

LANGUAGE ACCESS PLAN FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY

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

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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 population with Limited English Proficiency (“LEP”) 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 people with Limited English Proficiency (“LEP”) have meaningful access to agency services, programs and activities.

In this Plan, individuals with LEP 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 percent (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 Population with Limited English Proficiency 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 New Yorkers with limited English proficiency. Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top 12 languages most commonly spoken by individuals with LEP in New York State.



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

#	Language	Estimated Number of Speakers with LEP (ACS 2018-2022)
1	Spanish	1,198,032
2	Chinese	377,524
3	Russian	124,422
4	Yiddish	90,199
5	Bangla	74,342
6	Haitian Creole	51,947
7	Korean	48,581
8	Arabic	42,907
9	Italian	41,155
10	French	34,304
11	Polish	33,122
12	Urdu	29,983

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 has determined that it is not necessary to add additional languages for translation beyond the top 12. DMNA is not a public-facing agency. All of our contact is with other government agencies, 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.

Our agency will reassess the public’s language needs at least every two years after the effective date of this Plan.

Our agency tracks encounters of individuals with LEP 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 individuals with LEP 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:

- Individuals with LEP are directly informed by our staff

In which ways?

- 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 individuals with LEP in New York State

- Outreach and presentations at schools, faith-based groups, and other community organizations
What are the populations with LEP targeted?

- Local, non-English language media directed at individuals with LEP in their languages
What are the populations with LEP targeted?

- Social media posts directed at individuals with LEP in their languages
What are the populations with LEP 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 has 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 the language of individuals with LEP
- 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 has 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 the language of individuals with LEP
- 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 of individuals with LEP:**
- Other (describe):**

Our agency records and maintains documentation of language assistance needs of individuals with LEP 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 individuals with LEP

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

Number of contractors and languages spoken: Any contractor under the NYS Office of General Services (OGS) Statewide Administrative Services Contract.

- Contracts or other arrangements with school and community organizations

Number of contracts or other arrangements and languages spoken:

- Other (Describe)

Our agency protocols for informing individuals with LEP 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 Language Identification tool inform the individual with LEP about free interpreting services.

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

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

- 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 individual with LEP insists on having a family member, friend, or other person interpret, our protocols for deciding whether to accept or decline such an arrangement is as follows:

Individuals with LEP that come into contact with our agency will be informed of the availability of free interpreting services. Generally, individuals with LEP may not have a family member, friend, or a minor interpret. However, **during emergencies** an individual with LEP will be permitted to have a minor, a family member or friend interpret. Upon request, an individual with LEP may also be permitted to have a minor, a family member or friend interpret 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 have 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.

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 the primary language of an individual with LEP
- 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 individuals with LEP 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 is held by the selected contractor.

Cultural Competence and Confidentiality



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

Where DMNA utilizes independent interpreting services, that contractor 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 documents² 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, they are prepared for translation utilizing approved contractor. 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 language³ 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:

- Contractors for translation services

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

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>



Number of contractors: Any contractor 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 individuals with LEP 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. Documents with an asterisk (*) are determined by the agency to be vital documents. DMNA is not a public-facing agency. All our contact is with other government agencies, 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.

- | | |
|-----------------------------|----------------------|
| • <i>AR: Arabic</i> | • <i>PO: Polish</i> |
| • <i>BA: Bangla</i> | • <i>RU: Russian</i> |
| • <i>CH: Chinese</i> | • <i>SP: Spanish</i> |
| • <i>FR: French</i> | • <i>UR: Urdu</i> |
| • <i>HA: Haitian-Creole</i> | • <i>YI: Yiddish</i> |
| • <i>IT: Italian</i> | |
| • <i>KO: Korean</i> | |



Form #	Name	Top 12 Languages												Additional Languages
		AR	BA	CH	FR	HA	IT	KO	PO	RU	SP	UR	YI	

Some federally funded and printed information on family support and family services are 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 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 contractor (where applicable), will ensure that proofing/editing for correctness and cultural sensitivity are a component of the translation services provided by any contractor 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 individuals with LEP

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 are 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 individuals with LEP 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:

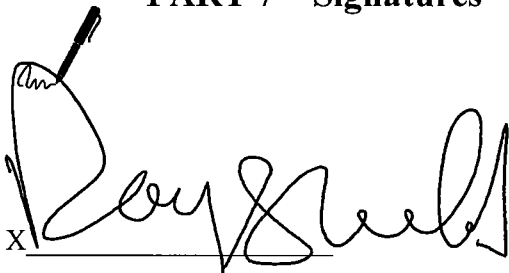
DMNA informs individuals on the availability of a complaint form regarding Language Access services through postings on our public areas and our website. The complaint forms are also available for download or online submission through our website. The information provided and standard complaint forms 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:

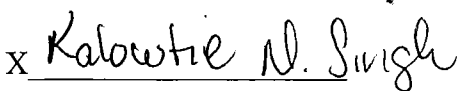
If a complaint is received regarding language assistance services, it will be coordinated by the LAC who will work with DMNA’s counsel on required action.

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

PART 7 – Signatures

X 

Major General Raymond F. Shields The Adjutant General 19 Sept 2024
 Head of Agency Title Date

X 

Kalowtie Narda Singh G6 State Budget Manager 19 Sept 2024
 Agency LAC Title Date



Margarita Larios 09/24/2024
 Executive Director, NYS Office of Language Access Date