

Johnston, Jennifer (CSC)

From: Johnston, Jennifer (CSC)
Sent: Thursday, May 22, 2014 2:34 PM
To: 'david.canham@seiu1021.org'; 'pattie.tamura@seiu1021.org'; Larry Bradshaw; 'Leah.Berlanga@seiu1021.org'; 'joe.tanner@seiu1021.org'
Cc: Pon, Adrienne (ADM); Lubamersky, Joan (joan.lubamersky@sfgov.org); DHR-PSCCoordinator, DHR (HRD); Bushman, Jennifer (Maglalang) (CSC); Leung, Vitus (DPW)
Subject: FW: CSC Notice of Meeting for June 2, 2014 - PSC# 43235-13/14
Attachments: Notice of Commission Hearing Policies and Procedures.pdf; 201405221357.pdf

Dear All:

Please disregard the meeting notification sent to you this morning (see below) regarding the General Services Agency/Office of Civic Engagement & Immigrant Affairs' ("GSA/OCEIA") request for approval of Personal Services Contract ("PSC") #43235-13/14 to contract out as-needed translation services. The matter will not be placed on the Ratification Agenda as indicated in the notification.

The department subsequently submitted a staff report to the Civil Service Commission ("Commission") this afternoon, since apparently the parties (GSA/OCEIA and SEIU, Local 1021) have not yet reached agreement on the matter as the GSA/OCEIA had hoped. As such, I will treat this as a contested/appealed PSC and place it on the Regular Agenda for the Civil Service Commission meeting to be held on **Monday, June 2, 2014 at 2:00 p.m.** in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

The agenda will be posted for your review on the Commission's website at www.sfgov.org/Civil_Service under "Meetings" no later than end of day on Wednesday, May 28, 2014. Please refer to the attached Notice for procedural and other information about Commission hearings.

A copy of the department's staff report on the matter is attached; however, a hard copy is also available for your review at the Civil Service Commission's office located at 25 Van Ness Avenue, Suite 720, San Francisco. In the event that you wish to submit any additional documents in support of your position/opposition to the requested PSC, the deadline for receipt in the Commission office is 5:00 p.m. on **Tuesday, May 27, 2014** (as a reminder, we require an original and eight copies of any supplemental materials you wish to submit—all double-sided, hole-punched, paper-clipped and numbered). All non-privileged materials being considered by the Commission for this item will be available for public inspection and copying at the Commission's office beginning on Wednesday, May 28th, from 8:00 a.m. to 5:00 p.m.

It is important that you or an authorized representative attend the hearing on the requested PSC if you wish to continue to oppose it. Should you or a representative not attend, the Commission will rule on the information previously submitted and any testimony provided at its meeting.

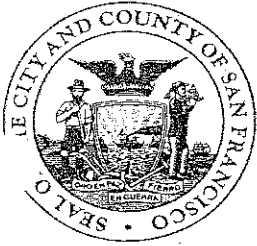
You may contact me at (415) 252-3247 or at Jennifer.Johnston@sfgov.org if you have any questions.

Sincerely,

Jennifer Johnston
Executive Officer
Civil Service Commission
Phone: (415) 252-3247
Fax: (415) 252-3260
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102
www.sfgov.org/Civil_Service

From: Bushman, Jennifer (Maglalang) (CSC)
Sent: Thursday, May 22, 2014 11:25 AM

THIS DOCUMENT SUPPORTS
CALENDAR ITEM 11



CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via Electronic Mail

May 22, 2014

NOTICE OF CIVIL SERVICE COMMISSION MEETING

SUBJECT: REVIEW OF REQUEST FOR APPROVAL OF PROPOSED PERSONAL SERVICES CONTRACT NUMBER 43235-13/14.

SCOTT R. HELDFOND
PRESIDENT

E. DENNIS NORMANDY
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

KATE FAVETTI
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

JIFER C. JOHNSTON
EXECUTIVE OFFICER

The above matter will be considered by the Civil Service Commission at a meeting to be held on **June 2, 2014** at 2:00 p.m. in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

The agenda will be posted for your review on the Civil Service Commission's website at www.sfgov.org/Civil_Service under "Meetings" no later than end of day on Wednesday, May 28, 2014. Please refer to the attached Notice for procedural and other information about Commission hearings.

Attendance by you or an authorized representative is welcome. Should you or your representative not attend, the Commission will rule on the information previously submitted and testimony provided at its meeting. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance.

All non-privileged materials being considered by the Civil Service Commission for this item are available for public inspection and copying at the Civil Service Commission office Monday through Friday from 8:00 a.m. to 5:00 p.m.

CIVIL SERVICE COMMISSION

Handwritten signature of Jennifer Johnston in black ink.

JENNIFER JOHNSTON
Executive Officer

Attachment

Cc: Joan Lubamersky, Office of the City Administrator
Larry Bradshaw, SEIU Local 1021
David Canham, SEIU Local 1021
Pattie Tamura, SEIU Local 1021
Commission File
Commissioners' Binder
Chron

STAFF REPORT






CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

Refer to Civil Service Commission Procedure for Staff - Submission of
Written Reports for Instructions on Completing and Processing this Form

1. Civil Service Commission Register Number: ____ - ____ =
2. For Civil Service Commission Meeting of: June 2, 2014
3. Check One: Ratification Agenda
 Consent Agenda
 Regular Agenda X
 Human Resources Director's Report
4. Subject: Appeal by SEIU Local 1021 Miscellaneous re: PSC#43235 Telephonic Interpreter Services
5. Recommendation: Adopt the report and approve PSC#43235
6. Report prepared by: Adrienne Pon Telephone number: 415 554-7208
7. Notifications: **(Attach a list of the person(s) to be notified in the format described in IV. Commission Report Format -A).**
8. Reviewed and approved for Civil Service Commission Agenda:

Human Resources Director: 

Date: 5/22/14
9. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:

Executive Officer
Civil Service Commission
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102

10. Receipt-stamp this form in the ACSC RECEIPT STAMP box to the right using the time-stamp in the CSC Office.

Attachment

<u>CSC RECEIPT STAMP</u>

Notification List
PSC#43235

Leah Berlanga
SEIU 1021
350 Rhode Island Street
San Francisco, CA 94103

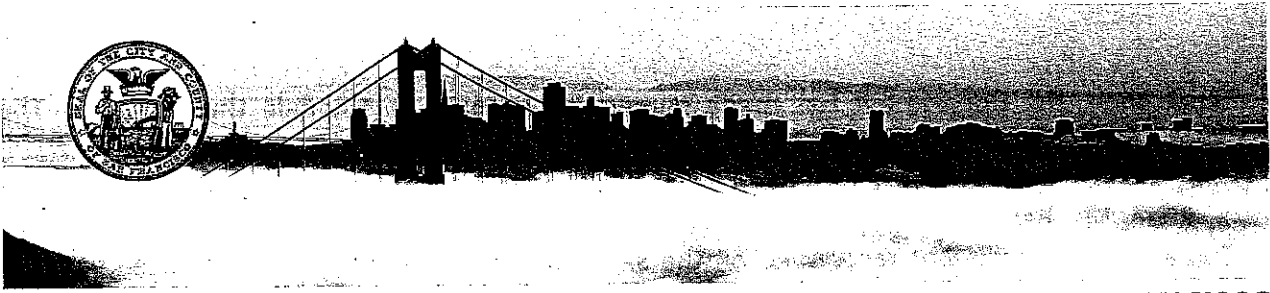
Larry Bradshaw
SEIU 1021
350 Rhode Island Street
San Francisco, CA 94103

Joe Tanner
SEIU 1021
350 Rhode Island Street
San Francisco, CA 94103

David Canham
SEIU 1021
350 Rhode Island Street
San Francisco, CA 94103

Pattie Tamura
SEIU 1021
350 Rhode Island Street
San Francisco, CA 94103

Donna Kotake
Workforce Development Director
Department of Human Resources
One South Van Ness Avenue, 4th Floor
San Francisco, CA 94103



CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF CIVIC ENGAGEMENT & IMMIGRANT AFFAIRS

Edwin M. Lee, Mayor
Naomi Kelly, City Administrator

Adrienne Pon, Executive Director

DATE: May 22, 2014
TO: Civil Service Commission
THROUGH: Micki Callahan, Human Resources Director
FROM: Adrienne Pon, Executive Director, Office of Civic Engagement & Immigrant Affairs (OCEIA)
RE: Appeal by SEIU Local 1021 Miscellaneous re: PSC#43235 Telephonic Interpreter Services

A. SUMMARY

The Office of Civic Engagement & Immigrant Affairs ("OCEIA") is the city agency responsible for overseeing language access compliance and manages the citywide blanket contract for outsourced 24/7/365 telephonic interpreter services. Language services are mandated by local, state and federal law and city departments are required to provide a number of services, including telephonic interpretation. Contracted services are primarily used during crisis, emergency and public safety situations when existing city employees are not available. The current contract with Language Line (now operating under LanguageLine Solutions) expires on June 30, 2014. On March 13, 2014, OCEIA completed a Personal Services Contract Form 1 request and submitted this to the General Services Agency's ("Department") Departmental Personal Services Contract Coordinator Joan Lubamersky ("Coordinator") for review. The PSC request was entered into the Department of Human Resources Personal Services Online Contract Database by the Coordinator on April 22, 2014 along with a request to omit posting of PSC# 43235-13. The Coordinator notified SEIU Local 1021 Miscellaneous of the PSC request on April 22, 2014 via email, also requesting a waiver of the 60-day Notification requirement due to the critical need for language services.

On April 27, 2014, the Coordinator received an email request from SEIU 1021 Representative David Canham to meet and a formal response from SEIU Local 1021 Representative Leah Barlenga stating that they objected to the PSC contract and were not in agreement to waive their right to a 60-day notification. Ms. Barlenga requested a meeting to discuss the contract.

Since then, the Department has made numerous attempts to schedule the meeting. The Coordinator communicated with Ms. Barlenga on April 28, 2014, April 29, 2014, April 30, 2014, May 5, 2014, May 6, 2014, and May 21, 2014 with suggested meeting times and dates. On May 5, 2014, Ms. Barlenga sent an email response suggesting a meeting for May 13, 2014. The Department Coordinator responded on the same day with a meeting time of 12:30 p.m. for Tuesday, May 13, 2014 and followed up on May 7, 2014 for confirmation of the meeting. On May 12, 2014, voicemail and email messages were left for Ms. Barlenga to confirm the meeting. On May 13, 2014 SEIU did not communicate or appear at the meeting. The Coordinator and her HR advisor spoke by telephone to Ms. Barlenga who explained that she was currently involved in MTA bargaining and that one of her main stewards was on vacation. She agreed to call the Coordinator to reschedule the meeting within two days. Despite several followup attempts by the department in the last few days, this was the last communication received from SEIU Local 1021.

B. ISSUE TO BE ADDRESSED

Language services are mandated by the San Francisco Language Access Ordinance (San Francisco Administrative Code: Chapter 91). In addition, federal requirements for language access extend to all grantees and entities that receive federal funding. PSC#43235 for Telephonic Interpretation and Other Language services is necessary to continue providing language services whenever a city employee is not available, especially during crisis, emergency or public safety situations on a 24/7/365 basis.

The issues to be addressed are whether: 1) as-needed language services, including telephonic interpretation, are appropriate for contracting out and, 2) whether PSC#43235 should be approved by the Civil Service Commission at this time to prevent any interruption of critical language services and allow city departments to meet mandated requirements.

C. AUTHORITY

Consistent with its Charter authority to oversee the merit system, the Civil Service Commission sets policy on the review of proposed Personal Services Contracts (PSCs). Where there is a merit system, services provided to the public use public employees hired through that merit system. The Commission determines whether the circumstance pertaining to the need to provide services in a particular situation(s) warrants the use of a personal services contract or contractors in lieu of civil service employees. Based on criteria specified in its policy and procedure, the Commission determines if the scope of service is appropriate for contracting out. This authority is underscored through case law and City Attorney's Opinions.

D. STATEMENT OF FACTS/FINDINGS

1. Language access is linked to Title VI of the Civil Rights Act, which prohibits discrimination based on national origin. *Lau v. Nichols*, a landmark 1974 U.S. Supreme Court ruling found that a person's language is so closely connected to national origin that language-based discrimination is a proxy for discrimination against national origin and thus, a violation of civil rights guaranteed under the law.
2. Language services are mandated at every level of government: in California through the Dymally-Allatorre Bilingual Services Act and federally through Executive Order 13166 (EO13166) "Improving Access to Services for Persons with Limited English Proficiency," which extends to all federal agencies and their grantees and requires them to meet Title VI standards.
3. In 2001, San Francisco enacted the Equal Access to Services (EAS) Ordinance which was amended in 2009 as the Language Access Ordinance (LAO) to ensure equal and meaningful access to information and services for Limited English Proficient (LEP) persons at the same levels that are provided to English speakers. The LAO requires all city departments that provide information or services to the public to also provide in-person and telephonic interpretation and document translation services, post public notices of the right to request such services, ensure that these services are provided in an accurate, appropriate and timely manner, provide recorded telephonic messages in languages, have emergency and crisis protocols for LEP persons, and meet other requirements. Services must be provided in three languages that have met the thresholds outlined in the LAO: Chinese (Cantonese and Mandarin), Spanish and Filipino (Tagalog). In addition, all city departments that receive federal funding are required to meet Title VI standards which extend far beyond the languages required by the City.
4. Based on the American Community Survey (ACS) Five-Year Report (2008-12) released by the Census Bureau on December 17, 2013 and analyzed by the San Francisco Planning Department in January 2014, 45 percent of the total San Francisco population over age five speak a language other than English at home. Three languages have at least 10,000 or more speakers of the language who are limited English proficient: Chinese (Cantonese and Mandarin), Spanish and Filipino (Tagalog).
5. The Office of Civic Engagement & Immigrant Affairs ("OCEIA") is the city agency responsible for overseeing language access compliance and manages the citywide blanket contract for as-needed 24/7/365 telephonic interpreter services. These services are used when existing city employees are not available, when the services require a medical or court-certified interpreter, or during crisis, emergency and public safety situations, often involving vulnerable populations in need of interpreter services. OCEIA also identifies a list of pre-qualified vendors for city departments to use on an as-needed basis.

6. The current vendor for telephonic interpretation services is Language Line (now LanguageLine Solutions) with a contract that is due to expire on June 30, 2014. Over 47 different city departments and divisions use these contracted language services to assist residents when existing bilingual employees are not immediately available. On March 24, 2014, OCEIA issued a Request for Qualifications #2014-04 for Telephonic Interpretation and Other Language Services. OCEIA must be in contract with the selected provider by June 30, 2014 or all city departments (primarily, 311, SFPD, SFFD, DEM, DPH, General Hospital and DHS) will be unable to fill emergency needs for telephonic interpretation and other language services, in violation of the City's Language Access Ordinance as well as state and federal law.
7. There may be also be legal ramifications if these services do not continue or are interrupted. There have been several lawsuits and legal actions related to Language Access in the past few years in other jurisdictions:
 - a. **New York City**- The most recent action was a civil rights action filed in Federal court in 2013 against the NYPD for routine discrimination against immigrant New Yorkers who seek police assistance in times of emergencies or crisis, specifically denial of language services to domestic violence victims who did not speak English. A number of previous lawsuits filed by advocates and Legal Services NYC are pending against individual city agencies for failure to provide bilingual information and services to LEP residents, including those who were denied access to vital benefits solely because they were not able to communicate in English, despite a city law requiring city agencies to provide translation and interpretation services.
 - b. **Oakland**- The City of Oakland settled two lawsuits in February 2011 for failure to fulfill its obligations under its Equal Access to Services Ordinance. The lawsuits cost Oakland \$400,000 and focused on the city's longstanding failure to comply with mandatory obligations to make city services more accessible to the more than estimated 70,000 Oakland residents with limited English speaking abilities.
 - c. **Alameda County**- Alameda County and a number of other jurisdictions are currently under a consent decree with the U.S. Department of Justice for violating the Voting Rights Act by failing to provide effective access to the electoral process for Spanish and Chinese speaking citizens who require language assistance and translated materials and information to cast an informed ballot.
7. **Language Services Are Critical**- The City must have back-up telephonic interpreter services in order to meet local, state and federal laws and mandates. Critical first responders such as Police, Fire, Emergency Services and SF General and various medical centers throughout the city in addition to 311 handle high volumes of calls and must be able to utilize telephonic interpretation services when existing city employees are not immediately available.

E. ANALYSIS

- 1. Availability of Services-** As needed telephonic interpretation services are primarily used to address immediate needs for unanticipated or emergency situations when there are no immediately available city employees, when the services are legally mandated for a professional medical or legal/court certified interpreter, or to assist departments during crisis, emergency or public safety situations when call volumes increase significantly. These services are available 24/7/365 and are necessary to assist departments and the city as a whole meet local, state and federal requirements mandated by law and policy.
- 2. Existing Classifications and Impacts on Existing Employees-** This contract would not significantly impact any specific classification. There is currently no classification for Telephonic Interpreter 24/7/365. Although there may be some classifications that provide language assistance as part of their broader responsibilities, there are no designated classifications that provide the type of service for which the city seeks a contract for: No city employee is retained on an on-demand, as-needed, intermittent basis to provide language services to address unanticipated or transitional situations such as crisis, emergency or public safety situations on a 24-hour, weekly and yearlong basis. By entering into this contract the City will not be displacing current employees that may potentially be eligible to perform the work the City seeks to contract out. The contracted services are used when existing bilingual staff are not available, or when there is a legal requirement for a professionally trained or certified interpreter, or when there is no city employee who can speak the requested language. The services under the contract must be available 24 hours per day, seven days a week, 365 days a year.
- 3. Telephonic Language Capacity-** there are over 112 different languages spoken in the San Francisco Bay Area. Within San Francisco, the top eight spoken languages are English, Chinese, Spanish, Tagalog, Russian, Vietnamese, Japanese and Korean. While there may be a significant number of bilingual employees in the city, the level of language fluency and training varies and providing 24/7/365 language service is not their sole duty. The current contracted telephonic language provider can provide on-demand, as needed assistance in over 175 different languages, including American Sign Language (ASL). In addition, the provider has a number of professionally trained individuals who are certified to provide medical, court and legal interpretation services, which are required in emergency, civil and criminal proceedings.
- 4. Waiver of the 60 day Notice** – The current Local 1021 MOU indicates that departments “shall notify the Union.” As such, this is not a mandatory requirement. The Department made attempts to notify the Union in March before officially issuing the RFQ and contract in question. However, due to unforeseen circumstances, the PSC was not entered into the database until April 22, 2014. Since sending official notification to the Union and all pertinent background and supporting documents, the Department has made numerous attempts to meet and has taken every appropriate step to insure the

presence of SEIU Local 1021 representatives at meetings. Given the critical nature of the services and the unlikely possibility that current represented classes can perform the services, the City seeks to contract this work.

F. Conclusion/Recommendations

Considering the urgent and compelling need for telephonic interpretation and other language services, particularly during emergency situations, and the unlikely possibility that current represented classes can perform the services the City seeks to contract on a 24/7/365 basis, this PSC should be approved.

The Department respectfully requests that 1) the Commission determine that these types of languages services are appropriate for contracting out; 2) SEIU Local 1021's appeal be denied; and 3) the determination by the Department of Human Resources to approve PSC#43235 be sustained. The Department recognizes and respects the processes for seeking approvals for Personal Services Contracts and has made this one-time request for an allowable departure from the Civil Service system only after rigorous consideration and the critical nature of providing emergency services to city residents for whom English is not a first language.

Attachments to Report

Attachment A: Language Access Laws and Mandates

Attachment B: Initial PSC Request

Attachment C: Previous CSC Approval of PSC

Attachment D: Union Notification and Summary of Department Efforts to Meet

APPENDIX A: LEGAL MANDATES FOR LANGUAGE ACCESS

Linguistic rights have been affirmed at every level of government – there are currently over 1,000 laws requiring language access. Following is summary of federal and state requirements.

LEVEL	LAW/GUIDANCE	DESCRIPTION
F E D E R A L	Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d, et. seq.): "No person in the United States shall, on the 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."	Prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. Title VI has consistently been interpreted by courts as mandating that recipients of federal funds (including cities, counties and public agencies) take reasonable steps to ensure their services and programs are meaningfully accessible to LEP individuals, including providing information in languages that LEP individuals understand.
	Department of Health and Human Services (HHS) Regulations (45 C.F.R. §80.1, et. seq) (1964, 1967, 1973, 1975, 2005)	HHS regulations interpreting Title VI of the Civil Rights Act to prohibit federal aid recipients from utilizing "criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin." The emphasis on "effect" is important because a federal aid recipient does not have to act in an intentionally discriminatory fashion an act that results in a discriminatory impact is sufficient an HHS to commence an enforcement action.
	Lau v. Nichols (1974)	Landmark decision by the U.S. Supreme Court that found discrimination based on a person's inability to speak, read, write or understand English is a form of discrimination on the basis of national origin. Following the integration of San Francisco's school system by a 1971 federal court order, a class action lawsuit was filed in 1974 on behalf of Kinney Timmon Lau and approximately 1,800 non-English-speaking students of Chinese ancestry against the president of the San Francisco School Board and the school district. The lawsuit alleged that school district officials failed to provide English language instruction or other equal education opportunities to these students, thus denying them a meaningful opportunity to participate in the public education program in violation of their Fourteenth Amendment Rights. The Supreme Court reversed an earlier judgment of the Court of Appeals and found that Section 601 of the Civil Rights Act of 1964, which bans discrimination on the grounds of race, color, or national origin in any program or activity receiving federal financial assistance, had been violated.
	Executive Order 13166 (EO13166) (2000) "Improving Access to Services for Persons with Limited English Proficiency"	Executive Branch order Signed on August 11, 2000 by President William Clinton. 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. Federal agencies must: <ul style="list-style-type: none"> ▪ Plan for their own programs to meet Title VI standards ▪ Issue LEP guidances to their grantees. Ensure that grantees meet Title VI standards and that community members and organizations have adequate input on language access needs.

<p>Office of Minority Health (OMH) Culturally and Linguistically Appropriate Standards (CLAS) (2000)</p>	<p>OMH sets out a total of 14 national standards. Language Access Services (standards 4-7) are requirements for all federal fund recipients. Standards 4-7 requires all health care organizations to provide and notify all patients of free oral and written language assistance services. The health care organization must ensure competence of bilingual assistance provided and shall not use family or friends for language interpretation services unless requested by the patient. All signage and patient-related material shall be provided in the most common languages encountered in the area of service.</p>
<p>Federal Medicaid/SCHIP Managed Care Contracts (42 Code of Federal Regulations 438.10) (2002)</p> <p>Applies to each state's enrollment broker: MCO, PIHP, PAHP, and PCCM</p>	<p>Requires each state to assess the linguistic needs of their enrollee population for prevalent LEP enrollees and creating oral and written language services. Oral services shall be available for all languages necessary through interpreters/translators and written language services shall only be reserved for prevalent non-English speaking population.</p>
<p>Department of Justice (DOJ) LEP Guidance (2002)</p>	<p>The Department of Justice (DOJ) provides guidances for Title VI, leads the Coordination and Review (COR) section, which helps federal agencies implement LEP policies consistently; investigates DOJ grantees; and litigates Title VI cases for federal agencies. Sets forth a four-factor analysis for federal agencies to require their federal funding recipients to use in order to ensure that programs and activities are accessible to persons who are limited English proficient. The four factors include: 1) the number or proportion of LEP individuals the program serves, 2) the frequency of contact LEP individuals have with the program, 3) the nature and importance of the program, particularly whether the denial or delay of access has life or death implications, and 4) the recipient's available resources.</p>
<p>Department of Health and Human Services Guidance Regarding National Origin Discrimination Affecting Limited English Proficient Patients (68 Fed. Reg. 47311) (2003)</p>	<p>Requires federal aid recipients "to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons" based upon the DOJ's four-factor standard.</p>
<p>Medicare Regulations for Medicare Advantage Program (42 C.F.R. §§ 422.112 & 422.2264) (1999, 2008)</p>	<p>Medicare Advantage plans, which are private health plans receiving Medicare payments, are required to provide multilingual marketing materials in those areas where there is a significant non-English speaking population. Medicare Advantage plans must also ensure that services are provided in a culturally and linguistically competent manner to all enrollees.</p>

Sources for information on Federal and State Language Access Laws:

Duong, Tuyet and Jammal, Sam. (2008). *Briefing Book Language Rights: An Integration Agenda for Immigrant Communities*. Washington, D.C.: Asian American Justice and Mexican American Legal Defense & Educational Fund. Retrieved from: http://maldef.org/education/public_policy/language_access/index.html.

New York Lawyers for The Public Interest, Inc. (2009). *Language Access Legal Cheat Sheet*. New York. Retrieved from <http://www.nylpi.org>.

Perkins, Jane and Youdelman, Mara. (2008). *Summary of State Law Requirements Addressing Language Needs in Health Care*. Washington, D.C.: National Health Law Program. Retrieved from: http://www.healthlaw.org/images/pubs/nhelp_lep-state-law-chart_12-28-07.pdf.

Youdelman, Mara K. (March 2008). *The Medical Tongue: U.S. Laws and Policies On Language Access*. Health Affairs, vol. 27 no. 2, 424-433. Project HOPE. Retrieved from: <http://content.healthaffairs.org/content/27/2/424.full>.

B

LEVEL	LAW/GUIDANCE	DESCRIPTION
S T A T E	Dymally-Alatorre Bilingual Services Act "The effective maintenance and development of a free and democratic society depends on the right and ability of citizens and residents to communicate with their government." - Cal. Government Code § 7290 et seq. (1973)	One of the first state laws to require access to government services for LEP residents- contains specific requirements to ensure that State programs and services are accessible to such 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.
	Kopp Act of 1983 CA Health & Safety Code § 1259	Applies to all California general acute care hospitals. Requires all general acute care hospitals in California to provide 24 hours availability of a bilingual staff member or professional translator/interpreter. Available language services are required for groups that comprise 5% or more of the hospital's patient population or geographic service area.
	Medi-Cal Contracts (1999)	Applies to all Medi-Cal managed care plans. Must comply with Civil Rights Act of 1964 and provide 24-hour available language services to language groups with: 3,000 or more beneficiaries in a county, 1,000 in a zip code, or 1,500 in two contiguous zip codes. Also requires the development and implementation of a group needs' assessment for all beneficiaries with LEP, Linguistics Standards, and a Cultural and Linguistic Services Plan.
	Healthy Family Contracts (1999)	Applies to all managed care plans that contract with healthy families. LEP groups that are 5% of the enrollee population or 3,000 members will be provided with 24-hour language services. Minors shall be discouraged to translate between the enrollee and health care service plan unless in dire need.
	Medicaid/SCHIP --CMS Letter 8/31/00	Recipients must comply with OCR LEP Guidance. Reimbursement is available for language assistance including translation and interpreters to Medicaid/SCHIP enrollees and Medicaid/enrollees. States can draw down federal funds at either their administrative match rate (50%) or their "covered service" match rate (50-85%) depending on how they choose to provide language services.
	CA Government Code §§ 11135-1113 (2003)	Applies to all agencies and programs operating and administrating in California, all state-funded programs, and any agency receiving state funds. State version of Civil Rights Act of 1964. Provides protection from discrimination on the basis of race, national origin, ethnic group identification, religion, age, sex, color, or disability for any program or activity conducted, funded directly by, or that receives any financial assistance from the State of California. Brings the protection of Title II of the ADA, which ensures accessibility to government programs into state law and codifies Section 508 of the Rehabilitation Act, requiring accessibility to electronic and information technology.
	SB 472 (Corbett): Prescription Drug Labels (2007)	Requires Board of Pharmacy to publish on its website a list of standardized directions translated in five languages by October 2011 (information is now available). Pharmacy shall have policies to help LEP patients to understand the directions on the labels. Policies shall include: 1) how pharmacy will identify patients' language and 2) how pharmacy will provide interpreter services, if interpretive services in the language are available.
	SB 853 (Escutia): Health Plans (2009)	Applies to all health plans and insurers. A health care service plan with an enrollment of 1,000,000+ must translate all vital documents in the top one non-English languages-additional languages shall be added based on an increased 0.75% or 15,000 enrollee population. Health plans must conduct a needs assessment to identify linguistic needs of its enrollee population and notify their enrollees of the cost-free translation services.

TITLE VI OF THE 1964 CIVIL RIGHTS ACT

42 U.S.C §§ 2000d - 2000d-7

TITLE 42 - The Public Health and Welfare

SUBCHAPTER V - FEDERALLY ASSISTED PROGRAMS

- Sec. 2000d. Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin
- Sec. 2000d-1. Federal authority and financial assistance to programs or activities by way of grant, loan, or contract other than contract of insurance or guaranty; rules and regulations; approval by President; compliance with requirements; reports to Congressional committees; effective date of administrative action
- Sec. 2000d-2. Judicial review; administrative procedure provisions
- Sec. 2000d-3. Construction of provisions not to authorize administrative action with respect to employment practices except where primary objective of Federal financial assistance is to provide employment
- Sec. 2000d-4. Federal authority and financial assistance to programs or activities by way of contract of insurance or guaranty
- Sec. 2000d-4a. "Program or activity" and "program" defined
- Sec. 2000d-5. Prohibited deferral of action on applications by local educational agencies seeking Federal funds for alleged noncompliance with Civil Rights Act
- Sec. 2000d-6. Policy of United States as to application of nondiscrimination provisions in schools of local educational agencies
- Sec. 2000d-7. Civil rights remedies equalization

CROSS REFERENCE

Age discrimination in employment, see section 621 et seq. of title 29, Labor.

Age discrimination in federally assisted programs, see section 6101 et seq. of this title.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 290cc-34, 300w-7, 300x- 7, 708, 1437l, 1988, 2000d-6, 2000d-7, 2000h, 3608, 3608a, 4621, 5057, 5309, 5891, 6709, 6870, 8625, 9906, 10406, of this title; title 15 sections 719o, 775, 3151; title 20 sections 1231e, 1232i, 1717, 3022, 3291; title 23 sections 117, 324; title 29 sections 794a, 1577; title 40 section 476; title 43 section 1863; title 49 section 306; title 49 App. sections 1604, 1615, 2208, 2219.

Sec. 2000d. Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin

No person in the United States shall, on the ground of race, color, or national origin, be excluded



Presidential Documents

Title 3—

Executive Order 13166 of August 11, 2000

The President

Improving Access to Services for Persons With Limited English Proficiency

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

Section 1. Goals.

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Sec. 2. Federally Conducted Programs and Activities.

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

Sec. 3. Federally Assisted Programs and Activities.

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order,

each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the Federal Register for public comment.

Sec. 4. Consultations.

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

Sec. 5. Judicial Review.

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.

William Clinton

THE WHITE HOUSE,
August 11, 2000.

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Filed 8-15-00; 8:45 am]
Billing code 3195-01-P

from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(Pub. L. 88-352, title VI, Sec. 601, July 2, 1964, 78 Stat. 252.)

COORDINATION OF IMPLEMENTATION AND ENFORCEMENT OF PROVISIONS
For provisions relating to the coordination of implementation and enforcement of the provisions of this subchapter by the Attorney General, see section 1-201 of Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72995, set out as a note under section 2000d-1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2000d-1 of this title; title 39 section 410.

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Sec. 2000d-1. Federal authority and financial assistance to programs or activities by way of grant, loan, or contract other than contract of insurance or guaranty; rules and regulations; approval by President; compliance with requirements; reports to Congressional committees; effective date of administrative action

Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 2000d of this title with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected

(1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or

(2) by any other means authorized by law:

**Provided, however*, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction*

over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

(Pub. L. 88-352, title VI, Sec. 602, July 2, 1964, 78 Stat. 252.)

DELEGATION OF FUNCTION

Function of the President relating to approval of rules, regulations, and orders of general applicability under this section, delegated to the Attorney General, see section 1-101 of Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72995, set out as a note below.

EQUAL OPPORTUNITY IN FEDERAL EMPLOYMENT

Nondiscrimination in government employment and in employment by government contractors and subcontractors, see Ex. Ord. No. 11246, eff. Sept. 24, 1965, 30 F.R. 12319, and Ex. Ord. No. 11478, eff. Aug. 8, 1969, 34 F.R. 12985, set out as notes under section 2000e of this title.

EXECUTIVE ORDER NO. 11247

Ex. Ord. No. 11247, eff. Sept. 24, 1965, 30 F.R. 12327, which related to the enforcement of coordination of nondiscrimination in federally assisted programs, was superseded by Ex. Ord. No. 11764, eff. Jan. 21, 1974, 39 F.R. 2575, formerly set out as a note below.

EXECUTIVE ORDER NO. 11764

Ex. Ord. No. 11764, Jan. 21, 1974, 39 F.R. 2575, which related to coordination of enforcement of the provisions of this subchapter, was revoked by section 1-501 of Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72996, set out as a note below.

EX. ORD. NO. 12250. LEADERSHIP AND COORDINATION OF IMPLEMENTATION AND ENFORCEMENT OF NONDISCRIMINATION LAWS

[Body of Executive Order No. 12250]

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2000d-2, 2000d-5, 5057, 9821, 9849, 10406 of this title; title 39 section 410.

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Sec. 2000d-2. Judicial review; administrative procedure provisions

Any department or agency action taken pursuant to section 2000d-1 of this title shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 2000d-1 of this title, any person aggrieved (including any State or political subdivision thereof and any agency of either)

may obtain judicial review of such action in accordance with chapter 7 of title 5, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that chapter.

(Pub. L. 88-352, title VI, Sec. 603, July 2, 1964, 78 Stat. 253.)

CODIFICATION

"Chapter 7 of title 5" and "that chapter" were substituted in text for "section 10 of the Administrative Procedure Act" and "that section", respectively, on authority of Pub. L. 89-554, Sec. 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees. Prior to the enactment of Title 5, section 10 of the Administrative Procedure Act was classified to section 1009 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2930c, 2971c, 2985g, 5057, 9821, 9849, 10406 of this title; title 39 section 410.

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Sec. 2000d-3. Construction of provisions not to authorize administrative action with respect to employment practices except where primary objective of Federal financial assistance is to provide employment

Nothing contained in this subchapter shall be construed to authorize action under this subchapter by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

(Pub. L. 88-352, title VI, Sec. 604, July 2, 1964, 78 Stat. 253.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 39 section 410.

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Sec. 2000d-4. Federal authority and financial assistance to programs or activities by way of contract of insurance or guaranty

Nothing in this subchapter shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

(Pub. L. 88-352, title VI, Sec. 605, July 2, 1964, 78 Stat. 253.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 39 section 410.

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Sec. 2000d-4a. "Program or activity" and "program" defined

For the purposes of this subchapter, the term "program or activity" and the term "program" mean all of the operations of -

(1)

(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)

(A) a college, university, or other postsecondary institution, or a public system of higher education; or

(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

(3)

(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship -

(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

(Pub. L. 88-352, title VI, Sec. 606, as added Pub. L. 100-259, Sec. 6, Mar. 22, 1988, 102 Stat. 31.)

REFERENCES IN TEXT

Section 198(a)(10) of the Elementary and Secondary Education Act of 1965, referred to in par. (2)(B), is section 198 of Pub. L. 89-10, title I, as added by Pub. L. 95-561, title I, Sec. 101(a), Nov. 1, 1978, 92 Stat. 2198, which was classified to section 2854 of Title 20, Education, prior to the complete revision of Pub. L. 89-10 by Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 140. For definitions, see section 2891 of Title 20.

EXCLUSION FROM COVERAGE

This section not to be construed to extend application of Civil Rights Act of 1964 [42 U.S.C. 2000a et seq.] to ultimate beneficiaries of Federal financial assistance excluded from coverage before Mar. 22, 1988, see section 7 of Pub. L. 100-259, set out as a Construction note under section 1687 of Title 20, Education.

ABORTION NEUTRALITY

This section not to be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal funds to perform or pay for an abortion, see section 8 of Pub. L. 100-259, set out as a note under section 1688 of Title 20, Education.

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Sec. 2000d-5. Prohibited deferral of action on applications by local educational agencies seeking Federal funds for alleged noncompliance with Civil Rights Act

The Secretary of Education shall not defer action or order action deferred on any application by a local educational agency for funds authorized to be appropriated by this Act, by the Elementary and Secondary Education Act of 1965 [20 U.S.C. 2701 et seq.], by the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) [20 U.S.C. 236 et seq.], by the Act of September 23, 1950 (Public Law 815, Eighty-first Congress) [20 U.S.C. 631 et seq.], or by the Cooperative Research Act [20 U.S.C. 331 et seq.], on the basis of alleged noncompliance with the provisions of this subchapter for more than sixty days after notice is given to such local agency of such deferral unless such local agency is given the opportunity for a hearing as provided in section 2000d-1 of this title, such hearing to be held within sixty days of such notice, unless the time for such hearing is extended by mutual consent of such local agency and the Secretary, and such deferral shall not continue for more than thirty days after the close of any such hearing unless there has been an express finding on the record of such hearing that such local educational agency has failed to comply with the provisions of this subchapter:

Provided, That, for the purpose of determining whether a local educational agency is in compliance with this subchapter, compliance by such agency with a final order or judgment of a

Federal court for the desegregation of the school or school system operated by such agency shall be deemed to be compliance with this subchapter, insofar as the matters covered in the order or judgment are concerned.

(Pub. L. 89-750, title I, Sec. 182, Nov. 3, 1966, 80 Stat. 1209; Pub. L. 90-247, title I, Sec. 112, Jan. 2, 1968, 81 Stat. 787; Pub. L. 96-88, title III, Sec. 301(a)(1), title V, Sec. 507, Oct. 17, 1979, 93 Stat. 677, 692.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 89-750, Nov. 3, 1966, 80 Stat. 1191, as amended, known as the Elementary and Secondary Education Amendments of 1966. For complete classification of that Act to the Code, see Short Title of 1966 Amendment note set out under section 2701 of Title 20, Education, and Tables.

The Elementary and Secondary Education Act of 1965, referred to in text, is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended generally by Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 140, which is classified generally to chapter 47 (Sec. 2701 et seq.) of Title 20. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of Title 20 and Tables.

Act of September 30, 1950, referred to in text, is act Sept. 30, 1950, ch. 1124, 64 Stat. 1100, as amended, popularly known as the Educational Agencies Financial Aid Act, which is classified generally to chapter 13 (Sec. 236 et seq.) of Title 20. For complete classification of this Act to the Code, see Short Title note set out under section 236 of Title 20 and Tables.

Act of September 23, 1950, referred to in text, is act Sept. 23, 1950, ch. 995, as amended generally by Aug. 12, 1958, Pub. L. 85-620, title I, 72 Stat. 548, which is classified generally to chapter 19 (Sec. 631 et seq.) of Title 20. For complete classification of this Act to the Code, see Tables.

The Cooperative Research Act, referred to in text, is act July 26, 1954, ch. 576, 68 Stat. 533, which was classified generally to chapter 15 (Sec. 331 et seq.) of Title 20, and terminated on July 1, 1975, under provisions of section 402(c)(1) of Pub. L. 93-380, title IV, Aug. 21, 1974, 88 Stat. 544. See section 1851 et seq. of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Elementary and Secondary Education Amendments of 1966, and not as part of the Civil Rights Act of 1964, title VI of which comprises this subchapter.

AMENDMENTS

1968 - Pub. L. 90-247 inserted proviso.

EFFECTIVE DATE

Section 191 of Pub. L. 89-750 provided that: "The provisions of this title [enacting this section and sections 241m, 871 to 880, and 886 of Title 20, Education, amending sections 241b, 241c,

241e, 241f, 241g, 241h, 241j, 241k, 241l, 244, 331a, 332a, 332b, 821, 822, 823, 841, 842, 843, 844, 861, 862, 863, 864, 883, and 884 of Title 20, repealing section 241d of Title 20, and enacting provisions set out as notes under sections 241a, 241b, and 241c of Title 20] shall be effective with respect to fiscal years beginning after June 30, 1966, except as specifically provided otherwise."

TRANSFER OF FUNCTIONS

"Secretary of Education" and "Secretary" substituted in text for "Commissioner of Education" and "Commissioner", respectively, pursuant to sections 301(a)(1) and 507 of Pub. L. 96-88, which are classified to sections 3441(a)(1) and 3507 of Title 20, Education, and which transferred all functions of Commissioner of Education of Department of Health, Education, and Welfare to Secretary of Education.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2000d-6 of this title.

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Sec. 2000d-6. Policy of United States as to application of nondiscrimination provisions in schools of local educational agencies

(a) Declaration of uniform policy

It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.] and section 182 of the Elementary and Secondary Education Amendments of 1966 [42 U.S.C. 2000d-5] dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation.

(b) Nature of uniformity

Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

(c) Prohibition of construction for diminution of obligation for enforcement or compliance with nondiscrimination requirements

Nothing in this section shall be construed to diminish the obligation of responsible officials to enforce or comply with such guidelines and criteria in order to eliminate discrimination in federally assisted programs and activities as required by title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.].

(d) Additional funds

It is the sense of the Congress that the Department of Justice and the Secretary of Education should request such additional funds as may be necessary to apply the policy set forth in this section throughout the United States.

(Pub. L. 91-230, Sec. 2, Apr. 13, 1970, 84 Stat. 121; Pub. L. 96-88, title III, Sec. 301, title V, Sec. 507, Oct. 17, 1979, 93 Stat. 677, 692.)

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsecs. (a) and (c), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to this subchapter (Sec. 2000d et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.

CODIFICATION

Section was enacted as part of the Elementary and Secondary Education Amendments of 1969, and not as part of the Civil Rights Act of 1964, title VI of which comprises this subchapter.

TRANSFER OF FUNCTIONS

"Secretary of Education" substituted for "Department of Health, Education, and Welfare" in subsec. (d) pursuant to sections 301 and 507 of Pub. L. 96-88, which are classified to sections 3441 and 3507 of Title 20, Education, and which transferred functions and offices (relating to education) of Department and Secretary of Health, Education, and Welfare to Secretary of Education.

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Sec. 2000d-7. Civil rights remedies equalization

(a) General provision

(1) A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794], title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], or the provisions of any other Federal statute prohibiting discrimination by recipients of Federal financial assistance.

(2) In a suit against a State for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State.

(b) Effective date

The provisions of subsection (a) of this section shall take effect with respect to violations that occur in whole or in part after October 21, 1986.

(Pub. L. 99-506, title X, Sec. 1003, Oct. 21, 1986, 100 Stat. 1845.)

REFERENCES IN TEXT

The Education Amendments of 1972, referred to in subsec. (a)(1), is Pub. L. 92-318, June 23, 1972, 86 Stat. 235, as amended. Title IX of the Education Amendments of 1972 is classified principally to chapter 38 (Sec. 1681 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title of 1972 Amendment note set out under section 1001 of Title 20 and Tables.

The Age Discrimination Act of 1975, referred to in subsec. (a)(1), is title III of Pub. L. 94-135, Nov. 28, 1975, 89 Stat. 728, as amended, which is classified generally to chapter 76 (Sec. 6101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

The Civil Rights Act of 1964, referred to in subsec. (a)(1), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to this subchapter (Sec. 2000d et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.

CODIFICATION

Section was enacted as part of the Rehabilitation Act Amendments of 1986, and not as part of the Civil Rights Act of 1964, title VI of which comprises this subchapter.

CAL. GOV'T CODE § 7290 et seq.

The Dymally-Alatorre Bilingual Services Act.

§ 7290. Citation

This chapter may be known and cited as the Dymally-Alatorre Bilingual Services Act.

§7291. Legislative declarations and intent

The Legislature hereby finds and declares that the effective maintenance and development of a free and democratic society depends on the right and ability of its citizens and residents to communicate with their government and the right and ability of the government to communicate with them.

The Legislature further finds and declares that substantial numbers of persons who live, work and pay taxes in this state are unable, either because they do not speak or write English, at all, or because their primary language is other than English, effectively to communicate with their government. The Legislature further finds and declares that state and local agency employees frequently are unable to communicate with persons requiring their services because of this language barrier. As a consequence, substantial numbers of persons presently are being denied rights and benefits to which they would otherwise be entitled.

It is the intention of the Legislature in enacting this chapter to provide for effective communication between all levels of government in this state and the people of this state who are precluded from utilizing public services because of language barriers.

§7292. Required employment of qualified bilingual persons by state agencies Every state agency, as defined in Section 11000, except the State Compensation Insurance Fund, directly involved in the furnishing of information or the rendering of services to the public whereby contact is made with a substantial number of non-English-speaking people, shall employ a sufficient number of qualified bilingual persons in public contact positions to ensure provision of information and services to the public, in the language of the non-English-speaking person.

§7293. Required employment of qualified bilingual persons by local agencies

Every local public agency, as defined in Section 54951, serving a substantial number of non-English-speaking people, shall employ a sufficient number of qualified bilingual persons in public contact positions or as interpreters to assist those in such positions, to ensure provision of information and services in the language of the non-English-speaking person. The determination of what constitutes a substantial number of non-English-speaking people and a sufficient number of qualified bilingual persons shall be made by the local agency.

§7294. Implementation of chapter by retirement or normal attrition

An employee of a state or local agency, as defined by Sections 11000 and 54951, may not be dismissed to carry out the purposes of this chapter. A state or local public agency need only implement this chapter by filling employee public contact positions made vacant by retirement or normal attrition.

§7295. Translation of materials explaining services available

Any materials explaining services available shall be translated into any non-English language spoken by a substantial number of the public served by the agency. Whenever notice of the availability of materials explaining services available is given, orally or in writing, it shall be given in English and in the non-English language into which any materials have been translated. The determination of when these materials are necessary when dealing with local agencies shall be left to the discretion of the local agency.

§7295.2. Translation of state agency materials explaining services

Every state agency which serves a substantial number of non-English speaking people and which provides materials in English explaining services shall also provide the same type of materials in any non-English language spoken by a substantial number of the public served by the agency. Whenever notice of the availability of materials explaining services available is given, orally or in writing, it shall be given in English and in the non-English language into which any materials have been translated. This section shall not be interpreted to require verbatim translations of any materials provided in English by a state agency.

§7295.4. Distribution of written materials in non-English language by state agency

Whenever a state agency finds that the factors listed in both subdivisions (a) and (c) or (b) and (c) exist, it shall distribute the applicable written materials in the appropriate non-English language through its local offices or facilities to non-English-speaking persons, or, as an alternative, the state agency may instead elect to furnish translation aids, translation guides, or provide assistance at such local offices in completing English forms or questionnaires and in understanding English forms, letters or notices.

- (a) The written materials, whether forms, applications, questionnaires, letters or notices, solicit or require the furnishing of information from an individual or provide that individual with information.
- (b) The information solicited, required or furnished affects or may affect the individual's rights, duties or privileges with regard to that agency's services or benefits.
- (c) The local office or facility of the agency with which the individual is dealing, serves a substantial number of non-English-speaking persons.

§7296. "Bilingual person"

As used in this chapter, a "bilingual person" is a person who is proficient in both the English language and the foreign language to be used.

§7296.2. "Substantial number of non-English-speaking people"

As used in Sections 7292 and 7295.2, a "substantial number of non-English-speaking people" are members of a group who either do not speak English, or who are unable to effectively communicate in English because it is not their native language, and who comprise 5 percent or more of the people served by any local office or facility of a state agency.

§7296.4. "A sufficient number of qualified bilingual persons in public contact positions"
As used in Section 7292, "a sufficient number of qualified bilingual persons in public contact positions" is the number required to provide the same level of services to non-English-speaking persons as is available to English-speaking persons seeking such services; provided, however, that where the local office or facility of the state employs the equivalent of 25 or fewer regular, full-time employees, it shall constitute compliance with the requirements of this chapter if a sufficient number of qualified bilingual persons are employed in public contact positions, or as interpreters to assist those in such positions, to provide the same level of services to non-English-speaking persons as is available to English-speaking persons seeking such services from such office or facility.

§7297. "Public contact position"

As used in this chapter, a "public contact position" is a position determined by the agency to be one which emphasizes the ability to meet, contact and deal with the public in the performance of the agency's functions.

§7298. Exclusion of school districts and officers

The provisions of this chapter are not applicable to school districts, county boards of education, or the office of a county superintendent of schools.

§7299. Implementation consistent with public funds, federal law, and civil service

The provisions of this act shall be implemented to the extent that local, state or federal funds are available, and to the extent permissible under federal law and the provisions of civil service law governing the state and local agencies.

§7299.1. Telephone based interpretation services

State agencies may, utilizing existing funds, contract for telephone based interpretation services in addition to employing bilingual persons in public contact positions.

§7299.2. Responsibilities of State Personnel Board

The State Personnel Board shall be responsible for informing state agencies of their responsibilities under this chapter and providing state agencies with technical assistance, upon request on a reimbursable basis.

§7299.4. Survey by state agencies

Each state agency shall conduct a survey of each of its local offices every two years to determine all of the following:

- (a) The number of public contact positions in each local office.
- (b) The number of bilingual employees in public contact positions, and the languages they speak, other than English.
- (c) The number and percentage of non-English-speaking people served by each local office, broken down by native language.

- (d) The number of anticipated vacancies in public contact positions.
- (e) Whether the use of contracted telephone based interpretation services in addition to bilingual persons in public contact positions is serving the language needs of the people served by the agency.
- (f) Any other relevant information requested by the State Personnel Board. Each agency shall calculate the percentage of non-English-speaking people served by each local office by rounding the percentage arrived at to the nearest whole percentage point.

The survey results shall be reported on forms provided by the State Personnel Board, and delivered to the board not later than March 31 of every even-numbered year beginning with 1992.

§7299.5. Exemptions

The State Personnel Board may exempt state agencies from the requirements of Section 7299.4, where the State Personnel Board determines that any of the following conditions apply:

- (a) The agency does not furnish information or render services to the public.
- (b) The agency has consistently received such limited public contact with the non-English speaking public that it has not been required to employ bilingual staff under Section 7292.

In order to receive an exemption, each state agency must annually petition the State Personnel Board for the exemption and receive approval in writing. An agency may not receive an exemption for more than three consecutive years.

§7299.6. Delivery of survey results and plan of compliance to State Personnel Board

The results of the survey required to be made by Section 7299.4 shall be compiled by the State Personnel Board and provided in a report to the Legislature every two years.

§7299.8. Establishment of bilingual positions where less than specified percent of people are non-English speaking; Filling public contact positions

It is not the intent of the Legislature in enacting this chapter to prohibit the establishment of bilingual positions, or printing of materials, or use of interpreters, where less than 5 percent of the people served do not speak English or are unable to communicate effectively, as determined appropriate by the state or local agency. It is not the intent of the Legislature in enacting this chapter to require that all public contact positions be filled with bilingual persons.

■ CHAPTER 91: City and County of San Francisco Administrative Code
LANGUAGE ACCESS ORDINANCE

Sec. 91.1. Purpose and Findings.

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Sec. 91.3. Access to Language Services.

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91.18. Disclaimers.

■ SEC. 91.1 PURPOSE AND FINDINGS.

(a) **Title.** This Chapter shall be known as the "Language Access Ordinance."

(b) **Findings.**

(1) The Board of Supervisors finds that San Francisco provides an array of services that can be made accessible to persons who are not proficient in the English language. The City of San Francisco is committed to improving the accessibility of these services and providing equal access to them.

(2) The Board finds that despite a long history of commitment to language access as embodied in federal, state and local law, beginning with the landmark Civil Rights Act of 1964, there is still a significant gap in the provision of governmental services to limited-English language speakers.

(3) In 1973, the California State Legislature adopted the Dymally-Alatorre Bilingual Services Act, which required state and local agencies to provide language services to non-English speaking people who comprise 5% or more the total state population and to hire a sufficient number of bilingual staff.

(4) In 1999, the California State Auditor concluded that 80% of state agencies were not in compliance with the Dymally-Alatorre Act, and many of the audited agencies were not aware of their responsibility to translate materials for non-English speakers.

(5) In 2001, in response to these findings, the San Francisco Board of Supervisors enacted the Equal Access to Services Ordinance, which required major departments to provide language translation services to limited-English proficiency individuals who comprise 5% or more the total city population.

(6) Eight years later, the Board finds that differential access to City services still exists due to significant gaps in language services, lack of protocols for departments to procure language services, low budgetary prioritization by departments for language services.

(7) The Board finds that the lack of language services seriously affects San Francisco's ability to serve all of its residents. A 2006 survey by the United States Census Bureau found that 45% of San Franciscans are foreign-born and City residents speak more than 28 different languages. Among the 24% of the total population who self-identify as limited-English speakers, 50% are Chinese speakers, 23% are Spanish speakers, 5% are Russian speakers and 4% speak Tagalog.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.2. DEFINITIONS.

As used in this Chapter, the following capitalized terms shall have the following meanings:

- (a) "Annual Compliance Plan" is set forth in Section 91.10 of this Chapter.
- (b) "Bilingual Employee" shall mean a City employee who is proficient in the English language and in one or more non-English language.
- (c) "City" shall mean the City and County of San Francisco.
- (d) "Commission" shall mean the Immigrant Rights Commission.
- (e) "Concentrated Number of Limited English Speaking Persons" shall mean either 5 percent of the population of the District in which a Covered Department Facility is located or 5 percent of those persons who use the services provided by the Covered Department Facility. The Office of Civic Engagement and Immigrant Affairs shall determine annually whether 5 percent or more of the population of any District in which a Covered Department Facility is located are Limited English Speaking Persons who speak a shared language other than English. The Office of Civic Engagement and Immigrant Affairs shall make this determination by referring to the best available data from the United States Census Bureau or other reliable source and shall certify its determination to all City Departments and the Commission no later than December 1 of each year. Each Department shall determine annually whether 5 percent or more of those persons who use the Department's services at a Covered Department Facility are Limited English Speaking Persons who speak a shared language other than English using either of the following methods specified in Section 91.2(k) of this Chapter.
- (f) "Covered Department Facility" shall mean any Department building, office, or location that provides direct services to the public and serves as the workplace for 5 or more full-time City employees.
- (g) "Department(s)" shall mean both Tier 1 Departments and Tier 2 Departments.
- (h) "Districts" shall refer to the 11 geographical districts by which the people of the City elect the members of the City's Board of Supervisors. If the City should abandon the district election system, the Commission shall have the authority to draw 11 district boundaries for the purposes of this Chapter that are approximately equal in population.
- (i) "Limited English Speaking Person" shall mean an individual who does not speak English well or is otherwise unable to communicate effectively in English because English is not the individual's primary language.
- (j) "Public Contact Position" shall mean a position, a primary job responsibility of which, consists of meeting, contacting, and dealing with the public in the performance of the duties of that position.
- (k) "Substantial Number of Limited English Speaking Persons" shall mean either 10,000 City residents, or 5 percent of those persons who use the Department's services. The Office of Civic Engagement and Immigrant Affairs shall determine annually whether at least 10,000 limited English speaking City residents speak a shared language other than English. The Office of Civic Engagement and Immigrant Affairs shall make this

determination by referring to the best available data from the United States Census Bureau or other reliable source and shall certify its determination to Departments and the Commission no later than December 1 of each year. Each Department shall determine annually whether 5 percent or more of those Limited English Speaking Persons who use the Department's services Citywide speak a shared language other than English. Departments shall make this determination using one of the following methods:

(1) Conducting an annual survey of all contacts with the public made by the Department during a period of at least two weeks, at a time of year in which the Department's public contacts are to the extent possible typical or representative of its contacts during the rest of the year, but before developing its Annual Compliance Plan required by Section 91.10 of this Chapter; or

(2) Analyzing information collected during the Department's intake process. The information gathered using either method shall also be broken down by Covered Department Facility to determine whether 5 percent or more of those persons who use the Department's services at a Covered Department Facility are Limited English Speaking Persons who speak a shared language other than English for purposes of Section 91.2(e) of this Chapter; or

(3) Analyzing and calculating the total annual number of requests for telephonic language translation services categorized by language that Limited English Speaking Persons make to the Department garnered from monthly bills generated by telephonic translation services vendors contracted by Department.

(l) "Tier 1 Departments" shall mean the following City departments: Adult Probation Department, Department of Elections, Department of Human Services, Department of Public Health, District Attorney's Office, Department of Emergency Management, Fire Department, Human Services Agency, Juvenile Probation Department, Municipal Transportation Agency, Police Department, Public Defender's Office, Residential Rent Stabilization and Arbitration Board, Sheriff's Office. Beginning July 1, 2010, the following departments shall be added to the list of Tier 1 Departments: San Francisco International Airport, Office of the Assessor Recorder, City Hall Building Management, Department of Building Inspection, Department of the Environment, 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.

(m) "Tier 2 Departments" shall mean all City departments not specified as Tier 1 Departments that furnish information or provide services directly to the public.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; amended by Ord. 187-04, File No. 040759, App. 7/22/2004; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.3. ACCESS TO LANGUAGE SERVICES.

(a) Utilizing sufficient Bilingual Employees in Public Contact Positions, Tier 1 Departments shall provide information and services to the public in each language spoken by a Substantial Number of Limited English Speaking Persons or to the public served by a Covered Department Facility in each language spoken by a Concentrated Number of Limited English Speaking Persons. Tier 1 Departments comply with their obligations under this Section if they provide the same level of service to Limited English Speaking Persons as they provide English speakers.

(b) Tier 1 Departments need only implement the hiring requirements in the Language Access Ordinance by filling public contact positions made vacant by retirement or normal attrition. Nothing herein shall be construed to authorize the dismissal of any City employee in order to carry out the Language Access Ordinance.

(c) All Departments shall inform Limited English Speaking Persons who seek services, in their native tongue, of their right to request translation services from all City departments.

(Added by Ord. 128-01, File No. 011051, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.4. TRANSLATION OF MATERIALS.

(a) Tier 1 Departments shall translate the following written materials that provide vital information to the public about the Department's services or programs into the language(s) spoken by a Substantial Number of Limited English Speaking Persons: applications or forms to participate in a Department's program or activity or to receive its benefits or services; written notices of rights to, determination of eligibility of, award of, denial of, loss of, or decreases in benefits or services, including the right to appeal any Department's decision; written tests that do not assess English language competency, but test competency for a particular license or skill for which knowledge of written English is not required; notices advising Limited English Speaking Persons of free

language assistance; materials explaining a Department's services or programs; complaint forms; or any other written documents that have the potential for important consequences for an individual seeking services from or participating in a program of a city department.

(b) Tier 2 Departments shall translate all publicly-posted documents that provide information (1) regarding Department services or programs, or (2) affecting a person's rights to, determination of eligibility of, award of, denial of, loss of, or decreases in benefits or services into the language(s) spoken by a Substantial Number of Limited English Speaking Persons.

(c) Departments required to translate materials under the provisions of this Section shall post notices in the public areas of their facilities in the relevant language(s) indicating that written materials in the language(s) and staff who speak the language(s) are available. The notices shall be posted prominently and shall be readily visible to the public.

(d) Departments required to translate materials under the provisions of this Section shall ensure that their translations are accurate and appropriate for the target audience. Translations should match literacy levels of the target audience.

(e) Each Department shall designate a staff member with responsibility for ensuring that all translations of the Department's written materials meet the accuracy and appropriateness standard set in Subsection (d) of this Section. Departments are encouraged to have their staff check the quality of written translations, but where a Department lacks biliterate personnel, the responsible staff member shall obtain quality checks from external translators. Departments are also encouraged to solicit feedback on the accuracy and appropriateness of translations from bilingual staff at community groups whose clients receive services from the Department.

(f) The newly added Tier 1 Departments as set forth in Section 91.2(l) shall comply with the requirements of this Section by January 31, 2011.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.5. DISSEMINATION OF TRANSLATED MATERIALS FROM THE STATE AND FEDERAL GOVERNMENT.

If the State or federal government or any agency thereof makes available to a Department written materials in a language other than English, the Department shall maintain an adequate stock of the translated materials and shall make them readily available to persons who use the Department's services.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.6. PUBLIC MEETINGS AND HEARINGS.

(a) City Boards, City Commissions and City Departments shall not automatically translate meeting notices, agendas, or minutes.

(b) City Boards, City Commissions and City Departments shall provide oral interpretation of any public meeting or hearing if requested at least 48 hours in advance of the meeting or hearing.

(c) City Boards, City Commissions and City Departments shall translate meeting minutes if: (1) requested; (2) after the legislative body adopts the meeting minutes; and (3) within a reasonable time period thereafter.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.7. RECORDED TELEPHONIC MESSAGES.

All Departments with recorded telephonic messages about the Department's operation or services shall maintain such messages in each language spoken by a Substantial Number of Limited English Speaking Persons or where applicable a Concentrated Number of Limited English Speaking Persons. Such Departments are encouraged to include in the telephonic messages information about business hours, office location(s), services offered and the means of accessing such services, and the availability of language assistance. If the Department is governed by a Commission, the messages shall include the time, date, and place of the Commission's meetings.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.8 CRISIS SITUATIONS.

All Tier 1 Departments involved in health related emergencies, refugee relief, disaster-related activities all other crisis situations shall work with the Office of Civic Engagement and Immigrant Affairs to include language service protocols in the Department's Annual Compliance Plan.

(Added by Ord. 202-09, File No. 090461, App. 8/28/2009)

■ SEC. 91.9 COMPLAINT PROCEDURE.

(a) Departments shall allow persons to make complaints alleging violation of this Chapter to the Department in each language spoken by a Substantial Number of Limited English Speaking Persons. The Complaints may be made by telephone or by completing a complaint form.

(b) Departments shall document actions taken to resolve each complaint and maintain copies of complaints and documentation of their resolution for a period of not less than 5 years. A copy of each complaint shall be forwarded to the Commission and the Office of Civic Engagement and Immigrant Affairs within 30 days of its receipt.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

■ SEC. 91.10 ANNUAL COMPLIANCE PLAN.

Each Tier 1 Department shall draft an Annual Compliance Plan containing all of the following information:

- (a) The number and percentage of Limited English Speaking Persons who actually use the Tier 1 Department's services Citywide, listed by language other than English, using either method in Section 91.2(k) of this Chapter;
- (b) The number and percentage of limited English speaking residents of each District in which a Covered Department Facility is located and persons who use the services provided by a Covered Department Facility, listed by language other than English, using either method in Section 91.2(k) of this Chapter;
- (c) A demographic profile of the Tier 1 Department's clients;
- (d) The number of Public Contact Positions in the Tier 1 Department;
- (e) The number of Bilingual Employees in Public Contact Positions, their titles, certifications of bilingual capacity, office locations, the language(s) other than English that the persons speak;
- (f) The name and contact information of the Tier 1 Department's language access liaison;
- (g) A description of any use of telephone-based interpretation services, including the number of times such services were used and the language(s) for which they were used;
- (h) A narrative assessment of the procedures used to facilitate communication with Limited English Speaking Persons, which shall include an assessment of the adequacy of the procedures;
- (i) Ongoing employee development and training strategy to maintain well trained bilingual employees and general staff. Employee development and training strategy should include a description of quality control protocols for bilingual employees; and description of language service protocols for Limited English Speaking individuals in crisis situations as outlined in Section 91.8;
- (j) A numerical assessment of the additional Bilingual Employees in Public Contact Positions needed to meet the requirements of Section 91.3 of this Chapter;
- (k) If assessments indicate a need for additional Bilingual Employees in Public Contact Positions to meet the requirements of Section 91.3 of this Chapter, a description of the Tier 1 Department's plan for filling the positions, including the number of estimated vacancies in Public Contact Positions;
- (l) The name, title, and language(s) other than English spoken (if any) by the staff member designated with responsibility for ensuring the accuracy and appropriateness of translations for each language in which services must be provided under this Chapter;
- (m) A list of the Tier 1 Department's written materials required to be translated under this Chapter, the language(s) into which they have been translated, and the persons who have reviewed the translated material for accuracy and appropriateness;
- (n) A description of the Tier 1 Department's procedures for accepting and resolving complaints of an alleged violation of this Chapter consistent with Section 91.9;
- (o) A copy of the written policies on providing services to Limited English Speaking Persons;
- (p) A list of goals for the upcoming year and, for all Annual Compliance Plans except the first, an assessment of the Tier 1 Department's success at meeting last year's goals;
- (q) Annual budget allocation and strategy, including the total annual expenditure for services that are related to language access:
 - (1) Compensatory pay for bilingual employees who perform bilingual services, excluding regular annual salary expenditures;
 - (2) Telephonic translation services provided by City vendors;
 - (3) Document translation services provided by City vendors;

- (4) On-site language interpretation services provided by City vendors;
- (5) The total projected budget to support progressive implementation of the Department's language service plan;

(r) Summarize changes between the Department's previous Annual Compliance Plan submittal and the current submittal, including but not limited to: (1) an explanation of strategies and procedures that have improved the Department's language services from the previous year; and (2) an explanation of strategies and procedures that did not improve the Department's language services and proposed solutions to achieve the overall goal of this Language Access Ordinance; and

(s) Any other information requested by the Commission necessary for the implementation of this Chapter. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.11 COMPLIANCE PLANS SUBMITTALS AND EMERGING LANGUAGE POPULATIONS.

(a) **Compliance Plans Submittals.** The Director of each Tier 1 Department shall approve and annually file electronic copies of the Annual Compliance Plan by December 31st with the Mayor's Office, the Commission, and the Office of Civic Engagement and Immigrant Affairs.

(b) **Inclusion of Emerging Language Populations in a written report to the Board.** By March 1st of each year, the Office of Civic Engagement and Immigrant Affairs shall compile and summarize in a written report to the Clerk of the Board of Supervisors all departmental Annual Compliance Plans. In the written report of the Clerk of the Board, the Office of Civic Engagement and Immigrant Affairs may recommend appropriate changes to all departmental Annual Compliance Plans in order to meet the needs of emerging language populations. Emerging language populations is defined as at least 2.5 percent of the population who use the Department's services or 5,000 City residents who speak a shared language other than English.

(c) By June 30th of each year, the Office of Civic Engagement and Immigrant Affairs may request a joint public hearing with the Board of Supervisors and the Commission to assess the adequacy of the City's ability to provide the public with access to language services.

(d) The Office of Civic Engagement of Immigrant Affairs shall keep a log of all complaints submitted and report quarterly to the Commission.

(Added by Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.12 RECRUITMENT.

It shall be the policy of the City to publicize job openings for Departments' Public Contact Positions as widely as possible including, but not limited to, in ethnic and non-English language media.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.13 COMMISSION RESPONSIBILITIES.

The Commission shall be responsible for monitoring and facilitating compliance with this Chapter. Its duties shall include: conducting outreach to Limited English Speaking Persons about their rights under this Chapter; reviewing complaints about alleged violations of this Chapter forwarded from Departments; working with Departments to resolve complaints; maintaining copies of complaints and their resolution for not less than 8 years, organized by Department; coordinating a language bank for Departments that choose to have translation done outside the Department and need assistance in obtaining translators; and reviewing Annual Compliance Plans.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.14 OFFICE OF CIVIC ENGAGEMENT AND IMMIGRANT AFFAIRS' RESPONSIBILITIES.

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. The Office of Civic Engagement responsibilities include the following:

- (a) Provide technical assistance for language services for all Departments;
- (b) Coordinate language services across Departments, including but not limited to maintaining a directory of qualified language service providers for the City, maintaining an inventory of translation equipment, providing assistance to Departments, Board of Supervisors, and the Mayor's Office in identifying bilingual staff;
- (c) Compiling and maintaining a central repository for all Departments translated documents;
- (d) Providing Departments with model Annual Compliance Plans; and
- (e) Reviewing complaints of alleged violations with quarterly reports to the Commission.

(Added by Ord. 202-09, File No. 090461, App. 8/28/2009)

■ SEC. 91.15 RULES AND REGULATIONS.

In order to effectuate the terms of this Chapter, the Commission may adopt rules and regulations consistent with this Chapter.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

■ SEC. 91.16 ENFORCEMENT.

If after an investigation and attempt to resolve an incidence of Department non-compliance, the Commission is unable to resolve the matter, it shall transmit a written finding of non-compliance, specifying the nature of the non-compliance, to the Department, the Department of Human Resources, the Mayor, and the Board of Supervisors.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

■ SEC. 91.17 SEVERABILITY.

If any of the provisions of this Chapter or the application thereof to any person or circumstance is held invalid, the remainder of this Chapter, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

■ SEC. 91.18 DISCLAIMERS.

(a) By providing the public with equal access to language services, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(b) The obligations set forth in the Language Access Ordinance are directory and the failure of the City to comply shall not provide a basis to invalidate any City action.

(c) The Language Access Ordinance shall be interpreted and applied so as to be consistent with Title VI and VII of the Civil Rights Act of 1964, California's Fair Employment and Housing Act, and Article X of the San Francisco Charter and so as not to impede or impair the City's obligations to comply with any court order or consent decree.

(Added by Ord. 202-09, File No. 090461, App. 8/28/2009)

APPENDIX B: SAN FRANCISCO LANGUAGE ACCESS ORDINANCE

CITY AND COUNTY OF SAN FRANCISCO SAN FRANCISCO ADMINISTRATIVE CODE, CHAPTER 91: - LANGUAGE ACCESS

SEC. 91.1. - PURPOSE AND FINDINGS.

(a) Title. This Chapter shall be known as the "Language Access Ordinance."

(b) Findings.

(1) The Board of Supervisors finds that San Francisco provides an array of services that can be made accessible to persons who are not proficient in the English language. The City of San Francisco is committed to improving the accessibility of these services and providing equal access to them.

(2) The Board finds that despite a long history of commitment to language access as embodied in federal, state and local law, beginning with the landmark Civil Rights Act of 1964, there is still a significant gap in the provision of governmental services to limited-English language speakers.

(3) In 1973, the California State Legislature adopted the Dymally-Alatorre Bilingual Services Act, which required state and local agencies to provide language services to non-English speaking people who comprise 5% or more the total state population and to hire a sufficient number of bilingual staff.

(4) In 1999, the California State Auditor concluded that 80% of state agencies were not in compliance with the Dymally-Alatorre Act, and many of the audited agencies were not aware of their responsibility to translate materials for non-English speakers.

(5) In 2001, in response to these findings, the San Francisco Board of Supervisors enacted the Equal Access to Services Ordinance, which required major departments to provide language translation services to limited-English proficiency individuals who comprise 5% or more the total city population.

(6) Eight years later, the Board finds that differential access to City services still exists due to significant gaps in language services, lack of protocols for departments to procure language services, low budgetary prioritization by departments for language services.

(7) The Board finds that the lack of language services seriously affects San Francisco's ability to serve all of its residents. A 2006 survey by the United States Census Bureau found that 45% of San Franciscans are foreign-born and City residents speak more than 28 different languages. Among the 24% of the total population who self-identify as limited-English speakers, 50% are Chinese speakers, 23% are Spanish speakers, 5% are Russian speakers and 4% speak Tagalog.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.2. - DEFINITIONS.

As used in this Chapter, the following capitalized terms shall have the following meanings:

(a) "Annual Compliance Plan" is set forth in Section 91.10 of this Chapter.

(b) "Bilingual Employee" shall mean a City employee who is proficient in the English language and in one or more non-English language.

(c) "City" shall mean the City and County of San Francisco.

(d) "Commission" shall mean the Immigrant Rights Commission.

(e) "Concentrated Number of Limited English Speaking Persons" shall mean either 5 percent of the population of the District in which a Covered Department Facility is located or 5 percent of those persons who use the services provided by the Covered Department Facility. The Office of Civic Engagement and Immigrant Affairs shall determine annually whether 5 percent or

more of the population of any District in which a Covered Department Facility is located are Limited English Speaking Persons who speak a shared language other than English. The Office of Civic Engagement and Immigrant Affairs shall make this determination by referring to the best available data from the United States Census Bureau or other reliable source and shall certify its determination to all City Departments and the Commission no later than December 1 of each year. Each Department shall determine annually whether 5 percent or more of those persons who use the Department's services at a Covered Department Facility are Limited English Speaking Persons who speak a shared language other than English using either of the following methods specified in Section 91.2(k) of this Chapter.

(f) "Covered Department Facility" shall mean any Department building, office, or location that provides direct services to the public and serves as the workplace for 5 or more full-time City employees.

(g) "Department(s)" shall mean both Tier 1 Departments and Tier 2 Departments.

(h) "Districts" shall refer to the 11 geographical districts by which the people of the City elect the members of the City's Board of Supervisors. If the City should abandon the district election system, the Commission shall have the authority to draw 11 district boundaries for the purposes of this Chapter that are approximately equal in population.

(i) "Limited English Speaking Person" shall mean an individual who does not speak English well or is otherwise unable to communicate effectively in English because English is not the individual's primary language.

(j) "Public Contact Position" shall mean a position, a primary job responsibility which consists of meeting, contacting, and dealing with the public in the performance of the duties of that position.

(k) "Substantial Number of Limited English Speaking Persons" shall mean either 10,000 City residents, or 5 percent of those persons who use the Department's services. The Office of Civic Engagement and Immigrant Affairs shall determine annually whether at least 10,000 limited English speaking City residents speak a shared language other than English. The Office of Civic Engagement and Immigrant Affairs shall make this determination by referring to the best available data from the United States Census Bureau or other reliable source and shall certify its determination to Departments and the Commission no later than December 1 of each year. Each Department shall determine annually whether 5 percent or more of those Limited English Speaking Persons who use the Department's services Citywide speak a shared language other than English. Departments shall make this determination using one of the following methods:

(1) Conducting an annual survey of all contacts with the public made by the Department during a period of at least two weeks, at a time of year in which the Department's public contacts are to the extent possible typical or representative of its contacts during the rest of the year, but before developing its Annual Compliance Plan required by Section 91.10 of this Chapter; or

(2) Analyzing information collected during the Department's intake process. The information gathered using either method shall also be broken down by Covered Department Facility to determine whether 5 percent or more of those persons who use the Department's services at a Covered Department Facility are Limited English Speaking Persons who speak a shared language other than English for purposes of Section 91.2(e) of this Chapter; or

(3) Analyzing and calculating the total annual number of requests for telephonic language translation services categorized by language that Limited English Speaking Persons make to the Department garnered from monthly bills generated by telephonic translation services vendors contracted by Department.

(l) "Tier 1 Departments" shall mean the following City departments: Adult Probation Department, Department of Elections, Department of Human Services, Department of Public Health, District Attorney's Office, Department of Emergency Management, Fire Department, Human Services Agency, Juvenile Probation Department, Municipal Transportation Agency, Police Department, Public Defender's Office, Residential Rent Stabilization and Arbitration Board, Sheriff's Office. Beginning July 1, 2010, the following departments shall be added to the list of Tier 1 Departments: San Francisco International Airport, Office of the Assessor Recorder, City Hall Building Management, Department of Building Inspection, Department of the Environment, 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.

(m) "Tier 2 Departments" shall mean all City departments not specified as Tier 1 Departments that furnish information or provide services directly to the public.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; amended by Ord. 187-04, File No. 040759, App. 7/22/2004; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.3. - ACCESS TO LANGUAGE SERVICES.

(a) Utilizing sufficient Bilingual Employees in Public Contact Positions, Tier 1 Departments shall provide information and services to the public in each language spoken by a Substantial Number of Limited English Speaking Persons or to the public served by a Covered Department Facility in each language spoken by a Concentrated Number of Limited English Speaking Persons. Tier 1 Departments comply with their obligations under this Section if they provide the same level of service to Limited English Speaking Persons as they provide English speakers.

(b) Tier 1 Departments need only implement the hiring requirements in the Language Access Ordinance by filling public contact positions made vacant by retirement or normal attrition. Nothing herein shall be construed to authorize the dismissal of any City employee in order to carry out the Language Access Ordinance.

(c) All Departments shall inform Limited English Speaking Persons who seek services, in their native tongue, of their right to request translation services from all City departments.

(Added by Ord. 128-01, File No. 011051, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.4. - TRANSLATION OF MATERIALS.

(a) Tier 1 Departments shall translate the following written materials that provide vital information to the public about the Department's services or programs into the language(s) spoken by a Substantial Number of Limited English Speaking Persons: applications or forms to participate in a Department's program or activity or to receive its benefits or services; written notices of rights to, determination of eligibility of, award of, denial of, loss of, or decreases in benefits or services, including the right to appeal any Department's decision; written tests that do not assess English language competency, but test competency for a particular license or skill for which knowledge of written English is not required; notices advising Limited English Speaking Persons of free language assistance; materials explaining a Department's services or programs; complaint forms; or any other written documents that have the potential for important consequences for an individual seeking services from or participating in a program of a city department.

(b) Tier 2 Departments shall translate all publicly-posted documents that provide information (1) regarding Department services or programs, or (2) affecting a person's rights to, determination of eligibility of, award of, denial of, loss of, or decreases in benefits or services into the language(s) spoken by a Substantial Number of Limited English Speaking Persons.

(c) Departments required to translate materials under the provisions of this Section shall post notices in the public areas of their facilities in the relevant language(s) indicating that written materials in the language(s) and staff who speak the language(s) are available. The notices shall be posted prominently and shall be readily visible to the public.

(d) Departments required to translate materials under the provisions of this Section shall ensure that their translations are accurate and appropriate for the target audience. Translations should match literacy levels of the target audience.

(e) Each Department shall designate a staff member with responsibility for ensuring that all translations of the Department's written materials meet the accuracy and appropriateness standard set in Subsection (d) of this Section. Departments are encouraged to have their staff check the quality of written translations, but where a Department lacks biliterate personnel, the responsible staff member shall obtain quality checks from external translators. Departments are also encouraged to solicit feedback on the accuracy and appropriateness of translations from bilingual staff at community groups whose clients receive services from the Department.

(f) The newly added Tier 1 Departments as set forth in Section 91.2(l) shall comply with the requirements of this Section by January 31, 2011.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.5. - DISSEMINATION OF TRANSLATED MATERIALS FROM THE STATE AND FEDERAL GOVERNMENT.

If the State or federal government or any agency thereof makes available to a Department written materials in a language other than English, the Department shall maintain an adequate stock of the translated materials and shall make them readily available to persons who use the Department's services.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.6. - PUBLIC MEETINGS AND HEARINGS.

(a) City Boards, City Commissions and City Departments shall not automatically translate meeting notices, agendas, or minutes.

(b) City Boards, City Commissions and City Departments shall provide oral interpretation of any public meeting or hearing if requested at least 48 hours in advance of the meeting or hearing.

(c) City Boards, City Commissions and City Departments shall translate meeting minutes if: (1) requested; (2) after the legislative body adopts the meeting minutes; and (3) within a reasonable time period thereafter.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.7. - RECORDED TELEPHONIC MESSAGES.

All Departments with recorded telephonic messages about the Department's operation or services shall maintain such messages in each language spoken by a Substantial Number of Limited English Speaking Persons or where applicable a Concentrated Number of Limited English Speaking Persons. Such Departments are encouraged to include in the telephonic messages information about business hours, office location(s), services offered and the means of accessing such services, and the availability of language assistance. If the Department is governed by a Commission, the messages shall include the time, date, and place of the Commission's meetings.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.8. - CRISIS SITUATIONS.

All Tier 1 Departments involved in health related emergencies, refugee relief, disaster-related activities all other crisis situations shall work with the Office of Civic Engagement and Immigrant Affairs to include language service protocols in the Department's Annual Compliance Plan.

(Added by Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.9. - COMPLAINT PROCEDURE.

(a) Departments shall allow persons to make complaints alleging violation of this Chapter to the Department in each language spoken by a Substantial Number of Limited English Speaking Persons. The Complaints may be made by telephone or by completing a complaint form.

(b) Departments shall document actions taken to resolve each complaint and maintain copies of complaints and documentation of their resolution for a period of not less than 5 years. A copy of each complaint shall be forwarded to the Commission and the Office of Civic Engagement and Immigrant Affairs within 30 days of its receipt.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.10. - ANNUAL COMPLIANCE PLAN.

Each Tier 1 Department shall draft an Annual Compliance Plan containing all of the following information:

(a) The number and percentage of Limited English Speaking Persons who actually use the Tier 1 Department's services Citywide, listed by language other than English, using either method in Section 91.2(k) of this Chapter;

(b) The number and percentage of limited English speaking residents of each District in which a Covered Department Facility is located and persons who use the services provided by a Covered Department Facility, listed by language other than English, using either method in Section 91.2(k) of this Chapter;

(c) A demographic profile of the Tier 1 Department's clients;

- (d)** The number of Public Contact Positions in the Tier 1 Department;
- (e)** The number of Bilingual Employees in Public Contact Positions, their titles, certifications of bilingual capacity, office locations, the language(s) other than English that the persons speak;
- (f)** The name and contact information of the Tier 1 Department's language access liaison;
- (g)** A description of any use of telephone-based interpretation services, including the number of times such services were used and the language(s) for which they were used;
- (h)** A narrative assessment of the procedures used to facilitate communication with Limited English Speaking Persons, which shall include an assessment of the adequacy of the procedures;
- (i)** Ongoing employee development and training strategy to maintain well trained bilingual employees and general staff. Employee development and training strategy should include a description of quality control protocols for bilingual employees; and description of language service protocols for Limited English Speaking individuals in crisis situations as outlined in Section 91.8;
- (j)** A numerical assessment of the additional Bilingual Employees in Public Contact Positions needed to meet the requirements of Section 91.3 of this Chapter;
- (k)** If assessments indicate a need for additional Bilingual Employees in Public Contact Positions to meet the requirements of Section 91.3 of this Chapter, a description of the Tier 1 Department's plan for filling the positions, including the number of estimated vacancies in Public Contact Positions;
- (l)** The name, title, and language(s) other than English spoken (if any) by the staff member designated with responsibility for ensuring the accuracy and appropriateness of translations for each language in which services must be provided under this Chapter;
- (m)** A list of the Tier 1 Department's written materials required to be translated under this Chapter, the language(s) into which they have been translated, and the persons who have reviewed the translated material for accuracy and appropriateness;
- (n)** A description of the Tier 1 Department's procedures for accepting and resolving complaints of an alleged violation of this Chapter consistent with Section 91.9;
- (o)** A copy of the written policies on providing services to Limited English Speaking Persons;
- (p)** A list of goals for the upcoming year and, for all Annual Compliance Plans except the first, an assessment of the Tier 1 Department's success at meeting last year's goals;
- (q)** Annual budget allocation and strategy, including the total annual expenditure for services that are related to language access:
 - (1)** Compensatory pay for bilingual employees who perform bilingual services, excluding regular annual salary expenditures;
 - (2)** Telephonic translation services provided by City vendors;
 - (3)** Document translation services provided by City vendors;
 - (4)** On-site language interpretation services provided by City vendors;
 - (5)** The total projected budget to support progressive implementation of the Department's language service plan;
- (r)** Summarize changes between the Department's previous Annual Compliance Plan submittal and the current submittal, including but not limited to: (1) an explanation of strategies and procedures that have improved the Department's language services from the previous year; and (2) an explanation of strategies and procedures that did not improve the Department's language services and proposed solutions to achieve the overall goal of this Language Access Ordinance; and

(s) Any other information requested by the Commission necessary for the implementation of this Chapter.
(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.11. - COMPLIANCE PLANS SUBMITTALS AND EMERGING LANGUAGE POPULATIONS.

(a) **Compliance Plans Submittals.** The Director of each Tier 1 Department shall approve and annually file electronic copies of the Annual Compliance Plan by December 31st with the Mayor's Office, the Commission, and the Office of Civic Engagement and Immigrant Affairs.

(b) **Inclusion of Emerging Language Populations in a written report to the Board.** By March 1st of each year, the Office of Civic Engagement and Immigrant Affairs shall compile and summarize in a written report to the Clerk of the Board of Supervisors all departmental Annual Compliance Plans. In the written report of the Clerk of the Board, the Office of Civic Engagement and Immigrant Affairs may recommend appropriate changes to all departmental Annual Compliance Plans in order to meet the needs of emerging language populations. Emerging language populations is defined as at least 2.5 percent of the population who use the Department's services or 5,000 City residents who speak a shared language other than English.

(c) By June 30th of each year, the Office of Civic Engagement and Immigrant Affairs may request a joint public hearing with the Board of Supervisors and the Commission to assess the adequacy of the City's ability to provide the public with access to language services.

(d) The Office of Civic Engagement of Immigrant Affairs shall keep a log of all complaints submitted and report quarterly to the Commission.

(Added by Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.12. - RECRUITMENT.

It shall be the policy of the City to publicize job openings for Departments' Public Contact Positions as widely as possible including, but not limited to, in ethnic and non-English language media.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.13. - COMMISSION RESPONSIBILITIES.

The Commission shall be responsible for monitoring and facilitating compliance with this Chapter. Its duties shall include: conducting outreach to Limited English Speaking Persons about their rights under this Chapter; reviewing complaints about alleged violations of this Chapter forwarded from Departments; working with Departments to resolve complaints; maintaining copies of complaints and their resolution for not less than 8 years, organized by Department; coordinating a language bank for Departments that choose to have translation done outside the Department and need assistance in obtaining translators; and reviewing Annual Compliance Plans.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.14. - OFFICE OF CIVIC ENGAGEMENT AND IMMIGRANT AFFAIRS' RESPONSIBILITIES.

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. The Office of Civic Engagement responsibilities include the following:

(a) Provide technical assistance for language services for all Departments;

(b) Coordinate language services across Departments, including but not limited to maintaining a directory of qualified language service providers for the City, maintaining an inventory of translation equipment, providing assistance to Departments, Board of Supervisors, and the Mayor's Office in identifying bilingual staff;

(c) Compiling and maintaining a central repository for all Departments translated documents;

(d) Providing Departments with model Annual Compliance Plans; and

(e) Reviewing complaints of alleged violations with quarterly reports to the Commission;

(Added by Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.15. - RULES AND REGULATIONS.

In order to effectuate the terms of this Chapter, the Commission may adopt rules and regulations consistent with this Chapter.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.16. - ENFORCEMENT.

If after an investigation and attempt to resolve an incidence of Department non-compliance, the Commission is unable to resolve the matter, it shall transmit a written finding of non-compliance, specifying the nature of the non-compliance, to the Department, the Department of Human Resources, the Mayor, and the Board of Supervisors.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.17. - SEVERABILITY.

If any of the provisions of this Chapter or the application thereof to any person or circumstance is held invalid, the remainder of this Chapter, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.18. - DISCLAIMERS.

(a) By providing the public with equal access to language services, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(b) The obligations set forth in the Language Access Ordinance are directory and the failure of the City to comply shall not provide a basis to invalidate any City action.

(c) The Language Access Ordinance shall be interpreted and applied so as to be consistent with Title VI and VII of the Civil Rights Act of 1964, California's Fair Employment and Housing Act, and Article X of the San Francisco Charter and so as not to impede or impair the City's obligations to comply with any court order or consent decree.

(Added by Ord. 202-09, File No. 090461, App. 8/28/2009)

City and County of San Francisco

Department of Human Resources

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: GENERAL SERVICES AGENCY - CITY ADMIN - ADM Dept. Code: ADM

Type of Request: Initial Modification of an existing PSC (PSC # _____)

Type of Approval: Expedited Regular (Omit Posting)

Type of Service: Telephonic Language Interpretation 24/7/365

Funding Source: General Fund PSC Duration: 4 years
PSC Amount: \$5,000,000 PSC Est. Start Date: 07/01/2014 PSC Est. End Date: 06/30/2018

1. Description of Work

A. Scope of Work:

Three contractors shall provide 1) a single, toll-free 800 telephone number for participating City departments to access telephonic language interpretation services in Core Languages and must be available 24 hours a day, 365 days of the year; or 2) document translation or other non-telephonic language services; or 3) Community Interpreter Training and language proficiency assessment. All language services will be performed by individuals who are certified by the State of California Certified and/or American Standards for Testing and Materials or for legal and medical interpretation. Core Languages will be defined as Chinese (Cantonese and Mandarin), Spanish, Filipino (Tagalog), Russian, and Vietnamese. Additionally, other languages may be included as needs emerge. Contractor services will only be used when a City employee is not available to conduct the interpretation/translation work or when legal needs require an interpreter/translator who is certified and therefore less open to potential legal challenges.

B. Explain why this service is necessary and the consequence of denial:

These services are required by the San Francisco Language Access Ordinance, which was adopted by the Board of Supervisors and signed into law by the Mayor on June 15 2001, and amended by the Board and approved by the Mayor in August 2009. Chapter 91 of the City's Administrative Code requires all city departments to provide the same level of service to Limited English Speaking Persons (LESP) as they provide to English Speakers in each language that meets certain language thresholds. Denial would result in making implementation of Chapter 91 very difficult for most City departments, and departments doing so without these services may incur significant costs or be subject to liability.

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC.
These services were performed under PSC 4065-09/10

D. Will the contract(s) be renewed? Unknown.

2. **Union Notification:** On 04/22/2014, the Department notified the following employee organizations of this PSC/RFP request: SEIU 1021 Miscellaneous,

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 43235 - 13/14

DHR Analysis/Recommendation:

Commission Approval Required

DHR Approved for 06/02/2014

Civil Service Commission Action:

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:

1) Certification by the State of California Certified and/or American Standards for Testing and Materials (2) Trained in customer service skills (3) Certified for legal and medical interpretation (4) Trained in specific knowledge areas specified by the City of San Francisco, including cultural and linguistic competency.

B. Which, if any, civil service class(es) normally perform(s) this work?
1324,1326,2903,1408,1410,1840,2586,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:
Yes. This may include dual-handset analog phones, video-conferencing equipment, listening devices, and other language translation equipment.

4. Why Classified Civil Service Cannot Perform

A. Explain why civil service classes are not applicable:

The tasks performed under contract are those for when city employees are not available or when special skills or equipment are necessary.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No. City employees would be required to have special certification and tasks are performed as needed.

5. Additional Information (if "yes", attach explanation)

YES NO

A. Will the contractor directly supervise City and County employee? YES NO

B. Will the contractor train City and County employee? YES NO

C. Are there legal mandates requiring the use of contractual services? YES NO

D. Are there federal or state grant requirements regarding the use of contractual services? YES NO

E. Has a board or commission determined that contracting is the most effective way to provide this service? YES NO

F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? YES NO

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD ON 04/25/2014 BY:

Name: Joan Lubamersky Phone: 4155544859 Email: joan.lubamersky@sfgov.org

Address: One Carlton B. Goodlett Place Room 362 San Francisco, CA 94102



OFFICE OF THE CITY ADMINISTRATOR



Edwin M. Lee, Mayor
Naomi M. Kelly, City Administrator

MEMORANDUM

DATE: November 7, 2012

TO: Leorah Dang, PSC Analyst
Department of Human Resources (Dept. 33)

FROM: Jean Lubamersky, PSC Coordinator
City Administrator (Dept. 70) *Jean Lubamersky*

RE: Request for Administrative Approval of PSC Modification (less than 50%)

PSC No: 4065-09/10 Approval Date: 12.9.09

Description of Service(s): Contractor to provide a single, toll-free 800 phone number for participating departments to access telephonic language interpretation in Core Languages 24/365.

Original Approved Amount:	<u>\$ 3 million</u>	Original Approved Duration:	<u>1.1.10 to 12.31.12</u>
Modification Amount:	<u>\$ 1 million</u>	Modification of Duration:	<u>1.1.13 to 6.30.14</u>
Total Amount as Modified:	<u>\$ 4 million</u>	Total Duration as Modified:	<u>1.1.10 to 6.30.14</u>

Reason for the modification: Need for ongoing services to participating departments

Attachment: Copy of Approved PSC Summary

FOR DEPARTMENT OF HUMAN RESOURCES USE

DHR ACTION: Approved

Approval Date: 11/8/2012

By: *MC*
Micki Callahan, Human Resources Director

Original



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

GAVIN NEWSOM
MAYOR

MORGAN R. GORRONG
PRESIDENT

E. DENNIS NORMANDY
VICE PRESIDENT

JOY Y. BOATWRIGHT
COMMISSIONER

DONALD A. CASPER
COMMISSIONER

MARY Y. JUNG
COMMISSIONER

ANITA SANCHEZ
EXECUTIVE OFFICER

December 9, 2009

NOTICE OF CIVIL SERVICE COMMISSION ACTION

**SUBJECT: REVIEW OF REQUEST FOR APPROVAL OF PROPOSED
PERSONAL SERVICES CONTRACT NUMBERS 4064-09/10
THROUGH 4068-09/10.**

At its meeting of December 7, 2009 the Civil Service Commission had for its consideration the above matter.

PLEASE NOTE: *It is important that a copy of this action be kept in the department files as you will need it in the future as proof of Civil Service Commission approval. Please share it with everyone responsible for follow-up.*

It was the decision of the Commission to approve request for proposed personal services contracts. Notify the offices of the Controller and the Office of Contract Administration.

If this matter is subject to Code of Civil Procedure (CCP) Section 1094.5, the time within which judicial review must be sought is set forth in CCP Section 1094.6.

CIVIL SERVICE COMMISSION

ANITA SANCHEZ
Executive Officer

Attachment

- c: Cynthia Avakian, Airport Commission
- Parveen Boparai, Municipal Transportation Agency
- Micki Callahan, Human Resources Director
- Jessica Huey, Department of Human Resources
- Shamica Jackson, Public Utilities Commission
- Jennifer Johnston, Department of Human Resources
- Natani Kelly, Office of Contract Administration
- Florence Kyam, Public Utilities Commission
- Joan Lubamersky, Administrative Services
- Mary Ng, Department of Human Resources
- Ben Rosenfield, Controller
- Commission File
- Chron

POSTING R
12/7/2009

PROPOSED PERSONAL SERVICES CONTRACTS - Regular

PSC No	Dept No	Dept Name	Approval Type	Contract Amount	Description of Work	Duration
4064-09/10	35	Municipal Transportation Agency	Regular	\$6,500,000	Provide architectural & engineering services for the final design and construction of the Central Subway Project for design package #1, Utilities Relocation & Tunnel Design. Services include contract design management, verify/validate existing preliminary engineering design, verify cost & schedule for each construction contract, complete the final design for the tunnels & utility relocation, prepare construction contract documents, & provide engineering support during construction.	3/31/2019
4065-09/10	70	GSA	Regular	\$3,000,000	Provide single, toll-free 800 telephone number for participating City departments to access telephonic language interpretation services in core languages, and must be available 24 hours a day, 365 days of the year. Transition services will be performed by individuals who are certified by the State of California and/or American Standards for Testing and Materials, or for legal and medical interpretation. Core languages will be defined as Cantonese & Mandarin Chinese, Spanish, Russian, Tagalog, and Vietnamese.	12/31/2012
4066-09/10	27	Airport Commission	Regular	\$1,000,000	Provide services to upgrade/enhance SFO's current 800mhz & 450mhz conventional radio system by expanding with the addition of a 700mhz digital trunked system. Services to be performed in conjunction with SF Dept of Emergency Management, SFWTA, and the Airport. The project will enhance SFO's interoperability with the City and surrounding Counties as they transition to the 700mhz network. Contractor will provide technical services to ensure proper installation and programming of the digitally trunked radio system.	12/15/2010
4067-09/10	40	Public Utilities Commission	Regular	\$150,000	Specialty contractor to assist the SFLIC with the application of the sodium perchlorate algacide (brand name PAK-27) in local source water reservoirs, including but not limited to Calaveras Reservoir, San Antonio Reservoir, Crystal Springs Reservoir and San Andreas Reservoir	2/26/2011
4068-09/10	40	Public Utilities Commission	Regular	\$3,140,000	Provide continued technical support for the development of the Sewer System Master Plan report and associated environmental review process. The Sewer System Master Plan proposes a long-term strategy for the City's wastewater and storm water management, and identifies future capital projects to support the agreed upon levels of service.	12/31/2012

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Lubamersky, Joan (ADM)

From: dhr-psccordinator@sfgov.org on behalf of joan.lubamersky@sfgov.org
Sent: Tuesday, April 22, 2014 6:04 PM
To: Lubamersky, Joan (ADM); david.canham@seiu1021.org; joe.tanner@seiu1021.net; Larry.Bradshaw@seiu1021.org; Lubamersky, Joan (ADM); Isen, Richard (TIS); DHR-PSCCoordinator, DHR (HRD)
Subject: Receipt of Notice for new PCS over \$100K PSC # 43235 - 13/14

RECEIPT for Union Notification for PSC 43235 - 13/14 more than \$100k

The GENERAL SERVICES AGENCY - CITY ADMIN -- ADM has submitted a request for a Personal Services Contract (PSC) 43235 - 13/14 for \$5,000,000 for Initial Request services for the period 07/01/2014 -- 06/30/2018. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/1952> For union notification, please see the

TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again , change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended



OFFICE OF THE
CITY ADMINISTRATOR



Edwin M. Lee, Mayor
Naomi M. Kelly, City Administrator

May 14, 2014

MEMORANDUM

TO: Civil Service Commission
FROM: *Jean Lubamersky*
Joan Lubamersky, Contract Coordinator
SUBJ: PSC 45235 Translation Services
Summary of Department efforts to meet

Please see attached a summary of our efforts to meet with SEIU Local 1021 regarding subject Personal Services Contract.

We would be pleased to meet and answer any questions or concerns they may have.

Enclosures

PSC 45235 Translation Services
Summary of efforts to meet

Sunday April 27	Department received email from SEIU 1021 requesting to meet
Monday, April 28	Department emailed Leah Barlenga suggesting we meet Tuesday April 29 or Wednesday April 30
Tuesday, April 29	Department emailed Ms. Barlenga asking about Wednesday April 30 Ms Barlenga responded that Wednesday would not work and she was trying to coordinate with others.
Wednesday, April 30	Department emailed Ms. Barlenga suggesting we meet Monday, May 5 or Tuesday May 6
Monday, May 5	Department emailed Ms. Barlenga updating our available time on May 5 and 6 as we had not heard back from her.
Monday, May 5	Ms. Barlenga emailed, suggesting Tuesday May 13 to meet
Tuesday, May 6	Department emailed Ms. Barlenga, suggesting Tuesday, May 13 at 12:30 pm
Wednesday, May 7	As Department had not heard back from her, emailed Ms. Barlenga following up regarding May 13.
Monday, May 12	Department left a voice mail message for Ms. Barlenga asking about May 13
Tuesday May 13	Department prepared to meet but SEIU was not present
Tuesday, May 13	Department called Ms. Barlenga to request an update. She said she was involved with MTA bargaining and one of her main stewards was out on vacation. She said she would call in a day or two to schedule a meeting early next week.

From: Leah Berlanga []
Sent: Sunday, April 27, 2014 11:01 AM
To: Johnston, Jennifer (CSC); David Canham
Cc: Larry Bradshaw; Pattie Tamura; DHR-PSCCoordinator, DHR (HRD); Pon, Adrienne (ADM); Bushman, Jennifer (Maglalang) (CSC); Lubamersky, Joan (ADM); Leah Berlanga
Subject: RE: Omit Posting PSC 45235 Language Line - to calendar May 5, 2014

4/27

Joan Lubamersky & PSC Coordinator,

This is a formal response from SEIU Local 1021, we hereby object to the following PSC contract #45235 and are not in agreement to waive our right to a 60day notification.

We are exercising our right to meet and discuss the proposed contract prior to it being scheduled on the CSC calendar. Please contact me at your earliest convenience to schedule an appointment to discuss the PSC contract.

Thank you
Leah Berlanga,
Field Supervisor
SEIU Local 1021

From: Lubamersky, Joan (ADM)
Sent: Monday, April 28, 2014 1:46 PM
To: 'Leah Berlanga'; Johnston, Jennifer (CSC); David Canham
Cc: Larry Bradshaw; Pattie Tamura; DHR-PSCCoordinator, DHR (HRD); Pon, Adrienne (ADM); Bushman, Jennifer (Maglalang) (CSC)
Subject: RE: Omit Posting PSC 45235 Language Line - to calendar May 5, 2014

A/29

Hello Leah:

We would be pleased to meet with to discuss PSC 45235. We are available:

Tomorrow, Tuesday, April 29, 3 PM and after, and
Wednesday, April 30, 8:30 am to 4 pm.

Please let us know what time is good for you.

Regards,

Joan

Joan Lubamersky
GSA/City Administrator
One Carlton B. Goodlett Place, Room 362
San Francisco, CA 94102
Telephone: 415-554-4859
Fax: 415-554-4849

On Apr 29, 2014, at 3:27 PM, "Lubamersky, Joan (ADM)" <
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Thank you very much.

Best regards,

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Subject: Translation Services PSC Monday- only good 12n-2p (need to end by 2)

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Cc: Pon, Adrienne (ADM); David Canham; Larry Bradshaw
Subject: RE: Update re: meeting - Translation Services

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Tuesday March 13 at 12:30 will be good for us. We suggest we meet at the Office of Civic Engagement and Immigrant Affairs (OCEIA), 50 Van Ness, 2nd floor. It is next door to 90 Van Ness.

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Lubamersky, Joan (ADM)

Subject: FW: Update re: meeting - Translation Services

5/7

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Sent: Wednesday, May 07, 2014 1:28 PM
To: Leah Berlanga (Leah.Berlanga@seiu1021.org); 'david.canham@seiu1021.org'; 'Larry.Bradshaw@seiu1021.org'
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Lubamersky, Joan (ADM)

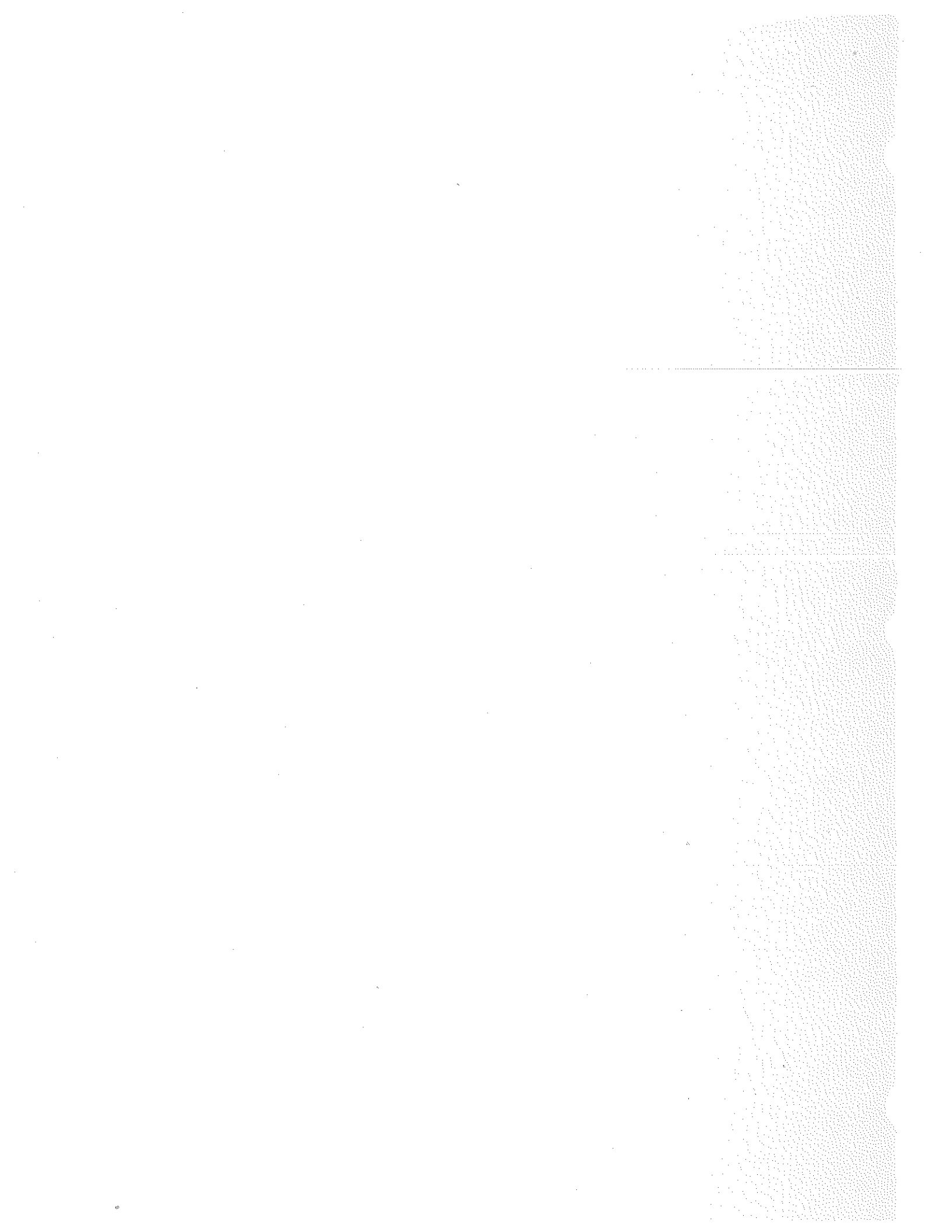
From: Leung, Vitus <Vitus.Leung@sfdpw.org>
Sent: Tuesday, May 13, 2024 3:18 PM
To: Lubamersky, Joan (ADM); Pon, Adrienne (ADM)
Cc: Johnston, Jennifer (CSC); DHR-PSCCoordinator, DHR (HRD)
Subject: RE: staff report on translation services

I called Leah Berlianga with SEIU this morning to get an update. She said she was involved with MTA bargaining and one of her main stewards was out on vacation. She said she would call in a day or two to schedule a meeting early next week. I will call her again real soon. Vitus

Vitus C.W. Leung
Manager, Employee & Labor Relations
General Services Agency
Human Resources Administration
(415)749-2406

Department's Request for Approval to Modify

PSC# 43235-13/14





Edwin M. Lee
Mayor

Micki Callahan
Human Resources Director

Date: June 2, 2014

To: The Honorable Civil Service Commission

Through: Micki Callahan
Human Resources Director

From: Joan Lubamersky, GSA

Subject: Personal Services Contracts Approval Request

This report contain one (1) personal services contracts (PSCs) in accordance with the revised Civil Service Commission (CSC) procedures for processing PSCs that became effective on July 1, 1996.

The services proposed by these contracts have been reviewed by Department of Human Resources (DHR) staff to evaluate whether the requesting departments have complied with City policy and procedures regarding PSCs. The proposed PSCs have been posted on the DHR website for seven (7) calendar days. CSC procedures for processing PSCs require that any appeal of these contracts be filed in the office of the CSC, Executive Officer during the posting period.

No timely appeals have been filed regarding the PSCs contained in this report. These proposed PSCs are being submitted to the CSC for ratification/approval.

DHR has prepared the following cost summary for personal services contracts that have been processed through the Department of Human Resources to date:

Total of this Report	YTD Expedited Approvals FY 2013-2014	Total for FY 2013-2014
\$5,000,000.00	\$7,606,978	\$785,927,131

Joan Lubamersky
General Services Agency – City Admin.
1 Dr. Carlton B. Goodlett Pl., Rm. 362
San Francisco, CA 94102
(415) 554-4859

Table of Contents
PSC Submissions

Regular PSCs	Department	Page
43235-13/14	City Admin.	1

**Posting for June 2, 2014
Proposed Personal Services Contract - Regular**

PSC No	Dept Description	Amount	Description of Work	PSC Estimated	
				Start Date	End Date
43235-13/14	GENERAL SERVICES AGENCY - CITY ADMIN	\$5,000,000.00	Three contractors shall provide 1) a single, toll-free 800 telephone number for participating City departments to access telephonic language interpretation services in Core Languages and must be available 24 hours a day, 365 days of the year; or 2) document translation or other non-telephonic language services; or 3) Community Interpreter Training and language proficiency assessment. All language services will be performed by individuals who are certified by the State of California Certified and/or American Standards for Testing and Materials or for legal and medical interpretation. Core Languages will be defined as Chinese (Cantonese and Mandarin, Spanish, Filipino (Tagalog), Russian, and Vietnamese. Additionally, other languages may be included as needs emerge. Contractor services will only be used when a City employee is not available to conduct the interpretation/translation work or when legal needs require an interpreter/translator who is certified and therefore less open to potential legal challenges.	7/1/2014	6/30/2018

Total Amount: \$5,000,000.00

POSTING FOR

June 2, 2014

PROPOSED PERSONAL SERVICES CONTRACTS – REGULAR**Commission Hearing Date**

2014-06-02

APPLY

PSC No	Dept Designation	PSC Amount	Description of Work	PSC Estimated Start Date	PSC Estimated End Date
43235 - 13/14	GENERAL SERVICES - AGENCY - CITY ADMIN	\$5,000,000.00	Three contractors shall provide 1) a single, toll-free 800 telephone number for participating City departments to access telephonic language interpretation services in Core Languages and must be available 24 hours a day, 365 days of the year; or 2) document translation or other non-telephonic language services; or 3) Community Interpreter Training and language proficiency assessment. All language services will be performed by individuals who are certified by the State of California Certified and/or American Standards for Testing and Materials or for legal and-medical interpretation. Core Languages will be defined as Chinese (Cantonese and Mandarin, Spanish, Filipino (Tagalog), Russian, and Vietnamese. Additionally, other languages may be included as needs emerge. Contractor services will only be used when a City employee is not available to conduct the interpretation/translation work or when legal needs require an interpreter/translator who is certified and therefore less open to potential legal challenges.	July 1, 2014	June 30, 2018

TOTAL AMOUNT \$5,000,000

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: GENERAL SERVICES AGENCY - CITY ADMIN - ADM Dept. Code: ADM

Type of Request: [X] Initial [] Modification of an existing PSC (PSC # _____)

Type of Approval: [] Expedited [X] Regular [] Omit Posting

Type of Service: Telephonic Language Interpretation 24/7/365

Funding Source: General Fund PSC Duration: 4 years
PSC Amount: \$5,000,000 PSC Est. Start Date: 07/01/2014 PSC Est. End Date: 06/30/2018

1. Description of Work

A. Scope of Work:

Three contractors shall provide 1) a single, toll-free 800 telephone number for participating City departments to access telephonic language interpretation services in Core Languages and must be available 24 hours a day, 365 days of the year; or 2) document translation or other non-telephonic language services; or 3) Community Interpreter Training and language proficiency assessment. All language services will be performed by individuals who are certified by the State of California Certified and/or American Standards for Testing and Materials or for legal and medical interpretation. Core Languages will be defined as Chinese (Cantonese and Mandarin, Spanish, Filipino (Tagalog), Russian, and Vietnamese. Additionally, other languages may be included as needs emerge. Contractor services will only be used when a City employee is not available to conduct the interpretation/translation work or when legal needs require an interpreter/translator who is certified and therefore less open to potential legal challenges.

B. Explain why this service is necessary and the consequence of denial:

These services are required by the San Francisco Language Access Ordinance, which was adopted by the Board of Supervisors and signed into law by the Mayor on June 15 2001, and amended by the Board and approved by the Mayor in August 2009. Chapter 91 of the City's Administrative Code requires all city departments to provide the same level of service to Limited English Speaking Persons (LESP) as they provide to English Speakers in each language that meets certain language thresholds. Denial would result in making implementation of Chapter 91 very difficult for most City departments, and departments doing so without these services may incur significant costs or be subject to liability.

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC. These services were performed under PSC 4065-09/10

D. Will the contract(s) be renewed? Unknown.

2. Union Notification: On 04/22/2014, the Department notified the following employee organizations of this PSC/RFP request: SEIU 1021 Miscellaneous,

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 43235 - 13/14

DHR Analysis/Recommendation: Commission Approval Required DHR Approved for 06/02/2014

Civil Service Commission Action:

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:

1) Certification by the State of California Certified and/or American Standards for Testing and Materials (2) Trained in customer service skills (3) Certified for legal and medical interpretation (4) Trained in specific knowledge areas specified by the City of San Francisco, including cultural and linguistic competency.

B. Which, if any, civil service class(es) normally perform(s) this work?

1324, 1326, 2903, 1408, 1410, 1840, 2586,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:

Yes. This may include dual-handset analog phones, video-conferencing equipment, listening devices, and other language translation equipment.

4. Why Classified Civil Service Cannot Perform

A. Explain why civil service classes are not applicable:

The tasks performed under contract are those for when city employees are not available or when special skills or equipment are necessary.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No. City employees would be required to have special certification and tasks are performed as needed.

5. Additional Information (if "yes", attach explanation)

YES NO

- A. Will the contractor directly supervise City and County employee? YES NO
- B. Will the contractor train City and County employee? YES NO
- C. Are there legal mandates requiring the use of contractual services? YES NO
- D. Are there federal or state grant requirements regarding the use of contractual services? YES NO
- E. Has a board or commission determined that contracting is the most effective way to provide this service? YES NO
- F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? YES NO

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD

ON 04/25/2014 BY:

Name: Joan Lubamersky Phone: 4155544859 Email: joan.lubamersky@sfgov.org

Address: One Carlton B. Goodlett Place Room 362 San Francisco, CA 94102





OFFICE OF THE
CITY ADMINISTRATOR



Edwin M. Lee, Mayor
Naomi M. Kelly, City Administrator

May 14, 2014

MEMORANDUM

TO: Civil Service Commission
FROM: *Joan Lubamersky*
Joan Lubamersky, Contract Coordinator
SUBJ: PSC 45235 Translation Services
Summary of Department efforts to meet

Please see attached a summary of our efforts to meet with SEIU Local 1021 regarding subject Personal Services Contract.

We would be pleased to meet and answer any questions or concerns they may have.

Enclosures

PSC 45235 Translation Services
Summary of efforts to meet

Sunday April 27	Department received email from SEIU 1021 requesting to meet
Monday, April 28	Department emailed Leah Barlenga suggesting we meet Tuesday April 29 or Wednesday April 30
Tuesday, April 29	Department emailed Ms. Barlenga asking about Wednesday April 30 Ms Barlenga responded that Wednesday would not work and she was trying to coordinate with others.
Wednesday, April 30	Department emailed Ms. Barlenga suggesting we meet Monday, May 5 or Tuesday May 6
Monday, May 5	Department emailed Ms. Barlenga updating our available time on May 5 and 6 as we had not heard back from her.
Monday, May 5	Ms. Barlenga emailed, suggesting Tuesday May 13 to meet
Tuesday, May 6	Department emailed Ms. Barlenga, suggesting Tuesday, May 13 at 12:30 pm
Wednesday, May 7	As Department had not heard back from her, emailed Ms. Barlenga following up regarding May 13.
Monday, May 12	Department left a voice mail message for Ms. Barlenga asking about May 13
Tuesday May 13	Department prepared to meet but SEIU was not present
Tuesday, May 13	Department called Ms. Barlenga to request an update. She said she was involved with MTA bargaining and one of her main stewards was out on vacation. She said she would call in a day or two to schedule a meeting early next week.

From: Leah Berlanga []
Sent: Sunday, April 27, 2014 11:01 AM
To: Johnston, Jennifer (CSC); David Canham
Cc: Larry Bradshaw; Pattie Tamura; DHR-PSCCoordinator, DHR (HRD); Pon, Adrienne (ADM); Bushman, Jennifer (Maglalang) (CSC); Lubamersky, Joan (ADM); Leah Berlanga
Subject: RE: Omit Posting PSC 45235 Language Line - to calendar May 5, 2014

4/27

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This is a formal response from SEIU Local 1021, we hereby object to the following PSC contract #45235 and are not in agreement to waive our right to a 60day notification.

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Lubamersky, Joan (ADM)

From: Leung, Vitus <Vitus.Leung@sfdpw.org>
Sent: Tuesday, May 13, 2024 3:18 PM
To: Lubamersky, Joan (ADM); Pon, Adrienne (ADM)
Cc: Johnston, Jennifer (CSC); DHR-PSCCoordinator, DHR (HRD)
Subject: RE: staff report on translation services

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Vitus C.W. Leung
Manager, Employee & Labor Relations
General Services Agency
Human Resources Administration
(415)749-2406

UNION NOTIFICATION PSC 43235-13/14

Lubamersky, Joan (ADM)

From: Lubamersky, Joan (ADM)
Sent: Tuesday, April 22, 2014 6:32 PM
To: 'Larry.Bradshaw@seiu1021.org'; 'joe.tanner@seiu1021.org';
'david.canham@seiu1021.org'; 'pattie.tamura@seiu1021.org'
Cc: Pon, Adrienne (ADM); Leung, Vitus (vitus.leung@sfdpw.org)
Subject: Request for Waiver of Notice - Language Line Personal Services Contract PSC
43235-13/14
Attachments: PSC Form 1 PSC 43235 Language Line \$5 million 2014 - 2018.pdf

To SEIU:

This contract came up a few years ago. We worked with Ed Washauer on it. Adrienne Pon, Director of the Office of Immigrant Rights and Civic Engagement, discussed with him that the language line services did not replace City employees. He did not object to the contract.

I misunderstood that I was asked to submit this PSC - there was a confusion about PSC numbers. Therefore it is very late. In order for all the participating departments (including public safety) to have their work orders submitted and approved, we would need this to be on the CSC calendar for May 5 or May 19. I will be asking CSC to do that - but first we respectfully request that 1021 waive the 60 day notice requirement.

The new PSC has been uploaded to the City PSC database. I attached the Form 1 to this email.

Thank you very much for your consideration. If there is anyone else I would need to contact about this, please let me know. I apologize for this.

If SEIU agrees to waive notice requirements, we would very much appreciate your responding to this email to let us know.

Joan Lubamersky
Contract Coordinator
Office of the City Administrator
Office: 415-554-4859

Lubamersky, Joan (ADM)

From: dhr-psccordinator@sfgov.org on behalf of joan.lubamersky@sfgov.org
Sent: Tuesday, April 22, 2014 6:04 PM
To: Lubamersky, Joan (ADM); david.canham@seiu1021.org; joe.tanner@seiu1021.net; Larry.Bradshaw@seiu1021.org; Lubamersky, Joan (ADM); Iser, Richard (TIS); DHR-PSCCoordinator, DHR (HRE)
Subject: Receipt of Notice for new PCS over \$100K PSC # 43235 - 13/14

RECEIPT for Union Notification for PSC 43235 - 13/14 more than \$100k

The GENERAL SERVICES AGENCY - CITY ADMIN -- ADM has submitted a request for a Personal Services Contract (PSC) 43235 - 13/14 for \$5,000,000 for Initial Request services for the period 07/01/2014 -- 06/30/2018. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrugal/node/1952> For union notification, please see the TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again, change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

EMAIL TO SEIU 1021 MISCELLANEOUS

Dang, Leorah (HRD)

From: Johnston, Jennifer (CSC)
Sent: Friday, April 25, 2014 8:07 AM
To: Lubamersky, Joan (ADM); 'Larry.Bradshaw@seiu1021.org';
'david.canham@seiu1021.org'; 'pattie.tamura@seiu1021.org'
Cc: DHR-PSCCoordinator, DHR (HRD); Pon, Adrienne (ADM); Bushman, Jennifer (Maglalang) (CSC)
Subject: RE: Omit Posting PSC 45235 Language Line - to calendar May 5, 2014

Dear David, Pattie and Larry:

This matter will be placed on the Regular Agenda for the Civil Service Commission meeting of May 5th. You will receive a meeting notification later this morning, along with the PSC packet. Please let me know if you have any questions or in the event that you wish to contest the PSC.

Sincerely,

Jennifer Johnston
Executive Officer
Civil Service Commission
Phone: (415) 252-3247
Fax: (415) 252-3260
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102
www.sfgov.org/Civil_Service

From: Lubamersky, Joan (ADM)
Sent: Thursday, April 24, 2014 9:34 PM
To: 'Larry.Bradshaw@seiu1021.org'; 'david.canham@seiu1021.org'; 'pattie.tamura@seiu1021.org'
Cc: DHR-PSCCoordinator, DHR (HRD); Johnston, Jennifer (CSC); Lubamersky, Joan (ADM); Pon, Adrienne (ADM)
Subject: Omit Posting PSC 45235 Language Line - to calendar May 5, 2014

To SEIU:

I have been advised by DHR that the procedure to omit posting, which will be required to provide these vital translation services, includes my informing you of the May 5, 2014 CSC date for this item.

The PSC is on line for you to view, including many supporting documents that require equal access to language services for all populations.

Thank you very much.

Joan

Joan Lubamersky
GSA/City Administrator
One Carlton B. Goodlett Place, Room 362
San Francisco, CA 94102
Telephone: 415-554-4859
Fax: 415-554-4849

From: Lubamersky, Joan (ADM)

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Cc: Pon, Adrienne (ADM); Leung, Vitus (vitus.leung@sfdpw.org)

Subject: Request for Waiver of Notice - Language Line Personal Services Contract PSC 43235-13/14

To SEIU:

This contract came up a few years ago. We worked with Ed Washauer on it. Adrienne Pon, Director of the Office of Immigrant Rights and Civic Engagement, discussed with him that the language line services did not replace City employees. He did not object to the contract.

I misunderstood that I was asked to submit this PSC - there was a confusion about PSC numbers. Therefore it is very late. In order for all the participating departments (including public safety) to have their work orders submitted and approved, we would need this to be on the CSC calendar for May 5 or May 19. I will be asking CSC to do that - but first we respectfully request that 1021 waive the 60 day notice requirement.

The new PSC has been uploaded to the City PSC database. I attached the Form 1 to this email.

Thank you very much for your consideration. If there is anyone else I would need to contact about this, please let me know. I apologize for this.

If SEIU agrees to waive notice requirements, we would very much appreciate your responding to this email to let us know.

Joan Lubamersky
Contract Coordinator
Office of the City Administrator
Office: 415-554-4859

TITLE VI OF THE 1964 CIVIL RIGHTS ACT

TITLE VI OF THE 1964 CIVIL RIGHTS ACT

42 U.S.C §§ 2000d - 2000d-7

TITLE 42 - The Public Health and Welfare

SUBCHAPTER V - FEDERALLY ASSISTED PROGRAMS

- Sec. 2000d. Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin
- Sec. 2000d-1. Federal authority and financial assistance to programs or activities by way of grant, loan, or contract other than contract of insurance or guaranty; rules and regulations; approval by President; compliance with requirements; reports to Congressional committees; effective date of administrative action
- Sec. 2000d-2. Judicial review; administrative procedure provisions
- Sec. 2000d-3. Construction of provisions not to authorize administrative action with respect to employment practices except where primary objective of Federal financial assistance is to provide employment
- Sec. 2000d-4. Federal authority and financial assistance to programs or activities by way of contract of insurance or guaranty
- Sec. 2000d-4a. "Program or activity" and "program" defined
- Sec. 2000d-5. Prohibited deferral of action on applications by local educational agencies seeking Federal funds for alleged noncompliance with Civil Rights Act
- Sec. 2000d-6. Policy of United States as to application of nondiscrimination provisions in schools of local educational agencies
- Sec. 2000d-7. Civil rights remedies equalization

CROSS REFERENCE

Age discrimination in employment, see section 621 et seq. of title 29, Labor.

Age discrimination in federally assisted programs, see section 6101 et seq. of this title.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 290cc-34, 300w-7, 300x- 7, 708, 1437l, 1988 , 2000d-6, 2000d-7, 2000h, 3608, 3608a, 4621, 5057, 5309, 5891, 6709, 6870, 8625, 9906, 10406, of this title; title 15 sections 719o, 775, 3151; title 20 sections 1231e, 1232i, 1717, 3022, 3291; title 23 sections 117, 324; title 29 sections 794a, 1577; title 40 section 476; title 43 section 1863; title 49 section 306; title 49 App. sections 1604, 1615, 2208, 2219.

Sec. 2000d. Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin

No person in the United States shall, on the 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.

(Pub. L. 88-352, title VI, Sec. 601, July 2, 1964, 78 Stat. 252.)

COORDINATION OF IMPLEMENTATION AND ENFORCEMENT OF PROVISIONS

For provisions relating to the coordination of implementation and enforcement of the provisions of this subchapter by the Attorney General, see section 1-201 of Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72995, set out as a note under section 2000d-1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2000d-1 of this title; title 39 section 410.

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Sec. 2000d-1. Federal authority and financial assistance to programs or activities by way of grant, loan, or contract other than contract of insurance or guaranty; rules and regulations; approval by President; compliance with requirements; reports to Congressional committees; effective date of administrative action

Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 2000d of this title with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected

(1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or

(2) by any other means authorized by law:

**Provided, however*, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction*

over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

(Pub. L. 88-352, title VI, Sec. 602, July 2, 1964, 78 Stat. 252.)

DELEGATION OF FUNCTION

Function of the President relating to approval of rules, regulations, and orders of general applicability under this section, delegated to the Attorney General, see section 1-101 of Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72995, set out as a note below.

EQUAL OPPORTUNITY IN FEDERAL EMPLOYMENT

Nondiscrimination in government employment and in employment by government contractors and subcontractors, see Ex. Ord. No. 11246, eff. Sept. 24, 1965, 30 F.R. 12319, and Ex. Ord. No. 11478, eff. Aug. 8, 1969, 34 F.R. 12985, set out as notes under section 2000e of this title.

EXECUTIVE ORDER NO. 11247

Ex. Ord. No. 11247, eff. Sept. 24, 1965, 30 F.R. 12327, which related to the enforcement of coordination of nondiscrimination in federally assisted programs, was superseded by Ex. Ord. No. 11764, eff. Jan. 21, 1974, 39 F.R. 2575, formerly set out as a note below.

EXECUTIVE ORDER NO. 11764

Ex. Ord. No. 11764, Jan. 21, 1974, 39 F.R. 2575, which related to coordination of enforcement of the provisions of this subchapter, was revoked by section 1-501 of Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72996, set out as a note below.

EX. ORD. NO. 12250. LEADERSHIP AND COORDINATION OF IMPLEMENTATION AND ENFORCEMENT OF NONDISCRIMINATION LAWS

[Body of Executive Order No. 12250]

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2000d-2, 2000d-5, 5057, 9821, 9849, 10406 of this title; title 39 section 410.

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Sec. 2000d-2. Judicial review; administrative procedure provisions

Any department or agency action taken pursuant to section 2000d-1 of this title shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 2000d-1 of this title, any person aggrieved (including any State or political subdivision thereof and any agency of either)

may obtain judicial review of such action in accordance with chapter 7 of title 5, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that chapter.

(Pub. L. 88-352, title VI, Sec. 603, July 2, 1964, 78 Stat. 253.)

CODIFICATION

"Chapter 7 of title 5" and "that chapter" were substituted in text for "section 10 of the Administrative Procedure Act" and "that section", respectively, on authority of Pub. L. 89-554, Sec. 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees. Prior to the enactment of Title 5, section 10 of the Administrative Procedure Act was classified to section 1009 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2930c, 2971c, 2985g, 5057, 9821, 9849, 10406 of this title; title 39 section 410.

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Sec. 2000d-3. Construction of provisions not to authorize administrative action with respect to employment practices except where primary objective of Federal financial assistance is to provide employment

Nothing contained in this subchapter shall be construed to authorize action under this subchapter by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

(Pub. L. 88-352, title VI, Sec. 604, July 2, 1964, 78 Stat. 253.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 39 section 410.

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Sec. 2000d-4. Federal authority and financial assistance to programs or activities by way of contract of insurance or guaranty

Nothing in this subchapter shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

(Pub. L. 88-352, title VI, Sec. 605, July 2, 1964, 78 Stat. 253.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 39 section 410.

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Sec. 2000d-4a. "Program or activity" and "program" defined

For the purposes of this subchapter, the term "program or activity" and the term "program" mean all of the operations of -

(1)

(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)

(A) a college, university, or other postsecondary institution, or a public system of higher education; or

(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

(3)

(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship -

(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

(Pub. L. 88-352, title VI, Sec. 606, as added Pub. L. 100-259, Sec. 6, Mar. 22, 1988, 102 Stat. 31.)

REFERENCES IN TEXT

Section 198(a)(10) of the Elementary and Secondary Education Act of 1965, referred to in par. (2)(B), is section 198 of Pub. L. 89-10, title I, as added by Pub. L. 95-561, title I, Sec. 101(a), Nov. 1, 1978, 92 Stat. 2198, which was classified to section 2854 of Title 20, Education, prior to the complete revision of Pub. L. 89-10 by Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 140. For definitions, see section 2891 of Title 20.

EXCLUSION FROM COVERAGE

This section not to be construed to extend application of Civil Rights Act of 1964 [42 U.S.C. 2000a et seq.] to ultimate beneficiaries of Federal financial assistance excluded from coverage before Mar. 22, 1988, see section 7 of Pub. L. 100-259, set out as a Construction note under section 1687 of Title 20, Education.

ABORTION NEUTRALITY

This section not to be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal funds to perform or pay for an abortion, see section 8 of Pub. L. 100-259, set out as a note under section 1688 of Title 20, Education.

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Sec. 2000d-5. Prohibited deferral of action on applications by local educational agencies seeking Federal funds for alleged noncompliance with Civil Rights Act

The Secretary of Education shall not defer action or order action deferred on any application by a local educational agency for funds authorized to be appropriated by this Act, by the Elementary and Secondary Education Act of 1965 [20 U.S.C. 2701 et seq.], by the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) [20 U.S.C. 236 et seq.], by the Act of September 23, 1950 (Public Law 815, Eighty-first Congress) [20 U.S.C. 631 et seq.], or by the Cooperative Research Act [20 U.S.C. 331 et seq.], on the basis of alleged noncompliance with the provisions of this subchapter for more than sixty days after notice is given to such local agency of such deferral unless such local agency is given the opportunity for a hearing as provided in section 2000d-1 of this title, such hearing to be held within sixty days of such notice, unless the time for such hearing is extended by mutual consent of such local agency and the Secretary, and such deferral shall not continue for more than thirty days after the close of any such hearing unless there has been an express finding on the record of such hearing that such local educational agency has failed to comply with the provisions of this subchapter:

Provided, That, for the purpose of determining whether a local educational agency is in compliance with this subchapter, compliance by such agency with a final order or judgment of a

Federal court for the desegregation of the school or school system operated by such agency shall be deemed to be compliance with this subchapter, insofar as the matters covered in the order or judgment are concerned.

(Pub. L. 89-750, title I, Sec. 182, Nov. 3, 1966, 80 Stat. 1209; Pub. L. 90-247, title I, Sec. 112, Jan. 2, 1968, 81 Stat. 787; Pub. L. 96-88, title III, Sec. 301(a)(1), title V, Sec. 507, Oct. 17, 1979, 93 Stat. 677, 692.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 89-750, Nov. 3, 1966, 80 Stat. 1191, as amended, known as the Elementary and Secondary Education Amendments of 1966. For complete classification of that Act to the Code, see Short Title of 1966 Amendment note set out under section 2701 of Title 20, Education, and Tables.

The Elementary and Secondary Education Act of 1965, referred to in text, is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended generally by Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 140, which is classified generally to chapter 47 (Sec. 2701 et seq.) of Title 20. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of Title 20 and Tables.

Act of September 30, 1950, referred to in text, is act Sept. 30, 1950, ch. 1124, 64 Stat. 1100, as amended, popularly known as the Educational Agencies Financial Aid Act, which is classified generally to chapter 13 (Sec. 236 et seq.) of Title 20. For complete classification of this Act to the Code, see Short Title note set out under section 236 of Title 20 and Tables.

Act of September 23, 1950, referred to in text, is act Sept. 23, 1950, ch. 995, as amended generally by Aug. 12, 1958, Pub. L. 85-620, title I, 72 Stat. 548, which is classified generally to chapter 19 (Sec. 631 et seq.) of Title 20. For complete classification of this Act to the Code, see Tables.

The Cooperative Research Act, referred to in text, is act July 26, 1954, ch. 576, 68 Stat. 533, which was classified generally to chapter 15 (Sec. 331 et seq.) of Title 20, and terminated on July 1, 1975, under provisions of section 402(c)(1) of Pub. L. 93-380, title IV, Aug. 21, 1974, 88 Stat. 544. See section 1851 et seq. of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Elementary and Secondary Education Amendments of 1966, and not as part of the Civil Rights Act of 1964, title VI of which comprises this subchapter.

AMENDMENTS

1968 - Pub. L. 90-247 inserted proviso.

EFFECTIVE DATE

Section 191 of Pub. L. 89-750 provided that: "The provisions of this title [enacting this section and sections 241m, 871 to 880, and 886 of Title 20, Education, amending sections 241b, 241c,

241e, 241f, 241g, 241h, 241j, 241k, 241l, 244, 331a, 332a, 332b, 821, 822, 823, 841, 842, 843, 844, 861, 862, 863, 864, 883, and 884 of Title 20, repealing section 241d of Title 20, and enacting provisions set out as notes under sections 241a, 241b, and 241c of Title 20] shall be effective with respect to fiscal years beginning after June 30, 1966, except as specifically provided otherwise."

TRANSFER OF FUNCTIONS

"Secretary of Education" and "Secretary" substituted in text for "Commissioner of Education" and "Commissioner", respectively, pursuant to sections 301(a)(1) and 507 of Pub. L. 96-88, which are classified to sections 3441(a)(1) and 3507 of Title 20, Education, and which transferred all functions of Commissioner of Education of Department of Health, Education, and Welfare to Secretary of Education.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2000d-6 of this title.

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Sec. 2000d-6. Policy of United States as to application of nondiscrimination provisions in schools of local educational agencies

(a) Declaration of uniform policy

It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.] and section 182 of the Elementary and Secondary Education Amendments of 1966 [42 U.S.C. 2000d-5] dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation.

(b) Nature of uniformity

Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

(c) Prohibition of construction for diminution of obligation for enforcement or compliance with nondiscrimination requirements

Nothing in this section shall be construed to diminish the obligation of responsible officials to enforce or comply with such guidelines and criteria in order to eliminate discrimination in federally assisted programs and activities as required by title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.].

(d) Additional funds

It is the sense of the Congress that the Department of Justice and the Secretary of Education should request such additional funds as may be necessary to apply the policy set forth in this section throughout the United States.

(Pub. L. 91-230, Sec. 2, Apr. 13, 1970, 84 Stat. 121; Pub. L. 96-88, title III, Sec. 301, title V, Sec. 507, Oct. 17, 1979, 93 Stat. 677, 692.)

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsecs. (a) and (c), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to this subchapter (Sec. 2000d et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.

CODIFICATION

Section was enacted as part of the Elementary and Secondary Education Amendments of 1969, and not as part of the Civil Rights Act of 1964, title VI of which comprises this subchapter.

TRANSFER OF FUNCTIONS

"Secretary of Education" substituted for "Department of Health, Education, and Welfare" in subsec. (d) pursuant to sections 301 and 507 of Pub. L. 96-88, which are classified to sections 3441 and 3507 of Title 20, Education, and which transferred functions and offices (relating to education) of Department and Secretary of Health, Education, and Welfare to Secretary of Education.

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Sec. 2000d-7. Civil rights remedies equalization

(a) General provision

(1) A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794], title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], or the provisions of any other Federal statute prohibiting discrimination by recipients of Federal financial assistance.

(2) In a suit against a State for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State.

(b) Effective date

The provisions of subsection (a) of this section shall take effect with respect to violations that occur in whole or in part after October 21, 1986.

(Pub. L. 99-506, title X, Sec. 1003, Oct. 21, 1986, 100 Stat. 1845.)

REFERENCES IN TEXT

The Education Amendments of 1972, referred to in subsec. (a)(1), is Pub. L. 92-318, June 23, 1972, 86 Stat. 235, as amended. Title IX of the Education Amendments of 1972 is classified principally to chapter 38 (Sec. 1681 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title of 1972 Amendment note set out under section 1001 of Title 20 and Tables.

The Age Discrimination Act of 1975, referred to in subsec. (a)(1), is title III of Pub. L. 94-135, Nov. 28, 1975, 89 Stat. 728, as amended, which is classified generally to chapter 76 (Sec. 6101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

The Civil Rights Act of 1964, referred to in subsec. (a)(1), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to this subchapter (Sec. 2000d et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.

CODIFICATION

Section was enacted as part of the Rehabilitation Act Amendments of 1986, and not as part of the Civil Rights Act of 1964, title VI of which comprises this subchapter.



Presidential Documents

Title 3—

Executive Order 13166 of August 11, 2000

The President

Improving Access to Services for Persons With Limited English Proficiency

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

Section 1. Goals.

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Sec. 2. Federally Conducted Programs and Activities.

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

Sec. 3. Federally Assisted Programs and Activities.

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order,

each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the Federal Register for public comment.

Sec. 4. Consultations.

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

Sec. 5. Judicial Review.

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.

William J. Clinton

THE WHITE HOUSE,
August 11, 2000.

EXECUTIVE ORDER 13166

CAL. GOV'T CODE § 7290 et seq.

The Dymally-Alatorre Bilingual Services Act.

§ 7290. Citation

This chapter may be known and cited as the Dymally-Alatorre Bilingual Services Act.

§7291. Legislative declarations and intent

The Legislature hereby finds and declares that the effective maintenance and development of a free and democratic society depends on the right and ability of its citizens and residents to communicate with their government and the right and ability of the government to communicate with them.

The Legislature further finds and declares that substantial numbers of persons who live, work and pay taxes in this state are unable, either because they do not speak or write English, at all, or because their primary language is other than English, effectively to communicate with their government. The Legislature further finds and declares that state and local agency employees frequently are unable to communicate with persons requiring their services because of this language barrier. As a consequence, substantial numbers of persons presently are being denied rights and benefits to which they would otherwise be entitled.

It is the intention of the Legislature in enacting this chapter to provide for effective communication between all levels of government in this state and the people of this state who are precluded from utilizing public services because of language barriers.

§7292. Required employment of qualified bilingual persons by state agencies Every state agency, as defined in Section 11000, except the State Compensation Insurance Fund, directly involved in the furnishing of information or the rendering of services to the public whereby contact is made with a substantial number of non-English-speaking people, shall employ a sufficient number of qualified bilingual persons in public contact positions to ensure provision of information and services to the public, in the language of the non-English-speaking person.

§7293. Required employment of qualified bilingual persons by local agencies

Every local public agency, as defined in Section 54951, serving a substantial number of non-English-speaking people, shall employ a sufficient number of qualified bilingual persons in public contact positions or as interpreters to assist those in such positions, to ensure provision of information and services in the language of the non-English-speaking person. The determination of what constitutes a substantial number of non-English-speaking people and a sufficient number of qualified bilingual persons shall be made by the local agency.

§7294. Implementation of chapter by retirement or normal attrition

An employee of a state or local agency, as defined by Sections 11000 and 54951, may not be dismissed to carry out the purposes of this chapter. A state or local public agency need only implement this chapter by filling employee public contact positions made vacant by retirement or normal attrition.

§7295. Translation of materials explaining services available

Any materials explaining services available shall be translated into any non-English language spoken by a substantial number of the public served by the agency. Whenever notice of the availability of materials explaining services available is given, orally or in writing, it shall be given in English and in the non-English language into which any materials have been translated. The determination of when these materials are necessary when dealing with local agencies shall be left to the discretion of the local agency.

§7295.2. Translation of state agency materials explaining services

Every state agency which serves a substantial number of non-English speaking people and which provides materials in English explaining services shall also provide the same type of materials in any non-English language spoken by a substantial number of the public served by the agency. Whenever notice of the availability of materials explaining services available is given, orally or in writing, it shall be given in English and in the non-English language into which any materials have been translated. This section shall not be interpreted to require verbatim translations of any materials provided in English by a state agency.

§7295.4. Distribution of written materials in non-English language by state agency

Whenever a state agency finds that the factors listed in both subdivisions (a) and (c) or (b) and (c) exist, it shall distribute the applicable written materials in the appropriate non-English language through its local offices or facilities to non-English-speaking persons, or, as an alternative, the state agency may instead elect to furnish translation aids, translation guides, or provide assistance at such local offices in completing English forms or questionnaires and in understanding English forms, letters or notices.

- (a) The written materials, whether forms, applications, questionnaires, letters or notices, solicit or require the furnishing of information from an individual or provide that individual with information.
- (b) The information solicited, required or furnished affects or may affect the individual's rights, duties or privileges with regard to that agency's services or benefits.
- (c) The local office or facility of the agency with which the individual is dealing, serves a substantial number of non-English-speaking persons.

§7296. "Bilingual person"

As used in this chapter, a "bilingual person" is a person who is proficient in both the English language and the foreign language to be used.

§7296.2. "Substantial number of non-English-speaking people"

As used in Sections 7292 and 7295.2, a "substantial number of non-English-speaking people" are members of a group who either do not speak English, or who are unable to effectively communicate in English because it is not their native language, and who comprise 5 percent or more of the people served by any local office or facility of a state agency.

§7296.4. "A sufficient number of qualified bilingual persons in public contact positions"

As used in Section 7292, "a sufficient number of qualified bilingual persons in public contact positions" is the number required to provide the same level of services to non-English-speaking persons as is available to English-speaking persons seeking such services; provided, however, that where the local office or facility of the state employs the equivalent of 25 or fewer regular, full-time employees, it shall constitute compliance with the requirements of this chapter if a sufficient number of qualified bilingual persons are employed in public contact positions, or as interpreters to assist those in such positions, to provide the same level of services to non-English-speaking persons as is available to English-speaking persons seeking such services from such office or facility.

§7297. "Public contact position"

As used in this chapter, a "public contact position" is a position determined by the agency to be one which emphasizes the ability to meet, contact and deal with the public in the performance of the agency's functions.

§7298. Exclusion of school districts and officers

The provisions of this chapter are not applicable to school districts, county boards of education, or the office of a county superintendent of schools.

§7299. Implementation consistent with public funds, federal law, and civil service

The provisions of this act shall be implemented to the extent that local, state or federal funds are available, and to the extent permissible under federal law and the provisions of civil service law governing the state and local agencies.

§7299.1. Telephone based interpretation services

State agencies may, utilizing existing funds, contract for telephone based interpretation services in addition to employing bilingual persons in public contact positions.

§7299.2. Responsibilities of State Personnel Board

The State Personnel Board shall be responsible for informing state agencies of their responsibilities under this chapter and providing state agencies with technical assistance, upon request on a reimbursable basis.

§7299.4. Survey by state agencies

Each state agency shall conduct a survey of each of its local offices every two years to determine all of the following:

- (a) The number of public contact positions in each local office.
- (b) The number of bilingual employees in public contact positions, and the languages they speak, other than English.
- (c) The number and percentage of non-English-speaking people served by each local office, broken down by native language.

- (d) The number of anticipated vacancies in public contact positions.
- (e) Whether the use of contracted telephone based interpretation services in addition to bilingual persons in public contact positions is serving the language needs of the people served by the agency.
- (f) Any other relevant information requested by the State Personnel Board. Each agency shall calculate the percentage of non-English-speaking people served by each local office by rounding the percentage arrived at to the nearest whole percentage point.

The survey results shall be reported on forms provided by the State Personnel Board, and delivered to the board not later than March 31 of every even-numbered year beginning with 1992.

§7299.5. Exemptions

The State Personnel Board may exempt state agencies from the requirements of Section 7299.4, where the State Personnel Board determines that any of the following conditions apply:

- (a) The agency does not furnish information or render services to the public.
- (b) The agency has consistently received such limited public contact with the non-English speaking public that it has not been required to employ bilingual staff under Section 7292.

In order to receive an exemption, each state agency must annually petition the State Personnel Board for the exemption and receive approval in writing. An agency may not receive an exemption for more than three consecutive years.

§7299.6. Delivery of survey results and plan of compliance to State Personnel Board

The results of the survey required to be made by Section 7299.4 shall be compiled by the State Personnel Board and provided in a report to the Legislature every two years.

§7299.8. Establishment of bilingual positions where less than specified percent of people are non-English speaking; Filling public contact positions

It is not the intent of the Legislature in enacting this chapter to prohibit the establishment of bilingual positions, or printing of materials, or use of interpreters, where less than 5 percent of the people served do not speak English or are unable to communicate effectively, as determined appropriate by the state or local agency. It is not the intent of the Legislature in enacting this chapter to require that all public contact positions be filled with bilingual persons.

CITY AND COUNTY OF SAN FRANCISCO
ADMINISTRATIVE CODE SECTION 91
LANGUAGE ACCESS ORDINANCE

CHAPTER 91: City and County of San Francisco Administrative Code
LANGUAGE ACCESS ORDINANCE

Sec. 91.1. Purpose and Findings.

Sec. 91.2. Definitions.

Sec. 91.3. Access to Language Services.

Sec. 91.4. Translation of Materials.

Sec. 91.5. Dissemination of Translated Materials From the State and Federal Government.

Sec. 91.6. Public Meetings and Hearings.

Sec. 91.7. Recorded Telephonic Messages.

Sec. 91.8. Crisis Situations.

Sec. 91.9. Complaint Procedure.

Sec. 91.10. Annual Compliance Plan.

Sec. 91.11. Compliance Plans Submittals and Emerging Language Populations.

Sec. 91.12. Recruitment.

Sec. 91.13. Commission Responsibilities.

Sec. 91.14. Office of Civic Engagement and Immigrant Affairs' Responsibilities.

Sec. 91.15. Rules and Regulations.

Sec. 91.16. Enforcement.

Sec. 91.17. Severability.

Sec. 91.18. Disclaimers.

SEC. 91.1 PURPOSE AND FINDINGS.

(a) **Title.** This Chapter shall be known as the "Language Access Ordinance."

(b) **Findings.**

(1) The Board of Supervisors finds that San Francisco provides an array of services that can be made accessible to persons who are not proficient in the English language. The City of San Francisco is committed to improving the accessibility of these services and providing equal access to them.

(2) The Board finds that despite a long history of commitment to language access as embodied in federal, state and local law, beginning with the landmark Civil Rights Act of 1964, there is still a significant gap in the provision of governmental services to limited-English language speakers.

(3) In 1973, the California State Legislature adopted the Dymally-Alatorre Bilingual Services Act, which required state and local agencies to provide language services to non-English speaking people who comprise 5% or more the total state population and to hire a sufficient number of bilingual staff.

(4) In 1999, the California State Auditor concluded that 80% of state agencies were not in compliance with the Dymally-Alatorre Act, and many of the audited agencies were not aware of their responsibility to translate materials for non-English speakers.

(5) In 2001, in response to these findings, the San Francisco Board of Supervisors enacted the Equal Access to Services Ordinance, which required major departments to provide language translation services to limited-English proficiency individuals who comprise 5% or more the total city population.

(6) Eight years later, the Board finds that differential access to City services still exists due to significant gaps in language services, lack of protocols for departments to procure language services, low budgetary prioritization by departments for language services.

(7) The Board finds that the lack of language services seriously affects San Francisco's ability to serve all of its residents. A 2006 survey by the United States Census Bureau found that 45% of San Franciscans are foreign-born and City residents speak more than 28 different languages. Among the 24% of the total population who self-identify as limited-English speakers, 50% are Chinese speakers, 23% are Spanish speakers, 5% are Russian speakers and 4% speak Tagalog.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.2. DEFINITIONS.

As used in this Chapter, the following capitalized terms shall have the following meanings:

- (a) "Annual Compliance Plan" is set forth in Section 91.10 of this Chapter.
- (b) "Bilingual Employee" shall mean a City employee who is proficient in the English language and in one or more non-English language.
- (c) "City" shall mean the City and County of San Francisco.
- (d) "Commission" shall mean the Immigrant Rights Commission.
- (e) "Concentrated Number of Limited English Speaking Persons" shall mean either 5 percent of the population of the District in which a Covered Department Facility is located or 5 percent of those persons who use the services provided by the Covered Department Facility. The Office of Civic Engagement and Immigrant Affairs shall determine annually whether 5 percent or more of the population of any District in which a Covered Department Facility is located are Limited English Speaking Persons who speak a shared language other than English. The Office of Civic Engagement and Immigrant Affairs shall make this determination by referring to the best available data from the United States Census Bureau or other reliable source and shall certify its determination to all City Departments and the Commission no later than December 1 of each year. Each Department shall determine annually whether 5 percent or more of those persons who use the Department's services at a Covered Department Facility are Limited English Speaking Persons who speak a shared language other than English using either of the following methods specified in Section 91.2(k) of this Chapter.
- (f) "Covered Department Facility" shall mean any Department building, office, or location that provides direct services to the public and serves as the workplace for 5 or more full-time City employees.
- (g) "Department(s)" shall mean both Tier 1 Departments and Tier 2 Departments.
- (h) "Districts" shall refer to the 11 geographical districts by which the people of the City elect the members of the City's Board of Supervisors. If the City should abandon the district election system, the Commission shall have the authority to draw 11 district boundaries for the purposes of this Chapter that are approximately equal in population.
- (i) "Limited English Speaking Person" shall mean an individual who does not speak English well or is otherwise unable to communicate effectively in English because English is not the individual's primary language.
- (j) "Public Contact Position" shall mean a position, a primary job responsibility of which, consists of meeting, contacting, and dealing with the public in the performance of the duties of that position.
- (k) "Substantial Number of Limited English Speaking Persons" shall mean either 10,000 City residents, or 5 percent of those persons who use the Department's services. The Office of Civic Engagement and Immigrant Affairs shall determine annually whether at least 10,000 limited English speaking City residents speak a shared language other than English. The Office of Civic Engagement and Immigrant Affairs shall make this

determination by referring to the best available data from the United States Census Bureau or other reliable source and shall certify its determination to Departments and the Commission no later than December 1 of each year. Each Department shall determine annually whether 5 percent or more of those Limited English Speaking Persons who use the Department's services Citywide speak a shared language other than English. Departments shall make this determination using one of the following methods:

(1) Conducting an annual survey of all contacts with the public made by the Department during a period of at least two weeks, at a time of year in which the Department's public contacts are to the extent possible typical or representative of its contacts during the rest of the year, but before developing its Annual Compliance Plan required by Section 91.10 of this Chapter; or

(2) Analyzing information collected during the Department's intake process. The information gathered using either method shall also be broken down by Covered Department Facility to determine whether 5 percent or more of those persons who use the Department's services at a Covered Department Facility are Limited English Speaking Persons who speak a shared language other than English for purposes of Section 91.2(e) of this Chapter; or

(3) Analyzing and calculating the total annual number of requests for telephonic language translation services categorized by language that Limited English Speaking Persons make to the Department garnered from monthly bills generated by telephonic translation services vendors contracted by Department.

(l) "Tier 1 Departments" shall mean the following City departments: Adult Probation Department, Department of Elections, Department of Human Services, Department of Public Health, District Attorney's Office, Department of Emergency Management, Fire Department, Human Services Agency, Juvenile Probation Department, Municipal Transportation Agency, Police Department, Public Defender's Office, Residential Rent Stabilization and Arbitration Board, Sheriff's Office. Beginning July 1, 2010, the following departments shall be added to the list of Tier 1 Departments: San Francisco International Airport, Office of the Assessor Recorder, City Hall Building Management, Department of Building Inspection, Department of the Environment, 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.

(m) "Tier 2 Departments" shall mean all City departments not specified as Tier 1 Departments that furnish information or provide services directly to the public.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; amended by Ord. 187-04, File No. 040759, App. 7/22/2004; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.3. ACCESS TO LANGUAGE SERVICES.

(a) Utilizing sufficient Bilingual Employees in Public Contact Positions, Tier 1 Departments shall provide information and services to the public in each language spoken by a Substantial Number of Limited English Speaking Persons or to the public served by a Covered Department Facility in each language spoken by a Concentrated Number of Limited English Speaking Persons. Tier 1 Departments comply with their obligations under this Section if they provide the same level of service to Limited English Speaking Persons as they provide English speakers.

(b) Tier 1 Departments need only implement the hiring requirements in the Language Access Ordinance by filling public contact positions made vacant by retirement or normal attrition. Nothing herein shall be construed to authorize the dismissal of any City employee in order to carry out the Language Access Ordinance.

(c) All Departments shall inform Limited English Speaking Persons who seek services, in their native tongue, of their right to request translation services from all City departments.

(Added by Ord. 128-01, File No. 011051, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.4. TRANSLATION OF MATERIALS.

(a) Tier 1 Departments shall translate the following written materials that provide vital information to the public about the Department's services or programs into the language(s) spoken by a Substantial Number of Limited English Speaking Persons: applications or forms to participate in a Department's program or activity or to receive its benefits or services; written notices of rights to, determination of eligibility of, award of, denial of, loss of, or decreases in benefits or services, including the right to appeal any Department's decision; written tests that do not assess English language competency, but test competency for a particular license or skill for which knowledge of written English is not required; notices advising Limited English Speaking Persons of free

language assistance; materials explaining a Department's services or programs; complaint forms; or any other written documents that have the potential for important consequences for an individual seeking services from or participating in a program of a city department.

(b) Tier 2 Departments shall translate all publicly-posted documents that provide information (1) regarding Department services or programs, or (2) affecting a person's rights to, determination of eligibility of, award of, denial of, loss of, or decreases in benefits or services into the language(s) spoken by a Substantial Number of Limited English Speaking Persons.

(c) Departments required to translate materials under the provisions of this Section shall post notices in the public areas of their facilities in the relevant language(s) indicating that written materials in the language(s) and staff who speak the language(s) are available. The notices shall be posted prominently and shall be readily visible to the public.

(d) Departments required to translate materials under the provisions of this Section shall ensure that their translations are accurate and appropriate for the target audience. Translations should match literacy levels of the target audience.

(e) Each Department shall designate a staff member with responsibility for ensuring that all translations of the Department's written materials meet the accuracy and appropriateness standard set in Subsection (d) of this Section. Departments are encouraged to have their staff check the quality of written translations, but where a Department lacks biliterate personnel, the responsible staff member shall obtain quality checks from external translators. Departments are also encouraged to solicit feedback on the accuracy and appropriateness of translations from bilingual staff at community groups whose clients receive services from the Department.

(f) The newly added Tier 1 Departments as set forth in Section 91.2(l) shall comply with the requirements of this Section by January 31, 2011.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

☐ SEC. 91.5. DISSEMINATION OF TRANSLATED MATERIALS FROM THE STATE AND FEDERAL GOVERNMENT.

If the State or federal government or any agency thereof makes available to a Department written materials in a language other than English, the Department shall maintain an adequate stock of the translated materials and shall make them readily available to persons who use the Department's services.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

☐ SEC. 91.6. PUBLIC MEETINGS AND HEARINGS.

(a) City Boards, City Commissions and City Departments shall not automatically translate meeting notices, agendas, or minutes.

(b) City Boards, City Commissions and City Departments shall provide oral interpretation of any public meeting or hearing if requested at least 48 hours in advance of the meeting or hearing.

(c) City Boards, City Commissions and City Departments shall translate meeting minutes if: (1) requested; (2) after the legislative body adopts the meeting minutes; and (3) within a reasonable time period thereafter.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

☐ SEC. 91.7. RECORDED TELEPHONIC MESSAGES.

All Departments with recorded telephonic messages about the Department's operation or services shall maintain such messages in each language spoken by a Substantial Number of Limited English Speaking Persons or where applicable a Concentrated Number of Limited English Speaking Persons. Such Departments are encouraged to include in the telephonic messages information about business hours, office location(s), services offered and the means of accessing such services, and the availability of language assistance. If the Department is governed by a Commission, the messages shall include the time, date, and place of the Commission's meetings.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

☐ SEC. 91.8 CRISIS SITUATIONS.

All Tier 1 Departments involved in health related emergencies, refugee relief, disaster-related activities all other crisis situations shall work with the Office of Civic Engagement and Immigrant Affairs to include language service protocols in the Department's Annual Compliance Plan.

(Added by Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.9 COMPLAINT PROCEDURE.

(a) Departments shall allow persons to make complaints alleging violation of this Chapter to the Department in each language spoken by a Substantial Number of Limited English Speaking Persons. The Complaints may be made by telephone or by completing a complaint form.

(b) Departments shall document actions taken to resolve each complaint and maintain copies of complaints and documentation of their resolution for a period of not less than 5 years. A copy of each complaint shall be forwarded to the Commission and the Office of Civic Engagement and Immigrant Affairs within 30 days of its receipt.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

SEC. 91.10 ANNUAL COMPLIANCE PLAN.

Each Tier 1 Department shall draft an Annual Compliance Plan containing all of the following information:

(a) The number and percentage of Limited English Speaking Persons who actually use the Tier 1 Department's services Citywide, listed by language other than English, using either method in Section 91.2(k) of this Chapter;

(b) The number and percentage of limited English speaking residents of each District in which a Covered Department Facility is located and persons who use the services provided by a Covered Department Facility, listed by language other than English, using either method in Section 91.2(k) of this Chapter;

(c) A demographic profile of the Tier 1 Department's clients;

(d) The number of Public Contact Positions in the Tier 1 Department;

(e) The number of Bilingual Employees in Public Contact Positions, their titles, certifications of bilingual capacity, office locations, the language(s) other than English that the persons speak;

(f) The name and contact information of the Tier 1 Department's language access liaison;

(g) A description of any use of telephone-based interpretation services, including the number of times such services were used and the language(s) for which they were used;

(h) A narrative assessment of the procedures used to facilitate communication with Limited English Speaking Persons, which shall include an assessment of the adequacy of the procedures;

(i) Ongoing employee development and training strategy to maintain well trained bilingual employees and general staff. Employee development and training strategy should include a description of quality control protocols for bilingual employees; and description of language service protocols for Limited English Speaking individuals in crisis situations as outlined in Section 91.8;

(j) A numerical assessment of the additional Bilingual Employees in Public Contact Positions needed to meet the requirements of Section 91.3 of this Chapter;

(k) If assessments indicate a need for additional Bilingual Employees in Public Contact Positions to meet the requirements of Section 91.3 of this Chapter, a description of the Tier 1 Department's plan for filling the positions, including the number of estimated vacancies in Public Contact Positions;

(l) The name, title, and language(s) other than English spoken (if any) by the staff member designated with responsibility for ensuring the accuracy and appropriateness of translations for each language in which services must be provided under this Chapter;

(m) A list of the Tier 1 Department's written materials required to be translated under this Chapter, the language(s) into which they have been translated, and the persons who have reviewed the translated material for accuracy and appropriateness;

(n) A description of the Tier 1 Department's procedures for accepting and resolving complaints of an alleged violation of this Chapter consistent with Section 91.9;

(o) A copy of the written policies on providing services to Limited English Speaking Persons;

(p) A list of goals for the upcoming year and, for all Annual Compliance Plans except the first, an assessment of the Tier 1 Department's success at meeting last year's goals;

(q) Annual budget allocation and strategy, including the total annual expenditure for services that are related to language access:

(1) Compensatory pay for bilingual employees who perform bilingual services, excluding regular annual salary expenditures;

(2) Telephonic translation services provided by City vendors;

(3) Document translation services provided by City vendors;

- (4) On-site language interpretation services provided by City vendors;
- (5) The total projected budget to support progressive implementation of the Department's language service plan;

(r) Summarize changes between the Department's previous Annual Compliance Plan submittal and the current submittal, including but not limited to: (1) an explanation of strategies and procedures that have improved the Department's language services from the previous year; and (2) an explanation of strategies and procedures that did not improve the Department's language services and proposed solutions to achieve the overall goal of this Language Access Ordinance; and

(s) Any other information requested by the Commission necessary for the implementation of this Chapter. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

☒ SEC. 91.11 COMPLIANCE PLANS SUBMITTALS AND EMERGING LANGUAGE POPULATIONS.

(a) **Compliance Plans Submittals.** The Director of each Tier 1 Department shall approve and annually file electronic copies of the Annual Compliance Plan by December 31st with the Mayor's Office, the Commission, and the Office of Civic Engagement and Immigrant Affairs.

(b) **Inclusion of Emerging Language Populations in a written report to the Board.** By March 1st of each year, the Office of Civic Engagement and Immigrant Affairs shall compile and summarize in a written report to the Clerk of the Board of Supervisors all departmental Annual Compliance Plans. In the written report of the Clerk of the Board, the Office of Civic Engagement and Immigrant Affairs may recommend appropriate changes to all departmental Annual Compliance Plans in order to meet the needs of emerging language populations. Emerging language populations is defined as at least 2.5 percent of the population who use the Department's services or 5,000 City residents who speak a shared language other than English.

(c) By June 30th of each year, the Office of Civic Engagement and Immigrant Affairs may request a joint public hearing with the Board of Supervisors and the Commission to assess the adequacy of the City's ability to provide the public with access to language services.

(d) The Office of Civic Engagement of Immigrant Affairs shall keep a log of all complaints submitted and report quarterly to the Commission.

(Added by Ord. 202-09, File No. 090461, App. 8/28/2009)

☒ SEC. 91.12 RECRUITMENT.

It shall be the policy of the City to publicize job openings for Departments' Public Contact Positions as widely as possible including, but not limited to, in ethnic and non-English language media.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

☒ SEC. 91.13 COMMISSION RESPONSIBILITIES.

The Commission shall be responsible for monitoring and facilitating compliance with this Chapter. Its duties shall include: conducting outreach to Limited English Speaking Persons about their rights under this Chapter; reviewing complaints about alleged violations of this Chapter forwarded from Departments; working with Departments to resolve complaints; maintaining copies of complaints and their resolution for not less than 8 years, organized by Department; coordinating a language bank for Departments that choose to have translation done outside the Department and need assistance in obtaining translators; and reviewing Annual Compliance Plans.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

☒ SEC. 91.14 OFFICE OF CIVIC ENGAGEMENT AND IMMIGRANT AFFAIRS' RESPONSIBILITIES.

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. The Office of Civic Engagement responsibilities include the following:

- (a) Provide technical assistance for language services for all Departments;
- (b) Coordinate language services across Departments, including but not limited to maintaining a directory of qualified language service providers for the City, maintaining an inventory of translation equipment, providing assistance to Departments, Board of Supervisors, and the Mayor's Office in identifying bilingual staff;
- (c) Compiling and maintaining a central repository for all Departments translated documents;
- (d) Providing Departments with model Annual Compliance Plans; and
- (e) Reviewing complaints of alleged violations with quarterly reports to the Commission.

(Added by Ord. 202-09, File No. 090461, App. 8/28/2009)

☐ SEC. 91.15 RULES AND REGULATIONS.

In order to effectuate the terms of this Chapter, the Commission may adopt rules and regulations consistent with this Chapter.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

☐ SEC. 91.16 ENFORCEMENT.

If after an investigation and attempt to resolve an incidence of Department non-compliance, the Commission is unable to resolve the matter, it shall transmit a written finding of non-compliance, specifying the nature of the non-compliance, to the Department, the Department of Human Resources, the Mayor, and the Board of Supervisors.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

☐ SEC. 91.17 SEVERABILITY.

If any of the provisions of this Chapter or the application thereof to any person or circumstance is held invalid, the remainder of this Chapter, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

(Added by Ord. 126-01, File No. 010409, App. 6/15/2001; Ord. 202-09, File No. 090461, App. 8/28/2009)

☐ SEC. 91.18 DISCLAIMERS.

(a) By providing the public with equal access to language services, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(b) The obligations set forth in the Language Access Ordinance are directory and the failure of the City to comply shall not provide a basis to invalidate any City action.

(c) The Language Access Ordinance shall be interpreted and applied so as to be consistent with Title VI and VII of the Civil Rights Act of 1964, California's Fair Employment and Housing Act, and Article X of the San Francisco Charter and so as not to impede or impair the City's obligations to comply with any court order or consent decree.

(Added by Ord. 202-09, File No. 090461, App. 8/28/2009)

Additional Attachment(s) of Explanation

◇ **Section 1. Description of Work**

**1C. Has this service been provided in the past. If so, how?
If the service was provided via a PSC, provide the most
recently approved PSC # and upload a copy of the PSC.**

PSC # 4065-09/10

PSC 4065 09/10 \$3 million

original



**CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

GAVIN NEWSOM
MAYOR

MORGAN R. GORDINO
PRESIDENT

E. DENNIS NORMANDY
VICE PRESIDENT

JOY Y. BOATWRIGHT
COMMISSIONER

DONALD A. CASPER
COMMISSIONER

MARY Y. JUNG
COMMISSIONER

ANITA SANCHEZ
EXECUTIVE OFFICER

December 9, 2009

NOTICE OF CIVIL SERVICE COMMISSION ACTION

**SUBJECT: REVIEW OF REQUEST FOR APPROVAL OF PROPOSED
PERSONAL SERVICES CONTRACT NUMBERS 4064-09/10
THROUGH 4068-09/10.**

At its meeting of December 7, 2009 the Civil Service Commission had for its consideration the above matter.

PLEASE NOTE: *It is important that a copy of this action be kept in the department files as you will need it in the future as proof of Civil Service Commission approval. Please share it with everyone responsible for follow-up.*

It was the decision of the Commission to approve request for proposed personal services contracts. Notify the offices of the Controller and the Office of Contract Administration.

If this matter is subject to Code of Civil Procedure (CCP) Section 1094.5, the time within which judicial review must be sought is set forth in CCP Section 1094.6.

CIVIL SERVICE COMMISSION

Anita Sanchez
ANITA SANCHEZ
Executive Officer

Attachment

c: Cynthia Avakian, Airport Commission
Parveen Bonaral, Municipal Transportation Agency
Micki Callahan, Human Resources Director
Jessica Huey, Department of Human Resources
Shanica Jackson, Public Utilities Commission
Jennifer Johnston, Department of Human Resources
Nanette Kelly, Office of Contract Administration
Florence Kyam, Public Utilities Commission
Joan Lubamersky, Administrative Services
Mary Ng, Department of Human Resources
Ben Rosenfield, Controller
Commission File
Chron

POSTING R.
12/7/2009

PROPOSED PERSONAL SERVICES CONTRACTS - Regular

FSC No	Dept No	Dept Name	Approval Type	Contract Amount	Description of Work	Duration
4064-09/10	35	Municipal Transportation Agency	Regular	\$6,500,000	Provide architectural & engineering services for the final design and construction of the Central Subway Project for design package #1, Utilities Relocation & Tunnel Design. Services include contract design management, verify/validate existing preliminary engineering design, verify cost & schedule for each construction contract, complete the final design for the tunnels & utility relocation, prepare construction contract documents, & provide engineering support during construction.	3/31/2019
4065-09/10	70	GSA	Regular	\$3,000,000	Provide single, toll-free 800 telephone number for participating City departments to access telephonic language interpretation services in core languages, and must be available 24 hours a day, 365 days of the year. Translation services will be performed by individuals who are certified by the State of California and/or American Standards for Testing and Materials, or for legal and medical interpretation. Core languages will be defined as Cantonese & Mandarin Chinese, Spanish, Russian, Tagalog, and Vietnamese.	12/31/2012
4066-09/10	27	Airport Commission	Regular	\$1,000,000	Provide services to upgrade/enhance SFO's current 300mhz & 450mhz conventional radio system by expanding with the addition of a 700mhz digital trunked system. Services to be performed in combination with SF Dept. of Emergency Management, SFO, and the Airport. The project will enhance SFO's interoperability with the City and surrounding counties as they transition to the 700mhz network. Contractor will provide technical services to ensure proper installation and programming of the digitally trunked radio system.	12/15/2010
4067-09/10	40	Public Utilities Commission	Regular	\$150,000	Specify contractor to assist the SFLIC with the application of the sodium perchlorate alginate (brand name PAK-27) in local source water reservoirs, including but not limited to Calaveras Reservoir, San Anabito Reservoir, Crystal Springs Reservoir and San Andreas Reservoir	2/28/2011
4068-09/10	40	Public Utilities Commission	Regular	\$2,240,000	Provide continued technical support for the development of the Sewer System Master Plan report and associated environmental review process. The Sewer System Master Plan proposes a long-term strategy for the City's wastewater and storm water management, and identifies future capital projects to support the agreed upon levels of service.	12/31/2012



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4065 09/10 mod 1 Add \$1 million



OFFICE OF THE CITY ADMINISTRATOR



Edwin M. Lee, Mayor
Naomi M. Kelly, City Administrator

MEMORANDUM

DATE: November 7, 2012
TO: Leorah Dang, PSC Analyst
Department of Human Resources (Dept. 33)
FROM: Jean Lubamersky, PSC Coordinator
City Administrator (Dept. 70)
RE: Request for Administrative Approval of PSC Modification (less than 50%)

PSC No: 4065-09/10 Approval Date: 12.9.09

Description of Service(s): Contractor to provide a single, toll-free 800 phone number for participating departments to access telephonic language interpretation in Core Languages 24/365.

Original Approved Amount: \$ 3 million Original Approved Duration: 1.1.10 to 12.31.12
Modification Amount: \$ 1 million Modification of Duration: 1.1.13 to 6.30.14
Total Amount as Modified: \$ 4 million Total Duration as Modified: 1.1.10 to 6.30.14

Reason for the modification: Need for ongoing services to participating departments

Attachment: Copy of Approved PSC Summary

***** FOR DEPARTMENT OF HUMAN RESOURCES USE *****

DHR ACTION: Approved
Approval Date: 11/8/2012
By: Micki Callahan, Human Resources Director

PERSONAL SERVICES CONTRACT SUMMARY

DATE: November 9, 2009

DEPARTMENT NAME GSA/Office of Civic Engagement & Immigrant Affairs

DEPT # 70

TYPE OF APPROVAL: EXPEDITED [] CONTINUING [] REGULAR (OMIT POSTING []) ANNUAL []

TYPE OF REQUEST: [X] INITIAL REQUEST [] MODIFICATION (PSC# [])

TYPE OF SERVICE: Telephonic Language Interpretation continuously available (24/7/365)

FUNDING SOURCE: General Fund

PSC AMOUNT: \$3 million

PSC DURATION 1.1.10 - 12.31.12

1. DESCRIPTION OF WORK

A. Concise description of proposed work: Contractor shall provide a single, toll-free 800 telephone number for participating City departments to access telephonic language interpretation services in Core Languages and must be available 24 hours a day, 365 days of the year. Translation services will be performed by individuals who are certified by the State of California Certified and/or American Standards for Testing and Materials or for legal and medical interpretation. Core Languages will be defined as Cantonese (Chinese), Mandarin (Chinese), Spanish, Russian, Tagalog, and Vietnamese. Additionally, other languages will be included to be determined. Contractor services will only be used when a City employee is not available to do the translation or when legal needs require a translator who is certified and therefore less open to potential legal challenges

B. Explain why this service is necessary and the consequences of denial: Adopted by the Board of Supervisors and signed into law by the Mayor on June 15 2001, Chapter 91 of the City's Administrative Code requires all city departments to provide services in non-English languages when (a) 10,000 city residents or (b) five percent or more of the clients served by the Department or (c) five percent of the residents of a Supervisorial district in which the department's offices are located are limited English-speaking and share a common language. Denial would result in making implementation of Chapter 91 very difficult for most City departments, and departments doing so without these services incur significant costs. This Ordinance was amended by the Board and approved by the Mayor in August 2009 and now imposes several new requirements for city departments.

C. Explain how this service has been provided in the past (if this service was previously approved by the Civil Service Commission, indicate most recent personal services contract approval number): These services have been provided during the past two years under contract, PSC # 4045-07/08, which was a pilot program to provide translation services to city departments on an as needed or emergency basis.

D. Will the contract(s) be renewed: Unknown.

2. UNION NOTIFICATION: Copy of this summary is to be sent to employee organizations as appropriate (refer to instructions for specific procedures):

Local 1021, Local 21
Union Name Signature of person mailing / faxing form Date
RFP sent to Union Name Date Signature

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# STAFF ANALYSIS/RECOMMENDATION:

CIVIL SERVICE COMMISSION ACTION:

3. DESCRIPTION OF REQUIRED SKILLS/EXPERTISE

A. Specify required skills and/or expertise: (1) Certification by the State of California Certified and/or American Standards for Testing and Materials (2) Trained in customer service skills (3) Certified for legal and medical interpretation (4) Trained in specific knowledge areas specified by the City of San Francisco

B. Which, if any, civil service class normally performs this work?
 Bilingual employees are used by departments for day-to-day, regular operations. Contractor translation services will be used only when a City employee is unavailable. We are not aware of any civil service classes that require certification as listed in 3A. Classes that would have some of the skills required would be 1324 Customer Service Agent, 1326 Senior Customer Service Agent, 2903 Eligibility Worker and classes that may involve customer service (e.g., 1408 Principal Clerk, 1410 Chief Clerk, 1842 Management Assistant), with special conditions as to language requirements, as well as Class 2586 Health Worker. However, State of California-certified translators may be required for cases with legal or court concerns, or where there is an emergency involved.

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain: Yes, this may include dual-handset analog phones and video-conferencing equipment.

4. WHY CLASSIFIED CIVIL SERVICE CANNOT PERFORM

A. Explain why civil service classes are not applicable:
 Work is sporadic, as needed or emergency. Additionally, bilingual certification by DHR is only a test for basic oral and written fluency in select language categories. DHR certification is not accepted by the State and subject to legal challenge if interpretation is subpoenaed or challenged in legal proceedings.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No. City employees currently perform some of the services; however, the as needed, emergency and sporadic nature of the work does not call for a new civil service class at this time. OCELA is working with departments to create standard protocols and identify a pool of existing bilingual City employees that can be utilized.

5. ADDITIONAL INFORMATION (if "yes", attach explanation)

Yes No

A. Will the contractor directly supervise City and County employees?

B. Will the contractor train City and County employees?

- Describe training and indicate approximate number of hours.
- Indicate occupational type of City and County employees to receive training (e.g., clerks, civil engineers, etc.) and approximate number to be trained.

C. Are there legal mandates requiring the use of contractual services?

D. Are there federal or state grant requirements regarding the use of contractual services? - these funds require contracting out?

E. Has a board or commission determined that contracting is the most effective way to provide this service?

F. Will the proposed work be completed by a contractor that has a current personal services contract with your department? Unknown

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD:

Signature of Departmental Personal Services Contract Coordinator
 Joan Lubamersky 554-4859

Print or Type Name Telephone
 One Carlton B. Goodlett, Rm 362 San Francisco, CA 94102