



# **INVESTIGATION, REVENUE AND ENFORCEMENT ADMINISTRATION**

## **PROCEDURE FOR SERVICING APPLICANTS/PARTICIPANTS WHO ARE LIMITED ENGLISH PROFICIENT (LEP), DEAF OR HARD-OF-HEARING**

**(This procedure obsoletes 2014-24-IREA)**

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for

Office of Program Accountability

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**AUDIENCE**

This procedure is intended for all IREA investigators and other staff who work with applicants and participants. The procedure sets the IREA guidelines for providing language access services to members of the public, individuals being investigated for fraud, and HRA applicants and participants who are Limited English Proficient (LEP).

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**POLICY**

Applicants/participants who prefer to communicate in a language other than English, must be provided with communication assistance in their preferred language(s). All applicants, participants, and members of the public have the right to free interpretation services.

Applicants/participants who are deaf/hard-of-hearing must be given assistance to enable them to communicate by their preferred method.

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**BACKGROUND**

The term Limited English Proficient (LEP) is the national standard and the term is used by the Mayor’s Office of Operations and the Mayor’s Office of Immigrant Affairs, as well as the State and Federal government. The Department of Social Services (DSS) Office of Refugee and Immigrant Affairs (ORIA) also uses the term LEP.

ORIA contracts professional vendors to provide telephone interpretation services, written translation services, sign language interpretation services, and on-site interpretation services.

All IREA informational, instructional and application documents seen by applicants/participants or members of the public must be translated into eleven languages (Arabic, Bengali, Traditional Chinese, Simplified Chinese, French, Haitian-Creole, Korean, Polish, Russian, Spanish, and Urdu) as required by Local Laws 30 and 73 and HRA policy. Local Law Forms (LLF) are available on HRA eDocs. They must be offered to all LEP applicants/participants upon request.

Staff must offer translated documents to LEP applicants/participants who have indicated a preferred reading language in one of the Local Law 30 languages. Staff are required to ensure that applicants/participants understand any document given to them, no matter what the language.

**Language Access Material**

ORIA has developed and distributes several language access materials for DSS staff to use.

ORIA has developed a Language Access Information Card, How to Call For An Interpreter (**PALM-21**). The **PALM-21** provides instructions on how to contact the vendor providing telephone interpretation services.

ORIA has provided all Program Areas with access codes. Every staff member who has contact with applicants/participants must have an access code for the telephone interpretation service. If a staff member does not know the appropriate access code, they can ask their LEP Liaison or look it up in eDocs using the search engine and typing “PALM-21” in search doc title or by clicking here [[PALM-21 with Access Codes](#)]. The access code should be written in line 3 of the **PALM-21**.

The **PALM-21** and the access code for the telephone interpretation service must be readily available at the workstations of staff that have contact with applicants/participants, so that it can be easily accessed.

ORIA also distributes the Language Card ([W-194](#)), which is used to help ascertain an applicant’s/participant’s spoken language. The **W-194** should be visible at the workstations of all staff that have face-to-face contact with applicants/participants.

In reception areas, the **W-194** must be available and readily accessible but is not to be affixed to countertops or walls in the surrounding area.

The **W-194** also includes the universal symbol for American Sign Language. Applicants/participants who are deaf or hard-of-hearing must not be denied the right to interpretation.

To order additional copies of Forms **W-194** and **PALM-21**, designated staff must contact ORIA by emailing ORIA at [oria@dss.nyc.gov](mailto:oria@dss.nyc.gov). They should list the number of items needed and the street address, including the floor and/or room number where forms should be sent.

PALM-20 is a detachable portion of the DSS-4 You Have a Right to Free Interpretation Services.

ORIA has developed the “I Speak...” ([PALM-20](#)) card, which is distributed to applicants/participants. This business-size card is designed to:

- help LEP applicants/participants receive services in their preferred language
- identify the individual as LEP
- notify HRA staff that the applicant/participant requires language assistance services.

If an applicant/participant presents an “I Speak...” card, staff should begin the process of providing interpretation services.

**REQUIRED  
ACTION**

When an applicant/participant enters an IREA contact site and is identified as an LEP individual, by presenting a **PALM-20** card, checking off the check box in the Sign-In Sheet ([IREA-120](#)) indicating an interpreter is required or by any other means, staff must:

- offer free language services to him/her, whether he/she appears to speak English, and
- identify the applicant's/participant's preferred language by having him/her point to it on the **W-194**.

If a staff member is unable to identify the applicant's/participant's language even after using the **W-194**, he/she must call the telephone interpretation service, enter the access code, and hit "0" to select a language using a Client Services Representative (CSR). The CSR will help determine the spoken language.

**Providing Interpreter Services at IREA Contact Sites**

Applicants/participants who appear at contact sites must be provided with telephone interpretation services, whenever necessary, if they do not bring their own interpreter or if a bilingual staff member is not available. If the LEP individual is the subject of an investigation, the agency will use a bilingual staff member or the telephone interpretation services.

If staff observes or has reason to believe that an applicant/participant will have or is having difficulty comprehending or communicating in English during the interview, staff must explain the availability of free interpretation services, and provide these services to the applicant/participant.

Telephone interpreters are available 24 hours a day, 7 days a week. ORIA will only authorize on-site interpreters if the contact site can present a compelling reason for not utilizing the telephone interpretation contract (length of interview is not considered acceptable). If a written statement is going to be taken, a professional on-site interpreter should be provided. Please refer to the section on Providing Homebound and On-site Interpretation Services on page 6.

If an applicant/participant indicates that he/she needs an interpreter and the assigned staff does not speak the applicant's/participant's preferred language, staff should contact his/her supervisor. The supervisor will determine if a staff member who speaks the applicant's/participant's language is available. Interviews conducted using an interpreter must be conducted in the same fashion as interviews that do not involve an interpreter.

If an applicant/participant needs assistance with a form (i.e., form is not in his/her primary language), staff should assist the applicant/participant by printing out the form in one of the Local Law 30 languages (if applicable) from eDocs and by contacting the telephone interpretation services and having the form and all relevant information translated verbally into his/her primary language.

An explanation of all forms and all relevant information must be interpreted verbally in the applicant/participant's primary language. Staff must verbally interpret the entire form if the applicant/participant does not read one of the Local Law 30 languages and if the form is from the NYS Office of Temporary and Disability Assistance (OTDA). Staff must also ensure that the primary language of the applicant/participant is correctly documented in the Welfare Management System (WMS).

An LEP individual is entitled to use an individual who is at least 18 years of age to interpret. This individual may be a friend or family member. If an applicant/participant brings a minor to interpret, staff must explain that the official interpretation must be conducted by an adult. Staff should offer HRA's free language services, including telephonic interpretation services.

LEP applicants/participants are not required to bring an interpreter and must never be asked to do so. LEP applicants/participants who bring their own interpreters must be informed that they are entitled to free interpretation services through HRA.

If the LEP individual is the subject of an investigation, the agency must use a bilingual staff member or the telephone interpretation services.

If either a volunteer bilingual staff or staff hired through selective certification capable of communicating in the applicant's/participant's preferred language is available, the case may be reassigned to that staff at the supervisors' discretion, depending on work assignment.

Non-selective certified staff that is willing and able to converse in and interpret the preferred language of an applicant/participant may do so voluntarily but cannot be compelled to do so.

An applicant/participant, member of the public or security guard must never be sought to act as an interpreter. If a volunteer bilingual staff or staff hired through selective certification who speaks the applicant's/participant's language is not available, staff must use the language services, including telephonic interpretation services. Staff must use the **PALM-21** to contact the vendor providing telephone interpretation services.

Staff must ensure that all documentation relevant to the case is available prior to contacting the telephone interpretation service. This preparation prevents unnecessary wait time while on the telephone with an interpreter. To assist staff in the interpretation process, the Helpful Tips for Working with an Interpreter (**Attachment A**) has been created. Staff should follow these tips to ensure a successful interpretation process.

Staff has been provided with telephone splitters and additional handsets that can be connected to the splitters, creating dual telephone handsets to be used when using the telephone interpretation service. The telephone's main handset is intended to be used by the staff member, while the additional handset that is plugged in via the splitter is to be used by the applicant/participant. If a dual handset is not available, staff must use either a speaker phone, if available, or one handset that is passed back and forth.

If a staff member answers the telephone and the caller cannot speak English, he/she should politely ask the caller to hold and immediately contact the telephone interpretation service via conference call.

When an appointment with an applicant or participant is scheduled, staff should review the individual's language indicator in WMS and arrange/prepare any necessary language access services.

### **Documenting the Use of Interpreter Services**

Each time an interview that requires interpretation services is conducted, the Investigator must document which type of interpreter was used in the program area's case management system.

At the end of the interview, staff must complete the ORIA Telephone Interpreter Services Log ([W-194a](#)) and submit it to the LEP Liaison at his/her Site.

Supervisors and LEP Liaisons must ensure that the **W-194a** is available next to any telephone used for interpretations. The LEP Liaison, Supervisor or the Investigator must log each call made.

The LEP Liaisons and back-up liaisons must maintain a file of all original **W-194a** logs. The designated LEP Liaison must fax or email all the **W-194a** for their service area to the ORIA Contract Manager each month.

### **Providing Homebound and On-site Interpretation Services**

On-site interpretation services are available to homebound LEP individuals, and LEP applicants/participants in IREA Contact Sites as needed. Staff is encouraged to conduct interviews with LEP individuals via the telephone interpretation service whenever possible.

An on-site interpreter should only be used when telephonic interpretation is not practical, such as when an applicant's/participant's physical/mental health prevents understanding/communication. If a written statement is going to be taken, a professional on-site interpreter should be provided.

Requests for on-site interpretation must be sent to ORIA via email. Liaison's requests must be emailed to ORIA at [oria@dss.nyc.gov](mailto:oria@dss.nyc.gov) and include:

- the date of the interview,
- the time of the interview,
- the language required,
- the applicant's/participant's name,
- the address where the interview will take place,
- the Investigator's name and telephone number,
- the Supervisor's name and telephone number,
- the LEP Liaison's name, telephone, and access code, and
- the justification for utilizing an on-site interpreter.

The time frame for requesting on-site interpreters is based on a tiered system. For Tier I languages, which includes Arabic, Bengali, Mandarin, Cantonese, French, Haitian Creole, Korean, Polish, Russian, Spanish, and Urdu, the time frame will be two hours; for Tier II languages, the time frame will be 24 hours; and for Tier III languages, the time frame will be 48 hours. A listing of all the languages and their assigned tier can be found on the Time Frames for Requesting On-Site Interpretation Services (**Attachment B**).

Since ORIA needs two hours to review, approve, and forward requests for interpretation, Liaisons must factor that time in when indicating the requested interview time.

The Investigator conducting the on-site visit should wait outside of the address given to the interpreter and have a cell phone available in case the interpreter is trying to contact him/her.



Cancellations must be made as soon as the Investigator knows that the appointment is not going to take place.

After the interview has been conducted, the Investigator must sign the interpreter's time sheet. Investigators must also complete the On-Site Interpreter Services Log ([W-194b](#)) and submit it to the LEP Liaison who scheduled the on-site appointment. Copies of the **W-194b** logs must be forwarded to ORIA.

### **Submitting a Complaint about Language Services**

An applicant/participant can submit a complaint about language services online, by email, fax, telephone, or mail. The applicant/participant can:

- go to HRA's website ([www.nyc.gov/hra](http://www.nyc.gov/hra)), and use the "Contact Us" link to email the Commissioner;
- email [constituentsaffairs@hra.nyc.gov](mailto:constituentsaffairs@hra.nyc.gov);
- fax (212) 331-5998;
- telephone HRA's Central Complaint Unit at (718) 291-4141 or 311; or
- mail the complaint to:

Human Resources Administration  
Office of Constituent Services  
4 World Trade Center, 35<sup>th</sup> Floor  
New York, NY 10007

IREA Contact Site Directors must ensure that the You Have The Right To Free Language Services At This Location ([OCM-34](#)) and Infoline ([POST-98](#)) posters are displayed in all applicant/participant waiting areas. Directors may request these posters by contacting the Program Poster Liaison.

### **Sign Language Interpretation**

One common method of communicating with an applicant/participant who is deaf/hard-of-hearing is sign language interpretation.

Each IREA contact site has a LEP Liaison who is responsible for obtaining sign language interpreters from the Agency's contracted sign language interpretation vendor and clarifying questions/issues concerning serving a person who is deaf/hard-of-hearing.

An applicant/participant who is deaf/hard-of-hearing must be informed that:

- He/she is not required to provide his/her own sign language interpreter.
- He/she is entitled to free sign language interpretation from the Agency's contracted sign language interpretation vendor.
- He/she has the right to utilize his/her own sign language interpreter, if that individual is at least 18 years old and if he/she is not the subject of an investigation.
- If possible, applicants/participants should be shown the ASL Options Card ([BRC-1015](#)) and offered a choice of waiting two hours for an in-person interpreter or rescheduling the appointment.
  - A video is available on the intranet that explains the use of the card to the applicant in sign language. See **Attachment C** for instructions on how to access the video.

### ***Obtaining a Sign Language Interpreter***

If an applicant/participant prefers to communicate via sign language and requires a sign language interpreter, staff must confirm whether the individual uses American Sign Language (ASL) and how he/she wishes to receive sign language services. This should be done by showing the applicant/participant the ASL Options card.

In order to obtain a sign language interpreter for an applicant/participant, the LEP Liaison, Back-Up LEP Liaison, or Designee must email the Sign Language Interpreting Service Request Form ([ASL-100](#)) to Accurate Communication, Inc., at [ASLREQUESTNYC@accuratecommunication.net](mailto:ASLREQUESTNYC@accuratecommunication.net); and ORIA at [oria@dss.nyc.gov](mailto:oria@dss.nyc.gov).

The **ASL-100** must include:

- the applicant's/participant's name.
- the interpretation location.
- the date and time a sign language interpreter is needed.
- whether it is an emergency.
- the interpretation is to be conducted in-person.  
**Note:** Video Relay Interpretation (VRI) is not available at IREA sites.
- the estimated length of the interview.
- the nature of appointment.

If an applicant/participant uses a sign language other than ASL or does not respond to the ASL Options card, staff should contact ORIA at (212) 331-4550 or [oria@dss.nyc.gov](mailto:oria@dss.nyc.gov), to make the necessary arrangements.

### **Alternative Communication Methods**

#### ***Lip Reading***

An applicant/participant who is deaf or hard-of-hearing may prefer to communicate via lip reading.

If an applicant/participant prefers to communicate via lip reading, staff must conduct the interview orally.

To compensate for the fact that approximately 70% of speech is unintelligible via lip reading, staff must:

- look directly at the applicant/participant.
- have nothing in his/her mouth.
- have nothing blocking his/her face.
- speak naturally, without exaggerated/rapid speech.
- ensure his/her face is lit from in front, not behind.
- write down critical information.
- have the applicant/participant repeat back important information.

***Use of Cell Phones/Tablets to Enable VRI***

If an applicant/participant who is deaf or hard-of-hearing prefers to use his/her cell phone/tablet to enable VRI, he/she should be allowed to use his/her VRI service. Staff must be sure that the applicant/participant understands that the Agency cannot pay for this service and that he/she has the right to free, confidential interpretation services provided by the Agency.

**Note:** If the applicant's/participant's service provider only offers Video Relay Service (VRS), it will not interpret face-to-face interactions.

***Note Writing***

English and American Sign Language employ different grammar and syntax. Applicants/participants who prefer to use American Sign Language may have difficulty with communicating using their written English. Therefore, note writing must be kept to a minimum. Notes should be short and specific to arranging interpretation services. Interviews may not be conducted via note writing unless the applicant/participant specifically states that notes are his/her preferred method of communication.

**REFERENCES**

Executive Order 13166, 65 FR 50121 (8/16/00)  
Local Law No. 30  
New York City Administrative Code § 8-1005  
Mayor’s Executive Order No. 120  
Temporary Assistance Source Book, Chapter 4 Section Q  
Supplemental Nutrition Assistance Program Source Book, page 199  
98-INF-3  
05-INF-08  
06-ADM-05  
DSS-PD-19-003

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**ATTACHMENTS**

<b>Attachment A</b>	Helpful Tips for Working with an Interpreter
<b>Attachment B</b>	Time Frames for Requesting On-Site Interpretation Services
<b>Attachment C</b>	Instructions for Accessing the ASL Options Card Video

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**FORMS**

<b>PALM-21</b>	How to Call For An Interpreter (6/18)
<b>W-194</b>	Language Card (Rev. 02/14)
<b>PALM-20</b>	You Have a Right to Free Interpretation Services (MLF) (Rev. 2/18)
<b>IREA-120</b>	Sign-In Sheet
<b>W-194a</b>	Telephone Interpreter Services Log (Rev. 4/08)
<b>W-194b</b>	On-Site Interpreter Services Log (Rev. 4/08)
<b>OCM-34</b>	You Have The Right To Free Language Services At This Location (MLF) (Rev. 5/16)
<b>POST-98</b>	Infoline Poster (MLF) (Rev. 12/17)
<b>BRC-1015</b>	ASL Options Card: A Tool for Staff
<b>ASL-100</b>	The Sign Language Interpreting Service Request Form

## ATTACHMENT A

### **Helpful Tips for Working with an Interpreter**

#### **1. Brief the Interpreter**

- a. Identify the name of your program and unit.
- b. Inform the interpreter if you will need assistance placing a call to an applicant/participant. Give the interpreter the name and number of the person you want to call. Also discuss the message that you want the interpreter to leave on your behalf if you get a voicemail.

#### **2. Speak Directly to the Applicant/Participant**

- a. Communicate directly with the applicant/participant as if the interpreter is not present.
- b. The interpreter will relay the information and then communicate the applicant's/participant's response directly back to you.

#### **3. Speak Naturally, Not Loudly**

- a. Speak at a normal pace (not too fast or too slow).
- b. Speak in one or two sentences at a time. Try to avoid breaking up a thought. The interpreter is trying to understand the meaning of what you're saying, so express the entire thought at once if possible.
- c. Pause after expressing a thought to ensure that the interpreter has enough time to deliver your message.
- d. If something is unclear, or if the interpreter is given a long statement, he/she will ask you for a complete or partial repetition of what was said, or to clarify what the statement meant.

#### **4. Ask if the Applicant/Participant Understands**

- a. Don't assume that a LEP applicant/participant understands you. When in doubt, ask.
- b. Keep in mind that a lack of English speaking ability does not indicate a lack of education.
- c. Do not hold the interpreter responsible for what the applicant/participant does or does not say.

#### **5. Everything You Say Will Be Interpreted**

- a. Avoid private conversations. Whatever the interpreter hears will be interpreted.
- b. If you feel that the interpreter has not interpreted everything, ask him/her to do so.
- c. Avoid interrupting the interpreter while he/she is interpreting.

## **6. Avoid Jargon or Technical Terms**

- a. Don't use jargon, slang, idioms, acronyms, or technical medical terms.
- b. Clarify unique vocabulary and provide examples to explain a term as needed.

## **7. Length of Interpretation**

- a. When you are working with an interpreter, the conversation can often take twice as long as it would take in English only.
- b. Many concepts that you express will have no equivalent in other languages, therefore the interpreter may have to describe or paraphrase many of the terms that you use.
- c. Interpreters will often use more words to interpret what the original speaker says simply because of the grammar and syntax of the target language.

## **8. Reading Scripts**

- a. People often speak faster when reading a script. When you are reading a script, prepared text or disclosure, slow down and break up the text to give the interpreter a chance to keep up with you.

## **9. Culture**

- a. Professional interpreters are familiar with the culture and customs of the LEP applicant/participant. During the conversation, the interpreter may identify and clarify a cultural issue that they may not think you are aware of.
- b. If the interpreter feels that a particular question is culturally inappropriate, he/she might ask you to rephrase the question to help you obtain the information in a more appropriate way.

## **10. Ending the Call**

- a. The interpreter will wait for you to initiate the ending of the call.
- b. Be sure to confirm that the applicant/participant has no more questions before ending the call.
- c. When appropriate, the interpreter will offer further assistance and will be the last person to disconnect from the call.
- d. Remember to thank the interpreter for his/her efforts at the end of the session.

**ATTACHMENT B****Time Frames for Requesting On-Site Interpretation Services****Tier I** – Requests must be submitted at least two hours in advance of appointment time

Chinese (Cantonese/Mandarin/Other)
Arabic
Haitian Creole
Korean
Russian
Spanish
Bengali
Urdu

**Tier II** – Requests must be submitted at least 24 hours in advance of appointment time

Afghani (Dari)	Hebrew	Portuguese
Afrikaans	Hindi	Punjabi
Albanian (Gheg & Tosk)	Hindustani	Romanian
Arabic (all dialects)	Hungarian	Samoan
Armenian	Icelandic	Sanskrit
Azerbaijani	Indonesian	Serbian
Bosnian	Japanese	Shanghainese (Chinese)
Bulgarian	Khmer	Slovak
Belorussian	Kurdish	Slovene
Catalan	Laotian	Somali
Croatian	Latin	Swahili
Czech	Latvian	Swedish
Danish	Lithuanian	Taiwanese
Dutch	Macedonian	Tamil (Sri Lankan & Indian)
Estonian	Malay	Thai
Ethiopian	Malayalam	Tibetan
Fijian	Mongolian	Turkish
Filipino	Myanmar	Ukrainian
Finnish	Navajo	Uzbek
Flemish	Nepali	Vietnamese
French	Norwegian	Welsh
Georgian	Pashto	Yiddish
German	Persian (Farsi)	
Greek	Polish	



**Tier III** – Request must be submitted at least 48 hours in advance of appointment time

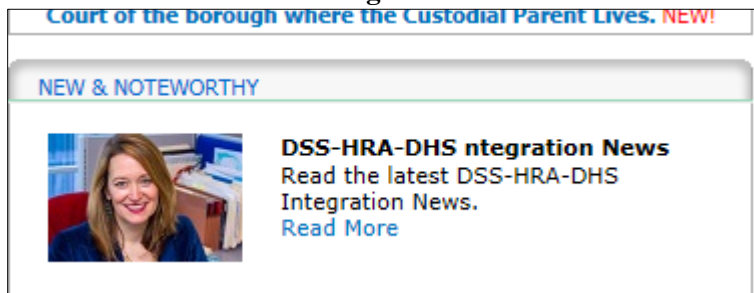
Acholi	Hakka	Nugunu
Akan	Hausa	Nzima
Amharic	Hmong	Oromo
Amoy	Ibo	Patois
Asante	Igbo	Pidgin
Assyrian	Ilocano	Ponapean
Bahasa	Ilongo	Portuguese Creole (Cape Verdian Creole)
Bamanankan	Joulaka	Pulaar
Bambara	Kalenjin	Putien
Bassa	Kannada	Quechua
Berber	Karen	Quiche
Cebuano	Kikongo	Sarikoli
Chaldean	Kinyarwanda	Sinhalese
Chaozhu	K'onjabol	Soninke
Chiu-Chow	Krio (Sierra Leone)	Soso
Chuj	Leta	Syriac
Cutchi	Lingala	Tachew
Dari	Luganda	Tagalog
Diejiu	Luhya	Tamashek (Tuarec)
Dinka	Malinke	Tamazight
Dioula	Mandingo	Telugu
Ewe	Mandinka	Temne
Fante	Marathi	Tigrinya
Formosan	Marshallese	Twi
Fuchien	Mien	Ukwani
Fukienese	Mixteco Alto	Uyghur
Fulani	Mixteco Bajo	Wenzhou (Chinese)
Fuzhou	Minangkabau	Wolof/Ouoloff
Ga	Moore	Yoruba
Gaelic	Nantong	Zulu
Gypsy (Romany)	Ning Po (Chinese)	
Gujarati	Nuer	

## ATTACHMENT C

### Instructions for Accessing the ASL Options Card Video

- Go on the DSS-HRA intranet and look under New & Noteworthy under the DSS-HRA-DHS Integration News and click “Read More.”

Figure 1



- Go to the Video Gallery on the right-hand side and click the video for ASL Options Card.

Figure 2

