

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Youth Commission

FROM: Alisa Somera, Clerk, Rules Committee  
Board of Supervisors

DATE: January 13, 2015

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Rules Committee

The Board of Supervisors' Rules Committee has received the following **substitute** legislation, which is being referred to the Youth Commission, per Charter Section 4.124, for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

**File No. 141149-2**

Ordinance amending the Administrative Code to expand the scope of the Language Access Ordinance to apply to all City Departments that provide information or services directly to the public, revise complaint procedures, and enhance the annual departmental compliance plan requirement.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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**RESPONSE FROM YOUTH COMMISSION**    Date: \_\_\_\_\_

\_\_\_\_\_ **No Comment**

\_\_\_\_\_ **Recommendation Attached**

\_\_\_\_\_  
**Chairperson, Youth Commission**

1 [Administrative Code - Language Access Requirements for Departments]

2  
3 **Ordinance amending the Administrative Code to expand the scope of the Language**  
4 **Access Ordinance to apply to all City Departments that provide information or services**  
5 **directly to the public, revise complaint procedures, and enhance the annual**  
6 **departmental compliance plan requirement.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
10 **Board amendment additions** are in double-underlined Arial font.  
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
12 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
13 subsections or parts of tables.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. Chapter 91 of the Administrative Code is hereby amended by adding new  
16 Sections 91.3 and 91.14, revising existing Sections 91.1-91.18, and renumbering those  
17 Sections so that the Chapter consists of Sections 91.1-91.20, to read as follows:

18 **SEC. 91.1 PURPOSE AND FINDINGS.**

19 (a) Title. This Chapter 91 shall be known as the "Language Access Ordinance."

20 (b) Findings.

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

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

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

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

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

16 (6) ~~Eight years later, The Board enacted a number of significant changes to the~~  
17 ~~Ordinance in 2009 and renamed it the Language Access Ordinance. Since the Language Access~~  
18 ~~Ordinance was amended in 2009, City Departments have made significant progress in providing~~  
19 ~~improved access to services. The Board finds, however, that differential access to City services still~~  
20 ~~exists due to significant gaps remain in language access consistency, quality, budgeting and~~  
21 ~~implementation across Departments. in language services, lack of protocols for departments to~~  
22 ~~procure language services, low budgetary prioritization by departments for language services.~~

23 (7) The Board finds that ~~the lack of gaps in language services access can~~ seriously  
24 affects San Francisco's ability to serve all of its residents. ~~A 2006 survey by t~~The United States  
25 Census Bureau's 2008-2012 American Community Survey ~~found reveals~~ that 45.36% of San

1 Franciscans are foreign-born and 45.2% over the age of five speak a language other than English at  
2 home. City residents speak more than 28 different languages. More than 112 languages are spoken in  
3 the San Francisco Bay Area, with at least 28 different languages spoken in the City alone. Three  
4 languages currently have at least 10,000 or more Limited English Persons: Chinese, Spanish and  
5 Tagalog. Among the 2421% of the total City population who self-identify as limited-English  
6 speakers, 50.57% are Chinese speakers, 23.7% are Spanish speakers, 6% are Tagalog  
7 speakers, 5% are Russian speakers, and 3.8% are Vietnamese speakers. 4% speak Tagalog.  
8

## 9 **SEC. 91.2. DEFINITIONS.**

10 As used in this Chapter 91, the following capitalized terms shall have the following  
11 meanings:

12 (a) "Annual Compliance Plan" is set forth in Section 91.~~11~~~~10~~ of this Chapter.

13 (b) "Bilingual Employee" shall mean a City employee ~~who is proficient in the English~~  
14 ~~language and in one or more non-English Language. who is fluent in both English and a second~~  
15 ~~language and who is able to conduct the department's business in both languages. A bilingual~~  
16 ~~employee shall include a City employee who (i) is in a classification that provides information or direct~~  
17 ~~services to the public requiring language proficiency in English and a second language; or (ii) is either~~  
18 ~~a certified interpreter or translator by the Department of Human Resources or accredited training or~~  
19 ~~academic institution; or (iii) receives premium pay and regularly and continuously uses the second~~  
20 ~~language in his or her city employment; or (iv) is self-designated as competent in a second language.~~

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

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

23 (e) "Concentrated Number of Limited English Speaking Persons" shall mean either 5  
24 percent of the population of the District in which a Covered Department Facility is located or 5  
25 percent of those persons who use the services provided by the Covered Department Facility.

1 *The Office of Civic Engagement and Immigrant Affairs OCEIA* shall determine annually whether 5  
2 percent or more of the population of any District in which a Covered Department Facility is  
3 located are Limited English Speaking Persons who speak a shared language other than  
4 English. *The Office of Civic Engagement and Immigrant Affairs OCEIA* shall make this  
5 determination by referring to the best available data from the United States Census Bureau or  
6 other reliable source and shall certify its determination to all City Departments and the  
7 Commission no later than ~~December 4~~ *January 31st* of each year. Each Department shall  
8 determine annually whether 5 percent or more of those persons who use the Department's  
9 services at a Covered Department Facility are Limited English Speaking Persons who speak a  
10 shared language other than English *using either of the following methods specified in Section*  
11 *91.2(k) of this Chapter and report that determination in the Department's Annual Compliance Plan.*  
12 *Departments shall make this determination using one of the following methods:*

13 *(1) Conducting an annual survey of all contacts with the public made by the*  
14 *Department during a period of at least two weeks, at a time of year in which the Department's public*  
15 *contacts are to the extent possible typical or representative of its contacts during the rest of the year,*  
16 *but before developing its Annual Compliance Plan required by Section 91.11 of this Chapter; or*

17 *(2) Analyzing information collected during the Department's intake process for*  
18 *all clients, including walk-ins and scheduled appointments. The information gathered using either*  
19 *method shall also be broken down by Covered Department Facility to determine whether 5 percent or*  
20 *more of those persons who use the Department's services at a Covered Department Facility are*  
21 *Limited English Speaking Persons who speak a shared language other than English; or*

22 *(3) Analyzing and calculating the total annual number of requests for telephonic*  
23 *language translation services categorized by language that Limited English Speaking Persons make to*  
24 *the Department based on the Department's telephonic translation services monthly bills, official*  
25 *telephone logs, or any other reasonable method used for data collection.*

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

4           (g) ~~“Department(s)” shall mean both Tier 1 Departments and Tier 2 Departments.~~ shall mean  
5 any City Department, agency or office with a service or program that provides information or services  
6 directly to the public, or interacts with the public.

7           (h) “Department service or program” shall mean anything a City Department, agency, or office  
8 provides that involves direct services to the public as part of ongoing operations and those directly  
9 administered by the Department, agency, or office for program beneficiaries and participants.  
10 Activities include, but are not limited to, information provided to or communication with the public,  
11 spaces or department facilities used by the public, and programs that provide direct services to the  
12 public.

13           “Direct Services to the Public” shall mean any service that requires City employees to provide  
14 responses to inquires about official documents, licenses, financial matters that are related to the  
15 public’s health, safety, and general welfare.

16           “Districts” shall refer to the 11 geographical districts by which the people of the City  
17 elect the members of the City’s Board of Supervisors. If the City should abandon the district  
18 election system, the Commission shall have the authority to draw 11 district boundaries for the  
19 purposes of this Chapter that are approximately equal in population.

20           “Emerging Language Population” shall mean at least 2.5 percent but less than 5 percent of the  
21 population who use a Department’s services, or at least 5,000 but less than 10,000 City residents, who  
22 speak a shared language other than English.

23           Language Access Services shall mean translation and interpretation services for both verbal  
24 and written communication.

1           (+)“Limited English Speaking Person” shall mean an individual who does not speak  
2 English well or is otherwise unable to communicate effectively in English because English is  
3 not the individual’s primary language.

4           (+) “OCEIA” shall mean the Office of Civic Engagement & Immigrant Affairs.

5           (+) “Public Contact Position” shall mean a position, a primary job responsibility of which,  
6 consists of meeting, contacting, and dealing with the public in the performance of the duties of  
7 that position.

8           (+) “Substantial Number of Limited English Speaking Persons” shall mean *either*  
9 10,000 limited English Speaking City residents, who speak a shared language other than English, ~~or~~  
10 ~~5 percent of those persons who use the Department’s services. The Office of Civic Engagement and~~  
11 ~~Immigrant Affairs~~ OCEIA shall determine annually whether at least 10,000 limited English  
12 speaking City residents speak a shared language other than English. OCEIA ~~The Office of~~  
13 ~~Civic Engagement and Immigrant Affairs~~ shall make this determination by referring to the best  
14 available data from the United States Census Bureau or other reliable source and shall certify  
15 its determination to Departments and the Commission no later than ~~December 1~~ January 31st  
16 each year. ~~Each Department shall determine annually whether 5 percent or more of those Limited~~  
17 ~~English Speaking Persons who use the Department’s services Citywide speak a shared language other~~  
18 ~~than English. Prior to certifying any new language as set forth in this subsection, OCEIA shall comply~~  
19 ~~with the provisions in Chapter 91.16(e). Departments shall make this determination using one of the~~  
20 ~~following methods:~~

21           ~~(1) Conducting an annual survey of all contacts with the public made by the~~  
22 ~~Department during a period of at least two weeks, at a time of year in which the Department’s public~~  
23 ~~contacts are to the extent possible typical or representative of its contacts during the rest of the year,~~  
24 ~~but before developing its Annual Compliance Plan required by Section 91.1110 of this Chapter; or~~  
25

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

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

10 ~~(l) "Tier 1 Departments" shall mean the following City departments: Adult Probation~~  
11 ~~Department, Department of Elections, Department of Human Services, Department of Public Health,~~  
12 ~~District Attorney's Office, Department of Emergency Management, Fire Department, Human Services~~  
13 ~~Agency, Juvenile Probation Department, Municipal Transportation Agency, Police Department, Public~~  
14 ~~Defender's Office, Residential Rent Stabilization and Arbitration Board, Sheriff's Office. Beginning~~  
15 ~~July 1, 2010, the following departments shall be added to the list of Tier 1 Departments: San Francisco~~  
16 ~~International Airport, Office of the Assessor Recorder, City Hall Building Management, Department of~~  
17 ~~Building Inspection, Department of the Environment, San Francisco Public Library, Mayor's Office of~~  
18 ~~Economic and Workforce Development, Planning Department, Department of Public Works, Public~~  
19 ~~Utilities Commission, Recreation and Park Department, Office of the Treasurer and Tax Collector, and~~  
20 ~~the San Francisco Zoo.~~

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



1 **SEC. 91.3. SCOPE.**

2 *This ordinance shall apply to any Department, agency, or office program or service that*  
3 *provides direct services to the public.*

4  
5 **SEC. 91.43. ACCESS TO LANGUAGE SERVICES. UTILIZATION OF BILINGUAL**  
6 **EMPLOYEES.**

7 (a) Utilizing sufficient Bilingual Employees in Public Contact Positions, ~~Tier 1~~  
8 Departments shall provide information and services to the public in each language spoken by  
9 a Substantial Number of Limited English Speaking Persons or to the public served by a  
10 Covered Department Facility in each language spoken by a Concentrated Number of Limited  
11 English Speaking Persons. ~~Tier 1~~ Departments comply with their obligations under this  
12 Section 91.4 if they provide the same level of service to Limited English Speaking Persons as  
13 they provide English speakers.

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

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

20 **SEC. 91.54. TRANSLATION OF MATERIALS AND SIGNAGE.**

21 (a) ~~Tier 1~~ Departments shall translate the following written materials that provide vital  
22 information to the public about the Department's services or programs into the language(s)  
23 spoken by a Substantial Number of Limited English Speaking Persons: applications or forms  
24 to participate in a Department's program or activity or to receive its benefits or services;  
25 written notices of rights to, determination of eligibility of, award of, denial of, loss of, or

1 decreases in benefits or services, including the right to appeal any Department's decision;  
2 written tests that do not assess English language competency, but test competency for a  
3 particular license or skill for which knowledge of written English is not required; notices  
4 advising Limited English Speaking Persons of free language assistance; materials, *including*  
5 *publicly-posted documents*, explaining a Department's services or programs; complaint forms; or  
6 any other written documents *related to direct services to the public that could impact that have the*  
7 *potential for important consequences for the community or an individual seeking services from or*  
8 participating in a program of a ~~C~~eity ~~D~~eartment.

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

13 ~~(be) Departments that post signage that provides information to the public shall translate those~~  
14 ~~materials in the languages prescribed elsewhere in this Chapter 91;~~

15 ~~(cd) Departments required to translate materials under this Section 91.5 shall prioritize the~~  
16 ~~translation of written materials by giving highest priority to materials that affect public safety and~~  
17 ~~critical services.~~

18 ~~(de) Departments required to translate materials under the provisions of this Section 91.5~~  
19 shall post notices in the public areas of their facilities in the relevant language(s) indicating  
20 that written materials in the language(s) and staff who speak the language(s) are available.  
21 The notices shall be posted prominently and shall be readily visible to the public.

22 ~~(ed) Departments required to translate materials under the provisions of this Section~~  
23 ~~91.5 shall ensure that their translations are accurate and appropriate for the target audience.~~  
24 Translations should match literacy levels of the target audience.  
25

1 (fe) Each Department shall designate a staff member ~~with responsibility~~responsible for  
2 ensuring that all translations of the Department's written materials meet the accuracy and  
3 appropriateness standard set in ~~S~~subsection (~~fd~~) of this Section 91.5. Departments are  
4 encouraged to have their staff check the quality of written translations, but where a  
5 Department lacks biliterate personnel, the responsible staff member shall obtain quality  
6 checks from external translators. Departments may contact OCEIA for assistance in locating a  
7 qualified translator or translation equipment. Departments are also encouraged to solicit  
8 feedback on the accuracy and appropriateness of translations from bilingual staff at  
9 community groups whose clients receive services from the Department.

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

12  
13 **SEC. 91.65. DISSEMINATION OF TRANSLATED MATERIALS FROM THE STATE AND**  
14 **FEDERAL GOVERNMENT.**

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

19  
20 **SEC. 91.76. PUBLIC MEETINGS AND HEARINGS.**

21 (a) City Boards, City Commissions, advisory bodies and City Departments shall ~~not~~  
22 ~~automatically~~ translate meeting notices, agendas, ~~or~~and minutes upon written request. City  
23 Boards, City Commissions, and advisory bodies shall translate meeting minutes only after the body  
24 adopts them and within a reasonable time thereafter. City Departments shall translate meeting minutes  
25 only after the Department has completed them and within a reasonable time thereafter.

1 (b) City Boards, City Commissions, advisory bodies, and City Departments shall provide  
2 oral interpretation or translation services in the language the member of the public requests at of any  
3 public meeting or hearing, if requested at least 48 hours in advance of the meeting or hearing.

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

### 7 8 **SEC. 91.87. RECORDED TELEPHONIC MESSAGES.**

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

### 17 18 **SEC. 91.98 CRISIS SITUATIONS.**

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

23 During crisis, emergency, and public safety situations, Departments shall prioritize Language  
24 Access Services and to the extent feasible ensure bilingual staff are present and available to assist  
25 Limited English Speaking Persons with critical needs. If the crisis, emergency or public safety

1 situations require the posting of warning signs, the Department shall translate those signs in the  
2 required languages.

3 **SEC. 91.10.9 COMPLAINT PROCEDURE.**

4 (a) Complaint Process. OCEIA shall be responsible for accepting, investigating, and resolving  
5 complaints from persons alleging violations of this Chapter 91. A person alleging that a Department  
6 violated a provision of this Chapter may submit a complaint to OCEIA by either: (1) completing and  
7 submitting a complaint form; or (2) calling OCEIA and speaking with an employee who will document  
8 the complaint. Within 5 days of receiving the complaint, OCEIA shall notify the Department and  
9 commence an investigation. OCEIA shall resolve all complaints within 30 days of their receipt unless  
10 OCEIA finds good cause to extend the time resolving the complaint. OCEIA shall make a record of the  
11 resolution of the complaint and what action, if any, was undertaken by the Department in response to  
12 the complaint to ensure the Department's compliance with this Chapter 91.

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

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

20 (b) Department's complaint procedure. If a Department receives a complaint from an  
21 individual, it shall immediately forward a copy of the complaint to OCEIA. The Department shall  
22 cooperate in good faith with OCEIA in resolving the complaint within the applicable time frame.

23 (c) Annual Tracking of Complaints. OCEIA shall track the number of complaints received each  
24 year and maintain copies of all complaints and documentation of their resolution for a period of not  
25 less than 5 years.

1            (d) Quarterly Reports. On a quarterly basis, OCEIA shall submit a report to the Commission  
2 containing the following information: (1) the number of complaints filed during that quarter; (2) the  
3 number of complaints filed for the year-to-date; (3) a comparison of those numbers with the filings for  
4 the previous year; (4) a brief description of the nature of each complaint filed, including the  
5 Department named in the complaint, the violation alleged, whether the complaint was resolved or  
6 remains open, and what, if any, measures were implemented by the Department in response to the  
7 complaint.

8  
9 **SEC. 91.1110 ANNUAL COMPLIANCE PLAN.**

10            Using information collected during the preceding fiscal year beginning July 1 and ending June  
11 30, ~~e~~Each Tier 1 Department shall draft an Annual Compliance Plan ~~containing~~ including all of  
12 the following information, as well as any additional information OCEIA requires:

13            (a) A description of the Department's language access policy;

14            (b) The language services offered by the Department;

15            (c~~a~~) The number and percentage of ~~people who are~~ Limited English Speaking Persons  
16 who ~~actually~~ use the Tier 1 Department's services Citywide, listed by language other than  
17 English, using ~~either one~~ method ~~described in the definition of Concentrated Number of Limited~~  
18 English Speaking Persons in ~~S~~section 91.2(~~k~~) of this Chapter. ~~Departments must include a~~  
19 description of the methodology or data collection system used to make this determination;

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

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

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

1           ~~(de) The number A roster of Bbilingual Eemployees in Public Contact Positions, their titles,~~  
2 ~~certifications of bilingual capacity, office locations, the language(s) other than English that the~~  
3 ~~persons speak; excluding those bilingual employees who are self-designated as competent in a~~  
4 ~~second language other than English.~~

5           ~~(ef) The name and contact information of the Tier 1 Department's language access~~  
6 ~~coordinator liaison;~~

7           ~~(fg) A description of any use of telephone-based interpretation services, including the~~  
8 ~~number of times telephone-based interpretation such services were used, and the language(s) for~~  
9 ~~which they were used, and the number of times bilingual employees provided in-person~~  
10 ~~interpretation services;~~

11           ~~(gh) An narrative explanatory assessment of the procedures used to facilitate~~  
12 ~~communication with Limited English Speaking Persons, which shall include, but is not limited~~  
13 ~~to, an evaluation assessment of the adequacy of the following procedures (1) the content of recorded~~  
14 ~~telephonic messages provided to the public and the language of the message; (2) telephone requests for~~  
15 ~~translation or interpretation services; (3) in-person requests for translation or interpretation services;~~  
16 ~~and (4) public notices of the availability of translation or interpretation services upon request;~~

17           ~~(hi) Ongoing employee development and training strategy to maintain well trained~~  
18 ~~bilingual employees and general staff. Employee development and training strategy should~~  
19 ~~include a description of quality control protocols for bilingual employees; and description of~~  
20 ~~language service protocols for Limited English Speaking Persons individuals in crisis situations~~  
21 ~~as outlined in Section 91.08;~~

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

24           ~~(ik) If the Department determines that additional bilingual employees are needed assessments~~  
25 ~~indicate a need for additional Bilingual Employees in Public Contact Positions to meet the~~

1 requirements of Section 91.43 of this Chapter, the Department must provide a description of the  
2 Tier I Department's its plan for meeting those requirements the positions, including the number of  
3 estimated vacancies in Public Contact Positions;

4 (j) The name, title, and language(s) other than English spoken, (if any,) by the staff  
5 member designated with responsibility for ensuring the accuracy and appropriateness of  
6 translations for each language in which services must be provided under this Chapter 91;

7 (k) A list of the Tier I Department's written materials ~~required to be that have been~~  
8 translated under this Chapter 91, the language(s) into which they have been translated, and  
9 the persons who have reviewed the translated material for accuracy and appropriateness;

10 (l) ~~A description of the Tier I Department's procedures for accepting and resolving complaints~~  
11 ~~of an alleged violation of this Chapter consistent with Section 91.9;~~

12 (m) A copy of the written policies on providing services to Limited English Speaking  
13 Persons, which Departments are annually obligated to review and to provide an updated copy to  
14 OCEIA;

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

17 (o) ~~Annual budget allocation and strategy, including the total a~~Annual expenditures from  
18 the previous fiscal year for services that are related to language access:

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

21 (2) Telephonic ~~translation~~ interpretation services provided by City vendors;

22 (3) Document translation services provided by City vendors;

23 (4) On-site language interpretation services provided by City vendors;

24 (5) The total projected budget to support progressive implementation of the  
25 Department's language service plan;



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

7           (~~ps~~) Any other information *requested by the Commission* OCEIA deems appropriate  
8 *necessary* for the implementation of this Chapter 9I.

9  
10 **SEC. 91.12H COMPLIANCE PLANS SUBMITTALS, LANGUAGE ACCESS ORDINANCE**  
11 **SUMMARY REPORT, AND RECOMMENDATIONS FOR EMERGING LANGUAGE**  
12 **POPULATIONS.**

13           (a) Compliance Plans Submittals. *The Director of each Tier 1 Department shall approve*  
14 *and electronically file an annually file electronic copies of the Annual Compliance Plan by December*  
15 *31st with the Mayor's Office, the Commission, and the Office of Civic Engagement and Immigrant*  
16 *Affairs. All of the following entities: Adult Probation Department, City Hall Building Management,*  
17 *Department of Building Inspection, Department of Elections, Department of the Environment,*  
18 *Department of Emergency Management, Department of Human Services, Department of Public Health,*  
19 *Department of Public Works, District Attorney's Office, Fire Department, Human Services Agency,*  
20 *Juvenile Probation Department, Mayor's Office of Economic and Workforce Development, Municipal*  
21 *Transportation Agency, Office of the Assessor Recorder, Office of the Treasurer and Tax Collector,*  
22 *Planning Department, Police Department, Public Defender's Office, Public Utilities Commission,*  
23 *Recreation and Park Department, Residential Rent Stabilization and Arbitration Board, San Francisco*  
24 *International Airport, San Francisco Public Library, San Francisco Zoo, and Sheriff's Office shall*  
25 *submit their 2014-2015 Annual Compliance Plan on October 1, 2015, and thereafter October 1st of*

1 each year. All other departments shall file their initial Compliance Plan on October 1, 2016, and  
2 thereafter October 1st of each year. The Director of each Department or his or her designee shall  
3 approve and electronically file an Annual Compliance Plan that includes the required data and budget  
4 information with OCEIA.

5 (b) Language Access Ordinance Summary Report. Inclusion of Emerging Language  
6 Populations in a written report to the Board. By March 1st of each year, the Office of Civic  
7 Engagement and Immigrant Affairs Beginning on February 1, 2016, and annually thereafter OCEIA  
8 shall submit to the Commission and the Clerk of the Board of Supervisors a Language Access  
9 Ordinance Summary Report which compiles and summarizes in a written report to the Clerk of the  
10 Board of Supervisors all departmental Annual Compliance Plans. OCEIA shall also include in the  
11 Language Access Ordinance Summary Report a current determination of: (1) the total number of  
12 Limited English Speaking Persons in the City; (2) the number of Limited English Speaking Persons in  
13 the City delineated according to language spoken; and (3) the number Limited English Speaking  
14 Persons for each District delineated according to language spoken.

15 (c) OCEIA may include in the Summary Report In the written report of the Clerk of the Board,  
16 the Office of Civic Engagement and Immigrant Affairs may recommended appropriate changes to all  
17 departmental Annual Compliance Plans in order to meet the needs of Eemerging Llanguage  
18 Ppopulations. Emerging language populations is defined as at least 2.5 percent of the population who  
19 use the Department's services or 5,000 City residents who speak a shared language other than English.

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

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

1 **SEC. 91.1312- RECRUITMENT.**

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

5  
6 **SEC. 91.14 DEPARTMENT RESPONSIBILITIES.**

7 In addition to the duties and responsibilities provided elsewhere in this Chapter 91, Departments shall:

8 (a) Inform Limited English Speaking Persons who seek services, in their native tongue, of their  
9 right to request translation services;

10 (b) Create and maintain a language access policy and review it annually;

11 (c) Designate a language access coordinator;

12 (d) Cooperate with OCEIA in the investigation of all alleged violations of this Chapter; and

13 (e) Use good faith efforts to comply with the provisions of this Ordinance. Departments  
14 shall prioritize Language Access Services and comply with the provisions of this Ordinance that are  
15 readily achievable. Over time, Departments shall fully comply with the provisions of this Ordinance.

16  
17 **SEC. 91.1513 COMMISSION RESPONSIBILITIES.**

18 The Commission ~~is shall be~~ responsible for evaluating the requirements set forth in this  
19 Chapter 91. The Commission's duties monitoring and facilitating compliance with this Chapter. Its  
20 duties shall include: (a) reviewing all OCEIA reports; (b) reviewing complaints and OCEIA's  
21 resolution of them; (c) recommending policy changes, including revisions to this Chapter or to the  
22 Rules and Regulations; (d) identifying new trends that may present new challenges for language  
23 access; (e) identifying new practices that further the objectives of this Chapter; and (f) conducting  
24 public hearings. ~~conducting outreach to Limited English Speaking Persons about their rights under~~  
25 this Chapter; reviewing complaints about alleged violations of this Chapter forwarded from

1 ~~Departments; working with Departments to resolve complaints; maintaining copies of complaints and~~  
2 ~~their resolution for not less than 8 years, organized by Department; coordinating a language bank for~~  
3 ~~Departments that choose to have translation done outside the Department and need assistance in~~  
4 ~~obtaining translators; and reviewing Annual Compliance Plans.~~

5  
6 **SEC. 91.1644 OFFICE OF CIVIC ENGAGEMENT AND IMMIGRANT AFFAIRS'**  
7 **RESPONSIBILITIES.**

8 Subject to the budgetary and fiscal provisions of the Charter, ~~the City may adequately~~  
9 ~~fund the OCEIA Office of Civic Engagement and Immigrant Affairs to may~~ provide a centralized  
10 infrastructure for the City's language services ~~and monitor and facilitate Departmental compliance~~  
11 ~~with this Chapter 91. OCEIA The Office of Civic Engagement shall: responsibilities include the~~  
12 ~~following:~~

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

14 (b) Coordinate language services across Departments, including but not limited to  
15 maintaining a directory of qualified language service providers for ~~the~~ City Departments ~~to~~  
16 ~~utilize and carry out their responsibilities under this Chapter 91, maintaining Language Access~~  
17 ~~Services, translations, and interpretations contracts for all City Departments,~~ maintaining an  
18 inventory of translation equipment, ~~and~~ providing assistance to Departments, Board of  
19 Supervisors, and the Mayor's Office in identifying bilingual staff;

20 (c) ~~Compileing and maintainig~~ a central repository for all Departments' translated  
21 documents;

22 (d) ~~Provideing~~ Departments with model Annual Compliance Plans; ~~and~~

23 ~~(e) If OCEIA determines that at least 10,000 City residents who are Limited English Speaking~~  
24 ~~Persons share a language other than English and makes its determination pursuant to Section 91.2, it~~  
25 ~~shall notify all affected Departments and post that determination on its website for 120 days prior to~~

1 certifying the new language. During that time period, OCEIA may conduct a study to confirm that at  
2 least 10,000 City residents who are Limited English Speaking Persons share a language other than  
3 English. If OCEIA conducts such a study, the 120 days shall commence the day the study is published.  
4 No new language shall take effect until after the conclusion of the process described in this  
5 subsection(e).

6 (f) Maintain a complaint form on OCEIA's website in all certified languages spoken by a  
7 Substantial Number of Limited English Speaking Persons;

8 (g) Investigate potential violations of this Chapter;

9 (he) Investigate ~~Reviewing~~ complaints of alleged Departmental violations of this Chapter,  
10 with quarterly reports to the Commission working with Departments to resolve such complaints, and  
11 notifying complainants of the resolution;

12 (i) Maintain copies of complaints and their resolution for 5 years;

13 (j) Prepare a quarterly report regarding complaints for submission to the Commission; and

14 (k) Prepare an Annual Summary Compliance Plan Report that summarizes the complaints and  
15 resolutions for submission to the Commission.

16  
17 **SEC. 91.~~15~~17. RULES AND REGULATIONS.**

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

20  
21 **SEC. 91.~~18~~16 ENFORCEMENT.**

22 OCEIA shall be responsible for enforcement of this Chapter. OCEIA may investigate potential  
23 violations of this Chapter. OCEIA may attempt to resolve noncompliance with this Chapter by any  
24 Department through informal processes, including mediation and conference and conciliation. If after  
25 an investigation and attempt to resolve an incidence of Department non-compliance, OCEIA

1 *the Commission* is unable to resolve the matter, it shall transmit a written finding of non-  
2 compliance, specifying the nature of the non-compliance *and the recommended corrective*  
3 *measures*, to the Department, the Department of Human Resources, *the Commission*, the  
4 Mayor, and the Board of Supervisors.

5  
6 **SEC. 91.~~17~~19. SEVERABILITY.**

7 If any of the provisions of this Chapter 91 or the application thereof to any person or  
8 circumstance is held invalid, the remainder of this Chapter, including the application of such  
9 part or provisions to persons or circumstances other than those to which it is held invalid, shall  
10 not be affected thereby and shall continue in full force and effect. To this end, the provisions  
11 of this Chapter are severable.

12  
13 **SEC. 91.~~18~~20. DISCLAIMERS.**

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

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

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

1 Section 2. Effective Date. This ordinance shall become effective 30 days after  
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
4 of Supervisors overrides the Mayor's veto of the ordinance.

5  
6 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
10 additions, and Board amendment deletions in accordance with the "Note" that appears under  
11 the official title of the ordinance.

12 APPROVED AS TO FORM:  
13 DENNIS J. HERRERA, City Attorney

14 By:

  
\_\_\_\_\_  
15 ALICIA CABRERA  
16 Deputy City Attorney

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**REVISED LEGISLATIVE DIGEST**

(Substituted 01/07/2015)

[Administrative Code - Language Access Requirements for Departments]

**Ordinance amending the Administrative Code to expand the scope of the Language Access Ordinance to apply to all City Departments that provide information or services directly to the public, revise complaint procedures, and enhance the annual departmental compliance plan requirement.**

Existing Law

Chapter 91 of the Administrative Code sets forth language access requirements for all departments. The Language Access Ordinance requires City departments that are classified as Tier 1 departments to translate written materials that provide vital information to the public about the departments services or programs. Departments that are classified as Tier 2 departments are required to translate all publicly posted documents.

The threshold limit for determining whether a City department is required to provide language services in a language other than English is determined by either 10,000 City residents or 5 percent of those persons who use the department's services.

Tier 1 departments are required to submit an Annual Compliance Plan to the Mayor's Office, the Immigrant Rights Commission, and Office of Civic Engagement & Immigrant Affairs (OCEIA).

Amendments to Current Law

This legislation would abandon the Tier 1 and Tier 2 department classification and expand the scope of the Language Access Ordinance to apply to all City departments that provide information or services directly to the public.

This legislation would no longer require City departments to determine whether 5 percent of those who use their services speak another language other than English. The threshold limit for determining whether a City department is required to provide language services in a language other than English is 10,000 City residents who share who speak another language other than English.

This legislation would require OCEIA to provide notice to City departments and the public before certifying a new language.



This legislation would require City departments to translate all publicly posted signage. Departments could prioritize translation of written materials by giving the highest priority to materials that affect public safety and critical services.

This legislation would revise the complaint process to set forth a timeline for resolving complaints.

This legislation would revise the Annual Compliance Plan to clarify the information that would be useful in evaluating Language Access Services.

This legislation sets forth the responsibilities of City departments, OCEIA, and the Immigrant Rights Commission in complying with this Ordinance.

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