



LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

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

Effective Date of Plan: August 1, 2021

Language Access Coordinator: Mr. Roger Townsend

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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 Limited English Proficient (“LEP”) population 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 Executive Order No. 26, as amended by Executive Order No. 26.1, which established New York’s [Statewide Language Access Policy](#).¹ This Plan explains how we make sure 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 Military and Naval Affairs (DMNA) has limited interactions with members of the public. Further, due to English language instruction and proficiency requirements in the armed services, there is limited contact with Limited English Proficient individuals within the agency’s service population.

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 per cent (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.

¹ For additional information about our agency’s obligations to provide language access services, please visit: <https://www.ny.gov/language-access-policy>



PART 2 – The Limited English Proficient Population in Our Service Area

Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top ten languages most commonly spoken by LEP individuals in New York State.

The estimated total number of LEP individuals in our service area is: Approximately 2.5 million LEP individuals in New York State.

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

#	Language	Estimated Number of LEP Speakers
1	Spanish	1,201,322
2	Chinese	379,745
3	Russian	119,380
4	Yiddish	64,070
5	Bengali	64,020
6	Korean	55,506
7	Haitian Creole	54,746
8	Italian	46,431
9	Arabic	40,781
10	Polish	34,840

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 with LEP individuals in the following ways:

Negligible, since 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.



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 ten languages shown in Part 2 of this Plan:

- LEP individuals are directly informed by our staff

In which ways? Verbally, if someone calls on the telephone.



- 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 ten 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?**
- 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) 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 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:**
 - 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 with LEP individuals:**
- Other (describe):**

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

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.

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

- 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:**

At initial contact in the field: Staff uses “I Speak” cards to inform the LEP individual about free interpreting services.

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

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

- 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 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 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 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 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:

DMNA works with various armories and staff members to determine how oral interpreting services are documented if encountered. Record on the use of our telephonic interpreting services is held by the selected vendor.

Cultural Competence and Confidentiality

Our agency makes sure interpreters are culturally competent² in the following ways:

Where DMNA utilizes independent interpreting 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:

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 documents (including website content) that must be translated. This process is accomplished in the following ways:

² 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



The LAC works with program directors to ascertain if any documents need to be translated. If so, they are prepared for translation utilizing approved vendor. 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:

Contracts with vendors for translation services

Names of vendors/languages: Any vendor under the NYS OGS Statewide Administrative Services Contract.

Contracts or other arrangements with schools and community organizations

Names of schools/organizations and languages:

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 LEP individuals 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 by our agency in the languages indicated:

³ The [Plain Writing Act of 2010](#) 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>



Some federally funded and printed information on family support and family services is 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.

If any documents are 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:

DMNA, 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. 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:
Roger Townsend, 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 LEP individuals

The methods and frequency of training are as follows:

Mandatory language access training from the Governor’s 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 is 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 LEP individuals regarding language access issues.

B. Complaints

We provide information to the public in at least the top ten 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 of 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 Statewide Language Access Coordinator.



PART 7 – Signatures



Ray Shields

Major General Raymond F. Shields
Head of Agency

The Adjutant General
Title

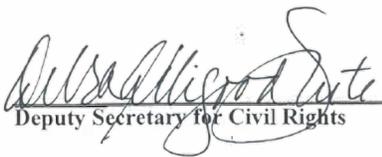
29 JUL 2021
Date



Roger Townsend
Agency LAC

Information Services Branch Chief
Title

27 JUL 2021
Date



Deputy Secretary for Civil Rights

7/30/2021
Date