

# **LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS**

**State Agency:** Department of Environmental Conservation

**Effective Date of Plan:** 5/30/2019

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## **PART 1 – INTRODUCTION**

**Pursuant to Executive Order No. 26 (“Statewide Language Access Policy”), we have prepared this Language Access Plan (“Plan”) that sets forth the actions we will take to ensure that limited English proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.**

### **Statement of Agency Services to the Public:**

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 education 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 education and outreach programs, including engaging environmental justice communities, in respect to cleanups of contaminated sites.

**In developing this plan, we have understood LEP individuals to be persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. We will reassess language needs periodically as needed, but at least every two years starting from the effective date of this plan.**

**PART 2 – ASSESSING LEP POPULATION LANGUAGE NEEDS**

**The estimated total number of individuals in our service area is:** Approximately 19,798,228, the New York State population in 2017.

**The top six languages spoken by LEP individuals that our agency serves or could potentially serve are as follows:**

<b>Language</b>	<b>Estimated Number of LEP Individuals Who Speak this Language</b>
Spanish	1,249,541
Chinese	386,290
Russian	122,150
Haitian Creole	63,615
Bengali	62,219
Korean	60,405

Source: U.S. Census Bureau, 2013-2017 American Community Survey.

**We use the following resources to determine the top six languages spoken by LEP individuals:**

- U.S. Census data (including American Community Survey)
- Agency data on client contacts
- School system data
- Information from community organizations that serve LEP individuals

**Names of organizations:** DEC maintains lists of interested residents and others for each specific site of environmental concern. Lists are generated and maintained through our office of environmental justice

- Information from other government agencies

**Names of agencies:** NYS Department of Labor, NYS Department of Criminal Justice Services, State Education, Office of Children and Children Services, and NYS Department of Health.

- Other [Click here to enter text.](#)

**We have determined the frequency of our contacts with LEP individuals as follows:**

Staff maintains a record of encounters with LEP individuals. These records are available as needed. The Department has conducted other informal surveys of programs. A review of requests for interpretation assistance and/or translation of documents is also conducted.

**PART 3 – PUBLIC OUTREACH AND NOTICE OF AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES**

**We inform LEP individuals, in the languages indicated in the chart in Part 2 of this plan, about their right to free language assistance services by using the following measures:**

- LEP individuals are informed directly by our staff

**In what ways?** • “I SPEAK” posters displayed in public areas of the Department’s operated buildings and campgrounds, at events, and public meetings 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; and
- 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

- Brochures or flyers about language assistance services

- In public areas of the agency

- Elsewhere in the agency's service areas

- Signs posted about language assistance services

- In public areas of the agency

- Elsewhere in the agency's service areas

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

**What are the LEP populations targeted?** Spanish, Chinese, Korean, Bengali, Russian, Haitian Creole, Russian and other languages upon request

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

- Telephonic voice menu providing information in non-English languages

**In which languages:** Click here to enter text.

- Other (describe) In accordance with the Department's Environmental Justice and Permitting Policy (Commissioner's Policy #29), the Department conducts outreach events to LEP permit applicants using oral interpreting services and translated public notices. The

locations of these events are determined based on an assessment of affected communities across the state.

#### **PART 4 – PROVISION OF LANGUAGE ASSISTANCE SERVICES**

**We use the following resources to determine when an individual is LEP, and what the individual’s primary language is, when the encounter is *in person*:**

- "I Speak" posters or visual aids
- Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available
- Other                      Staff who interact with the public use palm cards to identify an LEP individual’s primary language (e.g. Environmental Conservation Officers and Forest Rangers).

**We use the following resources to determine when an individual is LEP, and what the individual’s primary language is, when the encounter is *by telephone*:**

- Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available
- Telephonic interpreting service
- Other                      [Click here to enter text.](#)

**We record and maintain 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 by our contractor. We report the number of calls, duration and language request after our reconciliation process.

#### **A. Oral Interpreting Services**

**Our protocol(s) for assessing whether an LEP individual needs oral interpreting services is as follows:**

**For in-person encounters:** Staff assesses the ability of individuals to communicate in English and, when appropriate, direct persons to “I SPEAK” posters or use palm cards to facilitate access to telephonic interpreting services.

**By telephone:** Staff assesses ability of individuals to communicate in English and, when appropriate, use a telephonic interpreting service.

**At initial contact in the field:** Staff assesses ability of individuals to communicate in English and, when necessary, use palm cards to facilitate access to telephonic interpreting services.

**For pre-planned appointments with LEP individuals:** In cases where an LEP individual contacts us prior to a public meeting or other appointment, LEP services are made available for that person.

**Other (describe):** Click here to enter text.

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

**For in-person encounters:** Staff assesses the ability of individuals to communicate in English and, when appropriate, direct persons to “I SPEAK” posters that inform the public of free interpreting services or use palm cards to facilitate access to telephonic interpretation services and verbally inform them of free interpreting services.

**By telephone:** Staff assesses the ability of individuals to communicate in English and, when appropriate, use a telephonic interpreting service to verbally inform callers of free interpreting services.

**At initial contact in the field:** Staff assesses the ability of individuals to communicate in English and, when necessary, use palm cards to facilitate access to telephonic interpreting services to verbally inform callers of free interpreting services.

**For pre-planned appointments with LEP individuals:** If an individual needs services for a preplanned appointment the agency arranges to have a contracted interpreter available for that meeting.

**Other (describe):** Click here to enter text.

**If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocol(s) for determining 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 his or her choosing, he or she 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 his or her choosing when filling out applications or when involved in other legal matters.

**Our protocol(s) for obtaining interpreter services in a timely manner is as follows:**

All staff have been provided guidance and/or palm cards with instructions on how to access interpreting services.

**We record and maintain documentation of oral interpreting services provided to LEP individuals at each encounter as follows:**

The Department has a reporting system for all programs to report encounters with LEP individuals. The telephonic interpreting service vendor also provides the Department with an ongoing summary of frequency of use, type of interpreter service provided and usage costs.

**Competency and confidentiality**

**The linguistic and cultural competence of interpreters is addressed as follows:**

The Department's Office of Affirmative Action has established procedures for assessment of volunteer staff interpreters. Where the Department utilizes independent interpreting services, that vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent.

**The issue of confidentiality pertaining to the use of interpreters is addressed as follows:**

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

**Maintaining a list of oral interpreting resources**

**We use, or have available for oral interpreting, the following resources:**

- Bilingual staff members who work directly with LEP individuals

**Number of staff and languages spoken:** Click here to enter text.

- Bilingual staff members who provide oral interpreting when necessary

**Number of staff and languages spoken:** The Department has approximately 25 staff in total in regional and central offices that are proficient in over 50 languages.

- Telephonic interpreting service

**Names of vendors:** Potentially any vendor under the OGS Statewide Administrative Services Contract.

- Contracts or other arrangements with community organizations or individuals for oral interpreting services

**Names of individuals/organizations and languages:** [Click here to enter text.](#)

- Other [Click here to enter text.](#)

**The agency's Language Access Coordinator maintains the list of oral interpreting resources that are available to staff, which 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 LEP individual's primary language
- Languages in which each interpreter or service is qualified
- Procedure for accessing each interpreter or service

**We inform all staff members who have contact with the public how to obtain oral interpreting services as follows:**

Information on how to obtain oral interpreting services is provided through annual language access training to all staff. Training materials are available in our internal website.

### **B. Translations of Written Documents**

**The process to determine and reassess, at least every two years starting from the effective date of this plan, those vital documents (including website content) which must be translated is as follows:**

The Department has reviewed its published documents and determined that currently there are no "vital" documents. However, the Department will review documents published, at least every two years, to determine if the documents are "vital" and must therefore be translated. Any documents later identified as "vital" will be translated within a reasonable time to the languages identified in part 2.

The Language Access Coordinator manages the tracking system for requested documents by specific language/frequency to determine which would be (1) appropriate for posting on website; and, (2) retained in the central archive for subsequent use.

**The process to timely translate documents that LEP individuals submit in their primary languages is as follows:**

All documents in need of translation will be sent to the selected vendor in a timely manner.

**The process for ensuring that documents are written in plain language before they are translated into other languages is as follows:**

The Department has a Plain Language workgroup in place that reviews documents prior to translation. The Department will ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.

**The following table contains a non-exhaustive list of translated documents by the agency in the languages indicated:**

Name	Top Six Languages						Additional Languages
	Spanish	Chinese	Russian	Haitian Creole	Korean	Bengali	
Hunter Education Exam (This exam is scheduled ahead of time. Applicants can request language other than English.)	✓	✓					Italian, Polish
Adirondack Hike Sign							French
Hazardous Waste Letter	✓				✓		
Oak Wilt Update Sheet	✓						
Pharmaceutical Takeback Sign					✓		
Posting Notice Letter (The Language Assistance Insert is incorporated)	✓	✓			✓		
Bow Exam (Additional languages available upon request)							Bosnian

Language Assistance Insert	✓	✓	✓	✓	✓	✓	Italian
Dry Cleaners Notification Letter and Add-in enclosure document for translation DC New Part 232 AS	✓	✓	✓	✓	✓		Greek, Italian
Dry Cleaner Posting Notice letter and Add-in enclosure document for translation	✓	✓	✓				Italian, Vietnamese
Blue Hole Permit Release	✓						
Oak Wilt Door Hanger	✓						
Peekamoose Tip Strip	✓						
Outdoor Day Poster	✓					✓	Tibetan
Blue Hole Press Release	✓						
Oak Wilt Document	✓	✓					
Guide to Fishing Map	✓						
Protect Your Oaks Handout	✓						

Any documents determined to be vital during the course of this plan will be timely translated.

**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. The Department of Environmental Conservation will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.

**We use, or have available for translating, the following resources:**

- Contracts with language service vendors

**Names of vendors:** Any vendor under the OGS Statewide Administrative Services Contract

- Contracts or other arrangements with community organizations or individuals for oral interpreting services

**Names of individuals/organizations and languages:**

- Oral translations of written documents by bilingual staff members
- Oral translations of written documents by other individuals or community organizations

Other                    DEC maintains an internal website with Language access information. It includes printable versions of all materials for employees to assist LEP individuals. Google Translate can be found on the agency's website, which translates the page to the desired language. A disclaimer of use can also be found.

**The agency's Language Access Coordinator maintains the list of written translation resources that are available to staff, which includes:**

- Names and contact information for all resources
- Names and locations of staff members who are available to provide oral translations of written documents
- Languages in which each translation service is qualified
- Procedure for accessing each translation service

**PART 5 – STAFF TRAINING**

**The person(s) in the agency who is responsible for the provision of training to staff in language access issues is:** Willian Giruzzi, Director office of training, Management and Budget.

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

- The legal obligations to provide meaningful access to benefits and services to LEP individuals
- How to access language assistance services

- How to work with interpreters
- Cultural competence and cultural sensitivity
- Documenting the language needs of LEP individuals and the language services provided to them by the agency
- How to obtain written translation services

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

The Department distributes an annual agency-wide notice outlining the Department’s policy (per Governor’s Executive Order 26) and availability of language access resources (i.e., posters, palm cards, telephonic services) and related procedures and training requirements (including mandatory annual trainings and self-guided modules). A guidance memo is also included in the employee’s orientation bulletins.

All new employees are introduced to the Executive Order No. 26 (“Statewide Language Access Policy”), the Department’s Language Access Plan, and given a Quick Reference Guide 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.

**PART 6 – ADMINISTRATION**

**Monitoring**

**To ensure compliance with the Plan, the LAC will monitor its implementation as follows:**

Semi-annual discussions are held by the LAC with Division Directors and program staff to assess frequency and type of requests for interpreting and/or translation services.

Regional and central office supervisors must identify and maintain a list of designated staff for training, ensure training is completed and, upon completion of training, submit a copy of the training list to Central Office LAC by the determined deadline.

**Complaints**

**We provide information to the public in at least the top six languages, advising them of the right to file a complaint if they feel that they have been the subject of discrimination. The information we provide describes how and/or where to file a complaint. We do not retaliate or**

