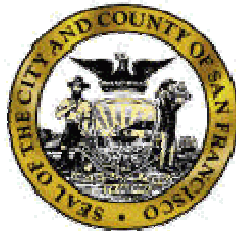


CITY AND COUNTY OF SAN FRANCISCO IMMIGRANT RIGHTS COMMISSION

2009 Equal Access to Services Annual Compliance Summary Report



August 31, 2009

This summary report includes results, plans and recommendations to strengthen the effectiveness of the Equal Access to Services (EAS) Ordinance, which was enacted in 2001 to provide “equal access to city services to all San Franciscans, including those with limited proficiency in English.”

On behalf of the San Francisco Immigrant Rights Commission, thank you to the City's Tier I departments for their input and cooperation in complying with the EAS Ordinance. We commend these departments for their commitment to diversity and for their ongoing efforts to meet the language needs of San Francisco residents.

The Commission also wishes to express its appreciation to the Programs & Access Committee (Chair Gilberto J. Alexander and Commissioners Felix Fuentes and Vera Haile) for their leadership and guidance, and to the staff of the Office of Civic Engagement & Immigrant Affairs (Executive Director Adrienne Pon, Public Administration Intern Whitney Chiao, Senior Policy Analyst Guanna Henriquez, City Hall Fellow Richard Whipple, and Executive Coordinator Sally Leung) for researching, writing and preparing this report.

A handwritten signature in blue ink, reading "Angus McCarthy", with a large, sweeping flourish underneath.

Commissioner Angus McCarthy
Chair, Immigrant Rights Commission

2009 Equal Access to Services Annual Compliance Summary Report

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I. Executive Summary

The purpose of this report is to evaluate the current status of the Equal Access to Services (EAS) Ordinance and summarize to what degree City Departments are complying with its provisions. The report addresses two main issues: 1) to what extent departments are meeting the legal requirements of the EAS, and 2) what can be done to strengthen the efficacy of the EAS to better serve and inform residents. The report identifies what the Immigrant Rights Commission views as barriers to compliance, including the lack of prioritization, insufficient resources and tools for departments to meet the language needs of residents and budgetary challenges to properly fulfilling EAS monitoring obligations.

Language access for Limited English Proficient (LEP) individuals is mandated by federal, state and local law. To many immigrant and newcomer communities, language access is a civil right and one of the key paths to full and meaningful participation in a democracy. Despite multiple laws at every level of government that establish and mandate language access, gaps exist in the provision of adequate services in a diversity of languages. Accessing timely and relevant information is often challenging for LEP individuals.

Federal, State and Local Mandates

Title VI of the landmark Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.¹ Title VI has consistently been interpreted by courts as mandating that recipients of federal funds take reasonable steps to ensure their services and programs are meaningfully accessible to LEP individuals, including providing information in languages that LEP individuals understand.

Executive Order 13166 (EO13166), "Improving Access to Services for Persons with Limited English Proficiency," was signed on August 11, 2000 by President William Clinton. EO13166 requires federal agencies to examine the services they provide, identify needs for services and implement a system to provide language services so LEP individuals may have meaningful access in languages other than English.²

¹ No person in the United States shall, on ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (Title IV of the 1964 Civil Rights Act, 42 U.S.C. § 2000d et seq.).

² See *Federal Agency LEP Guidance and Language Access Plans*, website of the Federal Interagency Working Group on Limited English Proficiency, www.lep.gov.

The Dymally-Alatorre Bilingual Services Act (Act), enacted in 1973 by the State of California, calls for effective communication between government and all people in the state. The Act contains specific requirements for state departments to ensure that programs and services are accessible to LEP individuals. State departments must create implementation plans, and provide specific information about their Bilingual Services Programs and actions taken to correct deficiencies found in previous language surveys.

The Board of Supervisors of the City and County of San Francisco established the Equal Access to Services Ordinance (EAS) in 2001 for the purpose of providing “equal access to city services to all San Franciscans, including those with limited proficiency in English.” The EAS compels city and county departments to provide their services in English and in the languages spoken by substantial populations of limited English speaking persons. The EAS ensures that all residents have meaningful and equal access to critical city services.

Good Government in San Francisco

In the 2000 Census, San Francisco ranked fifth of 68 large cities³ with the highest percentage of foreign-born residents in the nation. Seven of the top ten cities in this category were located in California, with San Francisco ranking third in the state. Currently, 37 percent, or 297,703, of San Francisco’s estimated 808,976 residents are immigrants. Of all San Franciscans over the age of five, 46 percent speak a language other than English at home, with the largest language groups being Chinese, Spanish, Tagalog and Russian. Fourteen percent of San Francisco households are “linguistically isolated” with no one over the age of 14 indicating that they speak English “well” or “very well.”⁴

Good government means responding to the needs of all communities and residents. All residents, regardless of their proficiency in English, need meaningful access to vital programs, services and information. Residents are asked to report crimes, participate in emergency preparation and follow numerous laws, rules and regulations. They must be able to understand requirements and laws as well as interact with government officials and representatives without fear or intimidation. Engaged and well-informed individuals are crucial to government effectiveness, public safety and quality of life for all residents, workers and visitors.

³ Large cities are defined by the U.S. Census Bureau as having populations of 250,000 or more

⁴ A “**linguistically isolated household**” is defined by the U.S. Census Bureau as one in which no member 14 years old and over (1) speaks only English or (2) speaks a non-English language and speaks English “very well.” In other words, all members 14 years old and over have at least some difficulty with English.

II. About the Equal Access to Services (EAS) Ordinance

Summary of Ordinance Requirements

The Equal Access to Services (EAS) Ordinance, Chapter 91 of the Administrative Code⁵, was enacted by the San Francisco Board of Supervisors on June 15, 2001, making it the policy of the City and County of San Francisco to provide equal access to city services to all San Franciscans, including those with limited proficiency in English. The Ordinance was intended to implement and supplement California's Dymally-Alatorre Bilingual Services Act (Government Code §7290 et. seq.), which requires state and local public agencies serving a substantial number of limited English speaking persons to provide services and materials in the language(s) spoken by those persons.

The current EAS Ordinance imposes on Tier I City departments⁶ the obligation to provide the same level of service to limited English-speaking persons in various languages as are available to all city residents. Departments subject to the EAS Ordinance are required to utilize and hire sufficient bilingual employees in public contact positions, translate materials, provide oral translations at public meetings, maintain recorded telephonic messages about the department operations or services in multiple languages and file annual compliance plans by February 1st of each year.

Compliance Plans must provide the following information to the Immigrant Rights Commission (IRC) and Office of Civic Engagement and Immigrant Affairs (OCEIA):

1. Total number of limited English speaking persons who use the department's services listed by language.
2. Total number of limited English speaking clients residing in the supervisorial district in which the department or branch is located who use department services, listed by language.
3. Total number of public contact positions in the department.
4. Total number of bilingual employees in public contact positions listed by their titles, office locations, and language(s) spoken.

⁵ San Francisco Administrative Code, Chapter 91 Sections 91.1-91.14

⁶ Tier 1 City Departments include: Adult Probation Department, District Attorney, Elections Department, Department of Emergency Management, Fire Department, Human Services Agency, Juvenile Probation Department, Metropolitan Transportation Authority, Police Department, Public Defender, Public Health Department, Rent Stabilization and Arbitration Board, and the Sheriff's Department. Tier 2 City Departments are all City Departments not specified as Tier I Departments that furnish information or provide services directly to the public and consist of at least 30 full-time City employees.

5. A description of any telephone-based interpretation services used, including tracking limited English speaking clients by call volume and language.
6. A description and assessment of department protocols to communicate with limited English speaking clients.
7. An assessment of the adequacy of bilingual staff public contact positions to meet the needs of their limited English speaking clients, including total number of vacant public contact positions and plans to fill those positions.
8. List all designated bilingual staff assigned to review accuracy and appropriateness of translation materials, by name, title and language(s) spoken.
9. A list of the department's written materials required to be translated by language.
10. A description of the department's procedures for receiving and resolving complaints of any alleged violations of the ordinance.
11. List department's goals for the upcoming year and compare those with the previous year's goals as well any additional information the department wishes to include.

The Immigrant Rights Commission

The Board of Supervisors of the City and County of San Francisco adopted Ordinance number 211-97 on May 8, 1997, codified in Chapter 5, Article XXI of the San Francisco Administrative Code, establishing the Immigrant Rights Commission (IRC).

The mission of the IRC is to improve, enhance and preserve the quality of life and civic participation of all immigrants in the City and County of San Francisco. The IRC is charged with the primary duty of providing advice and making recommendations to the Board of Supervisors and the Mayor on issues affecting immigrants working and residing in the City. The IRC consists of 15 voting members, eleven (11) who are appointed by the Board of Supervisors and four (4) who are appointed by the Mayor. At least eight members must be immigrants to the United States and each member of the Commission serves for a term of two years.

Under Chapter 91, Section 11 of the San Francisco Administrative Code, the IRC is responsible for the following:

- Conducting outreach to limited English speaking persons about their rights under the EAS ordinance.
- Establishing and implementing a procedure to accept and investigate complaints alleging violations.

- Reviewing complaints about alleged violations of the Ordinance forwarded from departments.
- Working with departments to resolve complaints.
- Maintaining copies of complaints and their resolution for not less than eight years, organized by department.
- Coordinating a language bank for departments that choose to have translations outsourced and that need assistance in obtaining translators.
- Reviewing annual compliance plans.

The IRC is charged with monitoring the EAS ordinance, conducting annual reviews of department EAS compliance plans and assessing the impact of budgetary cutbacks on EAS implementation. The IRC has issued “findings of non-compliance” directed at certain departments for their failure to comply with EAS provisions and forwarded these findings to the Board of Supervisors and the Mayor.

Office of Civic Engagement & Immigrant Affairs

In February 2009, by order of the Mayor and under the direction of the City Administrator, all Language Services and Immigrant Rights functions were consolidated under the Office of Civic Engagement & Immigrant Affairs (OCEIA). OCEIA promotes civic participation and inclusive policies that improve the lives of San Francisco's residents, particularly immigrants, newcomers, underserved and vulnerable communities. The Office is responsible for a broad range of areas, including:

- Planning, implementing and coordinating citywide 2010 Census outreach efforts and staffing the 25-member San Francisco 2010 Census Complete Count Committee.
- Partnering with and staffing the 15-member Immigrant Rights Commission to meet the needs and concerns of San Francisco's immigrant residents.
- Developing civic engagement initiatives, with a focus on the inclusion of immigrant, low-income and vulnerable communities.
- Analyzing current policies and documenting best practices for language access and rights, civic engagement and census outreach.
- Ensuring citywide compliance with language access, immigrant rights, and other ordinances.
- Identifying resources, training and technical assistance for departments to successfully meet their obligations to the EAS ordinance.
- Conducting community outreach and education on city services, language access, Sanctuary City, Municipal ID Card and other programs.
- Administering the Day Laborers program and Census outreach grants.

III. Annual Compliance Data and Department Plans

Tier I Departments

APD = Adult Probation	DA = District Attorney	ELEC = Elections
DEM = Emergency Management	FIRE = Fire	HSA = Human Services Agency
JP = Juvenile Probation	MTA = Municipal Transport	SFPD = Police
PUBDEF = Public Defender	HLTH = Public Health	RENT = Rent Stabilization and Arbitration
SHF = Sheriff	AVG = Average	

Figure 1 Summary of information provided by departments

Dept.	Bilingual Employees	Translated Materials	Oral Translations at Public Meetings	Recorded Telephonic Messages	Compliance Plans Filed on Time
APD	√	√	Not reported	Not reported	√
DA	√	√	Not reported	√	√
ELEC	√	√	Not reported	√	√
DEM	√	√	Not reported	Not reported	√
FIRE	√	√	Not reported	Not reported	No*
HSA	√	√	√	Not reported	√
JP	√	√	Not reported	Not reported	No*
MTA	√	√	Not reported	√	√
SFPD	√	√	Not reported	Not reported	√
PUBDEF	√	√	Not reported	Not reported	√
HLTH	√	√	√	Not reported	√
RENT	√	√	Not reported	√	√
SHF	√	√	Not reported	Not reported	√

* Report filed after February 1st due date

Please note that the information on the following pages was self-reported by departments through a questionnaire worksheet. Individual compliance plans by Tier I Departments are available upon written request to the OCEIA (civic.engagement@sfgov.org).

Question #1: What is the number and percentage of limited English proficient (LEP) persons who actually use the department's services citywide?

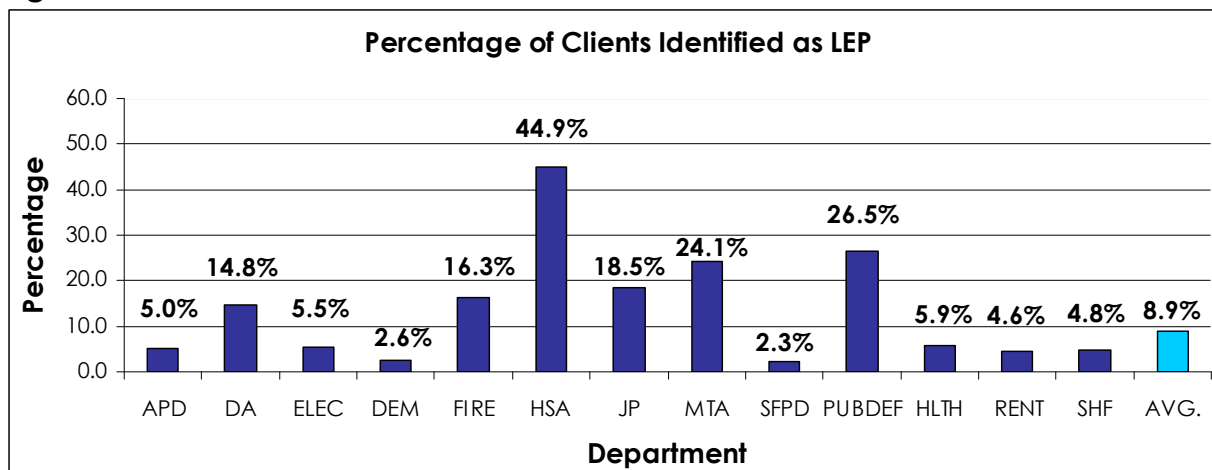
Figure 2

Dept.	LEP Clients	Total Clients	Percentage by Dept.
APD	231	4,578	5
DA	4,251	28,719	14.8
ELEC	26,164	475,432	5.5
DEM	9,330	359,341	2.6
FIRE	13,059	80,300	16.3
HSA	62,244	138,628	44.9
JP	210	1,136	18.5

Dept.	LEP Clients	Total Clients	Percentage by Dept.
MTA	169,325	703,169	24.1
SFPD	27,617	1,225,303	2.3
PUBDEF	5,830	22,000	26.5
HLTH	79,473	1,338,147	5.9
RENT	1,668	36,372	4.6
SHF	8,710	183,040	4.8
AVG.	409,669	4,665,246	8.9

The following graph shows the percentage of each department's client population that is LEP. On the far right of the graph is the average percentage of the total client population that is identified as LEP.

Figure 3



Question #2: What is the breakdown of LEP clients served by language?

The following graphs show the distribution of languages spoken by each department's clients. The percentages shown are percentages of the LEP client subpopulation, not the entire client population. Figure 4 shows the proportion of clients who speak Spanish and Cantonese, which are spoken by more than five percent of San Francisco's total population. Three departments reported their information in a different manner, as noted below.

Figure 4

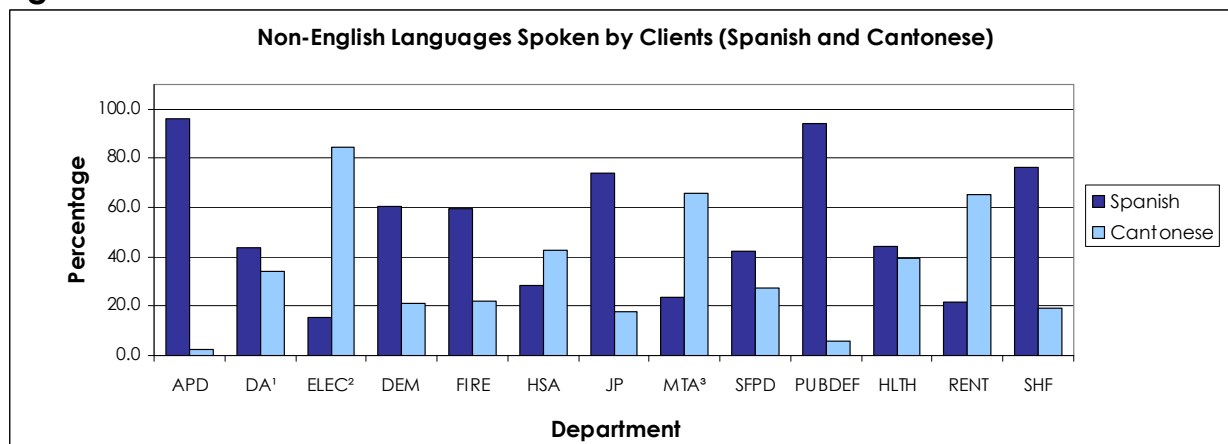
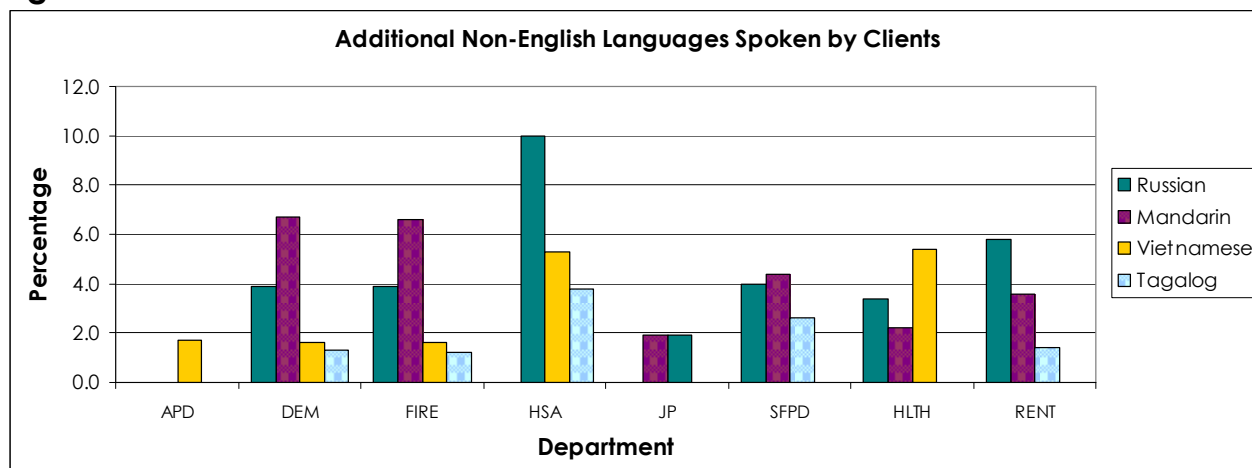


Figure 5 examines other significant languages identified in client populations. The percentages shown are percentages of the LEP client subpopulation, not the percentage of the department's entire client population. The languages include Mandarin, Russian, Tagalog and Vietnamese.

Figure 5



¹ Combines Cantonese and Mandarin speakers

² Only reported "Chinese" in department report

³ Based on 2006 American Community Survey report of "Asian and Pacific Islander Languages"

Question #3: What is the total number of public contact positions in the department? List the total number of bilingual staff in public contact positions and identify each by language(s) spoken.

Figure 6 shows the number of each department's public contact position staff who are identified as bilingual. A public contact position is defined as "a position in which a primary job responsibility consists of meeting, contacting, and dealing with the public in the performance of the duties of that position." The breakdown of languages spoken may exceed the number of bilingual staff reported because some staff speak more than one foreign language.

Figure 6

Dept.	Total Staff (Public Contact)	Bilingual Staff (Public Contact)	SPN	CAN	MDRN	RUS	VIET	TAG	Other
APD	86	26	22	1	1	1	2	0	None
DA	169	41	18	7	5		4	2	French (5), Italian (3), Gujarati (2), Unidentified (16)
ELEC	76	42	16	15 ⁷	0	3	7	0	Japanese (1)
DEM	211	24	15	5	1	1	0	1	Toishanese (1)
FIRE	1,703	41	30	11	0	0	0	0	None
HSA	1,720	490	219	168	0	44	33	13	Unidentified (13)
JP	184	74	34	22	0	1	1	10	French (1), Nigerian-Ebu (1), Samoan (4)
MTA	250	102	22	23	8	2	4	22	⁸ See footnote
SFPD	2,800	469	168	87	20	6	5	53	⁹ See footnote
PUBDEF	160	55	33	7	6	1	1	0	French (2), Japanese (1), Korean (1), Samoan (3),
HLTH ¹⁰	8,000	1,047	562	269	95	18	32	46	¹¹ See footnote
RENT	9	4	1	2	0	0	0	1	None
SHF	938	143	77	37	0	1	2	26	None

SPN = Spanish	MDRN = Mandarin	VIET = Vietnamese
CAN = Cantonese	RUS = Russian	TAG = Tagalog

⁷ Did not designate specific staff positions as public contact positions

⁸ The number of Chinese speaking staff

⁹ Includes: Arabic (1), Burmese (2), French, (1), Hebrew (1), Hindi (2), Italian (1), Japanese (1), Korean (1), Nigerian (1), Romanian (1), Samoan (4), Taiwanese (1), Urdu (3), Yiddish (1)

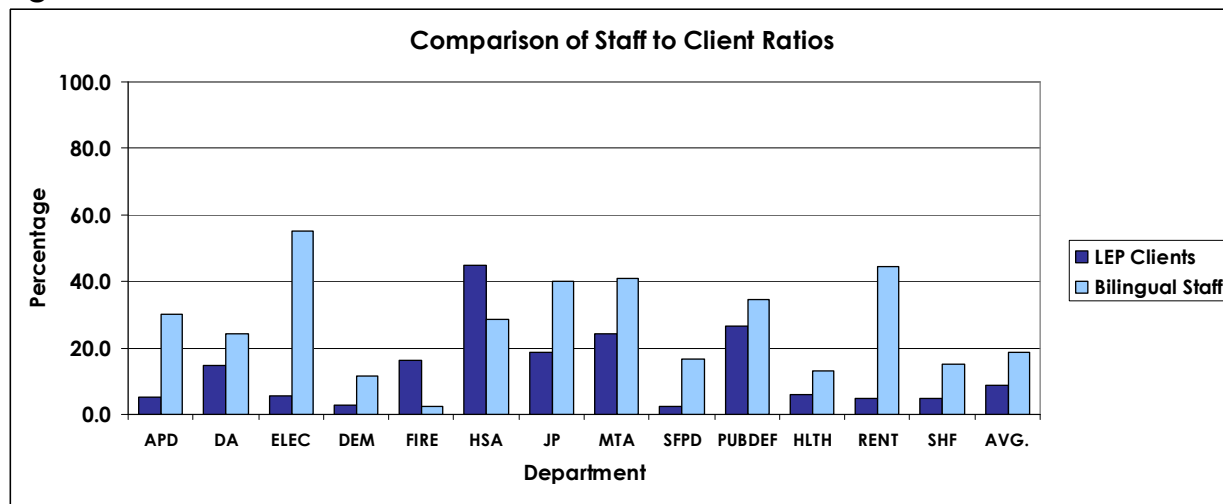
¹⁰ Includes: Arabic (2), Armenian (2), American Sign Language (7), Syrian (1), Basque (4), Burmese (1), Cambodian (1), Cebuano (2), Danish (1), Farsi (1), Fijian (1), French (20), Gaelic (4), German (16), Greek (5), Gujarati (1), Hindi (6), Ilonggo (2), Indonesian (1), Italian (18), Japanese (12), Korean (7), Laotian (1), Polish (2), Portuguese (4), Samoan (2), Swedish (1), Toisan (2), Urdu (2), Yugoslavian (1)

¹¹ Includes: Cambodian (7), Chinese (Other- 6), Danish (1), French (1), Hindi (4), Italian (1), Japanese (1), Korean (3), Laotian (1)

Question #4: Comparison of bilingual public contact staff and LEP client ratios. What is the department's assessment of additional bilingual employees needed to meet the requirements of EAS?

Figure 7 compares the percentage of the client population that is LEP to the percentage of staff in bilingual contact positions that is bilingual.

Figure 7



Dept.	Self-Assessment of Need for Additional Staff	Deficiencies (if any)
APD	Sufficient staff	None reported
DA	Additional staff needed	6 staff members (Spanish, Cantonese, Mandarin, Tagalog, and Russian)
ELEC	Continuing to hire bilingual staff	Poll worker Recruitment and Training, Voter Services and Campaign Services Division
DEM	Sufficient staff	None reported
FIRE	Currently assessing bilingual assignments and filling open bilingual staff positions	None reported
HSA	Sufficient staff	None reported
JP	Sufficient staff	On-call translators for clients daily
MTA	Additional staff desired	Spanish-speaking staff in Community and Public Relations/Marketing
SFPD	Sufficient staff	None reported
PUBDEF	Sufficient staff	None reported
HLTH	Sufficient staff	None reported
RENT	Sufficient staff	None reported
SHF	Sufficient staff	None reported

Question #5: Describe any telephone-based interpretation services used, including tracking LEP clients by call volume and language.

Dept.	Telephonic Services Used	Tracks LEP Clients	Total Call Volume	Languages
APD¹²	Language Line	√	41 calls	Spanish (33), Cantonese (6), Tagalog (2)
DA	Language Line; mail system with access to Spanish and Chinese	-	n/a	n/a
ELEC	Two separate phone lines; one for Chinese and one for Spanish	-	n/a	n/a
DEM	Language Line	√	9,330 calls	See Figures 4 and 5
FIRE	Network-Omni and Language Services	√	13,059 calls	See Figures 4 and 5
HSA¹³	Language Line	√	85 calls	Mandarin (56), Korean (8), Mongolian (6), Arabic (4), Japanese (4), Cambodian (3), Laotian (3), Farsi (1)
JP	Language Line	√	19 calls	Spanish (8), Chinese (8), Mandarin (2), Russian (1)
MTA	Automated telephone system with basic information in English, Spanish, and Cantonese; Language Line	√	394 calls	Spanish (238), Cantonese (104), Mandarin (45), Russian (3), Vietnamese (2), Korean (1), Japanese (1)
SFPD	Language Line, OmniNetwork, International Effectiveness Center	√	27,617 calls (1,557 placed by SFPD, 26,060 placed by DEM)	See Figures 4 and 5
PUBDEF	Telephone operator is bilingual (Spanish); bilingual staff contacted if other language is required	-	n/a	n/a
HLTH	Language Line, Pacific Interpreters	-	n/a	n/a
RENT	Language Line	-	n/a	n/a
SHF	Language Line	√	122 calls	Arabic (1), Cantonese (29), French (1), German (1), Japanese (1), Korean (10), Mandarin (11), Mongolian (6), Polish (1), Portuguese (1), Russian (9), Spanish (47), Toishanese (1), Vietnamese (3)

¹² Tracked over a seven month period from June 2008 to December 2008

¹³ Tracked over a four month period, not all tracked calls were included in the department report

Question #6: Please assess the procedures used to facilitate communication with LEP persons and indicate whether such procedures are adequate.

Dept.	Current Procedures	Adequate by Department's Assessment	Noted Improvements
APD	Deputy probation officer fluent in language assigned to probationer	√	None noted
DA	Staff member for Spanish, Cantonese, and Mandarin assigned to reception area; staff from other divisions are called upon for other languages	√	Installation of four language lines
ELEC	1 bilingual poll worker in precinct with 7+ registered voters requesting election material in different language; Voter Outreach and Education Program	√	None noted
DEM	Translation services provided by Language Line	√	None noted
FIRE	Calls processed through Department of Emergency Management and Division of Emergency Communications; translators required for 911 calls access Network-Omni	√	None noted
HSA	Bilingual staff, interpretation services, posted signs in multiple languages, telephonic interpretation services	√	Improved connection time and translators with knowledge of appropriate vocabulary assigned for calls
JP	Language line, bilingual staff assigned to department visitors	√	None noted
MTA	Find bilingual staff to speak to clients or utilize Language Line; interpretation at public meetings provided with 72 hours advance notice	√	None noted
SFPD	Identify language spoken with language card and find translator or use Language Line	√	Press release to notify public of policy
PUBDEF	Spanish-speaking telephone operator or receptionist assigned; interpreters for other languages retained	√	None noted
HLTH	Interpreter and translation services provided by Interpreter Services Department; Videoconferencing Medical Interpretation Project uses videoconferencing equipment to provide timely access to interpretation	√	Human Resources tracks bilingual employees as they are hired; VMI project
RENT	Automated phone messages, written materials, and website provide information in Spanish and Chinese	√	None noted
SHF	Procedure not given	√	None noted

Question #7: Has the department translated all written materials required under the EAS and has the department provided a list of all translated materials?

Dept.	Documentation of translated materials provided	Types of translated materials
APD	17 documents translated into Spanish, total number of documents not given	Background questionnaires, notices, notification letters, report forms,
DA	Website materials and some documents to be translated into Spanish; Cantonese translations still required	Fact sheets, class materials, website materials (to be translated)
ELEC	All documents translated	Voter registration forms, notices, polling place materials and posters
DEM	All documents and website translated	Website, brochure, outreach materials
FIRE	All documents translated	Notice of Privacy Practices, Fire Safety Recommendations
HSA	All documents translated; review of documents translated monthly	Guide to Programs and Services, county-only notices, high priority forms
JP	All documents translated	Questionnaires, intake policies
MTA	Some documents translated or in progress, all Enforcement and most Engineering documents are English only	Complaint form, application forms, informational sheets (in progress)
SFPD	Some documents in the process of being translated	Report forms, crime guides, public disclosure notifications, recruitment flyers
PUBDEF	Some documents translated into Spanish and Cantonese	Brochures, notification letters, court-return slips
HLTH	Numerous documents translated in additional languages such as Russian and Vietnamese; many still in progress	Concern letters, booklets, patient concern form, questionnaires
RENT	Numerous materials translated; Residential Hotel Visitor Policy translated into Chinese, Spanish, Vietnamese, Tagalog, Hindi and Gujarati	Visitor policies, website, petitions, appeals, signs indicating language and translation services, scripts for automated telephone line
SHF	Many documents translated; English-only documents are still being revised	Keeper instructions, procedure instructions, claims, rules and regulations

Question #8 Are there designated bilingual employees responsible for ensuring the accuracy of translated materials? If yes, please list by language. Has the department identified the number of bilingual employees needed to meet the requirements of the EAS Ordinance?

Dept.	Designated Staff Who Ensure Translation Accuracy	No. of Designated Staff	Languages	No. of Additional Employees Needed
APD	√	1	Spanish	1 (Cantonese)
DA	√	11	Spanish, Cantonese, Mandarin, Vietnamese, Tagalog, Cambodian, Chao-Chow, French, Danish, Russian	0
ELEC	√	8	Spanish, Chinese	0
DEM	None (use Office of Language Services)	0		2 (Spanish, Cantonese)
FIRE	√	2	Spanish, Cantonese	0
HSA	Staff assigned according to programs	n/a	n/a	n/a
JP	Staff compensated for translation work, department works with International Effective Council	n/a	n/a	n/a
MTA	√	16	Spanish, Cantonese, Mandarin, Tagalog, Russian	0
SFPD	√	19	Spanish, Chinese, Russian, Tagalog, Vietnamese	0
PUBDEF	Interpreters retained by the department	2	Spanish, Cantonese	0
HLTH	Interpreters Services for Community Health Network (CHN); Office of Cultural Competency and Consumer Relations for non-CHN programs	n/a	n/a	n/a
RENT	√	1	Spanish	1 (Cantonese)
SHF	Translations outsourced to vendors	0	n/a	n/a

Question #9: Describe the department's procedures for accepting and resolving complaints of alleged violation of the ordinance.

Dept.	Written & publically posted procedures	How are complaints accepted?	No. of Complaints	Resolved Cases
APD	√	In person, telephone, or writing	0	0
DA	-	Received by office manager and forwarded to designated staff	Not reported	Not reported
ELEC	-	In person, telephone or writing	Not reported	Not reported
DEM	-	Complaint forwarded to appropriate staff member or submitted in complaint form; website is being revised to include electronic submission of complaints	Not reported	Not reported
FIRE	Taken from 2005 Compliance Report	Phone line directs person to location to pick up complaint form; complaint form can also be obtained online	Not reported	Not reported
HSA	√	Calls multilingual complaint line; file Complaint of Discrimination Form 8019; contact State Civil Rights Bureau	0	0
JP	√	Follows citizen complaint procedure 832PC. Administrative Manual, Policy 7.2, "Citizen Complain"	Not reported	Not reported
MTA	Taken from 2007 Compliance Report	Complaint forms posted in divisions that provide direct service to customers; managers are responsible for reviewing submitted forms on a weekly basis	0	0
SFPD	√	Referred to police, Management Control Division or Office of Citizen Complaints. Procedure outlined in Department General Order 2.04	Not reported	Not reported
PUBDEF	-	Complaints sent to departmental liaison of ordinance implementation	Not reported	Not reported
HLTH	√	Interpreter Services Department and Office of Cultural Competency and Consumer Relations handle complaints	Not reported	Not reported
RENT	-	Issues forwarded to Senior Staff, who promptly investigates and ensures services are in compliance with EAS	Not reported	Not reported
SHF	√	Complaints filed in person and over the phone, Investigative Services Unit follows up; grievance system in place in jail system	0	0

Question #10: Did the department provide a copy of the written policies on providing services to LEP persons?

Dept.	Written & publically posted procedures to LEP Persons Provided	Examples of Written Policies
APD	√	100.24 Adult Probation Department Interpreter Services; 100.27 Citizens Complaints Re: Equal Access to Services Ordinance
DA	Not provided	Not provided
ELEC	√	Multilingual Voter Services available in Voter Information Pamphlet; written procedure for bilingual poll worker assignment
DEM	√	Department of Emergency Management Limited English Proficient Policy
FIRE	Taken from 2008 Compliance Report	Standard Operating Procedure 203: Language Diversity Policy; Translation Services for Non-Emergency Calls / 0602-1
HSA	√	Section 8 of Civil Rights Plan and other materials (http://languagedoc.sfhsa.org)
JP	√	Assessment of Procedures Used to Communicate with Limited English Speaking Persons
MTA	Taken from 2007 Compliance Report	Memorandum regarding department policy
SFPD	√	Language Access Services for Limited English Proficient Persons, department bulletins
PUBDEF	Not provided	Not provided
HLTH	Not provided	Not provided
RENT	Not provided	Not provided
SHF	Not provided	Department Manual (under review)

Question #11: Did the department submit a plan listing annual goals for the upcoming year and was an assessment of the department's success at meeting last year's goals included?

Dept.	Plan Submitted	Annual Goals Listed	Assessment Included	Improvements Noted
APD	No	No	No	Not noted
DA	√	Complete website language translation, hire more bilingual staff	No	Not noted
ELEC	√	Identify new community based organizations, develop strategies for disseminating information, continue to hire bilingual poll workers, raise awareness of multilingual voter services, increase voter outreach presentations to communities	No	Not noted
DEM	No	No	No	Not noted
FIRE	√	Have statements for electronic patient care reporting system translated into Spanish, Cantonese, Vietnamese, Tagalog, and Russian		Translation of Christmas tree safety materials
HSA	√	Analyze and translate top five web pages into Spanish and Chinese	√	Installed multi-language software, expand bilingual pay policies, analyze visits to website to determine most visited websites
JP	√	Establish internal system for daily on-call translators	√	All new documents have been translated
MTA	No	No	No	Not noted
SFPD	√	Training and meetings with community organizations, create scenario-based training video, continue translating documents	√	Not noted
PUBDEF	√	Continue providing interpreting services and translate all written notices and materials into Chinese	No	Not noted
HLTH	√	Regularly conduct proficiency exams, review data collection and standardize according to EAS Ordinance, expand posting of bilingual signage, expand pilot program for bilingual service training	No	Not noted
RENT	No	No	No	Not noted
SHF	No	No	√	Unable to complete project to translate website

IV. Amendments to the EAS Ordinance

The following is a summary of changes to the EAS Ordinance as approved on August 18, 2009 in final reading by the full Board of Supervisors (File 090461: Providing members of the public with access to language services) and signed by Mayor Gavin Newsom on August 28, 2009.

The proposed changes amend Chapter 91 of the Administrative Code as follows:

1. The name of the Equal Access to Services Ordinance would change to Equal Access to Language Services. (Section 91.1.)
2. The Board of Supervisors would adopt findings that reaffirm the City of San Francisco's commitment to improving the accessibility of language services and providing equal access to them. (Section 91.1.)
3. To mandate the Office of Civic Engagement and Immigrant Affairs to determine annually whether 5 percent or more of the population of any district in which a covered department facility is located are LEP person instead of the Planning Department. (Section 91.2(e).)
4. To expand the list of Tier 1 Departments covered to include, San Francisco International Airport, Office of the Assessor Recorder, City Hall Building Management, Department of Building Inspection, Department of the Environment, San Francisco Housing Authority, San Francisco Public Library, Mayor's Office of Economic and Workforce Development, Planning Department, Department of Public Works, Public Utilities Commission, Recreation and Park Department, Office of the Treasurer and Tax Collector, and the San Francisco Zoo. (Section 91.2(l).)
5. To expand the list of Tier 2 Departments to include all City departments, including all departments with less than 30 full time employees. (Section 91.2(m).)
6. To require all departments to inform LEP persons, in their native tongue, of their right to request translation services from all City departments. (Section 91.3(c).)
7. To require all city boards, city commissions, and city departments to translate meeting minutes if: (1) requested; (2) after the legislative body adopts the meeting minutes; and (3) within a reasonable time thereafter. (Section 91.6(c).)
8. To Require Tier 1 Departments involved in health related emergencies, refugee relief, disaster-related activities all other crisis situations to work with the Office

of Civic Engagement and Immigrant Affairs to include language service protocols in the departmental Annual Compliance Plan. (Section 91.8.)

9. To revise departmental Annual Compliance Plans to include a demographic profile, designation of a departmental language access liaison, ongoing employee development and training strategy, an annual budget allocation and strategy, and a summary of changes between the department's previous Annual Compliance Plan submittal and the current submittal. (Section 91.10.)
10. To require submittal of departmental Annual Compliance Plans to the Mayor's Office, The Immigrant Rights Commission, and the Office of Civic Engagement and Immigrants Affairs. (Section 91.11(a).)
11. To require the Office of Civic Engagement and Immigrant Affairs to compile and summarize in a written report to the Clerk of the Board of Supervisors all departmental Annual Compliance Plans. (Section 91.11(b).)
12. To allow the Office of Civic Engagement and Immigrant Affairs to recommend appropriate changes to departmental Annual Compliance Plans, including services to emerging populations not covered by this Ordinance. (Section 91.11(b).)
13. To allow the Office of Civic Engagement and Immigrant Affairs to request a joint hearing between the Board of Supervisors and the Immigrant Rights Commission to assess the adequacy of the City's ability to provide the public with access to language services. (Section 91.11(c).)
14. Subject to the budgetary and fiscal provisions of the Charter, the City may adequately fund the Office of Civic Engagement and Immigrant Affairs to provide a centralized infrastructure for the City's language services. (Section 91.14.)
15. To include responsibilities the Office of Civic Engagement and Immigrant Affairs would undertake, including providing technical assistance for language services, coordinating language services, compiling and maintaining all translated documents, provide model Annual Compliance Plans, reviewing complaints of alleged violations of this Ordinance along with quarterly reporting requirements. (Section 91.14.)
16. Lastly, this amendment would clarify the intent of this Ordinance to promote the general welfare of the public and to not create a private right of action for monetary damages or provide a basis to invalidate any City action. (Section 91.18.)

V. Recommendations

The IRC recommends that the following actions be considered by the Mayor and the Board of Supervisors to strengthen the efficacy of the EAS and improve compliance:

- The Office of Civic Engagement & Immigrant Affairs (OCEIA) should be adequately funded and staffed to support the Immigrant Rights Commission and implement expanded language services responsibilities, particularly all activities associated with enforcement and assisting departments with Equal Access to Language Services Ordinance compliance.
- Department Heads and their designated EAS liaisons should review EAS requirements annually, particularly after the amended sections of the Ordinance are signed into law.
- Departments that have not yet prioritized language services should do so beginning with their FY2010-11 plans and budgets.

The following recommended activities are currently under development:

- OCEIA will develop standardized annual compliance reporting formats and templates so that departments report information in a consistent manner. An electronic reporting system is planned. OCEIA should also collaborate with departments to clarify and standardize EAS complaint procedures and documentation.
- OCEIA will work closely with the IRC to develop guidelines for departments to develop written protocols on serving LEP residents.
- The IRC will increase outreach and education efforts to the City's diverse immigrant and LEP communities so that they may understand their rights under EAS.
- OCEIA will continue to assist and partner with departments to meet the language needs of San Francisco residents.
- The IRC and OCEIA will work with community partners and city departments to increase the City's cultural and language competency and sensitivity.

VI. Conclusion

In the past year, Tier I Departments have made many good faith efforts to comply with the EAS Ordinance. Some have gone beyond the requirements of the ordinance and excelled, some have struggled, and others have filed the same reports from year to year without increasing their capacity.

Some departments state that they cannot comply with language access laws due to a lack of resources. However, the Immigrant Rights Commission views this as a barrier that can be overcome if city departments and officials take the law seriously, redistribute resources and see the value of making this a priority in San Francisco.

Government must be responsive to the needs of all residents. A third of San Francisco's current population is immigrant and over 46 percent of residents speak a language other than English at home. It is critical that city departments provide equal access to services in the languages our residents understand. The City needs the active participation of all residents for effective management of emergencies and public safety. More important, LEP individuals are a vital part of San Francisco and contribute to our overall success.

Every department in the City and County of San Francisco should identify strategies for improving communication and responses to the needs of its language-diverse residents. Good government serves all the people and speaks the language of the people it serves.

Immigrant Rights Commission

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