

COMMONWEALTH OF MASSACHUSETTS

Human Resources Division

Language Access Plan

Effective January 24, 2013

I. Introduction

The Human Resources Division (“HRD”) has prepared this Language Access Plan (“LAP” or “Plan”), which defines the actions to be taken by HRD to ensure meaningful access to agency services, programs and activities on the part of persons who have limited English proficiency. HRD 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.

II. Purpose

The purpose of this plan is to ensure clients of HRD receive meaningful access to services, programs and activities even though they may be limited in their English language proficiency.

HRD is committed to this Plan as the appropriate response to meeting our clients’ needs. The Plan is consistent with the requirements of Administrative Bulletin #16 as promulgated by ANF.

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 HRD’s staff. A client maintains the right to self-identify as a LEP person.

III. Agency Description

HRD’s mission is to deliver strategic human resources programs, services, and technologies to build a talented, diverse, engaged and productive workforce in support of the businesses of the Executive Branch of the Commonwealth. For the most part, HRD’s primary customers are Executive Branch state agencies, Massachusetts cities and towns, and certain state agencies and authorities outside of the Executive Branch. However, HRD does interact with the general public situated throughout the Commonwealth in two primary areas: civil service testing and the Commonwealth Employment Opportunities (CEO) website.

Services and Programs we provide include the following:

- Conducting civil service entry-level and promotional exams, as well as performing examination question appeals, establishing and maintaining eligible civil service lists, and investigating and resolving complaints and allegations of unlawful and inappropriate hiring practices.
- Negotiating and administering collective bargaining agreements, as well as resolving labor grievances.
- Administering the Commonwealth's worker's compensation program for injured state employees in the following areas: claims adjusting; utilization review; rehabilitation; independent medical examinations, investigations, medical bill processing; and operations.
- Working with Executive Branch state agencies in the following areas: hiring processes; HR/CMS position management; job classifications; salary administration rules; management compensation; performance appraisal systems; leave and other benefits for managers and confidential employees; and performance recognition
- Planning, developing, and evaluating the effectiveness of new and existing human resources programs and statewide policy initiatives for Executive Branch agencies.
- Providing legal advice and counsel to the Chief Human Resources Officer, senior staff members, and Executive Branch agencies regarding human resources policies, procedures, and guidelines; reviewing civil service issues; labor arbitration hearings; litigation before state adjudicatory bodies such as the Department of Labor Relations, Massachusetts Commission Against Discrimination, Civil Service Commission, and Department of Industrial Accidents.
- Managing the Commonwealth of Massachusetts Employees Charitable Campaign (COMECC), which is the only charitable giving program authorized for payroll deduction in the state employee workplace.
- Assisting Executive Branch state agencies in improving the performance behaviors of their employees through the use of performance consulting, instructor lead training courses, and technology based and e-learning solutions.
- Carrying out the Governor's mandate to ensure practices of non-discrimination and equal opportunity throughout state agencies and delivering customer-focused solutions in attracting, hiring, retaining, and promoting a diverse workforce.

IV. Language Access Plan:

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

Language Access Plan:

(1) Agency Language Access Coordinator:

Wendy Chu, Assistant General Counsel, Legal Unit
One Ashburton Place, Room 207
Boston, MA 02108
(617) 878-9766
E-mail: Wendy.chu@massmail.state.ma.us

Sandra E. Borders, Director, Office of Diversity and Equal Opportunity
One Ashburton Place, Room 213
Boston, MA 02108
(617) 878-9812
E-mail: Sandra.e.borders@massmail.state.ma.us

(2) Agency Language Access Needs Assessment:

- a. There are two primary areas where services are provided by HRD to the general public: civil service testing and accessing the CEO and its job postings and the Executive Branch Application for Employment. Contact between HRD and LEP persons is primarily through telephone calls, written applications, written instructions, and written communications where information is exchanged. Examples include interactions by civil service examination applicants with the Civil Service Unit regarding exam information, the application process, and examination results or applicants accessing the CEO and downloading the Commonwealth's Executive Branch Application for Employment. Oral interpretation services may be needed for these contacts and must be provided for these interactions depending upon the nature of the information being provided, as well as the availability of resources. Other contacts involve the completion and exchange of written materials such as examination applications. In January 2013, HRD conducted a review of the forms and documents that are used by persons with LEP to determine which forms and documents should be provided in languages other than English.

Currently, civil service examinations and other related documents are available in Spanish. HRD will periodically review and update this inventory to determine if changes need to be made to meet the ongoing needs of its clients with LEP.

b. Language Makeup of Client Population

Massachusetts is a highly diverse state in which numerous LEP households reside. According to 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”. The most frequently spoken languages according to U.S. Census data among the LEP population in the Commonwealth are Spanish, French Creole (Haitian), Italian, Portuguese, Russian, Chinese, Mon-Khmer (Cambodian), and Vietnamese.¹

c. Points of Contact between Agency and Client Population

Human Resources Division
One Ashburton Place, Room 301
Boston, MA 02108
(617) 727-3555
1-800-392-6178
(617) 878-9762 (TTY)
[Human Resources Division](#)

(3) Language Resources Assessment:

- a. In January 2013, HRD conducted a survey of its employees to determine which staff have the ability to speak a language other than English with the facility of a native speaker. Based on the results of this survey, HRD will update its roster list of employees who have agreed to provide in-person or telephone translation services when needed. As previously mentioned, an inventory of HRD forms and documents was also conducted in January 2013 to determine if changes need to be made to meet the ongoing needs of HRD’s clients with LEP.
- b. HRD will assess its walk-in traffic for a period of six months to determine the volume of the primary languages spoken by our customers with limited English proficiency.
- c. HRD continues to work with ANF’s IT staff and ITD to explore the feasibility of using Google Translate, a free translation service that provides instant translation between fifty-seven different languages, to

Footnote¹ Source: U.S. Census Bureau, Census 2000, Summary File 3, Tables P19, PCT13, and PCT14, Internet release date: February 25, 2003

translate the content on its website from English to other languages. Google Translate can translate words and sentences between any combination of Google's supported languages. Since the translations are generated by machines, not all translations will be perfect. The more human-translated documents that Google Translate can analyze in a specific language, the better the translation. It is not a perfect tool and translation accuracy will sometimes vary across languages.

- d. HRD will endeavor to provide in-house and no or low cost translation services to assist those people with LEP needing such services. In the event that HRD is unable to address the translation needs of our clients with LEP through existing resources, HRD will perform a cost analysis to determine the cost for providing translation services through a vendor.

(4) Language Service Protocols:

- a. The Human Resources Division will provide in-person and telephone oral translation services to persons with LEP who call or visit the agency and who need translation assistance. The agency also will be able to provide written translation of documents and forms to persons with LEP either through its staff volunteer roster or by using Google Translate (if the need arises in the office) or by referring persons in need to the translation tool (if the request is made remotely).
- b. HRD employees will have access to the roster of multilingual HRD employees who have agreed to provide oral translation services. If there is a need for oral translation services, the employee needing assistance may contact an employee listed on the roster who is proficient in the language needing translation as well as that employee's supervisor. The employee in need will inform the multilingual employee of the translation services that are needed.

After the service is provided, the employee who needed the translation will complete the language access form (Appendix B) within twenty-four (24) hours from the date of service and send it by email to the HRD Language Access Coordinator. Employees who provide written translations in the office should also complete the language access form within this timeframe and send to HRD Language Access Coordinator.

- c. If an employee believes that the person he/she is servicing is in need of oral translation services, he/she will inform that person that the agency provides free oral translation services to those persons with limited English proficiency. An employee should ask the person what language he or she speaks and explain that he/she will need to have another HRD employee who is proficient in the language of the person being serviced to provide oral translation. If the person with LEP is having difficulty

reading a form or document, the HRD employee may ask for assistance from an employee on the roster or he/she may utilize Google Translate or provide the customer with the link to Google Translate so the customer can access the site directly.

- d. HRD will endeavor to find no or low cost services for those languages not spoken by HRD staff. To that end, HRD shall:
 - i. Form partnerships with Office of Refugees and Immigrants or other state agencies to provide translation services; or
 - ii. Secure services on an as needed basis through an appropriate vendor

(5) Vital Document Translation:

- a. A survey of HRD forms/applications/documents has been conducted to determine whether there was a need to make changes to meet the ongoing needs of the agency's clients with LEP. Currently, it has been determined that HRD need not make any such changes. This will be reviewed periodically.
- b. There are ongoing discussions with HRD/ANF IT staff to determine the feasibility of adding a link to Google Translate to the agency's website or embedding this translation tool directly into the agency's website.

(6) Stakeholder Consultations:

Senior staff members were consulted in determining what HRD's translation needs are to adequately service persons with LEP.

(7) Staff Training:

HRD staff will be provided with access to the roster of HRD multilingual employees and will receive written instructions regarding the protocols. Staff will also receive written instructions on how to access and utilize Google Translate. The HRD Language Access Coordinator will be available for any questions that may arise from the implementation of this Plan.

(8) Notice to Public

Written notice of the availability of free oral translation services to persons with LEP shall be displayed prominently on the 2nd, 3rd and 10th floors of the McCormack Building in HRD space. These notices shall be multilingual and will state the right to request free oral translation services while conducting business with HRD. Specifically, these notices will be posted in the reception area in

Room 301, the bulletin boards inside Rooms 211 and 213, and the bulletin board inside Room 1002.

(9) Agency Monitoring:

The Language Access Coordinator will maintain a log of all requests for translation services (oral or written) provided to HRD clients with LEP. The log will contain information such as the type of translation service provided, the date and time such service was provided, and whether the translation service was provided by an HRD employee or some other service provider

(10) Complaints:

Complaints regarding this Plan and its implementation should be directed to HRD's Language Access Coordinator as listed below:

Wendy Chu, Assistant General Counsel, Legal Unit
One Ashburton Place, Room 207
Boston, MA 02108
(617) 878-9766
E-mail: Wendy.chu@massmail.state.ma.us

Sandra E. Borders, Director, Office of Diversity and Equal Opportunity
One Ashburton Place, Room 213
Boston, MA 02108
(617) 878-9812
E-mail: Sandra.e.borders@massmail.state.ma.us

Agency Head
Date:

Secretary
Date