



LANGUAGE ACCESS PLAN FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY

State Agency: NYS Department of Veterans Services

Effective Date of Plan: October 1, 2024

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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 population with Limited English Proficiency (“LEP”) 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 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 Department of Veterans’ Services 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 Department 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 Department’s clients have English proficiency. Additionally, the Department’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 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:

DVS has not encountered the need for language translation beyond the top 12 languages listed above but will continue to monitor needs to best serve our state’s veterans and their families.

Our agency tracks encounters of individuals with LEP 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 individuals with



LEP. The LAC also receives reports detailing the language access services provided by selected contractors.



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? Agency employees notify individuals with LEP in person and telephonically that translation services are available with the assistance of our selected contractor 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 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? DVS does not target specific populations with LEP but will provide language access services to those individuals with LEP 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 individuals with LEP in their languages
What are the populations with LEP targeted? [Click here to enter text.](#)
- 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)

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:** “I Speak” signage is posted, allowing individuals with LEP to identify the language they speak. DVS employees will then access oral interpretation services provided through our selected contractor.
- At initial contact in the field:** DVS employees have the ability to access telephonic interpretation services by conference call with the client with LEP to help identify language needs. Staff also have available the “I Speak” images to identify the individual with LEP’s preferred language.



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

For pre-planned appointments of individuals with LEP: 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 client with LEP to help identify language needs. In addition, DVS employees have available the "I Speak" images to identify the individual with LEP's preferred language.

Other (describe):

Our agency records and maintains documentation of language assistance needs of individuals with LEP 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 individual with LEP's client record maintained by DVS. We also utilize the monthly contractors 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 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: [Click here to enter text.](#)

Telephonic interpreting service

Number of contractors and languages spoken: One primary telephonic interpreting contractor that's under the NYS Office of General Services (OGS) Statewide Administrative Services Contract and covers over 200 languages and dialects, as well as potentially any contractor under the same contract.

Contracts or other arrangements with school and community organizations

Number of contracts or other arrangements and languages spoken: [Click here to enter text.](#)

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: “I Speak” signage is posted in public-facing offices to inform individuals with LEP of the availability of free language interpretation services. After the individuals with LEP identify the language they speak, DVS employees will then access interpreter services provided through our selected contractor.

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

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

For pre-planned appointments of individuals with LEP: For appointments, individuals with LEP 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 can access telephonic interpretation services by conference call with the client with LEP to help identify their language needs. In addition, staff have available the “I Speak” images which inform individuals with LEP 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 contractor. Employees are provided all necessary information to promptly access these services.

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 DVS employees are 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 may 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 individual with LEP 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 individual with LEP is engaged in official business with the agency, the agency provides access to independent language translation services 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:

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 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:

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

Cultural Competence and Confidentiality

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

Where DVS utilizes independent language translation 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:

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



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:

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

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 typically 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:

Contractors for translation services

Number of contractors: One primary translation services contractor that’s under the NYS Office of General Services (OGS) Statewide Administrative Services Contract and covers over 300 languages and dialects, as well as potentially any contractor under the same 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

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>



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 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*
- *BA: Bangla*
- *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	BA	CH	FR	HA	IT	KO	PO	RU	SP	UR		YI
	Blind Annuity	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	Gold Star	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	Supplemental Burial Allowance	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	Restoration of Honor	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	Indigent Burial	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	NYSDVA form SBA-1	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

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



DVS, through its contractor, will ensure that accuracy and proofreading/editing for correctness are a component of the translation services provided by any contractor 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:

Dr. Lessie Branch, Special Assistant for Community Engagement

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:

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 OER 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:

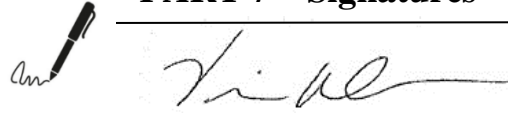
The standardized complaint forms, along with the procedures for filing a complaint, are available in all twelve languages in our public offices upon request. They are also available for download or online submission through our website. Additionally, information on the “Right to file a complaint” is 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:

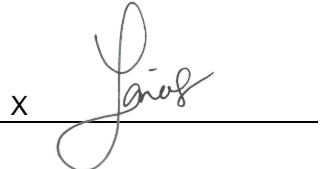
All complaints received regarding language assistance services are submitted to the agency’s LAC within 48 hours of receipt. Then the LAC will thoroughly investigate the complaint, meet with staff and contact the person(s) making the complaint. The LAC should determine what appropriate action should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



PART 7 – Signatures

	Commissioner	9/17/2024
Head of Agency	Title	Date

	Special Assistant for Community Engagement	9/17/2024
Agency LAC	Title	Date

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