

Massachusetts Department of Fire Services

Language Access Plan (January, 2013)

I. Introduction

The Department of Fire Services, (hereinafter referred to as “DFS” has prepared this revised and updated (January, 2013) Language Access Plan (“LAP” or “Plan”), which describes the DFS action plan to ensure meaningful access to department services, programs and activities on the part of persons who have limited English proficiency. DFS will continue to 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 as most recently revised:

II. Purpose

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

DFS is committed to this Language Access Plan as the appropriate response to meeting our clients’ needs. The Plan is consistent with the requirements of Administrative Bulletin #16 as promulgated and revised 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 mission of the DFS is to provide through coordinated training, education, prevention, investigation and emergency response, the citizens of Massachusetts with the ability to create safer communities; to assist and support the fire service community in the protection of life and property; to promote and enhance firefighter safety; and to provide a fire service leadership presence in the Executive Office of Public Safety and Security in order to direct policy and legislation on all fire related matters.

IV. Language Access Plan:

The DFS 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, as revised. This Language Access Plan represents DFS’s administrative blueprint to provide current and ongoing meaningful access to Agency services, programs and activities on the part of LEP individuals. This Language Access Plan outlines the tasks DFS will continue to undertake to meet this objective.

DFS Language Access Coordinator

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Agency Language Access Needs Assessment

The public safety mission of DFS involves, in large part, the interaction with Massachusetts fire service professions who are members of local municipal fire departments. Examples of such activity include firefighter training, statewide coordination of hazardous materials response, compliance support for local fire code enforcement personnel and arson investigation. During the course of conducting these services, DFS is unaware of any issues or instances involving barriers to services based upon language. However, DFS has indentified two areas of operation, which warrant language access enhancements to assure that all members of the general public in the Commonwealth have full and fair access to DFS programs, activities and services in accordance with the language access requirements of ANF Bulletin #16, as newly revised. These areas include:

1. Education of the general public about fire safety matters.
2. DFS customers who seek to hold Certificates of Competency related to the cleaning and inspection of Commercial Cooking Operations.

The above referenced services, programs or activities and the particular language access plans and/or, if applicable, the methods to determined if a language access plan is necessary as per ANF Administrative Bulletin #16, are outlined as follows:

Fire Education

One desirable objective of DFS is to educate all persons of the Commonwealth about the dangers of fire and means to prevent fires in order to create safer communities. DFS provides information to the public on fire and life safety. Some of the materials developed by DFS have been translated and other fire and life safety materials developed by others are available in multiple languages. Additionally, we have some films (DVDs) that come with closed-captioning capability.

In FY 2013, DFS plans to create an enhanced web page with links to all DFS produced foreign language materials relative to fire safety. The web will also include web links to other key resources produced by the MA Department of Public Health or other national agencies.

DFS customers who seek to hold certain Certificates necessary as a precondition to engaging in certain regulated activities.

DFS related departments are required, by law or regulation, to issue several types of certificates to applicants who seek to engage in certain activities or occupations. Examples include: possessors and users of Explosives, professional fireworks companies and those individuals or companies who service fire suppression systems and extinguishers.

To qualify for a certificate, individuals must submit an application, undergo a background and CORI check (for fireworks and explosives) and pass a written examination to determine the competency of the individual to perform the regulated activity. Based upon experience and the limited number of issued certificates, DFS is not aware of any instances in which language has been a barrier to obtaining the required certificate in the examples above. However, as of January 1, 2010, the Massachusetts Fire Code (527 CMR 11.00) required individuals who engage in the cleaning and/or inspecting of Commercial Cooking Operations to possess a Certificate of Competency issued by the State Fire Marshal.

As of this date, the office has issued approximately 380 Certificates to individuals who engage in this regulated activity. DFS has not received any formal complaints from individuals who have indicated that language has been a barrier to acquiring such certification. However, DFS staff, through ongoing observation of candidates sitting for certification, has noted that there could be a remote possibility that a small number of candidates may not be proficient in English and appear to be of Asian and/or Hispanic Ancestry. In addition, said certificates the holder must complete a renewal application every three (3) years. As part of this renewal process, the applicant must complete an application that is currently only available in English.

In preparation of this updated Language access plan DFS staff has contacted the Commonwealth's Office for Refugees and Immigrants to determine what services and options are available to allow DFS to better serve non-English speaking customers. In the short term DFS will include a question on its application for certification to determine if language is a barrier to individuals to such an extent that any one or more groups of foreign speaking individuals approaches or meets the language access threshold of 5% or more. The question is as follows:

“If you have difficulties completing this application form due to your inability to read the English language, please indicate which language you can read and return this information with the application. Thank you”

- Portuguese
- Spanish
- Vietnamese
- Other

DFS will present this question in Mandarin, Vietnamese, Spanish and Portuguese. DFS plans to employ this question as soon as possible within 90 days. If after review of the information collected (as described above), it is determined that a group meets or exceeds the threshold, then DFS plans, within six months, to offer the certification test in the appropriate foreign language.

(1) Language Resources Assessment:

a. To the best of our knowledge DFS has one full time employee located at the DFS headquarters in Stow, Massachusetts, who is proficient in Spanish, Portuguese and French. Additionally, DFS employs, on a full time basis, one person that is linguistically fluent in Russian and another full time employee who is fluent in Hindi and Gujarati, two languages that are common to the country of India.

In addition to contacting the Commonwealth's Office for Refugees Immigrations DFS has identified and initiated contact with two community-based resources as of this date. The closest community based resource appears to be the Jewish Family Services Office located in Metro West, Framingham, Ma. Additional outreach has also been initiated with M.I.R.A. (Massachusetts Immigration & Refugee Advocacy Coalition Organization. DFS plans to continue to open up communications with these organizations to help identify, if any, areas within the scope of DFS direct customer service activity that could benefit from enhanced or enlarged language access capabilities. Finally, if the need arises, DFS has the ability to attain interpreter services via the Mass Commission for Deaf and Hard of Hearing on a billable basis. We also have contracted services with vendors who can provide translation of written text, telephonic interpretation, simultaneous interpretation and voice-overs if necessary.

Language Service Protocols:

a. Which language services are required to implement the Language Access Plan?
1. Public education and outreach

Since the Spanish language exceeds the language access threshold of 5% of the state's population and since the DFS targets all members of the general public with its fire safety public education activities, DFS, subject to resources, will plan to expand the use of multiple language based informational material on important fire safety matters. Currently, DFS provides the following items in multiple languages as indicated:

- Fire Safety for Newcomers is an illustrated booklet with 26 fire safety tips, each presented in seven different languages (English, Spanish, Portuguese, Haitian Creole, Khmer, Vietnamese, and Chinese). The illustrations are designed to serve as an eighth language to support understanding for people who may have low literacy in both English and their native tongue.
- Winter Holiday Safety - Developed by DFS, available in English and Spanish
- Keep Warm, Keep Safe - Developed by DFS in conjunction with the Mass. Oil Heat Council and is printed in both English and Spanish.
- Department of Public Health Factsheets - The Department of Public Health has factsheets available in English, Spanish and Portuguese on Home Heating Safety, Scald Prevention, Home Escape Plans, Smoke Alarms, Stop. Drop & Roll, and Carbon Monoxide (also available in Chinese, Haitian, Khmer and Vietnamese)
- U.S. Consumer Product Safety Commission Smoke Alarm Pamphlets - available in English, Spanish, Korean, Portuguese, Chinese, and Vietnamese.

- *Arson & Fire Prevention: Neighborhood Strategies* - developed by DFS and the Justice Resource Institute in English and translated by DFS into Spanish
- *Children and Fire: What Adults Need to Know* - translated by DFS, is available in English and Spanish.
- Home Oxygen Safety - Developed by DFS, available in English and Spanish

Additionally, customers are generally referred to their local fire departments for specific follow-up information. It has been the experience of DFS that most departments, in urban areas with a higher number of non-speaking inhabitants, generally will have the necessary local fire service personnel available to speak to the individual in their language.

2. Customers who seek to hold Certificates of Competency relating to Commercial Cooking Operations.

If after review of the information collected as previously discussed, it is determined that a particular non-English speaking group meets or exceeds the threshold, then DFS plans, as soon as possible to offer the Certification test in such foreign language. In addition the standard for commercial cleaning and inspection developed by the National Fire Prevention Association (NFPA) Standard # 96 has been translated and is now available in Mandarin. Knowledge of this standard is what is being tested. This translation was completed at the strong suggestion of DFS. Define and describe Agency's language access protocols for providing interpretation services.

Based upon the nature of DFS' service to provide general fire safety information rather than to provide specific services or entitlements that require a detailed and fluid exchange of paperwork or information between DFS staff and customers, DFS is not planning to provide a system of routine and live interpretation services. However, in those rare instances the need arises, staff will be made available on a case-by-case basis. Additionally, DFS anticipates that the additional resources that will develop through the initiation of contact with the State Office for Refugees and the aforementioned community based organizations may likely lead to enhanced support of matters which appear to involve a language barrier component.

Define how a client will be able to access and utilize the resources identified in paragraphs (a) and (b)

See specific details in (a) and (b). Vital Document Translation:

- a. Agency to identify, by list, the name of vital documents, in whole or in part, to translate including timeframe for translation.

No particular specific documents identified as vital at as of this date. Agency website content, by list, to translate including timeframe for translation.

DFS has learned that ANF has indicated that multiple language website development will be conducted on coordinated statewide basis. DFS plans to participate in this project as directed by ANF, subject to available funding. Stakeholder Consultations: (Did the Agency consult stakeholders in the development of this Language Access Plan – description of consultation)

Not as of this date.

(2) Staff Training: (Describe the Agency’s plan to implement staff training activities)

DFS is planning staff meetings with personnel involved in the public education and commercial kitchen certification programs identified in Para. 4 (a). And will develop information sharing with addition all personnel once the statewide web based multi language information described in Para. 5(b) is available.

Notice to Public. (Describe the Agency’s plan to notify clients of free language assistance and how a client may access such assistance)

See answer to item 2 relative to issuance of Certificates necessary as a precondition to engage in certain regulated activities.

(3) Agency Monitoring: (Describe the agency’s monitoring plan)

DFS will raise employee awareness about the need to provide fair access to all DFS services through internal memoranda and staff meetings. In those limited areas that DFS staff interacts with members of the general public at large, staff will be encouraged to report situations involving any breaches in communication based upon language barriers, particularly if there appears to be a class of customers which meet or approach the 5% threshold. If DFS is required, as per ANF’s direction, to make available web based multiple language material, DFS will develop a software protocol to detect what areas of public interest would best serve non-English speaking clients.

Complaints: (Agency should identify the process by which a client or client representative may file a complaint with either the Language Access Coordinator or the Office of Access and Opportunity) Employees will be instructed to direct language access based issues/complaints to the appropriate Department head. The Department head will then notify the DFS Language Access Coordinator, described herein who will coordinate the follow-up and resolution of such issues on an agency-wide basis.

Stephen D. Coan
Agency Head
Date:

Secretary
Date:

Language Access Complaint Procedure

(To be included as an attachment to LAP)

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:

DFS Language Access Coordinator

Peter Ostroskey, Deputy State Fire Marshal

Department of Fire Services

P.O. Box 1025, State Road

Stow, Ma. 01775

(978) 567-3112

Peter.Ostroskey@state.ma.us.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