

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: Division of Veterans' Services

Effective Date of Plan: August 1, 2021

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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 Limited English Proficient (“LEP”) population 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>


	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 Veterans’ Services provides New York State Veterans, members of the 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 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. While we may encounter spouses or dependents of veterans who have a limited English proficiency, the overwhelming majority of the Division’s clients are English proficient. Additionally, the Division’s core mission is connecting veterans with federal Veteran’s Services benefits. The applications and documents used in this process are produced and provided by the federal Department of Veterans Affairs only in English.



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.

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

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:

We require all staff to send an email listing the date, time and language spoken of calls made to the agency by LEP individuals. We also receive reports detailing the language access services provided by contracted vendors.



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? In person and telephonically with the assistance of our contracted vendor 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 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? We do not target specific LEP populations but will provide language access services to those LEP individuals we encounter. 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 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) Agency staff can also use the NYS Office of General Services (OGS) approved vendors to help identify an LEP individual’s preferred language.

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: "I Speak" signage is posted allowing LEP individuals to identify the language they speak. NYSDVS staff will then access interpreter services provided through an NYS OGS approved vendor.

At initial contact in the field: All NYSDVS employees have the ability to access telephonic interpretation services by conference call with the LEP client to help identify language needs. Staff also have available the pocket size "I Speak" cards to point at the LEP individual's preferred language.

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

For pre-planned appointments with LEP individuals: Preferred language is identified from the individual's client record. All NYSDVS employees also have the ability to access telephonic interpretation services by conference call with the LEP client to help identify language needs. In addition, staff have available the pocket size "I Speak" cards to point at the LEP individual's preferred language.

Other (describe):

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

All NYSDVS employees record the name, date, duration of the call and the language spoken and sends this information to the LAC coordinator via email. It is also documented in the LEP individual's client record maintained by NYSDVS. We also utilize the monthly vendors 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 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

Name of vendors: Language Line, and potentially any other approved vendor under the NYS OGS Statewide Administrative Services Contract.

- Contracts or other arrangements with school and community organizations

Number of staff and languages spoken:

- 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: “I Speak” signage is posted. This signage informs LEP individuals of the availability of free interpreting services. After the LEP individuals identify the language they speak, NYSDVS staff will then access interpreter services provided through an NYS OGS approved vendor.

At initial contact in the field: All NYSDVS employees have the ability to access telephone interpretation services by conference call with the LEP client to help identify their language needs and inform the client of the availability of free interpreting services. Staff also have available the pocket size “I Speak” cards which inform LEP individuals of the availability of free interpreting services and allows LEP individuals to point out their preferred language.

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

For pre-planned appointments with LEP individuals: For appointments, LEP individuals have already been informed of the availability of free interpreting services and the preferred language is identified from the individual’s client record. All NYSDVS employees also have the ability to access telephonic interpretation services by conference call with the LEP client to help identify their language needs. In addition, staff have available the pocket size “I Speak” cards which informs LEP individuals of the availability free interpreting services and allows them to point out their preferred language.

- Other (describe):**

Our agency’s protocols for obtaining interpreting services in a timely manner is as follows:

We have a direct telephone number to connect with our NYS OGS approved language interpretation vendors. Staff are provided all necessary information to promptly access these services.

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 are 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 is 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 provides 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:

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 NYSDVS 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 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:

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

Cultural Competence and Confidentiality

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

Where DVS utilizes independent interpreting services, that vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent.

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

Our agency makes sure interpreters follow state and federal confidentiality protocols in the following ways:

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:

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

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:

Contracts with vendors for translation services

Names of vendors/languages: Language Line and potentially any other vendor under the 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

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>

Our agency translates documents that LEP individuals submit in their primary languages in a timely manner. Our protocol in this regard is as follows:

NYS DVS will submit documents to the approved OGS vendor requesting a three-day deadline for the vendor to provide the translated document.

The following non-exhaustive list of documents are currently translated by our agency in the languages indicated:

- *AR: Arabic*
- *BE: Bengali*
- *CH: Chinese*
- *HA: Haitian-Creole*
- *IT: Italian*
- *KO: Korean*
- *PO: Polish*
- *RU: Russian*
- *SP: Spanish*
- *YI: Yiddish*

Name	Top Ten Languages									
	AR	BE	CH	HA	IT	KO	PO	RU	SP	YI
Blind Annuity Application	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Gold Star Parent Application	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Supplemental Burial Allowance Application	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
NYSDVS Form SBA-1	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

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:

NYSDVS, through its vendor, will ensure that accuracy and proofing/editing for correctness are a component of the translation services provided by any vendor 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:
Kristen Rouse, Deputy Director for Diversity, Equity & Inclusion.

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:

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 GOER 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 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:

The standardized complaint forms, along with the procedures for filing a complaint, are available in all ten 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 ten 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.

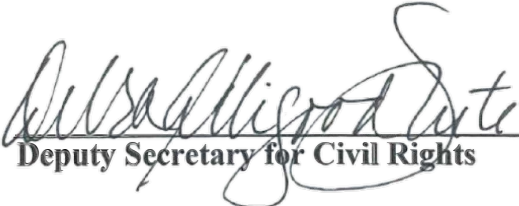
All complaints must be forwarded in a timely manner to the Statewide Language Access Coordinator.

PART 7 – Signatures



	Executive Deputy Director	7/28/2021
Head of Agency	Title	Date

<i>Lisa McClain</i> for Kristen Rouse	Language Access Coordinator	7/28/2021
Agency LAC	Title	Date

	Deputy Secretary for Civil Rights	7/30/2021
Deputy Secretary for Civil Rights		Date