



***Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Transitional Assistance***

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**Operations Memo 2013-64  
December 19, 2013**

**To: Department of Transitional Assistance Staff**

**From:  Lydia Conley, Acting Assistant Commissioner for Policy, Program and External Relations**

**Re: Auxiliary Aids: *Harper, et al. v. Massachusetts Department of Transitional Assistance (DTA)***

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**Overview**

The Department is in the process of reviewing and making changes to many of its processes as they relate to improving services to our applicants or clients (hereafter referred to as clients) with disabilities. Improving services to these clients is the objective of the *Harper, et al. v. Massachusetts Department of Transitional Assistance (DTA)* settlement.

One of the provisions of the settlement is that the Department must issue a reminder to all Department staff who have contact with clients. This reminder serves to emphasize the need for staff to make use of “auxiliary aids” to effectively communicate with clients who may have a hearing impairment, vision impairment or other condition that interferes with the client’s capacity to communicate.

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**Purpose of Memo**

The purpose of this Operations Memo is to:

- introduce Department staff to the Disability Resource Guide;
- review the variety of auxiliary aids and services available to provide as an accommodation;
- review the Department's responsibility to work with clients to determine the appropriate auxiliary aid(s) and to provide such services;
- review protocols for using an American Sign Language (ASL) interpreter to communicate with a client; and
- provide information to increase sensitivity towards individuals who may have multiple communication barriers such as limited English writing and comprehension abilities in addition to hearing impairments.

**Important:** All DTA staff must follow the Americans with Disabilities Act (ADA) protocol to provide accommodations where needed including securing the proper auxiliary aid a client needs to assist with communication.

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**Disability Resource Guide**

The Disability Resource Guide is intended for use by any Department staff with direct client contact. It provides a wealth of information about physical, mental, sensory and other disabilities and offers suggestions for working with clients who have those disabilities. It also explains the various auxiliary aids available to assist communication.

The Guide also includes information on how to make referrals to agencies that assist persons with disabilities, such as the Massachusetts Commission for the Blind, Massachusetts Office of Disabilities and the Massachusetts Rehabilitation Commission. The Disability Resource Guide can be found at: <http://dtaonline/refrence/curpol/guides/toc.html> .

The Department will periodically update the Guide with information and tools related to disability needs. The Guide will include a list of auxiliary aids with pictures that will allow the client to point to the preferred aid. Updating agency contact information will be completed as necessary.

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**Obligation to  
Provide Auxiliary  
Aids**

The Department has a legal obligation under the Americans with Disabilities Act (ADA) to ensure that all clients with disabilities can communicate and work with the Department as effectively as clients who are not disabled. Clients with certain impairments, including hearing and vision impairments, may need specialized technological assistance to communicate with Department staff. The Department must be ready to provide the assistance that will enable effective communication, which may include an auxiliary aid.

Field Operations Memo 2010-30 provides more information on accommodating clients with disabilities. An auxiliary aid is one of the types of accommodations that the Department might provide to a client with a specific type of disability.

The requirement to provide the appropriate accommodation applies not only to TAO staff but to all Department staff who have client contact.

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**Available  
Auxiliary Aids**

Auxiliary aids are intended to help with client communication and include but are not limited to:

- For clients with a hearing impairment:
  - ✓ American Sign Language (ASL) Services;
  - ✓ Mass Relay;
  - ✓ Communication Access Real-time Translation (CART);
  - ✓ Telephone Typewriter (TTY); and
  - ✓ Use of written notes.
  
- For clients with a vision impairment:
  - ✓ Enlarged Font Size for Department notices, forms and mailings;
  - ✓ Lighting which focuses light to a particular area of the workspace; and
  - ✓ Oral communication, e.g. read notices to the client rather than relying solely on written notices.

For additional auxiliary aids and their usage, please reference the Department's Disability Resource Guide. Use of appropriate auxiliary aids is part of the Department's obligation under the ADA.

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**Working with  
Clients Who  
Need Auxiliary  
Aids**

If a client informs Department staff that he or she has a communication-related impairment or if the client's impairment is obvious, ask the client if he or she has a particular auxiliary aid that he or she prefers. If that aid is available, use it. If that aid is not available, find another one that meets the client's needs.

**Important:** Staff must make every effort to use the auxiliary aids that clients request and not simply the ones that are easiest to use. Working out the best auxiliary aid for a client should be an interactive process that assesses the client's needs and preferences. Staff should consult with a supervisor or manager to develop the most workable solution.

Based on the type of impairment, it is also important for Department staff to:

- be aware of how they are communicating with clients;
- look directly at a person who uses lip reading;
- be aware of environmental factors, such as ensuring sufficient lighting for a client with a vision impairment; and
- provide a quiet and private space to interview a client to help with persons who are hearing impaired or persons who are easily distracted.

The Disability Resource Guide has sections covering effective communication tips for persons with hearing, vision and mental impairments.

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**American Sign  
Language (ASL)  
Protocols**

Professional interpreters are offered free of charge to all clients (including those clients using ASL) to conduct Department business.

A job aid has been developed for securing an ASL interpreter:  
[http://dtaonline/training/tr\\_online/job\\_aids.asp](http://dtaonline/training/tr_online/job_aids.asp).

When using an ASL interpreter DTA staff should remember to:

- speak to the client and not the interpreter;
  - have the client explain content back to staff to ensure that the interpretation is correct; and
  - remind the interpreter to interpret only what is being stated.
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**American Sign  
Language (ASL)  
Protocols  
(continued)**

The Department is committed to ensuring that interpreters have been trained in interpreter services, ethics and confidentiality. If there are any concerns about an interpreter, this concern should be directed to a manager.

For guidelines on interpreter services protocol, including Limited English Proficiency (LEP), see Operations Memo 2013-11.

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**Questions**

If you have any questions, please have your Hotline designee call the Policy Hotline.

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