



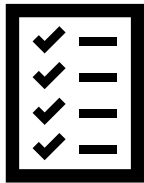
## LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** New York State Division of Military and Naval Affairs

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

**Language Access Coordinator:** Kalowtie (Narda) Singh






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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:

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



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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 New York State Division of Military and Naval Affairs (DMNA) provides services to the members of the New York Army and New York Air National Guard, as well as their family members; along with members of the two State military forces, the New York Guard and the New York Naval Militia. Ninety-five per cent (95%) of Naval Militia members must, by State law, concurrently serve in one of three Federal Reserve forces: the US Naval Reserve, US Marine Corps Reserve or the US Coast Guard Reserve. All members of the military are required to have basic understanding of English and to pass an Armed Services Vocational Aptitude Battery test written in English under the provisions of Army Regulation 601-270, Air Force Recruiting Service Instruction 36-2001, Chief of Naval Operations Instructions 1100.4C CH-1, Marine Corps Order 1100.75F, and Coast Guard Instruction M 1 100.2E. Recruits who are allowed to enlist with minimal English skills must pass English language training at Lackland Air Force Base prior to moving into advanced training required for their Army Military Occupational Specialty or Air Force Specialty Code jobs. When communicating with members of the Army and Air National Guard, the Division of Military and Naval Affairs does so in English, mirroring federal policy. Forms specific to the New York Army National Guard and New York Air National Guard, as well as the Division of Military and Naval Affairs, are provided in English for this reason.

## **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:**

DMNA's assessment as to the necessity of additional languages of translation beyond the top 12 remains ongoing at this time. DMNA, in consultation with the Office of Language Access, will update this Plan when this assessment has been completed and a final determination reached. DMNA 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:**

DMNA relies on documentation received from the telephonic interpreting service regarding requests for individual services (number of requests and language requested). Programs within the agency that have "case files" make notations regarding a person's specific language need.



### **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?** Verbally, if someone calls on the telephone.

- Signs posted about language assistance services
  - In areas operated by the agency and open to the public
  - Other (describe)
- Information is published 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?**

- 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?**

- Telephonic voice menu providing information in non-English languages

**In which languages?**

- Other (describe)



## **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
- Bilingual staff members, where available, assist in identifying LEP individual’s language
- Other (describe): Work conducted by DMNA does not typically lend itself to in-person contacts. Contact that may occur with the public is conducted either by telephone or through written correspondence.



**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 and experience
- 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:**
  - At initial contact in the field:** Staff assesses difficulty communicating in English by first contact. Use of the "I Speak" cards will determine language needed.
  - When speaking on the telephone:** Staff assesses difficulty communicating in English by first contact and will use telephonic interpreting services to determine language needed
- For pre-planned appointments with LEP individuals:**
- Other (describe):**

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

The submitted documents are forwarded to an OGS approved statewide translation contractor within one week of receipt and return is requested for as soon as possible.

### **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:** Any vendor under the NYS Office of General Services (OGS) Statewide Administrative Services Contract.



- Contracts or other arrangements with school and community organizations

**Number of staff and languages spoken:**

- Other (Describe)

**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:**

- At initial contact in the field:** Staff uses “I Speak” cards to inform the LEP individual about free interpreting services.

- When speaking on the telephone:** At point-of-contact with agency staff, staff informs the LEP individual of our free language services through the contracted interpreter.

- For pre-planned appointments with LEP individuals:**

- Other (describe):**

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

Once determined that services are needed, telephone contact is made with the service provider and the individual requiring services is connected in a timely manner.

**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 will be 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 will be 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 will provide 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:**



Once determined that services are needed, telephone contact is made with the service provider and the individual requiring services is connected in a timely manner.

**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:**

DMNA works with various armories and staff members to determine how oral interpreting services are documented if encountered. Records on the use of our telephonic interpreting services are held by the selected vendor.

### **Cultural Competence and Confidentiality**

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

Where DMNA utilizes independent interpreting services, that 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:**

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

### **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> that must be translated. This process is accomplished in the following ways:**

The LAC works with program directors to ascertain if any documents need to be translated. If so,

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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.





they are prepared for translation utilizing an approved vendor. This occurs at least every two years but may occur more often as necessary.

**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 new documents are reviewed. Those requiring translation will be reviewed to ensure they are written in plain language.

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

- Contracts with vendors for translation services

**Vendors:** Any vendor under the NYS 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
- 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:**

The submitted documents are forwarded to an OGS approved statewide translation contractor within one week of receipt and return is requested for as soon as possible.

**The following non-exhaustive list of documents are currently translated or in the process of translation by our agency in the languages indicated.**

Some federally funded and printed information on family support and family services is available in Spanish. The New York National Guard Family Programs office provides this information to families of Service Members who desire this information in Spanish. Since the agency provides no services to the general public and provides information and services to the

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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>



members of the New York Army and Air National Guard, as well as their family members, along with the two State military forces, the New York Guard and the New York Naval Militia, no documents are identified as vital to the provision of services directly to the public. However, anyone with limited English proficiency will be provided assistance through interpreting services.

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:**

DMNA, 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. DMNA will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.



## **PART 5 – Staff Training**

**The person in the agency who is responsible for training staff in language access services is:** Kalowtie Narda Singh, DMNA Language Access Coordinator.

**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:**

Mandatory language access training from the Office of Employee Relations is provided to staff annually, but more often if necessary. Training includes email distribution of documents pertaining to language access matters; publication in agency's information bulletin; and posting of policy, resources and materials on the agency's internal website. Staff in charge of each facility is updated at least annually on appropriate contact information pertaining to this Plan.



## **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 LAC will review DMNA's Plan for any necessary updates to procedure, staff trainings and vital documents list. The LAC will also conduct spot checks of the posted signs and review complaints filed by LEP individuals regarding language access issues.

### **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:**

DMNA informs individuals of the availability of a complaint form regarding Language Access services through postings in our public areas and our website. The complaint forms are also available for download or online submission through our website. The information provided and standard complaint forms are made available in all the languages identified in Part 2 of this Plan.

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


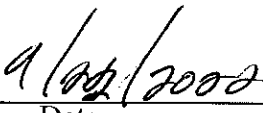
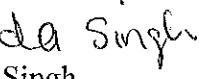
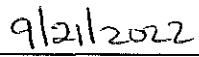

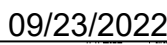
If a complaint is received regarding language assistance services, it will be coordinated by the LAC who will work with DMNA’s counsel on required action.

All complaints must be timely forwarded to the Office of Language Access.



### PART 7 – Signatures



 Major General Raymond F. Shields Head of Agency	The Adjutant General Title	 Date
 Kalowtie Singh Agency LAC	G6 State Budget Manager Title	 Date
 Executive Director, NYS Office of Language Access		 Date