

LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: New York State Division of Veterans' Affairs

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PART 1 – INTRODUCTION

Pursuant to Executive Order No. 26 (“Statewide Language Access Policy”), the Division has prepared this Language Access Plan (“Plan”) that sets forth the actions we will take to ensure that persons with limited English proficiency (“LEP”) 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, their dependents and survivors 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.

It should be noted that the Division serves a unique population with respect to English Language proficiency. 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 VA benefits. The applications and documents used in this process are produced and provided by the federal VA 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: 913,000 Veterans & their families.

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

Language	Estimated Number of LEP Individuals Who Speak this Language
Spanish	1,238,710
Chinese	330,318
French Creole	69,522
Russian	131,471
Italian	67,424
Korean	62,143

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:

- Information from other government agencies

Names of agencies:

- Other (describe)

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

Recent query of our agency staff indicated approximately 170 encounters with LEP individuals in the last twelve months during which DVA filed approximately 18,900 claims for 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 that inform the public of free interpretation 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?
- Local, non-English language media directed at LEP individuals in their languages
- Telephonic voice menu providing information in non-English languages
 - In which languages:
- Other (describe)

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 make those determinations based on experience, with the assistance of bilingual staff members where available
- Other (describe)

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 make those determinations based on experience, with the assistance of bilingual staff members where available

Telephonic interpreting service

Other (describe)

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, using the Veterans Common Operating Picture Program (VETCOP).

A. Oral Interpreting Services

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

For in-person encounters: An LEP individual may-self identify or after staff is unable to communicate an LEP individual, staff may use "I Speak" signage allowing LEP individuals to identify the language they speak. DVA staff will then access interpreter services provided through a contact brokered by the NYS Office of General Services (OGS).

By telephone: An LEP individual may-self identify or after staff is unable to communicate with an LEP individual, all DVA employees will have the ability to access the interpretation services by conference call with the LEP client as contracted through OGS.

At initial contact in the field: Staff will have "I Speak" cards to use when unable to communicate with LEP individuals and may access phone interpreting services.

For pre-planned appointments with LEP individuals: Generally, staff has already determined.

Other (describe):

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: There will be signs posted in public areas advising LEP individuals of the availability of free interpreting services. Additionally, where staff is unable to communicate with an LEP individual, staff will contact interpreting services and the interpreter will inform the LEP individual that said services are free.

By telephone: Once an interpreting service has been contacted, the telephonic interpreter will inform the LEP individual.

At initial contact in the field: By telephonic interpreter pursuant to contract procured through OGS.

For pre-planned appointments with LEP individuals: By telephonic interpreter procured through OGS.

Other (describe):

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 may immediately access interpretation services by telephone pursuant to Executive Order No. 26, Statewide Language Access Policy.

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

As part of the LEP individual's client record in the Division's VETCOP database we will record 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 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:

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken:

- Telephonic interpreting service

Names of vendors: To be determined from the list of approved vendors by OGS.

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

Names of individuals/organizations and languages:

- Other (describe)

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:

Through Division based training, our staff is informed of available language translation services and the necessary steps to contact them.

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, will review changes to existing documents, as well as new publications to determine if the document is vital and must therefore be translated. This review will occur at least bi-annually.

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

Upon receiving a document from an LEP individual in their primary language, staff will review the document and submit said document for translation within 60 days of receipt.

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:

Currently, the agency has not identified any documents that require translation. However, as stated above, the LAC and other assigned staff will review documents at least bi-annually to determine if any new documents or updates to existing documents need to be translated.

The process for ensuring that translations are accurate and incorporate commonly used words is as follows: (Note: The Office of the Deputy Secretary for Civil Rights will maintain a list of commonly used words.)

DVA, through its vendor, will ensure that proofing/editing for correctness and cultural sensitivity is a component of the translation services provided by any vendor under contract as part of the publication process. The 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: to be determined.

- 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 (describe)

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 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 will be provided to staff at least once per year, with refreshers as needed. The training will contain information on how to contact interpreting services, confidentiality and cultural sensitivity. Additionally, handouts and other written material will be 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 will include compliance with the agency 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 ninety days.

Complaints

We provide information to the public, including to LEP individuals in languages regularly encountered in this service area, 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 will be posted in public areas. Additionally, standard complaint forms will be 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 complaint forms will be forwarded to the LAC within forty-eight hours of receipt for further appropriate action.

PART 7 – SIGNATURES

William A. Kraus

Acting Director

9/10/12

Head of Agency

Title

Date

William A. Kraus

Acting Director

9/10/12

Agency LAC

Title

Date

AW

9/17/12

Deputy Secretary for Civil Rights

Date