

# **STATE OF MAINE**

## **MULTILINGUAL STIPEND POLICY**

### **I. Policy Statement**

Maine State Government recognizes that members of the public communicate in multiple languages and dialects. The ability to communicate with the public is integral to the effective functioning of the State. Employees of the State who are fluent in multiple languages are often called upon to support the public. This practice has increased due in part to a statewide and national shortage of qualified interpreters and translators. To continue to improve access to services for Maine's public, employees in positions represented by the Maine Service Employees Association (MSEA) and the Maine State Troopers Association (MSTA), who can demonstrate advanced low fluency in a language other than spoken English will be eligible for a multilingual stipend. Multilingual employees, as determined and notified by the Bureau of Human Resources (BHR), shall receive an additional one dollar (\$1.00) per hour to their base wage. This stipend may only be claimed once, regardless of the number of languages in which the employee demonstrates advanced low fluency. This policy continues the tradition of adding value to employees who take on special assignments, skills, qualifications, or credentials. Recipients of the stipend shall in no way serve as a substitute for professional interpretation or translation.

### **II. Definitions**

"Language access plan" is a management document that defines tasks, sets deadlines and priorities, assigns responsibility, and allocates the resources necessary to come into or maintain compliance with language access requirements.

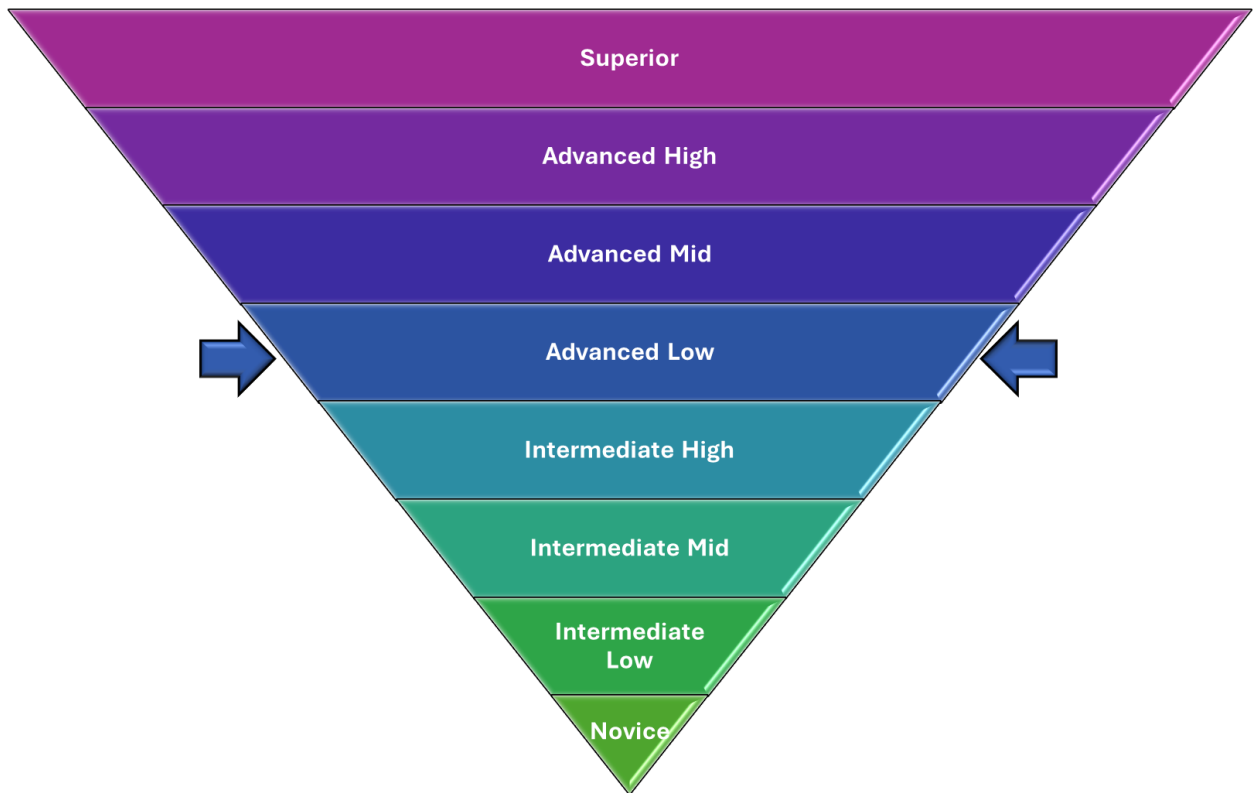
"Limited English proficiency" or "LEP" refers to individuals who do not communicate in English as their primary language and who have a limited ability to read, speak, write, or understand English.

"Meaningful access" refers to language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English proficient individuals.

"Multilingual employees" or "multilingual staff" refer to employees represented by MSEA or MSTTA who have proficiency in at least one language or dialect in addition

to English, including American Sign Language (ASL), as determined by testing and notification facilitated by BHR.

“Advanced low fluency” is an American Council on the Teaching of Foreign Language (ACTFL) Level developed by Language Testing International. Advanced low fluency refers to the ability to “narrate and describe in past, present, and future. Deal effectively with an unanticipated complication with sufficient control of structure and vocabulary to be understood by most anyone.”



“Qualified interpreters or translators” are interpreters who accurately convey meaning from one language (the source language) into another (the target language), or translators who accurately convey meaning from written text to written text. Both qualified interpreters and translators are subject to specific codes of conduct and should be rigorously trained in the skills, ethics, and subject-matter language.

### **III. Need for the Multilingual Stipend**

The 2022 American Community Survey 1-Year Estimates indicate that 6% of the population of Maine over the age of five years old communicate in a language other than English at home. Of this population, close to 39,000 speak English less than

“very well.” For these individuals, limited English proficiency (LEP) can be a barrier to accessing important State services. Additional estimates from the American Community Survey data, indicate that 2.8 percent of people in Maine aged 18-64 years reported having a hearing disability. For adults, aged 65 and older, 15.4 percent of people reported having a hearing disability. In total, for Mainers across all age groups, five percent report having a hearing disability, which amounts to over 70,500 individuals.

The Americans with Disabilities Act (ADA) protects the right of deaf, hard-of-hearing, and late deafened individuals to access sign language interpretation and other reasonable accommodations. Title VI of the Civil Rights Act of 1964, its associated regulations, and the Maine Human Rights Act prohibit discrimination based on national origin. Executive Order 13166 issued in 2000 also addresses language barriers, requiring “meaningful access” of federally funded programs for LEP individuals. In addition to legal obligations, studies also suggest that language access resources help improve disparities among LEP, deaf, hard-of-hearing, and late deafened individuals and reduce overall costs for service providers.

Moreover, the multilingual language stipend seeks to attract, develop, and retain a diverse workforce to better serve the people of Maine and align with guidelines set forth by Equal Employment Opportunity standards. The stipend helps to increase equitable access to government resources for Maine's diverse communities and demonstrates continued efforts to meet BHR, departmental, and State goals.

#### **IV. Scope of the Policy**

The multilingual stipend is not a substitute for language access plans or related interpretation and translation procedures. This Policy is designed to provide procedures and guidelines for testing and pay of multilingual staff who are represented by MSEA or MSTA. Broader language access topics, as well as tracking and reporting of language use, should be part of each individual department or agency plan.

This policy is also not meant to replace the need for qualified interpreters or translators, who are trained to convey meanings accurately, avoid conflicts of interest, and maintain confidentiality, impartiality, and accuracy while performing their professional duties.

Interactions involving a possible medical issue or deprivation of liberty, such as police interviews conducted in the course of a criminal investigation, should involve a fully trained professional. In situations with medical or legal implications the stakes can be very high. During an emergency, untrained multilingual staff or informal

communication techniques should be used only as a stop-gap measure to stabilize an emergency until a professional interpreter (telephonic, virtual, or in-person) becomes available to assist.

Members of the public who are related to multilingual staff should not have to depend on their employed family members to provide interpretation or translation services. This may result in a conflict of interest. Family members of multilingual staff have the right to privacy and should be encouraged to make use of qualified interpreters or translators.

## **V. Stipend**

To be considered for the multilingual stipend, employees must be currently represented by MSEA or MSTA. Employees who indicate interest in the stipend agree to communicate in a language or translate a language other than English as needed in the workplace. At no point shall this policy replace the work of qualified interpreters or translators who undergo rigorous training, commit to a code of conduct, and receive specialized certifications.

Employees qualifying for this stipend will receive one dollar (\$1.00) per hour to their base wage. Management will consider office or agency priorities and position responsibilities when determining when and how a language other than English will be used in the workplace. This stipend may only be claimed once, regardless of the number of languages in which the employee demonstrates advanced low proficiency. The stipend should also be applied when computing overtime payment. Employees are welcome to be tested in multiple languages other than English, with the understanding that the stipend is provided at a fixed amount and will not increase based on the number of languages in which the employee is advanced low fluency.

## **VI. Identify Language Need**

Supervisors and employees are encouraged to work together to identify and understand the language needs in their workplace. Once a need for multilingual skills is identified by the employee and their supervisors, the employee will fill out an application to apply for the stipend. Managers are encouraged to consider the amount of time an employee will spend providing language assistance services when assessing workload and productivity.

## **VII. Application**

Upon submission of an employee application, a member of BHR will reach out to the employee to schedule an exam. The type of exam will be dependent on the language(s) and how the employee will be using the language(s) (e.g. oral, written, or sign). Most employees can anticipate an exam that is administered over the phone or through videoconferencing software by an approved external vendor. BHR will use one or more qualified vendors that have been selected through a vetting process, and only these vendors may be used for testing. The vendor list is not exhaustive and may change based on the needs of employees and the public. The employee is encouraged to discuss any needed testing accommodations with the representative from BHR.

## **VIII. Testing**

The minimum rating needed to pass the exam in the target language will vary based on the type of multilingual support the employee is providing. Appeals or re-testing will be considered on a case-by-case basis. Employees must take and pass the examination once every five (5) years to remain eligible for the multilingual stipend. Once the employee has successfully passed their exam, they will be notified through BHR. Upon notification, the effective date for the stipend will be the first day of the next pay period. The employee's workload may be adjusted accordingly in conversations with their supervisor.

## **IX. Procedure**

Employee information will be added to an internal multilingual directory maintained by BHR for future language requests as needed. Employees may use multilingual language skills for departments or agencies they are not assigned to, provided that the requesting department or agency has obtained approval from the multilingual employee and their supervisor.

The stipend will be promoted on the BHR website, where additional information and FAQs will be listed for interested employees. Flyers will be developed to post on bulletin boards in the workplace, and HR directors will be encouraged to share information about the stipend with employees. The stipend will be outlined at employee onboarding and reiterated during supervisor trainings.

## **X. Change or End of Stipend**

If additional language skills are no longer needed, the multilingual stipend may cease. If the employee is transferred, demoted, or promoted, to another position in which the multilingual skill has not been designated, or identified as a necessity, the stipend may cease. The effective date for discontinuation of the stipend will be the first day of the next pay period following the new assignment.

## **XI. Resources**

BHR will maintain several internal documents to support access to the multilingual stipend. These include:

- Multilingual stipend employee form
- Multilingual employee directory
- HR multilingual stipend procedure
- Language exam vendor list
- Policy FAQ and promotional materials

This policy is informed by state and federal guidance. Additional information is available through LEP.gov, Executive Order 13166, the U.S. Department of Justice, and the Maine Judicial Branch Language Access Plan.

## **XII. Effective Date**

The Effective Date of this policy is March 1, 2025.