

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

**State Agency:** New York State Division of Veterans' Affairs

**Effective Date of Plan:** 5/30/2017

**Language Access Coordinator (LAC):** Jason K. Chakot

**LAC Phone / E-mail:** (518) 474-6114/Jason.Chakot@veterans.ny.gov

## **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 New York State Division of Veterans' Affairs (DVA) provides New York State Veterans, members of the Armed Forces, and their families with veterans benefits' counseling to help ensure that they receive the federal and state benefits available to them based on service in the Armed Forces of the United States. By virtue of serving in the armed forces of the United States, the veterans who the Division serves have had to demonstrate proficiency in English. Additionally, the Division's core mission is connecting veterans with federal Veterans' Affairs benefits. The applications and documents used in this process are produced and provided by the federal Veterans' Affairs in English.

**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:** New York State is home to approximately 886,000 veterans and their families.

**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	1,240,490
Chinese	350,976
Russian	130,296
Haitian Creole	68,509
Korean	61,833
Italian	58,200

Source: U.S. Census Bureau, 2010-2014 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 data)
- Agency data on client contacts
- School system data
- Information from community organizations that serve LEP individuals

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

- Information from other government agencies

**Names of agencies:** [Click here to enter text.](#)

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

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

A review of our interpretation services utilized over the past 12 months has determined 11 occasions of providing services to Spanish speaking LEP individuals.

**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?** Staff uses "I Speak" cards and signs posted in public areas of the agency to inform the public of free interpreting services.

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 organizations

**What are the LEP populations targeted?** Language identification tools are display 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

Telephonic voice menu providing information in non-English languages

**In which languages?** Spanish when contact through call center.

Other (describe) DVA website provides information about the availability of free language services.

#### **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 (describe) Agency staff can also use the NYS Office of General Services (OGS) approved vendor to help identify LEP individual preferred language.

**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 (describe) [Click here to enter text.](#)

**We record and maintain documentation of each LEP individual’s language assistance needs as follows:**

An LEP individual’s language assistance needs will be documented in that individual’s client record maintained by DVA.

**A. Oral Interpreting Services**

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

**For in-person encounters:** Through self-identification by the LEP individual. Staff also uses “I Speak” signage allowing LEP individuals to identify his/her language. DVA staff will then access interpreter services through a NYS OGS approved vendor.

**By telephone:** Through self-identification by the LEP individual. If staff is unable to communicate with the individual, DVA staff will access interpreter services through a NYS OGS approved vendor.

**At initial contact in the field:** Through self-identification by the LEP individual. Staff also uses “I Speak” cards allowing LEP individuals to identify his/her language. DVA staff will then access interpreter services through a NYS OGS approved vendor.

**For pre-planned appointments with LEP individuals:** Preferred language is identified from the individual’s client record. Staff also uses “I Speak” cards, or interpretation services through a NYS OGS approved vendor.

**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:** Using “I Speak” cards that advise LEP individuals of the availability of free interpreting services. Additionally, staff using the contracted vendor informs the LEP individual of free interpreting services.

**By telephone:** Staff using the contracted vendor informs the LEP individual of free interpreting services.

**At initial contact in the field:** Using “I Speak” cards that advise LEP individuals of the availability of free interpreting services. Additionally, staff using the contracted vendor informs the LEP individual of free interpreting services.

**For pre-planned appointments with LEP individuals:** Staff using the contracted vendor informs the LEP individual of free interpreting services.

**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:**

Upon request by an LEP individual or after a determination of need, staff immediately access interpretation services by telephone.

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

As a part of the LEP individual’s clients record in our case management system, DVA records an LEP individual’s language need.

### **Competency and confidentiality**

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

Where the agency 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 addresses 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:** [Click here to enter text.](#)

- Telephonic interpreting service

**Names of vendors:** Any vendor under the NYS 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 (describe) [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:**

Our staff is 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 DVA based training.

### **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 LAC, in conjunction with Division staff input, reviews changes to existing documents, as well as new publications to determine if the document is vital and must therefore be translated. This review occurs at least bi-annually.

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

DVA will submit documents to the NYS OGS approved vendor requesting a ten work day deadline for returned document. The LEP individual will be made aware of this standard practice.

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

Departmental heads and other designated staff will review documents for plain language prior to submitting them for translation.

**The following documents are currently translated by the agency in the languages indicated:**

Form #	Name	Top Six Languages						Additional Languages
		Spanish	Chinese	Russian	Haitian Creole	Korean	Italian	
	Blind Annuity Application	✓	✓	✓	✓	✓	✓	German, Japanese, Tagalog
	Gold-Star Parent Annuity Application	✓	✓	✓	✓	✓	✓	German, Japanese, Tagalog
	Supplemental Burial Application	✓	✓	✓	✓	✓	✓	German, Japanese, Tagalog
	Supplemental Burial Information Sheet	✓	✓	✓	✓	✓	✓	German, Japanese, Tagalog

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

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

DVA, through its vendor, 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. DVA 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 NYS 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.](#)

- Oral translations of written documents by bilingual staff members
- Oral translations of written documents by other individuals or community organizations
- Other (describe) [Click here to enter text.](#)

**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:** Jason K. Chakot.

**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:**

Training is provided to staff at least once per year, with refreshers as needed. The training contains information on how to contact interpreting services, confidentiality and cultural sensitivity. Additionally, handouts and other written material are provided to newly hired staff.

**PART 6 – ADMINISTRATION**

**Monitoring**

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

Field supervisors include compliance with the agency’s language access plan with each field visit through internal controls. Field offices are generally visited by supervisors at least once every 90 days.

**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 take other adverse action because an individual has filed a complaint alleging discrimination based on LEP status or needs.**

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

Information on how to file a complaint is posted in public areas. Additionally, the standardized complaint forms are available at our office and on our website in all six languages referred to in Part 2 of this Plan.

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

All complaints are forwarded to the agency LAC within 48 hours of receipt for further appropriate action.

All complaints must be timely forwarded to the Statewide Language Access Coordinator.

**PART 7 – SIGNATURES**



Director

4/21/2017

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**Head of Agency**

**Title**

**Date**



Associate Training Technician

4/21/2017

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**Agency LAC**

**Title**

**Date**



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**Deputy Secretary for Civil Rights**

5/25/17

**Date**