 that basically identifies the language that are
24 most spoken by New Yorkers. And, they include
25 Spanish, Russian, Korean, Chinese, Italian,

Haitian Creole, I think. Those are the top six languages.

CHAIRPERSON STEWART: All right. And, you said that was determined by the fact that you did a survey. That's how you determine those are the top six that you're going to be using.

GUILLERMO LINARES: That is correct. And, when you add the languages, those top six languages, they round out to about 80% of New Yorkers that are limited in English. So, that rounds out the bulk of LEP New Yorkers.

ELIZABETH WEINSTEIN: If I could just, just to clarify. We use the American Communities Survey, which is based on the census data. So, it wasn't a survey that the City did. It was census data that determined the top six.

CHAIRPERSON STEWART: Oh, the census data.

ELIZABETH WEINSTEIN: Yeah.

CHAIRPERSON STEWART: All right. I'm concerned about those other languages that are being spoken in specific areas that may not be of the top. But, in specific areas that the majority of folks in that particular area may speak that

particular language.

GUILLERMO LINARES: The way we're approaching those who are limited in English as they are served by the respective agencies, we allow, under the Executive Order, flexibility for those agencies to assess the populations that they're servicing. And, that assessment determines the languages. They are not necessarily the top six languages that we mentioned to you. But, that flexibility is there. As you know, that when you go to different parts of our City, you have diversity within those languages. And, what is important for us is to make sure that each agency has the flexibility to be able to tailor their intervention of serving those languages, based on that assessment that they have of who they are serving.

CHAIRPERSON STEWART: All right. From what time are agencies to be held accountable for their work regarding Executive Order 120?

ELIZABETH WEINSTEIN: Each agency has set up--

CHAIRPERSON STEWART: [Interposing] Is it from January 2009, you know, the date that

1
2 implementation were to be done in the Mayor's
3 Office?

4 ELIZABETH WEINSTEIN: The
5 implementation depends on each agency's plan. So,
6 we gave each agency the flexibility to decide when
7 they would implement the different parts of their
8 plan with the caveat that as plans came in and we
9 were evaluating them against this checklist that I
10 mentioned, if something seemed that it would take
11 too long or it was unreasonable or there wasn't a
12 good reason for having it take a certain amount of
13 time, we would go back to them and question it.
14 But, the good news is that every agency said they
15 would offer interpretation and some translation by
16 the end of this year. So, those milestones that
17 are on their plans online or that have been
18 featured in our milestone reports are what we're
19 holding them accountable to. What they committed
20 to is what we're holding them accountable to.

21 CHAIRPERSON STEWART: So, they
22 committed that by the end of this year, it should
23 be done.

24 ELIZABETH WEINSTEIN: Not
25 everything.

CHAIRPERSON STEWART: Um, hm.

ELIZABETH WEINSTEIN: But, some interpretation and some translation. But, for many of our agencies, they are hoping to do a lot more than the basics. And, those things will take more time.

CHAIRPERSON STEWART: Have any of the agencies encountered any problem in their efforts to complete attainable implementation of the plans and goals? They give you any reason why you think that they may not be able to meet their goals?

ELIZABETH WEINSTEIN: I think it's probably too early to say. But, not at the moment.

CHAIRPERSON STEWART: Do you review languages access implementation plans prior to posting them publicly and specifically?

ELIZABETH WEINSTEIN: Yes. We--

CHAIRPERSON STEWART: [Interposing]
Who approves or disapproves of the language access plan?

ELIZABETH WEINSTEIN: So, the Mayor's Office of Immigrant Affairs and the

1
2 Mayor's Office of Operations reviewed each plan
3 multiple times and the process that took us from
4 January 1st until April 1st was a process where we
5 were evaluating those plans based on a strict set
6 of criteria that were consistent across agencies.
7 So, it was the Mayor's Office evaluating. And,
8 yes, every plan has been evaluated before it went
9 online.

10 CHAIRPERSON STEWART: So, you have
11 specific people to handle that instead of letting
12 it go out by these agencies by themselves, right.
13 All right. So, will the agencies be penalized for
14 failing to comply with Executive Order 120? And,
15 how? Do you have any-- how would you deal with it
16 if they did not comply?

17 GUILLERMO LINARES: Well, when the
18 Mayor signs an Executive Order, we'd set in place
19 expectations. The best measure that we have to
20 really hold agencies accountable is the management
21 report that, whereby not only the Mayor presents
22 it, but also it is open to the public. And,
23 clearly, the Office of Operations oversee the
24 process. And, believe me, that when there are
25 expectations that we have and when at stake is

1
2 facilitating access to information and services,
3 that is a very high priority with the Mayor and
4 with the Administration. And, both our agencies
5 will see when something is not being addressed, we
6 would proceed to make sure that those elements are
7 addressed.

8 I will tell you from what has taken
9 place so far, which is quite challenging, having
10 agencies across the board that have direct access
11 and contact with New Yorkers, they have, within
12 the timeframe, provided and fulfill the
13 expectations that we had. And, there's been
14 communications on an ongoing basis, whenever it
15 was necessary. And, it was not from us to them.
16 It was from them to us, very often, whenever there
17 was a question or they needed a clarification in
18 terms of what was expected. So, I can tell you
19 that from our experience, even prior to this
20 Executive Order, with a high number of agencies
21 volunteering to engage in providing this type of
22 service in the past - - work that we had, this is
23 something that we don't anticipate that to be a
24 problem whatsoever.

25 CHAIRPERSON STEWART: Oh, I failed

1
2 to mention that we have been joined by Council
3 Member Mathieu Eugene and also Darlene Mealy and
4 Dave Weprin, who had other engagements. But, I
5 want to continue in the line of questioning that
6 we had here. Who in these agencies would be
7 trained - - to be trained in the language access
8 plan? And, how often they will be trained?

9 ELIZABETH WEINSTEIN: Each agency
10 lays out their training protocols in their
11 language access plan. But, generally, there's two
12 levels, at least, of training. One was with
13 executive staff and all members of an agency staff
14 knowing that the plan now exists and that there's
15 certain protocols and procedures at an agency.
16 And the second layer is for frontline workers and
17 their supervisors who are the ones who are
18 actually the interaction with potential LEP
19 clients. And, they will be trained.

20 And, training was a key part of
21 what we were looking for in the evaluation process
22 that you mentioned before. In addition to that,
23 the Mayor's Office is creating training curriculum
24 so that we know that our agencies actually have
25 the materials they need so they're not making it

up as they go along. We're taking the best training that's out there and making it possible for everybody to use it.

CHAIRPERSON STEWART: So then, how often will agencies update their language access plan?

ELIZABETH WEINSTEIN: That was something that we asked for. And, I believe, I don't think-- it's at least annually I believe across the agencies; but, some are more frequent. There're certain triggers that will-- there's certain facts that will trigger an agency to update their plan. For example, if they add milestones or goals that they want to do now that they've started implementing language access or if City Planning data changes with the next census. So, agencies know they have to revisit their plans every so often.

CHAIRPERSON STEWART: So then, what are the indicators that will be used to track the agency's language access plan process? You know, what are you going to use to track the progress that they're making?

ELIZABETH WEINSTEIN: So, on the

1
2 micro level, we will be asking each agency, we're
3 holding them accountable to the milestones. And
4 then, globally, we'll be looking at the number of
5 requests for interpretation that they've satisfied
6 in any given month. And then, we'll also be
7 looking at the number of LEP clients that they've
8 interacted with.

9 So, we're starting with
10 interpretation because that's where we had the
11 most sort of energy from the community
12 organizations and also from our agencies. And
13 then, hopefully, in the next year or two years,
14 we'll be looking at trying to track translated
15 documents, as well. But, right now, you'll be
16 seeing interpretation requests that have been
17 satisfied.

18 CHAIRPERSON STEWART: So, who's
19 responsible for that, you know, tracking the
20 compliance?

21 ELIZABETH WEINSTEIN: The Mayor's
22 Office of Operations. That will be a public
23 indicator the same way that you see indicators in
24 CPR today online.

25 CHAIRPERSON STEWART: And, that's

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2

your office?

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ELIZABETH WEINSTEIN: Um, hm.

4

CHAIRPERSON STEWART: All right.

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Then, is there funding for all of the plans or are

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the goals set forth merely aspirational? You

7

know, is there any funding that you set aside to

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do that?

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GUILLERMO LINARES: I think there

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is discretion left to the agencies to determine,

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based on their level of need, to provide such

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services for them to address what is now

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articulated in the form of a plan; that they're

14

being held accountable. And so, whether it is to

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contractual services that they have or they have

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the internal capacity to complement, that will be

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determined base on that assessment that each

18

agency will be making. And, that's very much part

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of it.

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CHAIRPERSON STEWART: But, I think,

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you know, whatever you do, whether it's

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contractual or in-house, there's going to be some

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kind of cost. And, that's what I'm asking about.

24

If there is...

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GUILLERMO LINARES: That is part of

what will be an integral part of the reporting.

What will determine the cost is what is the volume of service that you need to provide.

CHAIRPERSON STEWART: Well, you know government works by the fact that, you know, the services are paid. If you don't have a plan and you don't have the resources to deal with it, it doesn't get done. So, if you don't have funding or if you don't have a projected costs, I don't think it will actually happen, the plans will actually go out the way we really want it to be.

GUILLERMO LINARES: We didn't have plans--

CHAIRPERSON STEWART: [Interposing] And, you're not giving me a figure. You're not saying anything.

GUILLERMO LINARES: We didn't have plans until very recently. So, now--

CHAIRPERSON STEWART: So--

GUILLERMO LINARES: --we have guidance. We have something that informs the needs that different agencies will have and that will be addressed in ways in which it wasn't

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addressed before. This is one--

CHAIRPERSON STEWART: [Interposing]

Right, but--

GUILLERMO LINARES: -- of the

benefits.

CHAIRPERSON STEWART: But, we are

now dealing with the budget. And, I want to know

is there any line, as far as the budget is

concerned, to deal with this specifically?

ELIZABETH WEINSTEIN: Each agency

has allocated money within their existing budgets

for language access. So, to answer part of your

question, the goals and milestones in the plans

are not aspirational. They are funded. So, if

someone could not, if an agency could not, afford

to translate documents this year, then that's why

you see it in 2010, because they did not have the

funding. And, if an agency put in their plan

something that seemed unrealistic, like they would

be able to pay to train every frontline worker,

2,000 workers, in two months, we went back to them

and said, that's not realistic regarding your

resources, regarding timing. So, what's in the

plan, in some ways, is pretty conservative because

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2 it is based on money in their budgets. But, there
3 is not a global pot of money for language access
4 that agencies can draw from.

5 CHAIRPERSON STEWART: All right.
6 Well, but, rest assured to get this implemented, I
7 think there's going to be a cost and a--

8 ELIZABETH WEINSTEIN: [Interposing]
9 Without a doubt.

10 CHAIRPERSON STEWART: -- a
11 reasonable cost. How will your offices let the
12 public know that services are available?

13 GUILLERMO LINARES: Part of the
14 plans for each agency is to make an integral part
15 of the effort doing outreach to the communities
16 that they serve. And so, this is one of the most
17 effective way that we have. And, this is where my
18 office also comes into play to make sure that we
19 build on the relationship the agencies have with
20 constituency that they serve, whether they are
21 nonprofit organizations that provide services or
22 collaboration with other agencies that play a key
23 role. I think that the idea is to really use all
24 of the venues that we have to make sure that the
25 word goes out to those New Yorkers who may have

1
2 impediments of accessing services because of
3 language limitations.

4 CHAIRPERSON STEWART: Now, you said
5 we have to make sure that this information gets
6 out to the public. And, usually the public, maybe
7 in different languages, are you going to be what
8 would be considered local in that effort in the
9 sense that, let's take for example, like Central
10 Brooklyn, where a number of Haitians are, would it
11 be using information and ads from the local folks
12 there to get to the Haitian there, rather than put
13 it in the New York Post, which most people don't
14 even read in Central Brooklyn?

15 GUILLERMO LINARES: Often, New
16 Yorkers rely on local networks or medium. They
17 could be weekly papers, monthly papers. We work
18 closely with the Ethnic Alliance, for example, New
19 York Alliance, which is a network of newspapers.
20 But, the key here is not just to use local papers,
21 but also use the diverse leadership that we have,
22 especially the leadership that is trusted at the
23 community level. And, they're often the religious
24 leaders, faith-based institutions, the business
25 leaders that are often serving those

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2 neighborhoods, as well as the civic leaders and
3 including the head of nonprofit organizations.

4 And, you know, I think trust is the
5 key in really getting information out. But, we
6 also know that there are thousands of events that
7 are organized in local neighborhoods. And, we
8 take advantage of those events, also, to share in
9 the same way that we do it when we celebrate
10 immigrant heritage week, for example.

11 CHAIRPERSON STEWART: Well, you
12 know, the reason why I raise that question is that
13 I saw-- it came to my attention that there is a
14 big full-page ad in one of the large newspapers.
15 And, the issue had to do with people in the poorer
16 neighborhoods. And, they don't know about that by
17 looking at these large newspapers. So, I don't
18 want you to make the same mistake now in terms of
19 going, like what the City has been doing dealing
20 with these large newspaper, this large medium and
21 to get their message out. I want you to be
22 looking at local papers, local radio station,
23 local-- those areas whereby folks will know
24 exactly what is happening. So, that's the reason
25 why I raise that question.

1
2 And now, are your offices required
3 to inform the public of the language access plans?
4 Or, are you depending solely on the agencies to
5 get the word out that the Executive Order 120
6 does, in fact, exist?

7 GUILLERMO LINARES: The main reason
8 why we wanted to put up the plans on the website,
9 for example, is really to share in an open way the
10 work that is being done to implement and put in
11 place this Executive Order. And, it goes beyond
12 the website, as well. We speak in every
13 opportunity that we have to remind New Yorkers who
14 are limited in English as we know the number
15 continues to increase to make them aware that
16 whether calling 311 and over 170 languages, if
17 you're limited in English or approaching any City
18 agencies, City government speaks your language.

19 CHAIRPERSON STEWART: So then, will
20 the language access plan statistics be placed
21 online?

22 GUILLERMO LINARES: Yes.

23 CHAIRPERSON STEWART: All right.
24 How do you see the role of the Council? Will you
25 be providing reports to the Council? Or, if so,

1
2 how often will your office provide reports to the
3 Council?

4 GUILLERMO LINARES: Well, this is
5 your, you know, the direct vehicle that we have in
6 updating you through this Committee. All of the
7 work that we do on an ongoing basis is to be sure
8 it's open and any inquiry that the City Council
9 may have, we would be happy to respond to on an
10 ongoing basis. But, we're here to share with you
11 that the efforts that we are undertaking is one
12 that involves collaboration, involving the City
13 Council, the Administration and the collaboration
14 that we also have across different agencies, and
15 in particular, with the constituencies that
16 they're serving.

17 CHAIRPERSON STEWART: All right.
18 We have been joined by Council Member Jessica
19 Ferreras, who's also a member of this Committee.
20 I think we have some questions from Council Member
21 Eugene.

22 COUNCIL MEMBER EUGENE: Thank you.
23 Thank you very much, Mr. Chair. And, Commissioner
24 Linares, it is always a pleasure to see you.
25 Thank you very much and Miss Member of the Panel.

1
2 Thank you very much. And, I know that you have
3 been in the forefront of standing for immigrant
4 right. And, I want to thank you also for the last
5 time when you went to my district with the
6 Director of Immigration Services to help me
7 provide services and very importation information
8 to my constituents. Thank you very much.

9 You know, by signing the Executive
10 Order, the Mayor has made a very giant step. This
11 is something very important. We come a long way.
12 And, I think it is a civil right issue to provide
13 to everyone, even in United States and New York
14 access to services provided by the government,
15 especially health and civil right, you know,
16 services. But, we got a long way to go. And, I
17 want to commend the Mayor for that. This is a
18 wonderful thing. And, we are all take pride on
19 it.

20 I don't have too many questions
21 because I got to go to another hearing. And, let
22 me ask you, I know that to implement the goal and
23 to reach the goal, the Mayor Office should use
24 agencies and community-based organization,
25 community leader. Can you share with us your

1
2 experience dealing with the agencies, with
3 community leaders, what are the challenges, what
4 are the success you have made? Can you...

5 GUILLERMO LINARES: Well, I--

6 COUNCIL MEMBER EUGENE: I don't
7 know if you answer that before.

8 GUILLERMO LINARES: From the--
9 yeah, from the-- I think I alluded to, in my
10 testimony, also, I highlight primarily the ground
11 work that was done that led to the reality of an
12 Executive Order, a Citywide policy, as we have
13 now. And, we recognize how important it was for
14 City government to address the language
15 limitations that New Yorkers have when they
16 approach government for services and information.
17 And so, we engage in a proactive way. We have
18 over 30 agencies that were volunteering to be part
19 of a task force to look at best practices, to help
20 facilitate in training, providing guidance.

21 And, this was volunteer work that
22 City agencies step forward with. This has help
23 lay the foundation for what we now want to do
24 Citywide now, obviously, guided by all of the
25 information that we're getting on the plans that

1
2 we have. But, also, understanding that because
3 there may be New Yorkers that may not know about
4 services available or may see language as an
5 impediment or may be fearful, which is another
6 policy that we have in place to make sure that no
7 one should fear based on their status approaching
8 government. We rely tremendously on the
9 collaboration and the trust and relationship the
10 agencies have with the leadership of those
11 communities, particularly when they're newly
12 arrived. And, they're not that well aware of that
13 government, local government, is really have open
14 doors for them to... So, we rely tremendously on
15 that.

16 And, we provide support and health
17 facility the type of strengthening of
18 collaboration, not just across different agencies,
19 but primarily with the leadership of immigrant
20 communities that are growing in numbers and have
21 leadership that sometimes can benefit from the
22 approach that we have. So, we want to be engaged
23 and use opportunity to be able to be more
24 effective in getting word out and about the
25 importance of accessing services regardless of

whether you're limited in English or not.

COUNCIL MEMBER EUGENE: Um, hm.

Based on your experience, or the experience of the Office of the Mayor, working with community-based organization and agencies, do you believe, or do you think, that you have, or the Mayor Office has, reached the expectation, the result that the Mayor has been looking for, or we have been looking for? If not, what do you think that should be done to reach the goal of--

GUILLERMO LINARES: [Interposing]

Quite frankly, we have a lot of work ahead of us. But, if you were to look at the work that we've done, in my estimation, we have surpassed any expectation that we had. Just establishing a Citywide policy on language access, which is a first in a city like ours, in this country, and giving a clear signal to all communities and, in fact, other cities across the country, that we take to heart the impediment that often New Yorkers have or new Americans have in accessing services by establishing a Citywide policy, mandating language services for those who are limited. And, we're talking about close to two

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2 million New Yorkers. And, moving forward, we're
3 going to grow by a million New Yorkers and that
4 growth is in great part to immigration, immigrants
5 continuing to come in.

6 I think this policy, the fact that
7 it's now a reality, it's now in place, it's being
8 implemented and executed, I think strikes as a new
9 day for the City of New York and sending a message
10 not just to all New Yorkers, but also to the rest
11 of the country.

12 COUNCIL MEMBER EUGENE: Um, hm. I
13 know also that to make sure that the job is done,
14 the Office of the Mayor or the agency use
15 coordinators also. Are they volunteer people or
16 paid staff, the coordinators?

17 GUILLERMO LINARES: Well, the work
18 on language access by the respective agencies is
19 done through the staffing of those agencies. But,
20 in addition to that, we do have a large network of
21 volunteer.

22 COUNCIL MEMBER EUGENE: Um, hm.

23 GUILLERMO LINARES: We have a
24 language, a network of volunteers that provide
25 assistance, language assistance, across different

1
2 agencies. And, that gets done through my office.
3 So, we do have ways of complementing the needs of
4 agencies through that network of volunteers that
5 we have across different agencies.

6 COUNCIL MEMBER EUGENE: All right.
7 This is my last question. You know, how do you
8 select or the Mayor's Office select those
9 agencies? Is there any - - or just based on the -
10 - record of the agency working in, you know, with
11 immigrant? Or, is any of the--

12 GUILLERMO LINARES: [Interposing]
13 You mean, how does--

14 COUNCIL MEMBER EUGENE: Those
15 agencies.

16 GUILLERMO LINARES: The agencies
17 are--

18 COUNCIL MEMBER EUGENE: The
19 agencies--

20 GUILLERMO LINARES: --selected--

21 COUNCIL MEMBER EUGENE: Yeah.

22 GUILLERMO LINARES: --for the
23 language access mandate?

24 COUNCIL MEMBER EUGENE: Um, hm.

25 GUILLERMO LINARES: Every single

agency that provides direct service to New Yorkers
is part of this--

COUNCIL MEMBER EUGENE:

[Interposing] Of the network.

GUILLERMO LINARES: -- policy.

COUNCIL MEMBER EUGENE: Okay.

GUILLERMO LINARES: They are
mandated to comply with this mandate.

COUNCIL MEMBER EUGENE: Thank you
very much. Thank you, Mr. Chair.

CHAIRPERSON STEWART: I want to
follow up on that. The website list 120 agencies.
However, you have only 37 agencies that fall under
the definition of public service agencies. So,
why not all 120 agencies?

GUILLERMO LINARES: We do not have
120 agencies to my knowledge. We providing--

CHAIRPERSON STEWART: [Interposing]
Well, if you go--

GUILLERMO LINARES: -- services--

CHAIRPERSON STEWART: -- the
government website lists 120 agencies.

ELIZABETH WEINSTEIN: Yeah, I'm not
sure which that is. But, 37, though, is a subset,

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2 even in, for example, the--

3

CHAIRPERSON STEWART: Right.

4

5 ELIZABETH WEINSTEIN: -- Mayor's
6 management report, there's 40 something. But, if
7 an agency does not interact directly with the
8 public, so if you can't walk in, call or go to,
9 you know, if you can't walk in or call an agency,
10 then, we're not considering them a direct public
11 service agency. But, there's very few [crosstalk]

12

CHAIRPERSON STEWART: [Interposing]

13

But, I think there would be more than 37 that--

14

ELIZABETH WEINSTEIN: [Interposing]

15

Is there one that you're thinking of?

16

CHAIRPERSON STEWART: -- have

17

direct-- uh, huh.

18

ELIZABETH WEINSTEIN: If there's

19

20 one, we can look into a specific one if there's
one that we missed. I'm trying to think off the
top of my head, I can't even--

21

CHAIRPERSON STEWART: [Interposing]

22

Agency like NYPD.

23

ELIZABETH WEINSTEIN: They have a

24

plan. They're one of the 37.

25

CHAIRPERSON STEWART: They're one

of the 37.

ELIZABETH WEINSTEIN: Yes.

GUILLERMO LINARES: In terms of agencies that interact with the public, every single agency that has any type of interaction or provides direct service is mandated to have a plan.

CHAIRPERSON STEWART: Do you have any questions? Well, I want to thank you for your information and your testimony. We will definitely follow up in another six months or so to see how much progress we have made. I hope that, you know, we can progress and make sure that immigrants be able to get the service and get this translation service, as was mandated by the Mayor and the Executive Order that was signed by the Mayor. Thank you.

GUILLERMO LINARES: Thank you very much.

CHAIRPERSON STEWART: Now, we have the next panel, we have Daniel Coates, with Make the Road New York. We have Richard Lee, Asian American for Equality and Jian Zhong Chen from Chinatown Tenant's Union. Well, what we'd like is

for you to identify yourself and then, you get straight into the testimony.

DANIEL COATES: Good afternoon. My name's Daniel Coates. And, I am an Immigration Civil Rights Organizer at Make the Road New York. I'll just go ahead. So, Immigration Committee Chair Stewart and members of the Council, again, thank you for holding this hearing on Executive Order 120, the order that will ensure that all New Yorkers have meaningful access to all City government direct services, regardless of their English ability.

With over 5,800 dues-paying members, Make the Road New York is the largest membership-based immigrant organization in the City and played a key role with other advocates to get the Executive Order signed last year. For over ten years, our members, along with other advocates have laid this groundwork for the landmark victory by continually drawing public attention to the need for language access at public agencies, public and private hospitals and pharmacies. This victory, of course, would not have been possible without the vision of the

Mayor, of Mayor Bloomberg, Speaker Quinn, the City Council and the tireless work of the staff of Immigrant Affairs and Operations.

The Executive Order is the first in the nation to comprehensively address one of the most pervasive barriers preventing immigrants from receiving services, participating in programs, or interacting with government. It's a commitment to ensuring equal access and equal rights for the nearly two million New Yorkers who are still learning English. We believe that an accessible government is good government and effective government.

We have been working closely with staff of the Mayor's Office of Operations and Immigrant Affairs to make sure that the order is implemented in a way that ensures access to all New Yorkers. To this end, we are happy to see that 32 agencies have published their plan and made it available to the public. We're currently reviewing the plans of agencies that our members interact with the most.

For the Executive Order to be effective, it must follow these simple and

important steps. First of all, data collection. Agencies should do this on an annual basis to ensure that they are prepared to work with the diverse population that lives in New York City and they should report back to the Council.

Agency Assessment. An assessment report by each agency that counts the number of customers who speak a specific language and the percent that that language group makes up of the total customers served by the agency. It should also survey the LEP population that could be receiving their services and create plans to reach out to that community.

Training. Agencies should train all frontline workers and others who interact with LEP clients on their language access plan, so that each employee is capable of quickly helping an LEP client. The lack of training has been one of the biggest obstacles in the past and we hope that the Executive Order remedies this.

Outreach. The Executive Order is only as good as how many people know of the services that are being provided. The City must invest to increase outreach to populations that

1
2 require translation services and take advantage to
3 mention the Executive Order in all the ad
4 campaigns that agencies do. Each agency has
5 assigned a language access coordinator for
6 internal coordination, which is a great step, but
7 it should also assign a language access
8 coordinator for external coordination with
9 advocates, clients, community, etcetera.

10 Monitoring and Evaluation. It
11 would be ideal for the City to report to the
12 Council on a yearly basis about how they are
13 implementing the Executive Order and the
14 benchmarks that each agency must hit to be in
15 compliance. Transparency is key.

16 The implementation of the Executive
17 Order is a monumental task and we understand that
18 doing so will take a long time. We hope that the
19 commitment from the agencies will result in better
20 customer service. And, we will be keeping a
21 watchful eye on this as our members interact with
22 various City agencies on a daily basis.

23 As I mentioned before, the
24 Executive Order has implications far beyond New
25 York City. By signing it, Mayor Bloomberg and the

1
2 Council have demonstrated New York City's
3 exceptional leadership in enhancing customer
4 service for all City residents, fighting national
5 origin discrimination, and promoting civil rights.
6 Thanks again for the opportunity to testify.

7 RICHARD LEE: Thank you. My name
8 is Richard Lee. I am the Advocacy Associate for
9 Asian Americans for Equality, or AAFE. AAFE is a
10 35-year-old nonprofit organization dedicated to
11 affordable housing, economic development,
12 community planning, advocacy and civil rights. On
13 behalf of AAFE, I want to thank the City Council
14 for holding this hearing on an issue that affects
15 so many New Yorkers.

16 Given the economic downturn that is
17 leaving many of our residents vulnerable, it is
18 increasingly important that City agencies
19 implement language access to assist those who face
20 language and cultural barriers. For years, AAFE
21 has served as the bridge between community
22 residents and City agencies, most notably Housing
23 Preservation and Development, HPD. And, I just
24 want to briefly talk about some of the experiences
25 that we've been seeing while our interaction with

the residents of our community.

Residents with limited English skills have been particularly vulnerable to the loss of affordable housing. When building owners convert affordable housing into market rate units, those who have limited language capability are often the first ones targeted for harassment and forced out of their affordable housing homes.

Tenant harassment is a widespread tactic used by landlords in order to displace tenants to deregulate rent-regulated units. Landlords take advantage of cultural and linguistic barriers to refuse rent payments or renewal leases, and to post unwarranted eviction notices.

Because of the shortage of affordable housing, low-income and working-class tenants who are displaced are then forced to endure living in hazardous and over-crowded and unsafe conditions. Tenant rights advocates have been instrumental in opposing predatory landlords throughout the City, yet as effective as we have been, landlords are getting more and more creative, and their predatory tactics are evolving faster than advocates are actually able to counter

1
2 them.

3 The key thing is that raising
4 awareness of housing rights and other fundamental
5 rights and increasing direct communication between
6 the City and the public in a culturally and
7 linguistically relevant manner will relieve many
8 economic vulnerable New Yorkers. More
9 importantly, it'll empower residents to stake a
10 claim to their community.

11 There's an urgent need to implement
12 language access and, at the same time, we are
13 aware of the potential challenges with doing this.
14 We urge the City to expedite the implementation of
15 Executive Order 120 by utilizing the network of
16 expert community organizations, like AAFE, to
17 serve as a sounding board as each agency rolls out
18 Executive Order 120; to seek our assistance in
19 finding the best way to expedite the
20 implementation and, more importantly, the outreach
21 of comprehensive language access.

22 We thank the City Council for its
23 leadership and vision in making our City
24 accessible to all New Yorkers. And, we hope New
25 York will serve as an example to other cities with

large and diverse immigrant communities. Thank you.

SEAN LIN: I'm translating for Mr. Chen. Should I have him do his entire piece or...?

CHAIRPERSON STEWART: Well, I think he should do the entire [off mic] translate.

SEAN LIN: Okay.

CHAIRPERSON STEWART: Just, you state your name, but also state that you're translating for the gentleman. All right.

SEAN LIN: Absolutely. My name is Sean Lin [phonetic]. I'm an Organizer with CAAAV Organizing Asian Communities. And, I'll be translating today for Jian Zhong Chen.

JIAN ZHONG CHEN THROUGH TRANSLATER: My name is Jian Zhong Chen, and I'm a member of the Chinatown Tenants Union of CAAAV. CAAAV Organizing Asian Communities is a community-based organization that works with low-income Asian communities in New York City to address housing, gentrification, healthcare, language access, public education and immigration reform. We have worked hard over the past few years to push for

1 language access services for all New Yorkers.

2
3 In November of last year, I was
4 relocated to the Bronx, along with all of the
5 residents of 81 Bowery, because my building was
6 deemed unsafe to live in. In March 23rd of this
7 year, in the Bronx, I was falsely accused of
8 stealing money. When the police arrived, I tried
9 to tell them that I only spoke Mandarin. The
10 officers did not listen to my side of the story
11 and held me in jail for 27 hours. While in jail,
12 I told the police "I speak Mandarin." I begged
13 for translation so I could understand what was
14 going on but was not provided any translation.
15 The next day in Court I was provided with a
16 Mandarin interpreter, only then did I understand
17 why I had been arrested and held.

18 If offered translation, my time
19 spent sorting out the case could have been saved.
20 If the police understood my side of the story,
21 time spent with Legal Aid, preparing the case and
22 in Court all could have all been easily avoided.
23 Do the police know about this language access
24 Executive Order? And, if so, why is it not being
25 enforced by officers of the law?

1
2 The legislation that was passed
3 sounds really good, but I did not experience it in
4 practice. I hope that City officials can pass
5 legislation that works properly. It is my hope
6 that this Committee takes my experiences and
7 really focuses on how City agencies implement this
8 Executive Order so that no one else has to
9 experience what I've gone through. Thank you.

10 CHAIRPERSON STEWART: All right. I
11 have a few questions that I wanted to ask. Well,
12 first of all, let me get this question out of the
13 way so that I can... Mr. Richard Lee, I have a
14 question based on your testimony. You said you
15 need to seek in finding the best ways to expedite
16 the implementation of comprehensive language
17 access. Do you have any ideas of the best way
18 that we can implement this?

19 RICHARD LEE: I think one of the
20 things that Commissioner Linares mentioned was the
21 access to community-based organizations, because
22 many times the communities that we serve are
23 gateway communities. And, the first thing data
24 access aren't like the mainstream large
25 newspapers, like you said. They're the community-

1 based organizations who know the network, who know
2 neighbors, who know people in the neighborhood,
3 know the community leaders. And, I think what
4 we're trying to say is that by utilizing the
5 community-based organizations, those who have been
6 doing this for all of these years, before language
7 access was implemented, will be able to reach a
8 large demographic that would potentially be
9 untapped, who wouldn't know what language access
10 does and what it really is for. Yeah.

12 CHAIRPERSON STEWART: So, do you
13 feel, you know, the gentleman just spoke,
14 Mr. Chen, spoke about being in prison for 27
15 hours. And, I assume that after they got the
16 interpreter, the case was dismissed. Do you think
17 that this is an ongoing problem that we have
18 throughout the City of New York in terms of the
19 police department?

20 SEAN LIN: Are you asking me or?

21 CHAIRPERSON STEWART: Well, anyone
22 can answer that question.

23 SEAN LIN: For the record,
24 Mr. Chen's case has not been dismissed. It's
25 still--

CHAIRPERSON STEWART: [Interposing]

It has not been dismissed?

SEAN LIN: No. But, I mean, it's--

CHAIRPERSON STEWART: [Interposing]

Do you feel that this is, you know, this is something that is prevalent in almost all the precinct that if there's someone who speaks a different language, we don't have-- we cannot get an access to interpreters or translators within a short time? Do you think that's a problem? You can answer it, Mr. Lee, in the meantime.

RICHARD LEE: Well, in the meantime, I'll just say one thing that I actually experienced while I was going to Court for a ticket hearing, I've noticed that there were a lot of Asian drivers who are ticketed, who were trying to argue their case and this is one thing that I've noticed that was strange was that all their interpreters were from nonprofit organizations that when they went up for the hearing, they say oh, my name is yada yada yada from this organization who'll be providing translation for Mr. So and So.

So, that's one thing I've noticed

1 within the jurisdiction of the police department,
2 well, the greater police department area, where
3 translators weren't readily available. What about
4 those people who don't have access to, you know,
5 those groups and don't have access to translator?
6 How are they going to defend themselves in those
7 kinds of situations? I think the thing I'm trying
8 to point out is that whether it's the police
9 department or the FDNY or other situations, people
10 have to be able to, you know, explain what's going
11 on and why something's happening to them.
12

13 CHAIRPERSON STEWART: All right.

14 SEAN LIN: So, Mr. Chen, was just
15 saying that if he was given an opportunity to have
16 an interpreter explain to the police on the scene
17 what was happening with him, then a lot of this
18 would have been avoided. So, he just said that a
19 lot of this legislation sounds really good, in
20 theory. But, in practice, that he didn't really
21 see any of it. I don't know how much I can
22 comment on his specific case.

23 CHAIRPERSON STEWART: [Interposing]

24 Yeah, but--

25 SEAN LIN: So, I'm not going to.

CHAIRPERSON STEWART: But, what I'm also asking is if the case has not been dismissed yet, does he feel that it's going to be dismissed?

SEAN LIN: Well, it has been a very big source of concern for Mr. Chen. He has spent the past month worrying about what's going to happen with his, not only his legal situation, but his immigration situation, in addition to that. So, he's been really stressed and not being able to find work in the meantime. So, he's saying that it's a case that it's just causing him a lot of problems and his entire livelihood.

CHAIRPERSON STEWART: All right. At this time, Council Member Julissa Ferreras has a question.

COUNCIL MEMBER FERRERAS: Good afternoon. My question actually is to Daniel Coates. In your testimony, you speak of the agencies that your members most work with. Would you be able to give me like the five top agencies, so if we're trying to analyze and see how this Executive Order's working, that we can focus in on-- you can say these are the five agencies that really come up a lot in our organization?

DANIEL COATES: Absolutely, food stamps, welfare agencies, public assistance. So, those are the big three. On top of that, maybe the NYPD, although I wouldn't be able to comment too much on that. So, I wasn't able to answer your question well. But, I would say those are the biggest.

COUNCIL MEMBER FERRERAS: Okay.
Mr. Lee?

RICHARD LEE: Probably health, human services, small business, HPD, definitely, Parks and Recreation. We do a lot of the food stamps and welfare. It's really wide range. I can't really narrow down the top five. But, we deal a wide array of services in a different range of fields.

COUNCIL MEMBER FERRERAS: I ask this because if we're trying to analyze the plan and there's agencies that maybe deal a little bit less with the immigrant communities and there are those that deal more often with the immigrant community, if we can focus on, let's say, ten agencies and say how quickly are you implementing this and does your plan really make sense. I just

1
2 want to be able to kind of see where, in what
3 direction that we're going.

4 And, when you talk about predatory
5 equity, which is a big issue, particularly in my
6 district, and affordable housing, is there
7 anything that you guys have discussed on how this
8 Executive Order can help people not lose their
9 homes? Is there a plan internally in your
10 organizations when it comes to interpreters that
11 can help the not loss of affordable housing?

12 DANIEL COATES: I couldn't say
13 there's like a direct plan that we have in place,
14 although it is certainly clear that, you know, our
15 members being able to vouch for themselves, you
16 know, better is definitely going to help them make
17 the case better to keep their homes. But, in
18 terms of, like, an internal plan that we have to
19 specifically as it related to HPD, I don't have
20 one.

21 COUNCIL MEMBER FERRERAS: My other
22 question is on, actually both of the organizations
23 that are here, do you have on staff interpreters
24 that your agency have to expense staffing dollars
25 towards so that you can provide translations?

1
2 DANIEL COATES: No. But, there,
3 you know, we have organizers and lawyers, you
4 know, a lot of staff who are bilingual who,
5 depending on the, you know, on the member, on the
6 case, have accompanied them to various different
7 agencies. You know, it's something that, you
8 know, as the organization grows and we're
9 approaching 6,000 members, it becomes harder and
10 harder and harder to do. So, we're sort of trying
11 to stay away from it. Although it does become
12 necessity at certain times to do.

13 RICHARD LEE: Our organization,
14 most of the members in our organization are
15 bilingual. And, we have maybe one or two who are
16 specifically trained in bilingual services for a
17 specific service. But, I can't quite think on the
18 top of my head what those services are if they're
19 related to health and human services or on the
20 welfare side. It might actually be towards the
21 small business lending and entrepreneur, small
22 business lending and entrepreneur services. I
23 can't quite comment exactly which one.

24 COUNCIL MEMBER FERRERAS: Okay.
25 Thank you.

CHAIRPERSON STEWART: In the light that we have Executive Order 120, which is basically stating that we should have translators or should have translation, in terms of the NYPD, do you think if I was to introduce a legislation that says basically that once you're arrested, within ten hours, translator should be provided, because I can imagine sitting in confinement for 27 hours. That is like a punishment before really, you know, you can assess your problem. And, you know, it's like he's being punished before he has an opportunity to at least defend himself. So, what do you think about that?

Now, any one of you can answer because, you know, just thinking about it, you don't have to be the person who have gone through that. But, just think about it. If arrested for something that, you know, that I'm accused of and not being able to at least communicate with the officers or communicate with anybody and I've been held there for 27 hours.

DANIEL COATES: Absolutely. I think your sense is spot on it. I think it is a sense of punishment before you actually get a

1
2 chance to defend yourself in Court or plead your
3 case. You know, a lot of our members have had
4 similar occasions where there's a misunderstanding
5 and they, you know, they spend a night in jail and
6 they're unable to communicate as a result. You
7 know, I don't think we've had anybody that's spent
8 27 hours in jail as a result. But, shorter times,
9 as well. So, yeah, absolutely.

10 SEAN LIN: So, yeah, Mr. Chen said
11 that it would have been great if he had a
12 translator there. It would have helped to resolve
13 the issue with the police right away so that an
14 understanding of both sides of the story. And,
15 then, they wouldn't have to go through all the
16 bureaucracy of going to different attorneys and
17 going to trial and dealing with all this stuff
18 that he had to deal with. It would, he feel like
19 it's a really big tax on folks that are like are
20 sending the money for, like, Legal Aid on one side
21 and the District Attorney on the other and the
22 Court system that goes into his case, as well.

23 The one other thing that I wanted
24 to comment on was when we met with his Legal Aid
25 attorney, that she said that it is not uncommon

1
2 for when folks are arrested that the police will
3 detain the one that is not an English-speaker and
4 just leave it for the District Attorney to sort
5 out. So, it's not uncommon that folks like
6 Mr. Chen will just get arrested because they don't
7 speak English and don't have access to language
8 services.

9 COUNCIL MEMBER FERRERAS: I have a
10 question. Can you ask him if they collected a
11 statement from him or what that process was?

12 SEAN LIN: No, they did not give an
13 opportunity to explain himself.

14 COUNCIL MEMBER FERRERAS: Thank
15 you.

16 CHAIRPERSON STEWART: And, that has
17 to do with the fact that he did not speak the
18 language of the officer.

19 SEAN LIN: Yeah, he was telling the
20 officer, literally, Mandarin, I speak Chinese.
21 I'm Chinese, I don't speak English. And, he was
22 being yelled at by the officer. But, he didn't
23 understand what was going on.

24 CHAIRPERSON STEWART: All right.
25 So, I believe that by us to trying to address that

1
2 issue by, you know, there should be some sort of
3 time be given for them to provide translators
4 before someone can be-- 10 to 27 hours seem to be
5 very long time. And, even after that, you may not
6 have had an interpreter. Did he eventually get an
7 interpreter at the end of the, you know, after
8 he's been arrested?

9 SEAN LIN: He had an interpreter
10 with him when he saw the Judge and was charged,
11 but not before then.

12 CHAIRPERSON STEWART: Not before
13 then.

14 SEAN LIN: Yeah. So, this was
15 [crosstalk]

16 CHAIRPERSON STEWART: [Interposing]
17 Did he provide his own interpreter? Or, the
18 Courts provided?

19 SEAN LIN: This was a Court-
20 appointed interpreter.

21 CHAIRPERSON STEWART: Yeah. I know
22 there's a Court-appointed attorney, but the
23 interpreter, was there a Court-appointed
24 interpreter?

25 SEAN LIN: In the Court, there was

an interpreter.

CHAIRPERSON STEWART: Right, thank you. Any other questions? I want to thank you for your testimony. We're going to do our best, we can help make sure that interpretation and translation be carried out according to the Executive Order 120. Thank you. The last panel we have is Amy Taylor from Legal Services and Teresa Engst from Legal Aid. If you can please identify yourself and we will be able to continue.

AMY TAYLOR: Good afternoon. My name is Amy Taylor. I'm the Language Access Project Coordinator at Legal Services NYC. We're the largest provider of free civil legal services for low-income people in the country. Our project seeks to increase access to services and justice for low-income limited English proficient, or LEP, New Yorkers through litigation and policy advocacy. Currently, almost one in four New Yorkers are LEP. Since there is such a strong correlation between limited English proficiency and poverty, a very large percentage of our clients are LEP.

The Executive Order signed last

1
2 July by Mayor Bloomberg was an important step in
3 the City's recognition of language barriers as a
4 serious challenge facing many New York families
5 struggling to survive. Language services are the
6 gateway to all other services for LEP New Yorkers.
7 When City agencies do not translate important
8 notices, LEP New Yorkers often are not made aware
9 of important rights regarding their homes, benefit
10 recertification or hearings to which they have a
11 due process right.

12 Without appropriate interpreter
13 services, these struggling families cannot access
14 vital City services, such as Food Stamps, Medicaid
15 and child welfare services. For example, our
16 project recently assisted one client with her
17 Public Assistance application, an application she
18 had not been able to properly submit for nine
19 months because no one in the HRA office could
20 speak to her in a language she could understand.
21 As a result of this communication barrier, our
22 client and her two children spent nine months
23 without the benefits to which they were entitled
24 and were almost evicted from their home as a
25 result.

1
2 Since Executive Order 120 requires
3 City agencies with public contact to publish
4 language access plans, many agencies are focusing
5 on the linguistic accessibility of their services
6 for the first time. We applaud this effort and
7 understand from our own experience that
8 implementing new procedures regarding the
9 provision of language services can be challenging.

10 For many City agencies, however,
11 this is not the first time that the
12 inaccessibility of their services has been brought
13 to light. Some agencies, such as HRA and NYCHA,
14 for example, have been struggling with compliance
15 with local, state and federal civil rights laws
16 mandating language services for many years.
17 Advocates have been exposing City agency failures
18 to follow language access mandates for over ten
19 years. We have heard the same excuses from these
20 agencies for years. LEP New Yorkers are tired of
21 being deprived of the benefits and services to
22 which they are entitled and which they desperately
23 need.

24 Having a solid language policy at
25 each City agency is only a first step. While we

1
2 recognize that it is an important first step, I
3 want to focus on the need for training and
4 outreach to ensure the proper delivery of language
5 services.

6 In terms of training, in our
7 experience, the training of frontline workers is
8 the absolute key to successful implementation of
9 language access mandates. Even the most
10 comprehensive policy is meaningless if the workers
11 interacting with our City's residents are not
12 trained on the procedures they are required to
13 follow. This is no small task and we recognize
14 the challenges that a City as large as New York
15 faces in training frontline workers at a myriad of
16 City agencies. However, training must be
17 prioritized or New Yorkers will continue to be
18 turned away from the vital City services they need
19 in a time of incredible need. New Yorkers must be
20 trained and more experienced workers must be
21 trained repeatedly.

22 In terms of outreach, LEP
23 communities are used to language barriers. Until
24 they are made aware of the new City policy, they
25 will continue to rely on their friends and

neighbors, including their bilingual children.

The City must recognize that the use of untrained interpreters opens up a sea of problems from inaccurate translations to breaches of confidentiality. Children are all too often put in the inappropriate situation of interpreting sensitive conversations between their parents and a City agency. Agency staff must be trained to identify individuals who need language assistance and to notify these individuals at the outset that an interpreter is available free of charge.

Signage must reinforce this offer, and we, in the advocacy community, must continue to work with government agencies to get the word out.

We applaud the Mayor in his efforts to bring City agencies into compliance with existing civil rights mandates to provide language services to LEP New Yorkers. We are committed to working together with City agencies, and the Mayor's Office, to ensure that these services are actually delivered and that the Executive Order's words reach our clients' ears. Thank you.

TERESA ENGST: Hello. Hello? Can you hear me? Okay. My name is Teresa Engst.

1
2 And, I'm a paralegal in The Legal Aid Society's
3 Health Law Unit. On behalf of the Legal Aid
4 Society, we would like to thank the New York City
5 Council and the Immigration Committee for
6 convening this hearing and for their commitment to
7 ensuring proper implementation of Mayoral
8 Executive Order No. 120 of 2008 which requires all
9 City agencies which provide direct public services
10 to establish a Language Access Implementation
11 Plan.

12 The Legal Aid Society's Health Law
13 Unit works with a diverse clientele on a number of
14 health-related matters. We provide representation
15 and advice to low-income residents of all five
16 boroughs of New York City and we operate a state-
17 wide Health Law Helpline. Our unit provides
18 assistance to more than a thousand low-income
19 healthcare consumers and advocates each year. In
20 addition, we provide training and technical
21 assistance to community-based organizations, legal
22 services providers and healthcare providers across
23 the State.

24 Our clients come to us for help
25 resolving a myriad of problems associated with

1
2 obtaining and maintaining healthcare within our
3 current construct. Some have problems accessing
4 or maintaining public insurance; others have
5 insurance, but are unable to navigate the rules
6 governing their coverage so they either lose their
7 coverage or go without care. Many come to us
8 mired in medical debt because they were uninsured
9 or underinsured when they became ill or injured.
10 Our clients often have difficulty learning the
11 rules governing public health insurance programs
12 and appropriately navigating a complicated
13 healthcare system to obtain medically necessary
14 care. Their situation is often complicated by
15 limited English proficiency and the language
16 barriers they face as a result.

17 New York City is a diverse city
18 comprised of people from all over the world. As
19 Mayor Michael Bloomberg pointed out, in Executive
20 Order Number 120, a quarter of New York's
21 population are LEP individuals. We want to make
22 sure that language barriers do not block
23 individuals from accessing the healthcare coverage
24 they are entitled to. The procedures set forth by
25 Mayor's Executive Order Number 120 can positively

1
2 impact the LEP population. We appreciate the
3 Mayor's efforts to address the inequalities in
4 accessing public services for individuals with
5 limited English proficiency.

6 We are grateful for the opportunity
7 to come before you today and present our concerns
8 regarding language access problems within New
9 York's Medicaid program. Many of the LEP clients
10 we assist receive services through the Medicaid
11 program. Therefore, we believe it is crucial that
12 the Human Resources Administration, which oversees
13 the Medicaid program, be proactive in executing
14 the Language Access Implementation Program. As
15 HRA reports in its Language Access Implementation
16 Plan, more than a quarter of its active cases are
17 made up of LEP clients. As HRA goes forward with
18 its Language Access Implementation Plan, we would
19 like to raise a few key issues that we believe
20 require particular attention.

21 In compliance with Local Law 73 and
22 Executive Order 120, HRA has reported that all
23 required documents have been translated into the
24 six covered languages; Arabic, Chinese, Haitian
25 Creole, Korean, Russian and Spanish. Although the

1 translated materials are now available, we
2 continue to receive complaints from LEP clients
3 that they are receiving documents from HRA in
4 English and Spanish only. To ensure compliance
5 with language access requirements, HRA must
6 implement a system for correctly identifying each
7 applicant/recipient's preferred language of
8 communication.
9

10 We are concerned that many
11 applicants/recipients are incorrectly coded in
12 HRA's database and ask that HRA take necessary
13 steps to ensure that no applicant or recipient be
14 barred from receiving the healthcare benefits they
15 are entitled to solely on the basis of language
16 capabilities. While we appreciate HRA's
17 recognition of the importance of providing clients
18 with materials in their primary language, we
19 understand that this policy can only be effective
20 with thorough and complete follow through.

21 An all too common example of the
22 language barriers presented when LEP applicants or
23 recipients receive documents from HRA only in
24 English is the failure to recertify Medicaid or
25 Family Health Plus cases of otherwise eligible

1 recipients. Each month many LEP applicants or
2 recipients fail to recertify for public health
3 insurance and lose their health insurance coverage
4 simply because they do not understand the
5 materials they receive. Many of these recipients
6 discover they have lost their benefits only when
7 they later need health services. They are then
8 forced to reapply for Medicaid coverage. This
9 process can take months and many are forced to go
10 without medical care as they await new decisions
11 on their application. These gaps in coverage
12 increase churning and administrative costs to
13 Medicaid associated with processing new
14 applications as well as threaten New Yorkers'
15 health and well-being.

17 Ms. M is one of many clients we
18 have assisted following the loss of benefits.
19 Ms. M received a recertification notice from HRA,
20 but it was sent to her in Spanish and English
21 only. Ms. M's primary language is Haitian-Creole.
22 Since she did not understand the mailing, Ms. M
23 put the mailing aside intending to have someone
24 interpret it. The termination notice that
25 followed this mailing was also issued in English

1
2 and Spanish. Unfortunately, Ms. M's Medicare
3 Savings Program was terminated. She did not
4 realize she had a problem until her Social
5 Security checks decreased by the Medicare Part B
6 premium of 96.40. Unable to figure out why she
7 had this deduction, Ms. M sought help from her
8 daughter. Once Ms. M's daughter contacted our
9 helpline in October of 2008, we were able to
10 restore Ms. M's Medicare Savings Program.

11 Unnecessary terminations of
12 coverage, the resulting barriers to accessing
13 healthcare services and the financial hardships
14 they create can be avoided with increased efforts
15 to correctly identify each recipient's preferred
16 language and send out properly translated
17 materials in each of these languages.

18 To ensure that all LEP applicants
19 or recipients are fully able to access services,
20 all staff at local Medicaid offices need to be
21 trained on the availability of interpreters and
22 translated materials as well as on cultural
23 sensitivity in interacting with LEP applicants and
24 recipients. We see that HRA has incorporated
25 staff trainings into their language access plan

1
2 and want to highlight the importance of this key
3 step and ensure its full and effective
4 implementation.

5 Medicaid staff serve as the face of
6 the Medicaid program for the general population.
7 People go to their local Medicaid offices when
8 they are experiencing problems with their Medicaid
9 case or to apply for public health insurance. We
10 are concerned because we often hear complaints
11 from LEP clients about their experiences at their
12 local Medicaid offices. LEP clients report that
13 they are often forced to wait for hours or told to
14 return on another date because of the
15 unavailability of interpreters. LEP clients also
16 complain of being spoken to in a condescending
17 manner because of their limited English
18 proficiency.

19 For example, Mr. C went to his
20 local Medicaid office in March 2009 to try and
21 close his family's Medicaid case. He requested a
22 Mandarin speaker but was told that he would need
23 to wait for at least an hour for the Mandarin
24 speaking staff person to return. He tried
25 communicating with the other staff but had

1
2 difficulty. He asked for a receipt to show that
3 his family's Medicaid case was closed but was told
4 that the Medicaid office is not a store and
5 doesn't provide receipts. When the Mandarin
6 speaking staff person returned, Mr. C tried to
7 speak to her, but she informed him that she could
8 not assist him unless she was directed to do so by
9 the other Medicaid staff members. While he was
10 finally able to obtain proof that his family's
11 Medicaid case was closed from an English-speaking
12 staff member, he was understandably upset by this
13 experience.

14 Such experiences unfairly
15 discourage LEP applicants or recipients from going
16 to the Medicaid office to address problems that
17 they are experiencing with their Medicaid cases or
18 to file Medicaid applications. These situations
19 can be avoided if Medicaid staff and
20 representatives are properly trained on how to
21 interact with LEP applicants and recipients and
22 are properly trained on how to request
23 interpretation services. LEP applicants or
24 recipients should not have to face roadblocks to
25 obtaining or maintaining Medicaid coverage on the

basis of their language abilities.

We are particularly concerned with the Investigation, Revenue and Enforcement Administration's compliance with the Language Access Implementation Plan. We have seen many cases where LEP clients have received letters of investigation from IREA regarding their Medicaid/Family Health Plus case in English and Spanish although they do not understand either of these languages.

These letters often direct clients to meet with Investigators and request clients to bring a list of documents. Sometimes the letters detail the amount that IREA is seeking from the client and the alleged reason and time period of ineligibility for Medicaid or Family Health Plus coverage. These letters do not mention the right to an interpreter. Clients often rely on community-based organizations or family members to translate these letters. In many cases, clients rely on family members to serve as interpreters with Investigators as well.

For example, Mr. and Mrs. O are Russian speakers. Ms. O indicated on the 2008

1 Medicaid recertification that her preferred
2 language for reading and speaking is Russian.
3 Nonetheless, the Os received a letter of
4 investigation from the Division of Claims and
5 Collections in English telling them that they were
6 ineligible for Medicaid coverage and asking for
7 repayment. They had to rely on their son to
8 translate the letter they received and to
9 communicate with the Investigator.
10

11 Similarly, Ms. S, a Polish speaker,
12 indicated on her 2008 recertification that her
13 preferred language of communication is Polish.
14 Yet she received a letter of investigation in
15 English from the Division of Claims and
16 Collections in February of 2009. The notice
17 stated that if she did not respond or provide
18 additional information, her case may be closed.
19 Luckily, Ms. S went to her local community-based
20 organization to obtain a translation of what the
21 letter said and they referred her case over to our
22 office.

23 These are just a few of the
24 examples of IREA's failure to comply with HRA's
25 Language Access Implementation Plan that we have

seen. We are very concerned about language access problems with IREA because these investigations can have severe financial and potential criminal consequences for the Medicaid or Family Health Plus recipients under investigation. Therefore, it is essential that they are able to understand the reason they are being investigated, what documentation they are being asked for, and their right to an interpreter and translated materials. The burden to find interpretation should not be placed on the recipient, but must be provided by IREA under HRA's Language Access Implementation Plan.

To ensure that all LEP applicants or recipients understand that they have a right to interpreters and translated materials, we ask that HRA increase public awareness of the availability and right to these services. We appreciate HRA's attempts to increase public awareness of the available free interpretation services through the HRA website. While HRA's website includes a translate this button which can translate website content into multiple languages, the button is written only in English and therefore many

1
2 applicants and recipients will be unable to use
3 this application without outside help.

4 Additionally, many LEP applicants
5 or recipients either do not use the Internet on a
6 regular basis or do not readily have access to the
7 Internet. Therefore, we encourage HRA to pursue
8 other means of publicizing the right to, and
9 availability of, interpretation services including
10 increased advertising in multiple languages on
11 public transportation and postings in public areas
12 besides local Social Services Offices. LEP
13 applicants and recipients need to be aware of
14 their rights to access HRA services in their
15 primary languages so they feel empowered to
16 request such services.

17 Finally, we ask that the Office of
18 Immigrant and Refugee Affairs, the designated
19 Language Access Coordinator for HRA, closely
20 monitor compliance of the Language Access
21 Implementation Plan and allow for feedback from
22 advocates. As a measure to monitor compliance, we
23 encourage ORIA to conduct secret shopper surveys
24 of IREA offices, local Medicaid offices, and the
25 Medicaid hotline.

We look forward to working with ORIA to ensure that all those entitled to public health insurance are able to access these services regardless of English proficiency. We ask for close monitoring of compliance with Local Law 73 and Executive Order 120 at IREA offices and local Medicaid offices, especially those where language access complaints arise the most. We appreciate that HRA has included tracking of limited English speaking ability clients as part of its plan, and hope that this data will be provided to advocates.

LEP applicants and recipients deserve the same right to access to public health insurance programs as those who are English proficient. We appreciate the Mayor's efforts to ensure this right. We hope that, as we move forward, we will improve language access services and diminish the language barriers that so often block LEP applicants and recipients from obtaining necessary healthcare coverage and services. Thank you.

CHAIRPERSON STEWART: All right. Let me ask a few questions. We have been joined by Council Member Charles Barron from Brooklyn.

1
2 But, I have a few questions. I think he may have
3 a number of questions. But, let me first ask you
4 a couple questions. You mentioned that the burden
5 to find interpretation should not be placed on the
6 recipient. And, you said that IREA should, on the
7 HRA Language Access Implementation Plan, should
8 provide that. This Executive Order was nine
9 months ago. And, they explained to us that they
10 are not fully up and about, but they have a number
11 of thing that they are doing within the agencies.
12 And so, most of the languages that they can--
13 well, there's only six languages that they may be
14 able to focus on right now. And, all the other
15 languages, we spoke about Mandarin, that's not one
16 of them that I notice on the list.

17 TERESA ENGST: It is part of the
18 list. It's Chinese--

19 CHAIRPERSON STEWART: [Interposing]
20 It's part of the list?

21 TERESA ENGST: -- Chinese Mandarin--
22 -

23 CHAIRPERSON STEWART: Oh, Chinese
24 Mandarin.

25 TERESA ENGST: -- versus Cantonese.

CHAIRPERSON STEWART: Oh, that's part of the six?

TERESA ENGST: Um, hm. It's--

CHAIRPERSON STEWART: All right.

TERESA ENGST: -- included in--

CHAIRPERSON STEWART: If that's part of the six...

TERESA ENGST: -- the six.

CHAIRPERSON STEWART: That say that they should have had it available.

TERESA ENGST: Right.

CHAIRPERSON STEWART: Now, do you think that should be some sort of a time limit given that they should have that service available? It may not be at that site and they may have to, because they come into the site, to provide that translation to help that person with the application or whatever.

TERESA ENGST: You mean time limit for them waiting there, waiting in the office?

CHAIRPERSON STEWART: Well, if someone goes in to, let's say, HRA, one of these human services office, and they have question, they need help, it means that that agency will

1
2 have to now request a translator to be there.
3 That time that is required for that translator to
4 be there. You think that should be some time
5 allowed? And, how much time you think it should
6 be?

7 TERESA ENGST: Right. I don't
8 think that there should be an unnecessary burden
9 to wait because of a language access issue. I
10 mean, from my understanding, there should be
11 access to language interpreters through the
12 hotline, language hotline.

13 CHAIRPERSON STEWART: Oh, through
14 the hotline.

15 TERESA ENGST: Um, hm. And, that
16 should be offered, readily offered, if there's not
17 an onsite interpreter.

18 AMY TAYLOR: Can I make a comment?

19 CHAIRPERSON STEWART: Yeah.

20 AMY TAYLOR: Right. So, the City's
21 testimony alluded to the contract with Language
22 Line services that every agency has access to.

23 CHAIRPERSON STEWART: Right.

24 AMY TAYLOR: And, I think one of
25 the problems is that in terms of training

1
2 frontline workers, there's just a really uneven
3 knowledge across agencies of the ability to access
4 this service. So, a lot of our clients are never
5 offered the service of an interpreter, which
6 actually can be offered in any language, because
7 with access to telephonic interpretation services,
8 any language, an interpreter can be found in any
9 language in a matter of minutes.

10 And then, I just wanted to point
11 out that in addition to Executive Order 120, Local
12 Law 73 additionally requires HRA specifically to
13 provide services, language services. And, that
14 law requires interpretation in any language and
15 requires translation services in six languages.
16 So, HRA is one City agency that has additional
17 mandates upon it to provide these services and has
18 for a very long time. So, I think some of us in
19 the advocacy community feel kind of increased
20 frustration with that agency, specifically because
21 we've been addressing these issues with them for
22 so long.

23 CHAIRPERSON STEWART: So, in other
24 words, you're saying that the agency or the Office
25 of Immigrant Affairs and the other office there,

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2 they speak a good language and they speak a good
3 game, but you're saying that we still have
4 problems in terms of even simple as having a
5 translator when we need the service, because the
6 picture that was painted earlier that all of these
7 things are in place.

8 AMY TAYLOR: Right. Well, I think
9 there's a policy and there are implementation
10 plans that each agency has and then, there's
11 practice on the ground. And, there's a disconnect
12 between what our clients are seeing when they walk
13 into offices and between the written policy that
14 agencies have. So, there's a--

15 CHAIRPERSON STEWART: [Interposing]
16 Right. So--

17 AMY TAYLOR: -- great need for
18 training of workers and outreach to - -

19 CHAIRPERSON STEWART: Outreach and
20 training is most important thing. I just wanted
21 to make sure that we're on the same page because
22 earlier, when they were here, they give the
23 picture that everything is so good and even with
24 those six languages that we spoke about. But,
25 however, you're now stating that we still have a

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2 lot of problems with HRA when someone needs
3 assistance in terms of having... And, they should
4 have had that, also, that they can get that done
5 instantly. And, that's what you're stating.

6 AMY TAYLOR: Right. I mean, I
7 think the City's testimony kind of laid out the
8 fact that there is a certain amount of time needed
9 to implement a very new comprehensive language
10 policy. And, I think that makes a lot of sense.
11 But, I think in terms of certain aspects of it,
12 there are policies that have been in place for a
13 long time that are not being followed out by
14 certain agencies, HRA specifically. So, I hold
15 HRA to a different standard than I would hold
16 another agency that's looking at these issues for
17 the first time.

18 CHAIRPERSON STEWART: Do you think
19 that the same policy that you spoke about with HRA
20 haven't been able to get translator and being
21 about to get interpretation and all that, can that
22 used at HPD?

23 AMY TAYLOR: The telephonic
24 interpretation?

25 CHAIRPERSON STEWART: Yeah. Or,

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2 even, let's say, well, NYPD or, for example, NYPD
3 would need it mostly because of the fact that, you
4 know, you restricting someone and you should be
5 able to make sure that you have interpretation at
6 urgency. So, it appears to me that there's some
7 disconnect if you can say that it is at HRA, then
8 it should be able to be done maybe at NYPD also.

9 AMY TAYLOR: I believe Commissioner
10 Linares testified that every City agency has
11 access to that contract with Language Services.

12 CHAIRPERSON STEWART: So, it's just
13 not being implemented, then, because you heard
14 about the young man who was arrested and, for 27
15 hours, he was not granted an opportunity to have
16 somebody interpret his Mandarin.

17 TERESA ENGST: I think that a lot
18 of the testimony today is about, you know, we have
19 the first part, we have tons of rules in place.
20 Now, it's how are we going to implement it. And,
21 are we really following what we say we were going
22 to do. And, I feel like that's a lot of what
23 people are here today for, you know, and to
24 express.

25 CHAIRPERSON STEWART: All right.

Mr. Barron.

COUNCIL MEMBER BARRON: Thank you very much, Mr. Chair. I just wanted to, you know, some things seem to be quite simple. If you see, you know, a Chinese name that you would not send them a letter in English. I mean, this doesn't take, you know, rocket science. It doesn't take no overhauling of anything. And, it seems to me that on the implementation, a level to be sending out English language letters to people that you know probably will have a-- are speaking a different language. That's a real, real problem.

The other thing I wanted to ask you, you know, I've always had problems with the limited amount of six languages. What about African immigrants, you know, and the different languages that African immigrants speak. Do you service African immigrants? And, what happens when they're not one of the six? It's not Arabic, Chinese or, you know--

AMY TAYLOR: [Interposing]

Actually, the--

COUNCIL MEMBER BARRON: -- and I know some Africans do speak Spanish and French

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2 and, you know, other languages. But still, there
3 are African languages.

4 AMY TAYLOR: The client in my
5 testimony, actually, that I mentioned who went
6 nine months because she was unable to apply for
7 public assistance, she spoke an African dialect of
8 Suneka [phonetic]. And so, she fell under the,
9 you know, requirement that she should be provided
10 with an interpreter at a HRA center. And, she
11 actually went to her center five or six times,
12 including twice with a letter from her lawyer
13 stating that she had the right to an interpreter
14 under Local Law 73. And, all times, she was
15 turned away. And, once we got involved, we were
16 able to advocate further and after nine months,
17 she was able to successfully apply for public
18 assistance.

19 But, I think the obviously it would
20 be fantastic if we were so advanced that we could
21 translate every document as a City into every
22 language that anyone needed. I don't think that's
23 realistic. But, there are other ways to serve
24 clients who speak--

25 COUNCIL MEMBER BARRON:

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2 [Interposing] Yeah, but just let me--

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4 AMY TAYLOR: -- speak another
language and interpret--

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6 COUNCIL MEMBER BARRON: -- let me
cut you there. When it comes to African, we don't
7 want the, you know, we can't do every document,
8 'cause, see, we didn't say that about other
9 immigrants. And, we're not, and I'm not asking
10 you to, you know, of course, if there're 170
11 languages and thousands of immigrants, I certainly
12 understand that. But, we always get the little
13 shrugged shoulder response, you know, when it
14 comes to African immigrants and them getting the
15 same kind of a treatment because there are a lot
16 of African immigrants in this City. And, you
17 know, I just don't want that to be shoved aside
18 as, you know, like, we, you know, can't possibly
19 help everybody, 'cause usually that happens when
20 we raise, you know, African issues or, you know,
21 it's like, you know, we're doing the best we can,
22 you know, got the Chinese and we got the Arabic
23 and we got the, you know--

24

AMY TAYLOR: Right.

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COUNCIL MEMBER BARRON: -- Spanish

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2 and all of that. But, when it comes to us, we get
3 a--

4 AMY TAYLOR: [Interposing] Well,
5 every--

6 COUNCIL MEMBER BARRON: -- shrug.

7 AMY TAYLOR: -- every LEP person,
8 regardless of what language they speak, has the
9 right to an interpreter when they walk in HRA
10 doors. And, my understanding is that the six
11 languages laid out in the Executive Order and in
12 Local Law 73 were determined through census data
13 just the most common six languages.

14 COUNCIL MEMBER BARRON: Well, that
15 needs some change. But, anyway--

16 TERESA ENGST: I just want to say
17 that for our clients, even those that are covered,
18 you know, oftentimes they still have difficulty
19 accessing services. And so, what ends up
20 happening is that community-based organizations
21 become their interpreters.

22 COUNCIL MEMBER BARRON: Right.

23 TERESA ENGST: And so, in our
24 experience really, a lot of our cases come to us
25 once services, public services have been

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2 terminated. So, we're not even there asking for
3 the translators, you know. We're representing at
4 hearings or other things. We've already gone
5 beyond the step, you know, of what could have
6 prevented the situation from happening in the
7 first place. And now, we're trying to undo the
8 mess that results from the language barriers.

9 COUNCIL MEMBER BARRON: Um, hm.
10 Thank you.

11 CHAIRPERSON STEWART: Well, as I
12 see it, one of our main problems has to do with
13 the frontline workers who may not be trained
14 properly as to make the proper referrals or get
15 the folks in who can do what is necessary to get
16 translation. And, if there's one thing that we
17 learn here today is that we should have the Office
18 of Immigrant Affairs making sure that frontline
19 workers at places like HRA or any one of the
20 agencies are trained properly to know to make the
21 proper referrals; not to wait 27 hours, for
22 someone to be incarcerated for 27 hours only
23 because there is no interpreter or no relationship
24 to if he's guilty or not. So, those are things
25 that we need to look into.

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2 And, I'm glad that you folks came
3 out to assist us in that. I want to thank you for
4 your testimony. And, if there's any... There's
5 nothing. If there's anything that you want to add
6 to that... If you know of any form of laws that
7 should be put in place, you can let us know
8 because the fact is I was appalled to know that
9 someone was detained for 27 hours just because of
10 language. And, you know, I imagine myself in an
11 area where they only speak a different language
12 and I can't speak it and they have me-- no matter
13 what I say, no matter what I do, it will be--
14 that's a form of punishment. And, just because I
15 don't speak that language. And, I would hate to
16 know that we continue allowing that to happen in
17 our City with the police or whatever department
18 holding up people like that.

19 So, I want to thank you. And, I
20 hope that you can give us some insight as to what
21 we can do to change that. Thank you. And, that's
22 being our last panel, we call this meeting
23 adjourned. Dismissed, too.

24

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C E R T I F I C A T E

I, DeeDee E. Tataseo certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

A handwritten signature in cursive script that reads "DeeDee E. Tataseo". The signature is written in dark ink and is positioned above a horizontal line.

Date

July 23, 2009