

Intro. Res. No. 1033-2018
Introduced by Legislators Martinez and Gregory

Laid on Table 2/6/2018

**RESOLUTION NO. 261 -2018, ADOPTING LOCAL LAW
NO. 16 -2018, A LOCAL LAW TO ENSURE LANGUAGE
ASSISTANCE FOR THE PUBLIC**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on February 6, 2018, a proposed local law entitled, "**A LOCAL LAW TO ENSURE LANGUAGE ASSISTANCE FOR THE PUBLIC**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 16 -2018, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ENSURE LANGUAGE ASSISTANCE FOR THE
PUBLIC**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the County of Suffolk is linguistically diverse, with 20% of its residents, aged 5 and older, speaking a language other than English at home and 10% having limited English proficiency.

This Legislature also finds and determines that language can be a substantial barrier for residents, including English Language Learners (ELL's), seeking to access government information, programs and services.

This Legislature finds that Title VI of the Civil Rights Act of 1964 prohibits agencies receiving federal funds from discriminating against persons on the basis of race, color or national origin.

This Legislature determines that Presidential Executive Order 13166 (August 11, 2000) requires federally funded agencies to take action to ensure that individuals with limited English proficiency have access to programs and services.

This Legislature further determines that in 2012, the County Executive by executive order established a language access policy. This policy should be codified into law to ensure that County residents have language access to programs and services on a permanent, ongoing basis.

This Legislature concludes that it is in the best interest of all County residents to ensure and improve language access to County programs and services.

Therefore, the purpose of this law is to establish a permanent policy on language access for Suffolk County.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

“County Agency” – any agency, department, division or office of Suffolk County government which provides programs and/or services to the public.

“Direct Public Services” – services administered by an agency directly to program beneficiaries and/or participants.

“Vital Documents” – those documents most commonly distributed to the public that contain or elicit important and necessary information regarding the provision of basic County services.

Section 3. Language Access Requirements.

- A. Any County agency that provides direct public services shall, in all relevant programs and services, competently translate vital documents, including but not limited to, forms and instructions provided to or completed by program participants and beneficiaries into the six most common non-English languages spoken by individuals with limited English proficiency in the County, based on United States census data, and relevant to services offered by the agency. Competent translation shall mean a trans-language rendition of a written message in which the translator comprehends the source language and can write comprehensively in the target language to convey the meaning intended in the source language. Online translation tools shall not be used for translating documents.
- B. Each County agency, in all relevant programs and services, shall provide competent interpretation services between the agency and an individual in his or her primary language with respect to the provision of services or benefits. Competent interpretation shall mean a trans-language rendition of a spoken message in which the interpreter comprehends the source language and can speak comprehensively in the target language to convey the meaning intended in the source language. The interpreter shall know relevant terminology and provide accurate interpretations by choosing equivalent expressions that convey the best matching and meaning to the source language and capture, to the greatest extent possible, all nuances intended in the source material.
- C. Every County agency shall publish a language access plan that will reflect how the agency will comply with this law. Such plan shall be issued within 60 days of the effective date of this law and be updated biannually. County agencies will file their language access plans with the Clerk of the County Legislature who shall provide copies to each member of the Legislature. Each language access plan shall set forth, at a minimum, the following:
 1. When and by what means the agency will provide, or is already providing, language assistance services and how such services will be provided to hearing and vision-impaired residents.
 2. The titles of all available translated documents and the languages into which they have been translated.

3. The number of public contact positions in the agency and the number of fully bilingual employees in public contact positions and the languages they speak.
 4. A uniform training plan for agency employees, including annual training on the language access policies and the provision of language assistance services as well as providing a procedure that allows employees to report issues and problems implementing the language access plan.
 5. A plan for biannual internal monitoring of the agency's compliance with language access policies. This plan shall include feedback from the public, community groups and other stakeholders.
 6. A plan of how the agency intends to notify the population of offered language assistance services.
 7. A language access coordinator at the agency, who shall be publicly identified. The language access coordinator shall monitor the agency's compliance with this law by biannually collecting data on the provision of language assistance services, the availability of translated materials, whether signage is properly posted, and any other relevant matters.
- D. The language access coordinators shall meet on a regular basis and annually submit a written report to the County Legislature describing the actions taken by their agencies in the preceding year to implement their language access plans. This report will be submitted to the Legislature no later than April 15th each year, beginning in 2020.
- E. Use of language services shall not be deemed by any County employee as a basis for inquiring into information related to an individual's immigration status or other personal attributes. No County employee shall inquire about or disclose confidential information, including, but not limited to, immigration status, unless such inquiry or disclosure is required by law.

Section 4. Applicability.

This law shall apply to actions taken by County agencies occurring on or after the effective date of this law.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 7. Effective Date.

This law shall take effect January 1, 2019.

DATED: April 24, 2018

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: May 21, 2018

After a public hearing duly held on May 10, 2018
Filed with the Secretary of State on June 18, 2018