

DEPARTMENT OF PUBLIC SAFETY

Language Access Plan

I. Introduction

The Department of Public Safety (Department) is attempting to prepare a Language Access Plan (“LAP” or “Plan”), which will define actions to be taken to ensure meaningful access to agency services, programs and activities on the part of persons who have limited English proficiency. The Department will review and update, on a biannual basis, this LAP in order to ensure continued responsiveness to community needs and compliance with the Executive Office for Administration and Finance (“ANF”) Administrative Bulletin #16.

At this time it appears that no language meets or exceeds the threshold defined by established guidelines that would require the Department to institute immediate translation of its numerous regulations, examinations and reference documents. The Department requested an extension to more appropriately assess the matter and make an informed assessment of the constituency that we serve. The reason for the request was the majority of Department licenses are renewed on a two-year cycle. The Department is one year into the requested extension period so an additional time frame of one year is needed. The Department has been tracking the provided constituent information to determine which, if any, languages meet or exceed the language threshold.

The following identify challenges that the Department is faced with as we move toward implementing a LAP:

I. **Licenses:** The Department issues licenses in a number of categories. Licensees are required to be fluent in English for safety reasons, including:

- License reference standards and job safety requirements are published in English

The Department’s Construction Supervisor License process examines candidates in the following categories allowing licensees to supervisor certain types of building construction projects:

- Unrestricted – Single and two-family homes and small commercial projects,
- Restricted – Single and two-family home only,
- Masonry – chimneys, fireplaces and other masonry projects,
- Roofing Covering,
- Windows and Siding,
- Demolition,
- Solid Fuel Appliances, and
- Insulation

Those who are issued an engineering license are expected to interact with the general public and are required to alert them of dangerous conditions. In doing so, licensees must:

- a. Demonstrate the ability to comprehend and interpret all placards, operators' manuals, safety codes and other information pertinent to safe hoisting operations which are typically written in English.
- b. Demonstrate the ability to communicate in applicable language, when signals and instructions are by radio.

Engineering license categories include:

- Engineers & Firemen
- Hoisting
- Inspector of Pressure Vessel License
- Nuclear Plants
- Oil Burners
- Pipe Fitters
- Refrigeration
- Sprinkler Fitter
- Special in Charge and to Operate

The Department's Special Licensing/Regulated Activities program consists of the following licenses.

Public Warehousemen
Ticket Resellers
Theatrical Booking Agents
Assumed Names
Security Contractors
Security Clearance
MMA (MSAC)

Each references standard currently published only in English.

II. **Examinations** associated with license categories identified above are offered only in English. Construction Supervisor Licenses are administered by a private company. According to policies associated with this and other national exams promulgated by this private company indicate that language barrier is not considered a limitation to a candidate requiring special concession. Construction Supervisor License exams are referenced to International Building Code (IBC), International Residential Code (IRC) and other referenced standards that are generally published only in English.

Similarly, written Engineering License exams, which are administered by Department employees, are offered only in English. Although the Department does offer oral examinations for Engineering License categories, they too are offered only in English. In an effort to keep the exam as equitable as possible and to prevent the meaning of questions being lost in translation, English has been the standard language.

III. **Codes and Referenced Standards** are written in English

The International Building Codes (I-codes) referenced in Item II above are produced by the International Code Council (ICC). These building code standards are used by over half the states in the nation as well as many other nations throughout the world (see article referencing use of the I-codes). Notwithstanding its title, hard copies of the I-codes are published only in English. Electronic versions are available in English and Spanish.

[The International Building Codes \(I-codes\)](#)

I-codes are published in series addressing different aspects of construction, including the:

- International Building Code – which establishes design and construction standards for commercial buildings,
- International Residential Code – establishing standards for single and two-family home,
- International Energy Conservation Code,
- International Existing Buildings Code, and the
- International Mechanical Code.

Construction Supervisor License candidates, architects, engineers, building contractors and other code users may only purchase the printed codes in English. Also, within these codes are hundreds of reference standards that further describe how buildings are to be designed and constructed in order to assure occupant safety once completed. As an example, the International Building Code specifies when a building is required to be equipped with an automatic sprinkler system. However, it does not specify installation methods. Those methods are defined by standards produced by the National Fire Protection Association (NFPA). This is only one NFPA reference, there are 49 more referenced in the I-codes. All together, the I-codes make reference to over 600 other standards, most, if not all of which are available only in English.

Likewise, Engineering category licenses refer to documents that are currently written only in English.

IV. **In-house (Agency Staff) Interpreters/Translators**

- a. **Change of duties** – Union Implications/Reclassification Appeals
 - i. We have a number of our Collective Bargaining Unit employees who may volunteer to serve as in-house interpreters, however, these employees are not certified translators additional review will be needed if necessary.
- b. **Hiring translators** – Hiring certified translators can be costly and become a financial burden to the agency in addition to the challenge of finding a certified translator in an expeditious manner.

V. Hiring Practices

- a. Preferred Qualification vs. Minimum Entrance Requirement (MER): As threshold language(s) are established it will be determined how the language would be included into a preferred qualification.

State Building Inspectors and other Department of Public Safety (DPS) employees are required to know and understand the codes and standards that are referenced in items I, II and III above as well as other materials. For instance, in addition to I-codes and standards, DPS building inspectors are required to know, understand and enforce:

- Amusement Devise Safety Regulations,
- Trench Safety Regulations, and
- Architectural Access Board Regulations for persons with physical handicaps.

These regulations too are published only in English and, like the international codes; these regulations reference numerous other standards that are typically published only in English.

II. Purpose

The purpose of this plan is to ensure clients of the Department of Public Safety meaningful access to services, programs and activities although they may be limited in their English language proficiency.

The Department of Public Safety is committed to creating a Language Access Plan as the appropriate response to meeting our constituent's needs. The Plan will be consistent with the requirements of Administrative Bulletin #16 as promulgated by the Executive Office of Administration and Finance.

Consistent with the guidance of ANF Administrative Bulletin #16, a Limited English Proficient ("LEP") person is someone who is not able to speak, read, write or understand the English language at a level that allows him/her to interact effectively with Agency staff. A client maintains the right to self-identify as a LEP person.

III. Agency Description

The Department of Public Safety is a regulatory, licensing and inspection agency, charged with the oversight of numerous activities, businesses, and professions. Additionally, the Department of Public Safety provides administrative and legal assistance to ten different boards and commissions. Our goal is to ensure the safety of the public and to instill confidence in the safety of each of the regulated disciplines. As an executive agency, the Department is managed by a Commissioner who is appointed by the Governor.

IV. Language Access Plan

The Department of Public Safety Language Access Plan shall be fully implemented subject to the availability of fiscal resources to implement said language access plan. This Language Access Plan has been developed to adhere to the Language Access Guidelines of ANF Administrative Bulletin #16. This Language Access Plan represents Agency administrative blueprint to provide meaningful access to Agency services, programs and activities on the part of LEP individuals. This Language Access Plan outlines the tasks Agency will undertake to meet this objective.

Language Access Plan:

(1) Agency Language Access Coordinator:

Gregory A. Guba, Department of Public Safety
1 Ashburton Place, Room 1301, Boston, MA 02108,
(617) 727-3200; email: gregory.guba@state.ma.us

(2) Agency Language Access Needs Assessment:

- a. Language Makeup of Client Population
- b. Points of Contact between Agency and Client Population

(3) Language Resources Assessment:

- a. Identification of existing staff who are linguistically, culturally, and technically able to deliver services in a language other than English and/or to serve as interpreters

Presently, the Department has staff members that are technically able and competent to deliver services in Spanish, Portuguese, Cantonese, Taiwanese, Italian, and Creole.

- b. Community-based resources available to be deployed to assist agency in meeting language access needs can be accessed by utilizing the Massachusetts Office of Refugees and Immigrants (MORI) provider list.

(4) Language Service Protocols:

- a. Which language services are required to implement the Language Access Plan –

The Department revised all application materials to include self-reporting by license holders of any languages. This was done to determine if it was necessary to establish a threshold for any adjustments. The languages included were: Arabic, Chinese, French, German, Italian, Portuguese, Russian, Spanish, Tagalog, Vietnamese. This was done to determine whether the 5% population threshold was met.

As of December 2012, no one has identified or self-reported. It has therefore not been necessary to make any revisions or adjustments based on the submitted application information. The Department will continue to request the information and seek additional ways to identify limited English proficiency.

- b. Define and describe Agency's language access protocols for providing interpretation services – When contacted/necessary, the Department would evaluate and determine if the request could be done internally. If not, the Department would utilize the Office for Refugee Immigration (ORI).
- c. Define how a client will be able to access and utilize the resources identified in paragraphs (a) and (b) – As the individuals would need assistance either with the application or testing process, contact with the Department directly would start the process for determining access and determine if internally or external resources would be best.

(5) Vital Document Translation:

- a. Translation of vital documents poses another challenge to the Agency – all correspondence and licenses and renewal information has been updated to include information for accessing any specific Language requests.
- b. Agency website content, by list, to translate including timeframe for translation - As stated, there has been no self-reporting by any applicant that would indicate translation is necessary.

(6) Stakeholder Consultations:

The Department utilized Census data to develop the listing of possible languages. Associations of which licensees are members were contacted for assistance in determining any amount or specific area of membership where specific language assistance may be needed.

(7) Staff Training:

A process for identification has been developed and regularly communicated with Department Staff particularly in the license and testing area. Licensing staff has, as necessary, input into the Departmental database any indication that a license holder, during application or renewal, identifies that access to any Language other than English as their primary language is needed. When determined, consumers are directed to the specific Division, Language Access Coordinator or Legal Department for assistance.

(8) Notice to Public:

Regular notification and notation is displayed on the Department of Public Safety's Web site and all license applications have a section for self-identification.

(9) Agency Monitoring:

All Senior Staff/Managers (including the Language Access Coordinator) review all data and submissions regularly (at least quarterly) to determine the necessity of any changes or updates necessary to the program and associated documentation.

(10) Complaints:

You may file a complaint with The Department of Public Safety Language Access Coordinator or the Office of Access and Opportunity if you believe you have been denied the benefits of this Plan. You must file your complaint within 6 months of the alleged denial. You must file a written complaint.

Agency Head
Date

Secretary
Date

Language Access Complaint

You must file your complaint within 6 months of the alleged denial. You must file a written complaint. To file a complaint with the Language Access Coordinator, submit the written complaint to the attention of:

Gregory A. Guba
Department of Public Safety
One Ashburton Place, Room 1301
Boston, MA 02108
Email Address: gregory.guba@state.ma.us

To file a complaint with the Office of Access and Opportunity, please submit the written complaint to the attention of:

Office of Access and Opportunity
Executive Office of Administration and Finance
State House, Room 373
Boston, MA 02133
Email Address: Ronald.Marlow@state.ma.us