

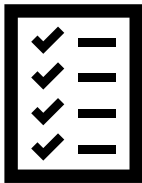
## LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** New York State Department of Environmental Conservation

**Effective Date of Plan:** October 1, 2022

**Language Access Coordinator:** Dr. Joan Kennedy

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This document is our agency’s **Language Access Plan**.  
 A **Language Access Plan** explains how we provide services to people who have limited English proficiency.

This **Language Access Plan** includes information about:

	The Limited English Proficient (“LEP”) population in our service area.
	How we notify the public about language access services.
	Our resources and methods for providing language access services.
	How we train our staff to provide language access services to the public.
	How we monitor language access services and respond to complaints.

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## **PART 1 – Our Agency’s Services**

**We prepared this Language Access Plan (“Plan”) to comply with New York State Executive Law Section 202-a, which establishes New York’s Statewide Language Access Policy. This Plan explains how we make sure that Limited English Proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.**

**In this Plan, LEP individuals are understood as people who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.**

**Our agency’s services to the public include:**

The Department of Environmental Conservation's (“the Department”) mission is to conserve, improve and protect New York's natural resources and environment and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the State and their overall economic and social well-being. The Department is organized into 20 program areas and nine regional offices which manage: natural resource conservation and stewardship; environmental quality monitoring, enforcement and remediation; and promotion of outdoor recreation through public access to State lands, campgrounds, and educational facilities and through the sale of hunting and/or fishing licenses statewide. Additionally, the Department performs regulatory, permitting, and enforcement functions that generally include public involvement, such as environmental reviews required under State Environmental Quality Review Act (SEQRA) and, in some cases, administrative hearings. The Department also conducts public meetings as well as public education and outreach programs, including engaging environmental justice communities, regarding cleanups of contaminated sites.

## **PART 2 – The Limited English Proficient Population in Our Service Area**



**The Statewide Language Access Policy requires state agencies to translate vital agency documents into the top 12 most commonly spoken non-English language among limited English proficient New Yorkers. Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top 12 languages most commonly spoken by LEP individuals in New York State.**

**The top 12 languages spoken by LEP individuals in New York State are:**

#	Language	Estimated Number of LEP Speakers
1	Spanish	1,166,777
2	Chinese	375,924
3	Russian	119,160
4	Yiddish	71,740
5	Bengali	66,980
6	Haitian Creole	53,335
7	Korean	51,285
8	Italian	44,128
9	Arabic	41,632
10	Polish	33,125
11	French	30,770
12	Urdu	28,827

**New York’s language access law also provides agencies, in consultation with the Office of Language Access, the option to add up to four more languages of translation beyond the top 12. The assessment about whether to include additional languages must be based on factors that are identified in the language access law. Our agency, in consultation with the Office of Language Access, has made the following determination with regard to the addition of languages beyond the top 12:**

DEC's assessment as to the necessity of additional languages of translation beyond the top 12 remains ongoing at this time. DEC, in consultation with the Office of Language Access, will update this Plan when this assessment has been completed and a final determination reached. DEC will continue to reassess the need for additional languages of translation on an ongoing basis.

**Our agency tracks encounters with LEP individuals in the following ways:**

- Staff and vendors maintain a record of encounters with LEP individuals.
- Our contracted vendors maintain statistics on telephone contacts and meetings.
- The Department conducts other informal surveys of programs. A review of requests for interpretation assistance and/or translation of documents is also conducted.
- The Department maintains lists of interested residents and others for each site of specific environmental concern. Lists are generated and maintained through our office of environmental justice.



## PART 3 – Public Outreach About the Availability of Language Access Services

**Our agency informs LEP individuals about their right to free language assistance services in the following ways, using at least the top 12 languages shown in Part 2 of this Plan:**

LEP individuals are directly informed by our staff

**In which ways?** In face-to-face discussions and using “I Speak” posters and visual aids displayed in public areas of the Department’s operated buildings and campgrounds, at events, and at public meetings. These resources contain information regarding the availability of free language assistance. All staff are provided a “Quick Reference Guide” to access an interpreter and verbally inform the public of free language assistance. Staff who interact with the public (e.g. Environmental Conservation Police Officers and Forest Rangers) use “I Speak” palm cards to identify an LEP individual’s primary language.

Signs posted about language assistance services

In areas operated by the agency and open to the public

Other (describe)

- At all public meetings, hearing, campgrounds, brochures or flyers about language assistance services are available; “I Speak” palm cards are carried by field staff;
- All agency vehicles have a “Quick Reference Guide” in the glove compartment so that staff in the field can access an interpreter and verbally inform the public of the availability of free language assistance services

Information is available on our agency’s website in at least the top 12 languages spoken by LEP individuals in New York State.

Outreach and presentations at schools, faith-based groups, and other community organizations

**What are the LEP populations targeted?** Yiddish, Haitian Creole, Russian, Yiddish, Italian, Arabic, Polish, and other languages upon request. The Department developed a 12-language poster with universal translation sign and a contact name and information if a different language is needed.

Local, non-English language media directed at LEP individuals in their languages

**What are the LEP populations targeted?**

Social media posts directed at LEP individuals in their languages

**What are the LEP populations targeted?** Spanish, and other languages upon request.

Telephonic voice menu providing information in non-English languages

**In which languages?**

Other (describe)

In accordance with the Department’s Environmental Justice and Permitting Policy (Commissioner's Policy #29), the Department conducts public hearings, public meetings and outreach events to LEP audiences using oral interpreting services and translated public notices, and where relevant, transcripts of the hearing. The locations of these events are determined based on an assessment of affected communities across the state. Additionally, a generic Translation Notice in the 12 top NYS languages was developed to give to permittees or community groups for distribution across the state.



## PART 4 – Provision of Language Access Services

### A. Determining the Need for Services

**During *in person* encounters, our agency uses the following tools to determine whether an individual is LEP, and what their primary language is:**

- “I Speak” posters or visual aids that provide information about free interpreting services in multiple languages
- Reception staff make those determinations based on training and experience and/ or a request for interpreter
- Bilingual staff members, where available, assist in identifying LEP individual’s language
- Telephonic interpreting service

Other (describe)

**On *telephone calls*, our agency uses the following tools to find out if an individual is LEP, and what their primary language is:**

- Reception staff make those determinations based on training, experience, and the person’s self-reported language access needs and/or request for interpretation services. Staff then offers an interpreter at no cost to the caller, calling a contracted language access vendor to assist.
- Bilingual staff members, where available, assist in identifying an LEP individual’s language
- Telephonic interpreting service
- Other (describe)

**Our agency’s protocols for assessing whether an individual needs *oral interpreting* services in different service situations is as follows:**

**During office in-person encounters:** Most often by self-report. Also, staff assesses the ability of individuals to communicate in English by first greeting the person. If it is evident the person may require an interpreter, staff asks if the person would like an interpreter. The “I Speak” tool is also utilized to identify the LEP individual’s primary language.

**At initial contact in the field:** Most often by self-report. Also, staff approaches the person and greets them. If it is evident the person may require an interpreter, staff asks that person if they would like an interpreter. The “I Speak” tool is also utilized to identify the LEP individual’s primary language.

**When speaking on the telephone:** Most often self-reporting where the caller asks for a certain language. Staff asks if they want an interpreter and, if yes, they follow directions to use a telephonic interpreting service.

**For pre-planned appointments with LEP individuals:** For pre-planned meetings, staff make language access accommodations based on information provided by individuals when making the appointment.

**Other (describe):** For virtual meetings, self-reporting based on responses to meeting announcements, which include instructions for requesting language accommodations.

**Our agency records and maintains documentation of each LEP individual’s language assistance needs as follows:**

Each time an LEP individual is provided service, the call is accounted for in a database maintained by our vendor. Requests for translation are coordinated with the Office of Communication Services’ Administrative Assistant and an Office of General Services (OGS) approved vendor using the Department dedicated account number. The Administrative Assistant is notified every time a request to translate is sent to the vendor. We report annually the number of calls and translated documents as well as the languages requested to the Office of Language Access.

**B. Oral Interpreting Services**

**Our agency has made the following resources available for oral interpreting requests:**

Bilingual staff members who work directly with LEP individuals

**Number of staff and languages spoken:**

Bilingual staff members who provide oral interpreting services on a volunteer basis

**Number of staff and languages spoken:**

Telephonic interpreting service

**Vendors:** Language Line Solutions and potentially any other vendor under the OGS Statewide Administrative Services Contract.

Contracts or other arrangements with school and community organizations

**Number of staff and languages spoken:**

Other (Describe)

- Palm cards carried by field staff that assist them in connecting to a telephonic interpreter;
- All vehicles have a “Quick Reference Guide” in the glove compartment so that staff on the field can access an interpreter and verbally inform the public of free language assistance.

**Our agency protocols for informing LEP individuals that free interpreting services will be provided and that they do not need to provide their own interpreters is as follows:**

**During office in-person encounters:** Staff asks them if they need an interpreter and informs individuals of the availability of free interpreting services.

**At initial contact in the field:** Staff uses “I Speak” tools to ask if the person needs a free interpreter, then calls a language access vendor using contact information listed on a card in their wallet and in the glove compartment in their car. When the interpreter is on the line, staff asks the interpreter to tell the person the language assistance is free.

**When speaking on the telephone:** Staff asks if the person needs an interpreter and when the interpreter is on the line, staff asks the interpreter to tell the person the language assistance is free.

**For pre-planned appointments with LEP individuals:** Staff asks them if they need an interpreter and informs individuals of the availability of free interpreting services.

**Other (describe):** Staff notify the public of free interpretation services for all public hearings and meetings through the Environmental Bulletin Notice and through email notifications of the hearing or meeting.

**Our agency’s protocols for obtaining interpreting services in a timely manner is as follows:**

All staff are provided a “QUICK REFERENCE GUIDE” card and trained to use our contracted vendor in the following ways: If staff doesn’t recognize the language, they use the “I Speak” poster, which allows the LEP individual to point to their preferred language. Staff then uses the “QUICK REFERENCE GUIDE” card and follows the steps on the card to access an interpreter



and verbally respond to the inquiry in real time. For virtual meetings the interpreter is contacted as soon as the team knows interpretation is needed.

**If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocols for deciding whether to accept or decline such an arrangement is as follows:**

LEP individuals that come into contact with our agency are informed of the availability of free interpreting services. Generally, an LEP individual may not use a family member, friend, or a minor as an interpreter. However, during emergencies an LEP individual is permitted to use a minor, a family member or friend as an interpreter. Upon request, an LEP individual may also be permitted to use a minor, a family member or friend as an interpreter for routine matters, such as asking the location of the office, hours of operation or rescheduling an appointment. Where the interaction with the LEP individual occurs at the agency's office, and an individual is permitted to use an interpreter of their choosing, they must fill out a written consent/waiver form. Where an LEP individual is engaged in official business with the agency, the agency provides an independent interpreter at all times. An LEP individual will not be permitted to use an independent interpreter of their choosing when filling out applications or when involved in other legal matters.

**Our agency provides information to all staff members who have contact with the public about how to obtain oral interpreting services. Our protocol in this regard is as follows:**

- Annual trainings and additional trainings as needed. All new hires are given a Quick Reference Guide and trained on how to use it;
- Palm cards are provided to the field staff;
- All vehicles have a "Quick Reference Guide" in the glove compartment so that staff on the field can access an interpreter and verbally inform the public of free language assistance;
- Internal agency website carries information about the availability of language access services as well as related posters, and information about the right to file a complaint, in addition to other relevant information.

**The agency's Language Access Coordinator ("LAC") maintains a list of oral interpreting resources that are available to staff. This resource list includes:**

- Names and contact information for all resources
- Names and locations of staff members who are available to act as interpreters or provide services directly in an LEP individual's primary language
- Languages in which each interpreter or service is qualified
- Procedures for accessing each interpreter or service

**Our agency records and maintains documentation of oral interpreting services provided to LEP individuals at each encounter. Our protocol in this regard is as follows:**

The vendor maintains telephone records that include language, cost, length of time services provided. If at a hearing or meeting, the Administrative Law Judge or program staff secure interpretation services, and they keep track of services and languages provided, reporting to a central person who maintains all agency statistics on language access. The agency reports on these statistics on at least an annual basis.

**Cultural Competence and Confidentiality**

**Our agency makes sure interpreters are culturally competent<sup>1</sup> in the following ways:**

Where the Department utilizes independent interpreting services, the contracted vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent.

**Our agency makes sure interpreters follow state and federal confidentiality protocols in the following ways:**

Training provided to staff addresses the importance of confidentiality. Furthermore, independent interpreters will enforce standards of confidentiality in accordance with NYS Law.

This requirement is part of the contract with the vendor under the OGS Statewide Administrative Services Contract.

**C. Translations of Documents**

**At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents<sup>2</sup> (including website content) that must be translated. This process is accomplished in the following ways:**

The LAC works closely with all Divisions and program managers to continually assess all material for translation. The Language Access Coordinator meets with Divisions at least two times per year and more often as needed to assist in determining what agency materials should be translated. The agency also translates documents in response to requests from members of the public for such translation. The Department considers any documents related to public health, public safety or work related to be important documents of high priority.

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<sup>1</sup> Cultural Competence is defined as *a set of congruent behaviors, attitudes, and policies that come together in a system or agency or among professionals that enables effective interactions in a cross-cultural framework*. U.S. Department of Health and Human Services, Office of Minority Health. 2000. Assuring Cultural Competence in Health Care: Recommendations for National Standards and an Outcomes-Focused Research Agenda. Extracted from:

[https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring\\_Cultural\\_Competence\\_in\\_Health\\_Care-1999.pdf](https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring_Cultural_Competence_in_Health_Care-1999.pdf)

<sup>2</sup> Vital Documents is defined as any paper or digital document that contains information that is critical for obtaining agency services or benefits or is otherwise required to be completed by law.

**Our agency’s process for making sure documents are written in plain language<sup>3</sup> before they are translated into other languages is as follows:**

All documents go through an editing process for sentence structure, clarity, plain language and easy to understand instructions before they go out for translation.

**Our agency has the following resources available for translation of documents:**

Contracts with vendors for translation services

**Vendors:** Language Line Solutions and potentially any other vendor under the OGS Statewide Administrative Services Contract.

Contracts or other arrangements with schools and community organizations

**Names of schools/organizations:**

Translation of documents by bilingual staff members

Other (describe)

**The agency’s Language Access Coordinator (“LAC”) maintains a list of translation resources that are available to staff. This resource list includes:**

Names and contact information for all resources and available through In-site, an internal DEC site for staff only.

Names and locations of staff members who are available to provide translations of documents

Languages in which each translation service is qualified

Procedures for accessing each translation service

**Our agency translates documents that LEP individuals submit in their primary languages in a timely manner. Our protocol in this regard is as follows:**

We submit the document to a contracted vendor for translation within the day.

**The following non-exhaustive list of documents are currently translated or in the process of translation by our agency in the languages indicated. Documents with an asterisk (\*) are determined by the agency to be vital documents.**

- *AR: Arabic*
- *BE: Bengali*
- *CH: Chinese*
- *FR: French*
- *HA: Haitian-Creole*
- *IT: Italian*
- *KO: Korean*
- *PO: Polish*

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<sup>3</sup> The [Plain Writing Act of 2010](https://www.govinfo.gov/app/details/PLAW-111publ274) defines plain language as writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience. Extracted from: <https://www.govinfo.gov/app/details/PLAW-111publ274>

- *RU: Russian*
- *SP: Spanish*

- *UR: Urdu*
- *YI: Yiddish*

Form #	Name	Top 12 Languages												Additional Languages
		AR	BE	CH	FR	HA	IT	KO	PO	RU	SP	UR	YI	
	Social media clips				x						x			
	Press release Adirondack parking				x						x			
	I Bird NY Challenge										x			
	Norrie Pt exhibits	x									x			
	Brownfield cleanup Fact sheet	x			x			x			x			German; Tagalog
	DER factsheets		x						x	x		x		
	DAC factsheet											x		
	Plant Wise NY											x		
	Planting and caring for your seedlings											x		
	Catskill Recreation Newsletter												x	

New documents identified for translation after the signing of this Plan and before the 2-year reassessment will be translated in a timely manner.

**The process for ensuring that translations are accurate and incorporate commonly used words is as follows:**

The Department of Environmental Conservation, through its vendor (where applicable), will ensure that proofing/editing for correctness and cultural sensitivity are a component of the translation services provided by any vendor under contract as part of the publication process.



## **PART 5 – Staff Training**

**The person in the agency who is responsible for training staff in language access services is:**

(1) Joan Kennedy, Office of Communications Services and Language Access Coordinator and (2) Willian Giruzzi, Director, Office of Training, Management and Budget.

**The staff training includes the following components:**

- The agency’s legal obligations to provide language access services
- The agency’s resources for providing language access services
- How to access and work with interpreters
- Cultural competence and cultural sensitivity
- How to obtain translation services
- Maintaining records of language access services provided to LEP individuals

**The methods and frequency of training are as follows:**

Annual statewide trainings via the Statewide Learning Management System and additional tutorials and trainings as needed.



## **PART 6 – Monitoring the Plan and Responding to Complaints**

### **A. Monitoring**

**Our agency’s Language Access Coordinator (“LAC”) will monitor implementation of the Plan to make sure we are in compliance. Our protocols in this regard are as follows:**

The Department distributes an annual agency-wide notice outlining the Department’s language access policy and availability of language access resources (i.e., posters, palm cards, telephonic services) and related procedures and training requirements (including mandatory annual trainings, seasonal staff and part time trainings and self-guided modules). A guidance memo is also included in the employee’s orientation bulletins.

The Language Access Coordinator meets with Regional and Division Directors at least two times per year to assess interpretation and translation services and to review languages access-related responsibilities. All new employees are introduced to Executive Law Section 202-a and the Department’s Language Access Plan, and given a Quick Reference Guide during orientation to ensure they have the information needed to provide LEP access to agency services, programs, and activities. All front-line employees and other appropriate Department staff (those who interact directly with the public by phone and in-person) and their supervisors must complete a mandatory training via the Statewide Learning Management System.

The Language Access Coordinator also provides additional trainings for new outreach programs on an as needed basis.

## **B. Complaints**

**We provide information to the public in at least the top 12 most commonly spoken non-English languages in the state, advising members of the public of their right to file a complaint if they feel that they have not been provided adequate language access services or have been denied access to services because of their limited English proficiency. We do not retaliate or take other adverse action because an individual has filed a language access complaint.**

**We display information on the right to file a complaint, and the procedures for filing a complaint, in the following manner:**

Information about the Right to File a Complaint is posted next to the “I Speak” poster in all public areas and areas where staff interact with the public. Staff are instructed to help anyone who wants to file a complaint and are trained on how to find the complaint form on the intranet and assist in filling it out, if necessary. Additionally, information on the right to file a complaint is posted in the top twelve languages on our website. The standardized complaint forms, along with the procedures for filing a complaint, are also available in all 12 languages for download or online submission through our website.

**We handle complaints made to the agency regarding the provision of language assistance services in the following manner:**

Complaints are taken very seriously. Reminders regarding the expectation that staff assist anyone who wants to file a complaint has been added to materials used during agency trainings and regular meetings with management.

Complaints from the public are referred to the Department’s Language Access coordinator for evaluation and corrective action as required and are also included in periodic evaluations to determine training needs and changes to procedures as necessary. The Language Access

coordinator follows up with the complainant and takes appropriate action to resolve the complaint. All complaints must be forwarded to the Office of Language Access.

**PART 7 – Signatures**



Commissioner

9/29/22

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Basil Seggos, Head of Agency

Title

Date

PPS II

9/23/2022

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Dr. Joan Kennedy, Agency LAC

Title

Date

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Executive Director, NYS Office of Language Access

09/29/2022

Date