

LANGUAGE ACCESS PLAN

DEPARTMENT OF WORKFORCE DEVELOPMENT

November 1, 2010

LANGUAGE ACCESS PLAN (LAP)

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I. Introduction

The Department of Workforce Development (DWD) has prepared this Language Access Plan (LAP), outlining the efforts DWD has taken so far to provide language services to Limited English Proficiency (LEP) customers. This Plan also defines the actions DWD and its 37 One-Stop Career Centers across the Commonwealth will take to ensure meaningful access to programs, services, and activities for all customers with limited English proficiency.

This LAP is established pursuant to and in accordance with Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency.” The Plan is also consistent with the requirements of Administrative Bulletin #16, as promulgated by the Executive Office for Administration and Finance (ANF).

DWD will review and update this LAP annually to ensure continued responsiveness to community needs and compliance with Title VI.

II. Background

Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” was issued on August 11, 2000 (65FR 50121). The Order requires Federal agencies to develop and implement a plan to provide services to persons with Limited English Proficiency (LEP), ensuring meaningful access to the programs and activities conducted by those agencies.

Most activities performed by a Federal agency, including all contact with the public, may fall within the scope of federally conducted programs and activities. Aside from employment, there are two major categories of federally conducted programs and activities covered by this Executive Order: those involving contact with the general public as part of ongoing agency operations, and those directly administered by the agency for program beneficiaries and participants.

In addition to Executive Order 13166, the Department of Justice issued a Policy Guidance Document entitled “**Enforcement of Title VI of the Civil Rights Act of 1964- National Origin Discrimination Against Persons With Limited English Proficiency**” (hereinafter referred to as “DOJ LEP Guidance”) reprinted at 65 FR 50123 (August 16, 2000). The DOJ LEP Guidance advises each Federal agency on the steps agencies should take to ensure “meaningful” access by LEP individuals to the information and services the agency provides.

III. Purpose

The purpose of this plan is to ensure customers of DWD meaningful access to services, programs and activities, despite their limited English language proficiency.

DWD is committed to making its services available to LEP persons as part of its mission “to ensure equal access to all DWD programs, services, and activities.” Based on this commitment, DWD makes every attempt to assist LEP customers in accessing our agency programs and services. DWD serves a diverse population of all ages and linguistic origins.

Consistent with the guidance of ANF Administrative Bulletin #16, a Limited English Proficiency (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.

This LAP does not create new services, but strives to eliminate barriers for LEP customers accessing DWD services.

DWD shall provide quality language assistance services to LEP customers in a fair and timely manner, ensuring meaningful access to DWD programs, services, and activities.

IV. Policy

It is DWD policy to provide meaningful access to its programs and services to persons who, as a result of national origin, are limited in English proficiency.

V. Applicability

This directive applies to the Executive Office of Labor and Workforce Development (EOLWD) and its federally funded agencies: the Department of Workforce Development. DWD includes the Division of Unemployment Assistance (DUA), the Division of Career Services (DCS), and the Division of Apprentice Training (DAT).

VI. Role of DWD

The Department of Workforce Development comprises the following **three** agencies which administer various state and federally funded programs:

1. DIVISION OF UNEMPLOYMENT ASSISTANCE (DUA)

The Division of Unemployment Assistance (DUA) administers the Unemployment Insurance (UI) program, providing temporary assistance to unemployed Massachusetts workers. There are 35 UI Walk-In Centers across Massachusetts.

2. DIVISION OF CAREER SERVICES (DCS)

The Division of Career Services (DCS) oversees the Commonwealth's network of 37 One-Stop Career Centers* (see Listing on page 12-14 of this document) that assist businesses in finding qualified workers and provide job seekers with career guidance as well as job and training referrals.

3. DIVISION OF APPRENTICE TRAINING (DAT)

The Division of Apprentice Training (DAT) is the agency responsible for promoting, developing, and servicing registered apprenticeship programs in the Commonwealth of Massachusetts.

VII. Language Access Plan:

*Due to the broad scope of the *One-Stop Career Centers* throughout a variety of state, city and private entities with varying resources, responsibilities, and staff capacities, DWD will not attempt to create a detailed, "one-size fits all" LAP. Instead, the DWD LAP Guidance provided in the **Appendix** of this document is intended to direct One-Stop Career Centers to create their own LAP and to assist with the creation of such LAPs. DWD will continue providing translation and interpretation services and will provide technical assistance to One-Stop Career Centers carrying out DWD programs, in compliance with LAP requirements. As necessary, DWD will issue new guidance and/or regulations relating to its programs to ensure effective LAP implementation.

Approach: The Agency Language Access Plan (LAP) shall be fully implemented provided the availability of fiscal resources to implement said LAP. The LAP has been developed to adhere to the Language Access Guidelines of ANF Administrative Bulletin #16. This Language Access Plan represents the Agency administrative blueprint to provide meaningful access to DWD programs and activities for LEP individuals. This LAP outlines the efforts that DWD has both taken so far and will continue to take to fully meet this objective.

1) Language Access Coordinator

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MA Executive Office of Labor and Workforce Development
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Boston, MA 02114
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2) Language Resources

A. Office of Multilingual Services

For almost two decades, the Office of Multilingual Services at Department of Workforce Development (DWD) has been committed to improving access to services for eligible LEP customers. Language assistance guidelines and instructions have been developed and implemented based on customer need, legal requirements, and what is of importance to LEP customers. These guidelines were established so that DWD staff could provide LEP customers equal and meaningful access to participate to our programs, services, and activities.

The Office of Multilingual Services strives to provide language expertise and support to DWD staff to ensure that all LEP customers obtain meaningful access to the agency's programs, services, and activities. Multilingual Services is responsible for addressing LEP related problems or issues and also assists UI advocates, attorneys, and Community-Based Organizations (CBOs) serving LEP communities.

In May 2010, DUA created a **Multilingual Unit** within the Office of Multilingual Services. This Unit comprises three Multilingual Specialists under the Director of Multilingual Services. The Unit facilitates LEP claimants' access to the claims system by proper initial language preference coding, correcting erroneous coding, communicating with claims agents and adjudicators, and understanding UI requirements and notices. The LEP Unit has a telephone line with 9 language announcements where claimants can call should they have any issues or concerns about their Unemployment Insurance Benefits. The Multilingual Toll Free Number is printed on the DUA disqualification notices, which are translated into the 9 statutory languages.

The Multilingual Staff also interprets for adjudication cases and translates DWD documents. Instructions on how to utilize the Multilingual Specialists have been sent to DUA Call Centers Staff. Every week, Multilingual Unit's staff calls LEP claimants to remind them of their hearings and confirm the interpreter bookings.

B. Language Resources Available at DWD

(The information below can be found at <http://intranet.detma.org/multilingual>)

1. Multilingual Unit Staff interprets and translates in 7 languages;
2. Over-the-phone language services (over 170 languages);
3. Internal Volunteer Bilingual Staff (27 languages);
4. Professional in-person interpreter services for DUA hearings in over 100 languages;
5. Unemployment Insurance Telephone Certification (TeleCert) services in English and Spanish;
6. Professional written translation services in 9 languages;
7. Translated Publications posted on the EOLWD Internet www.mass.gov/eolwd/multilingual;
8. "I speak" cards in 38 languages posted on the Intranet for language identification;
9. The Career Center Seminar Power Point translated into the 9 statutory languages. Can also be found on Mass Workforce Issuance;
10. Career Center Seminar Videos in English, Spanish, Portuguese, American Sign Language, and Closed Captioning.

C. Identification of Existing Bilingual Staff

This list identifies the languages spoken by DWD staff who are linguistically, culturally, and technically able to deliver services in a language other than English and/or to serve as interpreters. The list is organized alphabetically and on the actual site, each language hyperlinks to the contact information for the corresponding staff.

The staff has agreed to volunteer to interpret for Limited English Proficiency (LEP) customers.

This List is posted on the EOLWD Intranet. DWD: <http://intranet.detma.org/multilingual>
DOL/EO: <http://intranet.elw.state.ma.us/multilingual>

Albanian	Greek	Korean
Arabic	Gujarati	Laotian
Armenian	Haitian	Mandarin
Bengali	Haka	Portuguese
Burmese	Hindi	Punjabi
Cape Verdean	Husa	Russian
Cantonese	Ibo	Spanish
Czech	Italian	Urdu
French	Khmer	Vietnamese

3) Language Service Protocols

A. How DWD Staff Can Obtain Interpreter Assistance

Interpretation is the immediate oral rendering of the source language into the target language.

The **EOLWD Intranet on the Multilingual Services page** provides complete guidelines, information, and instructions for DWD staff. <http://intranet.detma.org/multilingual>

The guidelines refer DWD staff to:

1. **Multilingual Unit Specialists** who fluently speak, read and write in Spanish, Portuguese, Cantonese, Mandarin, Vietnamese, Cape Verdean, and French.

2. **An Over-the-Phone Language Service providing over 170 languages.**
Step by step instruction on how to use the language Line is available to DWD staff. The quality of the over-the-phone language service is monitored through “Reports of Usage” forms completed by DUA staff and reviewed by Multilingual Services.
3. **A list of volunteer internal multilingual DWD employees** who have the linguistic capability to address phone inquiries in numerous languages such as Albanian, Arabic, Armenian, Bengali, Burmese, Cantonese, Cape Verdean, Czech, French, Greek, Gujarati, Haitian Creole, Hakkinese, Hindi, Husa, Ibo, Italian, Khmer, Korean, Laotian, Mandarin, Portuguese, Punjabi, Russian, Spanish, Urdu, and Vietnamese (see table on page 6).
4. **A Language Identification Flashcard.** The card states “I speak” in 38 languages and can be used to identify the language spoken by LEP customers accessing services provided by the DWD and Career Center staff.
5. **Step by step procedures** for DUA **Hearings** staff on how to request Interpreter Services and interpreter related information.

B. LEP Customer Access to Language Resources

Claimants whose primary language is one of the 9 statutory languages receive notices in their primary languages, including the 800 Toll Free Multilingual phone number so they can call Multilingual Specialists. These notices are available to DUA staff on the intranet at www.mass.gov/eolwd/multilingual “For Call Centers.”

ENGLISH	SPANISH
PORTUGUESE	HAITIAN CREOLE
CHINESE	VIETNAMESE
RUSSIAN	KHMER
LAOTIAN	ITALIAN

A letter announcing the creation of the Multilingual Unit was sent out to Community-Based Organizations (CBOs) serving LEP customers. The letter advised CBOs to inform their LEP constituents about the new Unit.

Starting January 2011, DUA will issue the Initial Claims Packet to new LEP claimants in their primary language. The packet includes the Multilingual Unit Toll Free number.

DUA forms not translated in their entirety include a “Babel Notice”^{*} explaining that the document is important and needs to be translated. The notice also includes a phone number where a claimant can request language services.

If One-Stop Career Centers (CC) staff does not know what language the customer speaks then the CC staff provides LEP customers with an “**I speak**” card in 38 languages to determine what language services the customer requires. Once the CC staff knows what language the customer speaks, either DWD bilingual staff or over-the-phone language services will be used to assist the LEP customer.

C. Community-Based Organizations

The list is available on the EOLWD Intranet, Multilingual Page (see Intranet address above)

^{*}“Babel Notice” means a notice that DUA specifically designs to notify LEP claimants, in the languages listed in the Statute, that an attached DUA notice is important and the claimant should have it translated immediately.

D. State Law Requirements

Mass. State Law requires that UI notices be issued in Spanish, Chinese, Haitian Creole, Italian, Portuguese, Vietnamese, Laotian, Khmer, Russian and any other language that is the primary language (regardless of the person's English proficiency) of the lesser of 10,000 people or 0.5% of total state population. *See* G.L.c 151A, sec. 62A.

Ever since the State Unemployment Insurance Extension (EB) Program and the Federal Extended Unemployment Compensation (EUC) began, all UI extension letters have been translated into the 9 statutory languages and sent out to Claimants whose primary language is one of the 9 statutory languages (highlighted on the Table page 9 & 10 of this document).

Follow-up correspondence such as notices, adjudication, and potential disqualification forms contain a "Babel Notice" in 9 languages. The "Babel Notice" advises claimants of the importance of the information and provides a phone number to call for assistance with the option to request language services.

As of July 2010 Interim Notices translated into the 9 statutory languages, summarizing certain disqualification information, and containing the telephone number of the Multilingual Unit, and a request for a hearing are being sent to claimants coded by DUA as having a preference for one of the 9 statutory languages along with the English version of disqualification notice.

DUA will translate all Form Notices in their entirety, into all statutory languages. This will not take place until after 60 days of **FULL** implementation of the QUEST Computer System.

4) Language Makeup of Client Population

A. Identifying LEP Individuals In Need of Language Assistance

The Unemployment Insurance (UI) system has developed an application to record the primary language data based on new weekly claims. This application provides DUA with valuable statistical data to help identify LEP claimants needing language assistance. This information is emailed weekly to DUA management and provides statistics by year, week, and Regional Unemployment Claims Center. (See example on pages 9 and 10 of this document).

DUA uses the data to assess the number or proportion of LEP persons served by DUA and to assess the frequency with which LEP individuals come in contact with DUA.

LANGUAGE PREFERENCE	Year-to-Date*		10/23/2010	
	Count**	%	Count**	%
ENGLISH	237,124	94.0%	5,426	93.8%
SPANISH	10,044	4.0%	246	4.3%
PORTUGUESE	1,771	0.7%	24	0.4%
CANTONESE	1,132	0.4%	20	0.3%
NO DATA	458	0.2%	15	0.3%
KHMER	332	0.1%	24	0.4%
VIETNAMESE	310	0.1%	5	0.1%
CAPE VERDEAN	215	0.1%	2	0.0%
MANDARIN	159	0.1%	1	0.0%
HAITIAN CREOLE	153	0.1%	4	0.1%
UNMATCHED	149	0.1%	6	0.1%
ARABIC	80	0.0%		
RUSSIAN	79	0.0%	1	0.0%
LAOTIAN	49	0.0%		
ALBANIAN	47	0.0%	1	0.0%
FRENCH	39	0.0%	2	0.0%
POLISH	23	0.0%		
KOREAN	22	0.0%		
ITALIAN	19	0.0%		
AFRIKAANS	18	0.0%		
GREEK	16	0.0%		
HINDI	14	0.0%		
AMHARIC	13	0.0%		
SOMALI	10	0.0%		
ARMENIAN	10	0.0%		
BURMESE	9	0.0%		
CROATIAN	9	0.0%		
GUJARATI	7	0.0%	2	0.0%
HMONG	6	0.0%		
TURKISH	5	0.0%	2	0.0%
SHANGHAINESE	4	0.0%		
AMERICAN SIGN LANG	4	0.0%		
THAI	4	0.0%		
URDU	3	0.0%		
UKRANIAN	3	0.0%		
DARI	2	0.0%		
SERBIAN	2	0.0%		
FARSI	2	0.0%		
INDONESIAN	2	0.0%		
SAMOAN	1	0.0%		
SWAHILI	1	0.0%		
BENGALI	1	0.0%		
PAPIAMENTO	1	0.0%	1	0.0%
TWI	1	0.0%		
TOISANESE	1	0.0%		
DUTCH	1	0.0%		
GERMAN	1	0.0%		
MALAY	1	0.0%		
YIDDISH	1	0.0%		
TIBETAN	1	0.0%		
TAGALOG	1	0.0%		
TOTAL	252,360	100.0%	5,782	100.0%

*Begins with week ending 01/09/10

** Includes transitional claims

TOTAL NEW INITIAL CLAIMS FOR WEEKENDING 10/23/2010:			5,782	
UITCC	LANGUAGE PREFERENCE	Count*	% of New Claims in UITCC	% of Total New Claims
West Central	ENGLISH	1,543	95.9%	26.7%
	NO DATA	3	0.2%	0.1%
	RUSSIAN	1	0.1%	0.0%
	SPANISH	56	3.5%	1.0%
	UNMATCHED	3	0.2%	0.1%
	VIETNAMESE	3	0.2%	0.1%
Total Claims in UITCC		1,609	100.0%	27.8%
Boston	ALBANIAN	1	0.1%	0.0%
	ENGLISH	850	86.7%	14.7%
	GUJARATI	2	0.2%	0.0%
	KHMER	24	2.4%	0.4%
	NO DATA	1	0.1%	0.0%
	PORTUGUESE	1	0.1%	0.0%
	SPANISH	100	10.2%	1.7%
	UNMATCHED	1	0.1%	0.0%
Total Claims in UITCC		980	100.0%	16.9%
Northeast	CANTONESE	16	1.5%	0.3%
	ENGLISH	993	92.6%	17.2%
	FRENCH	2	0.2%	0.0%
	HAITIAN CREOLE	3	0.3%	0.1%
	MANDARIN	1	0.1%	0.0%
	NO DATA	2	0.2%	0.0%
	PORTUGUESE	3	0.3%	0.1%
	SPANISH	49	4.6%	0.8%
	TURKISH	2	0.2%	0.0%
	UNMATCHED	1	0.1%	0.0%
Total Claims in UITCC		1,072	100.0%	18.5%
Southeast	CANTONESE	4	0.2%	0.1%
	CAPE VERDEAN	2	0.1%	0.0%
	ENGLISH	2,040	96.2%	35.3%
	HAITIAN CREOLE	1	0.0%	0.0%
	NO DATA	9	0.4%	0.2%
	PAPIAMENTO	1	0.0%	0.0%
	PORTUGUESE	20	0.9%	0.3%
	SPANISH	41	1.9%	0.7%
	UNMATCHED	1	0.0%	0.0%
	VIETNAMESE	2	0.1%	0.0%
Total Claims in UITCC		2,121	100.0%	36.7%

*Includes transitional claims

The Unemployment Insurance TeleClaim Call Center (UITCC) has a dedicated line in Spanish and Portuguese. The Call Center's bilingual staff is able to handle most calls from the two most significant LEP language groups that they serve. A voice response system directs the calls as appropriate to the bilingual staff. Calls from LEP claimants who speak other languages are directed to staff using the contracted professional telephone interpretation services.

LIMITED ENGLISH POPULATION IN MASSACHUSETTS (18 and older)

*(Percents rounded to nearest tenth; all values below 0.05% are labeled "less than 0.1 %")**

Language group	Number in language group	Language group as % of total population	Number of Limited English Proficiency within language group	Limited English Proficiency as % of total population	Limited English Proficiency as % of that language group
Total population 18+	4,853,135	100%	193,785	4.0%	N/A
Speak a language other than English	908,420	18.7%	193,785	4.0%	21.3%
Spanish	270,460	5.6%	71,895	1.5%	26.6%
Portuguese	134,965	2.8%	39,620	0.8%	29.4%
French	76,845	1.6%	9,255	Less/th 0.1%	6.8%
Chinese	60,150	1.2%	18,050	0.4%	30.0%
Italian	56,195	1.2%	6,525	0.1%	11.6%
Haitian Creole	31,845	0.7%	6,810	0.1%	21.4%
Russian	27,575	0.6%	8,990	0.2%	32.6%
Greek	26,015	0.5%	3,070	Less/th 0.1%	11.8%
Polish	25,180	0.5%	2,825	Less/th 0.1%	11.2%
Vietnamese	23,460	0.5%	8,990	0.2%	38.3%
German	18,125	0.4%	650	Less/th 0.1%	3.6%
Arabic	15,625	0.3%	1,705	Less/th 0.1%	10.9%
Khmer	13,830	0.3%	5,125	0.1%	37.1%
Korean	10,590	0.2%	2,105	Less/th 0.1%	19.9%
Japanese	8,840	0.2%	1,685	Less/th 0.1%	19.1%
Hindi	8,240	0.2%	430	Less/th 0.1%	5.2%
Armenian	7,215	0.1%	790	Less/th 0.1%	10.9%
Tagalog	5,255	0.1%	340	Less/th 0.1%	6.5%
Hebrew	5,190	0.1%	105	Less/th 0.1%	2.0%
Gujarathi	4,135	0.1%	635	Less/th 0.1%	15.4%
Persian	4,060	0.1%	425	Less/th 0.1%	10.5%
Urdu	3,350	L/th 0.1%	445	Less/th 0.1%	13.3%
Serbo-Croatian	2,800	L/th 0.1%	685	Less/th 0.1%	24.5%
Laotian	2,685	L/th 0.1%	730	Less/th 0.1%	27.2%
Yiddish	2,265	L/th 0.1%	160	Less/th 0.1%	7.1%
Thai	2,090	L/th 0.1%	405	Less/th 0.1%	19.4%
Hungarian	1,474	L/th 0.1%	89	Less/th 0.1%	6.0%
Miao/Hmong	575	L/th 0.1%	165	Less/th 0.1%	28.7%

*According to Census 2000

The languages highlighted on the table above are the 9 statutory languages that the Massachusetts State Law requires to provide UI notices in.

This data will be updated as soon as the new 2010 Census is available.

B. Points of Contact between Agency and Client Population

Unemployment Insurance Walk-In Centers and Career Centers

In addition to job search assistance, the One-Stop Career Centers listed below also provide Unemployment Insurance (UI) Walk-In services.

- Satellite office with limited services
 ** Unemployment Insurance (UI) Walk-In services only

NOTE: Languages Services are available in all of the Walk-In Centers upon customer request

Region	Career Center Name/ City/Town	Unemployment Insurance Services Walk-In Hours	Languages Spoken on site
Boston Region			
Boston	JobNet 617-338-0809 800-5-JobNet	Monday, Tuesday, Thursday & Friday: 8:30 am - 5 pm; Wednesday: 10:30 am - 5:00 pm	English, Cantonese, Mandarin, Vietnamese
	Boston** Charles F. Hurley Building 617-626-6560	Monday - Friday: 8:30 am - 4:30 pm	English
Metro North			
Cambridge	Career Source 617-661-7867	Tuesday and Friday: 8:30 am - 4:00 pm	English
	Everett Career Source 617-389-8025	Monday - Friday: 8:30 am - 4:00 pm	English, Spanish
Woburn	The Career Place 781-932-5500 888-273-WORK	Thursday and Friday: 8:30 am - 4:00 pm	English, Spanish
Metro South			
Marlboro	Employment and Training Resources 508-786-0928	Monday - Thursday: 8:00 am - 4:00 pm; Friday: 9:30 am - 4:00 pm.	English
Newtonville	Employment and Training Resources 617-928-0530	Monday and Wednesday: 8:30 am - 4:00 pm; Friday: 9:30am - 4:00pm	English
Norwood	Employment and Training Resources 781-769-4120	Monday-Thursday: 8:30 am - 3:30 pm (closed during lunch 12:00-1:00)	English, Russian
Northeastern Massachusetts			
Haverhill	ValleyWorks 978-722-7000	Tuesday, Wednesday, and Thursday: 8:00 am - 4:00 pm	English
Lawrence	ValleyWorks 978-722-7000	Monday, Tuesday, Thursday, and Friday: 8:00 am - 4:00 pm; Wednesday, 9:30 am - 4:00 pm	English, Spanish

Lowell	Career Center of Lowell 978-458-2503	Monday - Thursday, 8:30 am - 5:00 pm; Friday, 9:30 am - 5:00 pm	English, Portuguese, Spanish, Khmer
Lynn	North Shore Career Center 781-593-0585	Monday - Thursday, 8:30 am - 4:30 pm; Friday, 9:30 am - 4:30 pm	Spanish, English
Salem	North Shore Career Center 978-825-7200	Monday - Thursday, 8:30 am - 4:30 pm; Friday, 9:30 am - 4:30 pm	English
Southeastern Massachusetts			
Attleboro	Attleboro Career Center 508-222-1950	Monday - Friday, 8:30 am - 4:30 pm	English
Brockton	Career Works	Monday, Tuesday, Wednesday & Friday, 9:00 am - 12:00 pm & 1:00 pm - 4:00 pm Thursday, 9:00 am - 12 pm & 1:00 pm - 6:00 pm.	English
Fall River	Fall River Career Center 508-730-5000	Monday - Friday, 8:30 am - 4:30 pm	English, Portuguese
Falmouth*	Career Opportunities 508-548-4828	Tuesday 8:00 am – 4:00 pm: New Claims, Re-open Claims and Problem Resolution	English
Hyannis	Career Opportunities 508-771-5627	Monday - Friday, 8:00 am - 4:00 pm	English
New Bedford	New Bedford Career Center 508-990-4000	Monday - Thursday, 8:30 am - 4:30 pm; Friday, 9:30 am - 4:30 pm	English, Portuguese, Spanish
Orleans*	Career Opportunities 508-240-1900	Monday, Tuesday, Wednesday and Friday: 8:00 am - 4:00 pm: Problem Resolution only; Thursday 8:00 am – 4:00 pm: New Claims, Re-open Claims and Problem Resolution	English
Plymouth	Plymouth Career Center 508-732-5399	Mon, Tues, Thurs, Fri 8:00 a.m. – 3:30 p.m. Wed 9:30 p.m. – 3:30 p.m. Customer Service U.I. Inquiries Only until 4:30 p.m. daily	English
Quincy	Quincy Career Center 617-745-4000	Monday, Wednesday, Thursday and Friday: 8:30 am- 4:00 pm Tuesday, 9:30 am - 4:00 pm	English, Chinese, Vietnamese
Taunton	Taunton Career Center 508-977-1400	Monday - Friday, 8:30 am - 4:30 pm	English
Wareham	Wareham Career Center 508-291-7062	Customer Service only. Monday - Thursday, 8:30 am to 4:30 pm; Friday, 10:00 am - 4:30 pm	English

Central Massachusetts

Gardner*	North Central Career Centers 978-632-5050	Monday, Tuesday, Wednesday, and Friday: 8:30 am - 4:30 pm; Thursday, 10:00 am - 4:30 pm	English
	North Central Career Centers 978-534-1481	Monday, Tuesday, Wednesday & Friday: 8:30 am - 4:30 pm; Thursday: 9:30 am - 4:30 pm	English, Spanish
Milford	Workforce Center Career Center 508-478-4300	Monday – Thursday: 8:30 am – 4:30 pm; Friday: 9:30 am – 4:30 pm	English, Hindi, Bengali, Urdu, Punjabi
	Workforce Central Career Center 508-765-6430	Monday - Thursday, 8:45 am - 4:30 pm; Friday, 9:30 am - 4:30 pm	English, Spanish
Worcester	Workforce Central Career Center 508-799-1600	Monday - Thursday: 8:45 am - 4:30pm; Friday: 9:30 am - 4:30 pm	English, Spanish

Western Massachusetts

Greenfield	Franklin/Hampshire Career Center 413-774-4361	Monday - Thursday, 8:30 am - 5:00 pm; Friday, 9:30 am - 5:00 pm	English
	CareerPoint 413-532-4900 888-421-8919	Monday - Friday: 8:30 am - 4:00 pm	English, Spanish
North Adams	BerkshireWorks, North Adams 413-663-1111	Monday - Friday: 8:30 am - 4:30 pm	English
	Franklin/Hampshire Career Center 413-586-6506	Monday - Thursday: 8:30 am - 5:00 pm; Friday, 9:30 am - 5:00 pm	English
Pittsfield	BerkshireWorks, Pittsfield 413-499-2220	Monday - Friday: 8:30 am - 4:30 pm	English
Springfield	FutureWorks Career Center 413-858-2800	Monday, Tuesday and Friday: 8:30 am - 4:30 pm. Wednesday, 8:30 am - 5:30 pm. Thursday: 8:30 am - 3:00 pm.	English, Spanish, Polish, Russian

5. Vital Documents Translation

Translation is the rendering of a written text from the source languages into the target language.

Massachusetts General Law c. 151A, §62A requires that DUA vital notices must be translated in claimants whom primary language is listed in GL c. 151A. The statutory languages are: Spanish, Portuguese, Haitian Creole, Chinese, Vietnamese, Russian, Khmer, Laotian and Italian. The statute also applies to languages that are the primary language of at least 10,000 or ½ of 1% of all residents in the Commonwealth.

A. List of Unemployment Insurance Extension Letters & Other Informational Documents

All Unemployment Insurance Extensions (EB) and Federal Emergency Unemployment Compensation (EUC) Letters have been translated into the 9 statutory languages and sent to claimants in their primary language as coded by DUA.

EB (EXTENDED BENEFIT PROGRAM)

EB Reduction to 26 Weeks
EB Package (Notification Letter, Informational Insert, EB Application, Work Search Log) & all revised documents.
EB TUR 20 Weeks Notification Letter
EB Daily Notification Letter & all revised documents
New EB Letter to Tier II Exhaustees
EB Informational Insert
Notification to Potential Employees
Letter 1 to regular and EB claimants
EB Program Cut Off Letter
EB to Tier II Exhaustees

EUC (EMERGENCY UNEMPLOYMENT COMPENSATION)

EUC 08 – Reach Back Letter
EUC 08 – I – Letter to Exhaustees (One Time Letter)
EUC Tier II – Letter to Exhaustees – Daily Notice
EUC 0811 – Tier II – Letter to Exhaustees
EUC III Child Support Notice
EUC III Letter to EB Exhaustees Regarding Child Support
EUC 0811 Tier Two – Continuous Signers
Child’ support EUC III

OTHER IMPORTANT BENEFIT LETTERS

American Recovery & Reinvestment Act of 2009
Eligibility for Pell Grants and Other Financial Aid
Eligibility for Additional Benefit Notice
Important Medical Security Program Benefit Changes Effective January 1, 2010
Systematic Alien Verification Employment (SAVE)
Systematic Alien Verification Employment (SAVE Application)
Notice to Claimant Regarding Disqualification (Multilingual Unit Toll Free number is in all Disqualification Notices)
Notice of Claim Discrepancy
Notice of Re-determination and Overpayment

ONE-STOP CAREER CENTER INFORMATION DOCUMENTS

Career Center Seminar – Invite Letter
 Career Center Seminar – Reminder Letter
 Job Search and Training Assistance To Help You Return To Work (REA)
 Reminder: Job Search and Training Assistance To Help You Return To Work (REA)
 Re-Employment and Eligibility Assessment (REA) program.
 211 Information Sheet
 Elevate America

All other DWD documents are sent to LEP customers with a 9 language notice “Babel Notice.” Each “Babel” notice emphasizes the importance of having the document translated. DWD has developed over 80 different “Babel Notices” for different programs, services and activities.

B. List of DWD Forms & Publications

The following DUA and DCS Publications are available in hard copy at UI Walk-In Centers and One-Stop Career Centers.

<i>DUA Publication Name</i>	<i>Form #</i>
Health Insurance for UI Claimants	1022
Training Opportunities Program Brochure – Section 30	1938
Training Opportunities Program Application – Section 30	1622
WebCert/TeleCert	2126
How to File For UI Benefits	0590A
Information on Employees – Poster	2553A
How Your UI Benefits are Determined	2023
Participating in WorkSharing/A Guide for Workers	2141
SAVE	1680
SAVE (Application)	1681
211 Flyer	Flyer 211
Worksearch Activity Log Information	2599/1750
Direct Deposit	3627

DUA Publications are translated into the 9 statutory languages, printed and posted on EOLWD website www.mass.gov/eolwd/multilingual.

<i>DCS Publication Name</i>	<i>Form #</i>
Your Job Search Journal	1799
The Resume Guide	1865
Selling Yourself on Paper-The Resume	1981
Landing the Job You Want-Networking	1982
Landing the Job You Want-Interviewing	1983
Selling Yourself on Paper-The Job Application	1984
Getting Started- Career Planning	1985
Selling Yourself On Paper- The Cover Letter	1986
Need Training? Read This	2115

DCS Publications are translated into the 5 most encountered languages spoken by job seekers: Spanish, Portuguese, Haitian Creole, Chinese and Vietnamese. They are available at EOLWD website www.mass.gov/eolwd/multilingual



DCS has produced the One-Stop Career Centers Seminar on video in **5** different versions: English, Spanish, Portuguese, American Sign Language, and Closed Captioning. These can be found on the EOLWD Intranet at <http://intranet.detma.org/multilingual> Click “*For Career Centers.*” The Career Center Seminar Power Point is translated into the 9 statutory languages and can be found on Mass Workforce Issuance and on the Intranet, Multilingual site.

C. Written Translations Guidelines:

- a. DWD publications and material are coordinated through the Office of Multilingual Services (OMS). Vital documents are translated into the **9 statutory languages**; Spanish, Portuguese, Haitian Creole, Chinese, Vietnamese, Russian, Khmer, Laotian and Italian. OMS performs quality-control on all translated documents and publications.
- b. DUA and DCS translated publications are available in print in DUA Walk-In Centers and in One-Stop Career Centers. The multilingual publications are accessible through the Office of Multilingual Services website: www.mass.gov/eolwd/multilingual
- c. DWD, through its Office of Multilingual Services, uses multilingual specialists from the Multilingual Unit as well as a Professional Translation contractor employing only American Translators Association (ATA) certified translators.
- d. Every effort is made for the translated documents to receive the same high-quality review as publications in English. All decisions to translate official publications must go through the Office of Multilingual Services.
- e. OMS must approve all translated publications, and all translations must go through the three-part process outlined **below**.
 1. After the DWD Program Manager has approved a publication for translation, the Manager will send the document to OMS. The language specialists in the Multilingual Unit will perform translations for Spanish, Portuguese, Chinese and Vietnamese. The other languages will be sent to a professional translation company contracted by OMS.
 2. The translation can take between one day for small documents to 3 weeks for larger documents depending on the language and the degree of technical difficulty.
 3. When the translation is completed, OMS will perform **quality control** and review the document for linguistic accuracy and completeness.

The official publication will be posted on the Multilingual webpage on the EOLWD website www.mass.gov/eolwd/multilingual.

The translated publications **should** be easily accessible to the public at the Walk-In and One-Stop Career Centers.

D. QUEST

“Quest Computer System” refers to the Quality Unemployment Systems Transformation computer system, which DUA will implement in July 2011 to replace, in large part, its current computer system.

The QUEST system will have an on-screen drop-down menu asking claimants if English is his/her primary language. If a claimant selects “NO,” then LEP claimants will be asked what language she/he speaks and reads. The claimant then will select his/her primary language from an extensive list of languages for language coding purposes.

If claimant picks one of the **9 statutory** languages then another drop-down menu will ask if the claimant wishes to obtain correspondence in his/her primary language. If claimant answers “YES,” then correspondence will be sent in the claimant’s primary language.

DUA will translate all Form Notices in their entirety, into all statutory languages. This will not take place until after 60 days of **FULL** implementation of the **QUEST** Computer System.

The training and communication of these changes is expected to be implemented through new employee training, amendments to the Service Representative Handbook (SRH), written materials distributed to staff, and written instructions to managerial staff.

Before the full implementation of QUEST, DUA will issue each claimant a one-time notice providing information about the right to receive notices in any of the statutory languages. This notice will inform claimants of the Toll Free Multilingual Unit number.

6. Stakeholder Consultations

- This Plan will be circulated for agency review, comments, and clearance. The Plan will be revised every year or as needed.
- This Plan will also be presented to Community-Based Organizations and Legal Services representing LEP customers so they will have an opportunity to provide feedback.
- The LAP Coordinator will participate in an interagency working group consisting of members of each Secretariat. Its purpose will be info-sharing, development of best practices, etc.
- This Plan will be posted on the Intranet and on the Mass Workforce Issuance for DWD staff.

7. Staff Training

The Language Access Plan will be:

1. Posted on Intranet and on the Mass Workforce Issuance
2. Part of the orientation for new employees
3. Presented to management so they are fully aware of and understand the LAP, in order to reinforce the plan’s importance and ensure its implementation by staff.
4. Presented to staff having contact with the public, so such staff is trained to work effectively with LEP customers and telephone interpreters.

8. Notice to Public

- CBOs serving LEP customers were informed about the creation of the new Multilingual Unit.
- Boston Legal Services staff was informed about the Multilingual Unit and the Director of Multilingual Services provided an overview of the Unit at the DUA/GBLS Quarterly Meeting in September 2010.
- The Multilingual Unit has a telephone voicemail menu in the 9 statutory languages: Spanish, Portuguese, Haitian Creole, Chinese, Vietnamese, Russian, Italian, Khmer and Laotian to assist claimants needing clarification information on any DWD services, programs or activities.
- Adjudicators send the “Disqualification Notices” to Claimants in their primary language stating the Multilingual Unit Toll Free 800 number and stating that language services are available. The notice includes a statement that claimants can request an interpreter for the hearing free of charge.

- Hearings notices sent to claimants include a “Babel Notice” stating that claimants can request an interpreter in any language for the hearing;
- The UI Booklet is available in the 9 statutory languages and sent to LEP claimants whose primary language is one of the 9 statutory languages. This booklet will be sent with the Initial Claims packet which includes the Multilingual Unit Toll Free 800 number.
- Every One-Stop Career Center lists the language available in their respective website (see listing pages 12-14).
- DUA Walk-In Centers and One-Stop Career Centers have the Language Identification Flashcard in all reception areas. The Flashcard states “I speak” in 38 languages is used to identify the language spoken by the LEP customers. The staff then can refer to the Language Assistance Guidelines to help the LEP customer.
- Documents that are not entirely translated have a “Babel Notice” stating the importance of having the document translated into the customer’s language.
- Translated material is available on our EOLWD Website by clicking on www.mass.gov/eolwd/multilingual



9. Agency Monitoring

The Office of Multilingual Services will review and update its Language Access Plan once a year or as needed. The review will assess:

- Whether there have been any significant changes in the composition or language needs of the program population served by DWD (this will be determined on an annual basis primarily by the data collected by DUA and DCS and supplemented on a decennial basis by data from the U.S. Census);
- Whether staff know and understand the LAP document and how to implement it;
- A review to determine if additional vital documents require translation;
- A review of any issues or problems related to serving LEP persons which may have emerged during the past year; and,
- Identification of any recommended actions to provide more responsive and effective language services (for example, adding documents to be translated, creating or expanding partnerships with community organizations, or changing staffing priorities).

NOTE:

Providing meaningful access to LEP persons to DWD and Career Centers programs, services, and activities is an important effort that will help enable DWD to achieve its mission “to ensure equal access to a wide range of programs and resources to **all** its customers.” As we work together to improve access, LEP persons will gain access to the many valuable Department of Workforce Development programs, services, and activities that will increase their ability to pursue and achieve their educational and professional goals.

10. Complaints

Language Access Complaint Procedure

You may file a complaint with the Agency 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. To file a complaint with the Language Access Coordinator, submit the written complaint to:

Marisa de la Paz
Director of Multilingual Services
Department of Workforce Development
19 Staniford Street - Fourth Floor
Boston, MA 02114
E-mail: mdelapaz@detma.org

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

Agency Head

Date

Secretary

Date

Appendix

Guidance for Career Centers on Implementing the Language Access Plan (LAP)

In view of the nature and purpose of One-Stop Career Centers' interaction with Limited English Proficiency (LEP) persons, this Plan provides guidance to Career Center staff as to language services for communicating with LEP persons.

1. Department of Justice Guidance

Section 2 of Executive Order 13166 requires each federal agency to "prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons." These plans must be consistent with the standards set forth in a general guidance document concurrently issued by the Department of Justice (DOJ LEP Guidance). In that guidance document, the DOJ provided federal agencies with general principles to apply when developing guidelines for their recipients of federal financial assistance. It was later supplemented by an October 26, 2001 clarifying memorandum from Ralph F. Boyd, Jr., Assistant Attorney General for the DOJ's Civil Rights Division. On June 12, 2002, the DOJ issued a final guidance for recipients of federal financial assistance.

In applying the DOJ LEP Guidance to federally conducted programs and activities, the agency must "take reasonable steps to ensure 'meaningful' access [to LEP individuals] to the information and services [it] provide[s]." The DOJ LEP Guidance explains, "What constitutes reasonable steps to ensure meaningful access will be contingent on a number of factors." **Those factors are:**

- a) ***The number or proportion of LEP persons served or encountered in the eligible service population.*** Due to the fact that US Census 2000 data (page 11) may not adequately measure current LEP needs in the One-Stop Career Center service area, Career Centers are strongly encouraged to record customer primary language data in the Moses system. A factor in determining the reasonableness of an agency's efforts is the number or proportion of LEP individuals from a particular language group served or encountered in the eligible service population. Even those agencies that serve very few LEP individuals on an infrequent basis are subject to the requirement to take reasonable steps to provide meaningful access. After balancing these four factors, each Career Centers must determine whether reasonable steps are possible and to have a plan for what to do if an LEP individual seeks programs or services from the Career Center. The plan can be as simple as having access to a commercially available language line (Guidelines page 6).
- b) ***The frequency with which LEP individuals come in contact with the agency.*** An agency has a greater obligation to ensure reasonable access to its programs and services if contact with LEP persons is frequent than infrequent. An agency should take into account local and regional conditions when determining the frequency of contact of the LEP population with its programs and services.
- c) ***The nature and importance of the program, activity, or service provided.*** The nature and importance of the program, activity, or service affects the determination of what reasonable steps are required to ensure meaningful access. Also, an agency must assess a program's short and long-term importance.
- d) ***The resources available.*** The resources available may affect the nature of the steps that the agency must take. "Reasonable Steps" may no longer be reasonable where the costs imposed substantially exceed the benefits.

In considering the resources available, Executive Order 13166 also notes that the system developed to provide LEP persons meaningful access to the agency's services should be consistent with the agency's fundamental mission, without unduly burdening that mission.

Each One-Stop Career Center may wish to assess its local service population. For instance, a One-Stop Career Center in a largely Hispanic neighborhood may need immediate oral interpreters available and should give serious consideration to hiring some bilingual staff.

The data below **should** be used by Career Center staff to assess the number or proportion of LEP persons served and the frequency in each Career Center.

Currently this "Primary Language" field (circle in red) is not required. It **should** be a required field.

This data is recorded in the MOSES database in the **CS_APPLICANT_MAIN** table.

The screenshot shows a web-based form titled "Job Seeker Membership (test, donna)". The user's name "test, donna" is displayed at the top left, along with their SSN "XXX-XX-1021" and ID "10021387". The form is divided into several tabs: "Basic", "Full", "Education", "Work Experience", "Events", "Alerts", "Case Plan", "Services", and "Special Programs". Under the "Basic" tab, there are sub-sections for "General Information", "Military Information", and "Barriers". The "Additional Information" section includes fields for "Employed" (Yes/No), "Disability" (Yes/No), "Disability Type" (Physical/Mental), "Immigrant" (Yes/No), "Disability Comment", "Dislocated Worker", and "Received Notice of Layoff/Military Separation". The "Primary Language" dropdown menu is circled in red. The "Education" section includes "In School" (Yes/No/Yes - In Alternative School/No) and "Highest Degree" (Information Not Available). The "Economically Disadvantaged" section includes "Family Size" (3) and "Is your family income for the last six months below \$10,520.00?" (Yes/No). The "Migrant Status" section includes "Seasonal Farm Worker, Non Migrant", "Migrant Farm Worker", and "Migrant Food Processor". At the bottom of the form, there are buttons for "Trade", "Eligibility", "Match Criteria", "Run Match", "Eligibility Criteria", "OK", and "Cancel".

2. Translation and Interpretation Principles

Based on the One-Stop Career Centers (CC) services, programs and activities offered, prioritize and describe the steps the CC will take to ensure such services, programs and activities provide meaningful access to the LEP populations whose meeting or exceeding the **5% threshold**. In addition to the four factors set forth in the DOJ LEP Guidance, DWD adopts the translation and interpretation assistance principles provided below:

- Career Center staff shall take reasonable steps to ensure high-quality translation and interpretation services through the established Language Assistance Guidelines provided to them.
- Some translated documents explain the legal rights and obligations of individuals or convey important information upon which an LEP individual may rely to his or her benefit or detriment. One-Stop Career Center management shall consult with the **Office of Multilingual Services** at the Customer Outreach Department for advice on translation services.
- Each One-Stop Career Center manager shall endeavor to expand the range or nature of translation and interpretation assistance when experience, changes in target or service population demographics, or new program-specific data indicate that the failure to do so may result in the denial of substantially equal and meaningfully effective services to the LEP populations served by the agencies, particularly with those populations with which an office has substantial and consistent contact.

A. What Documents Should be Translated?

After applying the four-factor analysis, a recipient may determine that an effective LAP for its particular program or activity includes the translation of **vital** written materials into the language of each frequently-encountered LEP group eligible to be served and/or likely to be affected by the recipient's program. Such written materials could include:

- Applications to participate in a recipient's program or activity or to receive benefits or services;
- Letters containing important information regarding participation in a program or activity;
- Notices advising LEP persons of the availability of free language assistance and other outreach materials;
- Consent and complaint forms;
- List of One-Stop Career Center and services provided;
- Notices pertaining to the reduction, denial or termination of services or benefits and of the right to appeal such actions;
- Notices that require a response from beneficiaries;
- Information on the right to file complaints of discrimination;
- Information on the provision of services to individuals with disabilities;
- Written tests that do not assess English language competency, but test competency for a particular license, job, or skill for which English language proficiency is not required.

Whether or not a document (or the information provided and/or solicited) is “vital,” may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner.

For instance, a description of books contained in the resource room of a One-Stop Career Center would not generally be considered vital, whereas applications for Unemployment Insurance or information about safety and health requirements could be vital. Where appropriate, recipients are encouraged to create a plan for consistently determining, over time and various activities, what documents are “**vital**” to the meaningful access of the LEP populations.

Classifying a document as vital or non-vital is sometimes difficult, especially in the case of outreach materials like brochures or other information on rights and services. Awareness of rights or services is an important part of “meaningful access.” Lack of awareness that a particular program, right, or service exists may effectively deny LEP individuals meaningful access. Thus, where a recipient is engaged in community outreach activities in furtherance of its programs or services, it should regularly assess the needs of the populations frequently encountered or affected by the program or service to determine whether certain critical outreach materials should be translated.

Community organizations may be helpful in determining what outreach materials may be most helpful to translate. Additionally, the recipient should consider whether translations of outreach material may be more effective when done in tandem with other outreach methods, including utilizing the media, schools, faith-based, and other community organizations to spread the message. Sometimes a document includes both vital and non-vital information. This may be the case when the document is very large. It may also be the case when the title and a phone number for obtaining more information on the contents of the document in frequently-encountered languages other than English is critical, but the document is sent out to the general public and cannot reasonably be translated into many languages. Thus, vital information may include, for instance, the provision of information in appropriate languages other than English regarding where a LEP person might obtain an interpretation or translation of the document. Babel Notices explaining that “the document contains important information and should be translated” can also be used in this case.

B. Languages for Document Translation

Into which languages should documents be translated? The languages spoken by the LEP individuals with whom the recipient has contact determine the languages into which vital documents should be translated. A distinction should be made, however, between languages that are frequently encountered by a recipient and less commonly-encountered languages. Many recipients serve communities in large cities or across the country or operate web-based, self-service systems as an adjunct to their in-person delivery systems that also have a regional or national reach. They regularly serve LEP persons who speak dozens and sometimes hundreds of different languages. To translate all written materials into all of those languages is unrealistic.

Although recent technological advances have made it easier for recipients to store and share translated documents, such an undertaking would incur substantial costs and require substantial resources. Nevertheless, well-substantiated claims of lack of resources to translate all vital documents into dozens of languages do not necessarily relieve a recipient of the obligation to translate those documents into at least several of the more frequently-encountered languages and to set benchmarks for continued translations into the remaining languages over time. As a result, the extent of a recipient's obligation to provide written translations of documents should be determined case-by-case. Because translation is a one-time expense, consideration should be given to whether the upfront cost of translating a document (as opposed to oral interpretation) should be spread out over the likely lifespan of the document when applying the four-factor analysis. A document's lifespan and the volume of documents requiring translation may also be a factor.

For example, in transaction-based self-service websites, such as labor exchange/job matching, the lifespan of a typical document, such as a job order, may only be 30 days and the volume of such documents may easily number 1,000 or more each day. In such circumstances, depending on the four factors, recipients might consider translating only certain portions of such documents and/or providing information in appropriate languages on how to obtain free language assistance, if the technology allows.

For instance, signs in One-Stop Career Centers could state that free language assistance is available. The signs should be translated into the most common languages encountered. They should explain how to obtain the language help. Career Centers will ensure that all employees in public contact positions are properly trained. Recipients have flexibility in deciding the manner in which the training is provided.

In developing an effective Language Access Plan, the Career Center should also consider including information about the ways language assistance will be provided. For instance, the Career Center may want to include information on:

- Types of language services available;
- How staff can obtain those services;
- How to respond to LEP callers;
- How to respond to written communications from LEP persons;
- How to respond to LEP individuals who have in-person contact with staff.

In addition to these five elements, effective plans set clear goals, management accountability, and opportunities for community input and planning throughout the process.

3. Identifying LEP Individuals In Need of Language Assistance

Massachusetts is a highly diverse state with numerous LEP residents. According to data from the U.S. Census performed in 2000, 18.7% of all residents over the age of eighteen speak a language other than English, and of those residents, 21% speak English “not well” or “not at all.” Using available census data as a guideline, DWD has estimated the LEP population (and what languages they speak) across counties based on the percentage of non-English speakers that indicated that they speak English “Not Well” or “Not at All.” Department of Justice Guidance states that the safe harbor guidelines need only apply to the eligible population. However, the estimates provided likely overestimates the eligible populations and may under-represent some other populations that may be eligible.

The most frequently spoken languages among the LEP population in the Commonwealth according to U.S. Census data are Spanish, Haitian Creole, Italian, Portuguese, Russian, Chinese, Khmer (Cambodian), and Vietnamese. A summary of these groups can be seen below in Table 1, and Table 2 provides detailed information on these populations by county. These populations appear to fall within the “Safe Harbor” guidelines as defined by DOJ Guidance on Limited English Proficiency issues. Conforming to “Safe Harbor” guidelines is meant to provide strong evidence that DWD has made reasonable efforts to provide appropriate written language assistance to its LEP populations in its programs. The “Safe Harbor”* guidelines are defined below.

The following actions will be considered **strong evidence** of compliance with the recipient’s written translation obligations:

DOJ “Safe Harbor” for written translations of vital material Guidelines	
Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or 5%, whichever is less of the population of persons eligible to be served or likely to be affected or encountered.	Translated vital documents.
More than 5% of the eligible population or beneficiaries and more than 50 in number.	Translated vital documents.
More than 5% of the eligible population or beneficiaries and 50 or less in number.	Translated written notice (babel) of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries and less than 1,000 in number.	No written translation is required.

*A “Safe Harbor” means that if a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient’s written translation obligations.

The failure to provide written translations under the circumstances outlined on the guidelines specified on the table above **does not mean** there is non-compliance. Rather, they provide a common starting point for recipients to consider whether and at what point the importance of the service, benefit, or activity involved; the nature of the information sought; and the number or proportion of LEP persons served call for written translations of commonly-used forms into “**frequently-encountered languages**” other than English.

These guidelines merely provide a guide for Career Centers that would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis.

Example: Even if the safe harbors are not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, the translation of the written materials is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

NOTE: For purposes of these guidelines, the term “frequently-encountered languages” shall mean any language spoken by at least 5% of the population served within a particular agency program, service or activity.

Table 1: Massachusetts LEP populations as a Percentage of Total State Populations		
Population	Number	Percentage (out of total MA population)
Population 18 years and over	4,853,130	100.00%
Speak only English	3,944,715	81.28%
Speak a language other than English	908,415	18.72%
Total MA LEP Population (people who speak English "Not Well" or "Not at All")	193,785	3.99%
Spanish	71,895	1.48%
Haitian Creole	6,810	0.14%
Italian	6,525	0.13%
Portuguese	39,620	0.82%
Russian	8,990	0.19%
Chinese	18,050	0.37%
Khmer	5,125	0.11%
Vietnamese	8,990	0.19%

Table 2: Detailed LEP Population data at the State and RAA Level (2000 Census)		Population 18 years and over	Speak only English	Speak a language other than English	Spanish	Haitian Creole	Italian	Portuguese	Russian	Chinese	Khmer	Vietnamese
Massachusetts	Number	4,853,130	3,944,715	908,415	270,460	31,845	56,195	134,960	27,575	60,150	13,830	23,465
	Percentage	100.00%	81.28%	18.72%	5.57%	0.66%	1.16%	2.78%	0.57%	1.24%	0.28%	0.48%
Massachusetts Speak English "Not Well" or "Not at All"				193,785	71,895	6,810	6,525	39,620	8,990	18,050	5,125	8,990
% of Language speakers who speak English "Not Well" or "Not at All"				21.33%	26.58%	21.38%	11.61%	29.36%	32.60%	30.01%	37.06%	38.31%
<i>Determined by using Berkshire County Data.</i>	Number	104,639	97,607	7,032	1,513	13	945	129	95	188	9	98
	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				402	3	110	38	31	56	3	38
<i>Determined by using Middlesex County Data.</i>	Number	1,137,441	902,289	235,152	45,601	7,767	20,325	30,858	8,445	21,800	6,879	4,716
	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				12,122	1,661	2,360	9,059	2,753	6,542	2,549	1,807
<i>Determined by using Barnstable, Dukes, and Nantucket County Data.</i>	Number	227,259	205,232	22,027	5,479	93	1,232	482	517	1,341	286	321
	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				1,456	20	143	142	169	402	106	123
<i>Determined by using Franklin, Hamden and Hampshire County Data.</i>	Number	460,414	373,791	86,623	42,197	241	3,746	5,709	3,620	2,096	589	1,717
	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				11,217	52	435	1,676	1,180	629	218	658

	Number	551,223	372,991	178,232	71,090	14,420	10,194	11,661	5,947	15,524	1,348	8,653
<i>Determined by using Suffolk County Data.</i>	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				18,897	3,084	1,184	3,423	1,939	4,658	500	3,315
<i>RCAP Solutions</i>	Number	558,886	474,518	84,368	30,619	309	3,593	4,557	1,199	2,481	355	3,756
<i>Determined by using Worcester County Data.</i>	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				8,139	66	417	1,338	391	745	132	1,439
	Number	749,883	625,522	124,361	18,636	5,539	3,084	67,966	239	1,598	1,378	913
<i>Determined by using Bristol & Plymouth County Data.</i>	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				4,954	1,185	358	19,953	78	480	511	350



Populations which meet the Safe Harbor Threshold at the Estimate of Language Speakers who Speak English “Not Well” or “Not at All”

4. Monitoring and Updating the LAP Plan

Recipients should, where appropriate, have a process for determining, on an ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals. They may want to provide notice of any changes in services to the LEP public and to employees. In addition, recipients should consider whether changes in demographics, types of services, or other factors require annual reevaluation of the Language Assistance Plan (LAP). Less frequent reevaluation may be more appropriate where demographics, services, and needs are more static. One good way to evaluate the LAP is to seek feedback from the community. In their reviews, recipients may want to consider assessing changes in:

- Current LEP populations in service area or population affected or encountered;
- Frequency of encounters with LEP language groups;
- Nature and importance of activities to LEP persons;
- Availability of resources, including technological advances and sources of additional resources, and the costs imposed;
- Whether existing assistance is meeting the needs of LEP persons;
- Whether staff knows and understands the LAP and how to implement it;
- Legislation or program requirements governing the recipient's program or activity;
- Whether identified sources for assistance are still available and viable.

