

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: Division of Veterans' Services

Effective Date of Plan: October 1, 2022

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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

The Agency has 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 ensures 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 Veterans’ Services (DVS) provides New York State veterans, members of the United States Armed Forces, and their dependents and survivors with veterans’ benefits counseling to help ensure that they receive the federal and state benefits available to them based on their or their family member’s service in the U.S. Armed Forces. By virtue of serving in the U.S. Armed Forces, the veterans whom the Division serves have had to demonstrate proficiency in English. While we may encounter spouses or dependents of veterans who have a limited English proficiency, the overwhelming majority of the Division’s clients are English proficient. Additionally, the Division’s core mission is connecting veterans with federal veterans’ benefits and services. The applications and documents used in this process are produced and provided by the U.S. Department of Veterans Affairs only in English.

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:

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

All agency employees using language translation services are required to notify the LAC by email, listing the date, time and language spoken of contact with the agency by LEP individuals. The LAC also receives reports detailing the language access services provided by contracted vendors.



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?** Agency employees notify LEP individuals in person and telephonically that translation services are available with the assistance of our contracted vendor and using the “I Speak” posters.
- 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? DVS does not target specific LEP populations but will provide language access services to those LEP individuals encountered by agency employees. For instance, language identification tools are displayed at public events to alert our audience of the availability of free language assistance services.
- 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)

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: "I Speak" signage is posted, allowing LEP individuals to identify the language they speak. DVS employees will then access oral interpretation services provided through our contracted vendor.

At initial contact in the field: DVS employees have the ability to access telephonic interpretation services by conference call with the LEP client to help identify language needs. Staff also have the "I Speak" images available to identify the LEP individual's preferred language.

When speaking on the telephone: DVS employees have the ability to access telephonic interpretation services by conference call with the LEP client to help identify language needs.

For pre-planned appointments with LEP individuals: Preferred language is identified from the individual's client record. DVS employees also have the ability to access telephonic interpretation services by conference call with the LEP client to help identify language needs. In addition, DVS employees have the "I Speak" images available to identify the LEP individual's preferred language.

Other (describe):

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

DVS employees record the name, date, duration of the call and the language spoken and sends this information to the LAC via email. It is also documented in the LEP individual's client record maintained by DVS. We also utilize the monthly vendors report that is sent to the agency.

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, and potentially any other approved 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: “I Speak” signage is posted in public-facing offices to inform LEP individuals of the availability of free language interpretation services. After the LEP individuals identify the language they speak, DVS employees will then access interpreter services provided through our contracted vendor.

At initial contact in the field: DVS employees have the ability to access telephone interpretation services by conference call with the LEP client to help identify their language needs and inform the client of the availability of free interpreting services. Staff also have the “I Speak” images available which inform LEP individuals of the availability of free interpreting services and allow LEP individuals to identify their preferred language.

When speaking on the telephone: DVS employees have the ability to access telephonic interpretation services by conference call with the LEP client to identify their language access needs and help inform them of the availability of free interpreting services.

For pre-planned appointments with LEP individuals: For appointments, LEP individuals have already been informed of the availability of free language translation services and the preferred language is identified from the individual’s client record. DVS employees also have the ability to access telephonic interpretation services by conference call with the LEP client to help identify their language needs. In addition, staff have the “I Speak” signage available which inform LEP individuals of the availability free interpreting services and allow them to identify their preferred language.

- Other (describe):**

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

DVS employees have a direct telephone number to connect with our NYS OGS approved language interpretation vendor. Employees are provided all necessary information to promptly access these services.

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 DVS employees 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 access to independent language translation services 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:

All DVS employees are informed of available language access services and the necessary steps to contact them through the mandatory annual Language Access training on the Statewide Learning Management System and DVS based training.

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:

As a part of the LEP individual's client record in our case management system, DVS records and maintains digital documentation of an LEP individual's language need.

Cultural Competence and Confidentiality

Our agency makes sure interpreters are culturally competent¹ in the following ways:

¹ 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

Where DVS utilizes independent language translation 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:

Training provided to DVS employees 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 documents² that must be translated. This process is accomplished in the following ways:

The administrators of programs relevant to each vital document will reevaluate their currency at least every two years, and will determine whether any new materials in their program areas should be designated as vital.

Our agency's process for making sure documents are written in plain language³ before they are translated into other languages is as follows:

Documents are reviewed by Departmental heads and the legal team for plain language prior to being sent for translation.

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

Contracts with vendors for translation services

Vendors: Language Line, and potentially any other vendor on the OGS 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:

² 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.

³ 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>

- 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:

DVS will submit documents to the approved OGS vendor requesting a three-day deadline for the vendor to provide the translated document.

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
- 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	
	Blind Annuity Application*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	Gold Star Parent Application*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	Supplemental Burial Allowance Application*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	Restoration of Honor Form	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	Indigent Burial Form	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

	NYSDVS Form SBA-1	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
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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:

DVS, through its vendor, will ensure that accuracy and proofing/editing for correctness 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:

Kristen Rouse, Deputy Director for Diversity, Equity & Inclusion.

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:

Training is provided to staff every year, with refreshers as needed. The training contains information on how to contact interpreting services, confidentiality, and cultural sensitivity. Additionally, handouts and other written materials are provided to newly hired staff. Staff is also required to complete Office of Employee Relations language access training.



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:

Field supervisors will include compliance with the agency's Language Access Plan on the field visit report that is filed after each field office visit. Field offices are generally visited by supervisors at least once every 90 days.

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.

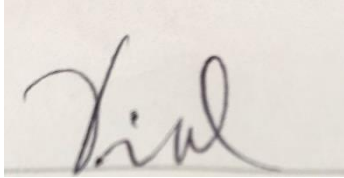
We display information on the right to file a complaint, and the procedures for filing a complaint, in the following manner:

The standardized complaint forms, along with the procedures for filing a complaint, are available in all twelve languages in our public offices upon request. They are also available for download or online submission through our website. Additionally, information on the right to file a complaint is posted in the top twelve languages on our website and in our offices in areas where it can be easily seen by the public.

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

All complaints received regarding language assistance services are submitted to the agency's LAC within 48 hours of receipt. Then the LAC will thoroughly investigate the complaint, meet with staff and contact the person(s) making the complaint. The LAC should determine what appropriate action should be taken. This process should take no longer than 5 to 7 days. All complaints must be forwarded in a timely manner to the Office of Language Access.

PART 7 – Signatures



Head of Agency	Director	9/22/2022
	Title	Date



Agency LAC	Deputy Director	9/22/2022
	Title	Date



Executive Director, NYS Office of Language Access	09/29/2022
	Date