

File No. 120368

Committee Item No. 3

Board Item No. 3

COMMITTEE/BOARD OF SUPERVISORS

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Completed by: Alisa Miller Date May 18, 2012

Completed by: Alisa Miller Date May 31, 2012

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document can be found in the file.

8

[Endorsing the 2011 and 2012 Annual Language Access Ordinance Compliance Reports]

Resolution endorsing “Language Matters: Language Access Ordinance Annual Compliance Summary Report, July 2011” and “Language Access Ordinance Annual Compliance Summary Report, March 2012,” issued by the Office of Civic Engagement and Immigrant Affairs.

WHEREAS, Language Access is a civil right affirmed at every level of government, including the Civil Rights Act of 1964 and the 1974 U.S. Supreme Court ruling on Lau v. Nichols; and

WHEREAS, Language access is an essential key to full and meaningful participation in a democracy for many immigrant and newcomer communities; and

WHEREAS, San Francisco is one of the most culturally rich and linguistically diverse cities in the nation with over a third of the population immigrant and nearly half speaking a language other than English at home; and

WHEREAS, The San Francisco Board of Supervisors views the City’s language diversity as a competitive advantage in a global economy; and

WHEREAS, The San Francisco Board of Supervisors enacted the Equal Access to Services Ordinance in 2001 and amended it in 2009 as the Language Access Ordinance (LAO); and

WHEREAS, The LAO is one of the strongest language access laws in the nation, demonstrating San Francisco’s ongoing commitment to equal and full access to services and timely information; and

1 WHEREAS, The Immigrant Rights Commission has been an early champion of
2 language rights and equal access to city services for all residents, including residents who are
3 non or Limited-English speaking; and

4 WHEREAS, The Office of Civic Engagement & Immigrant Affairs (OCEIA) is charged
5 with monitoring compliance and ensuring that the LAO is implemented with the highest level
6 of integrity; and

7 WHEREAS; As required by the LAO, OCEIA has analyzed the language access
8 progress by City departments and prepared annual summary reports in 2011 and 2012
9 entitled "Language Matters: Language Access Ordinance Annual Compliance Summary
10 Report, July 2011" and "Language Access Ordinance Annual Compliance Summary Report,
11 March 2012;" and

12 WHEREAS, The reports include community input, provide fact-based findings, and
13 make concrete recommendations on strengthening LAO efficacy and better serving Limited
14 English Proficient (LEP) residents; and

15 WHEREAS, Both reports find that Tier 1 departments (Adult Probation Department,
16 Department of Elections, Department of Human Services, Department of Public
17 Health, District Attorney's Office, Department of Emergency Management, Fire Department,
18 Human Services Agency, Juvenile Probation Department, Municipal Transportation Agency,
19 Police Department, Public Defender's Office, Residential Rent Stabilization and Arbitration
20 Board, Sheriff's Office, San Francisco International Airport, Office of the Assessor Recorder,
21 City Hall Building Management, Department of Building Inspection, Department of the
22 Environment, San Francisco Public Library, Mayor's Office of Economic and Workforce
23 Development, Planning Department, Department of Public Works, Public Utilities
24 Commission, Recreation and Park Department, Office of the Treasurer and Tax Collector,
25

1 and the San Francisco Zoo) are generally making good faith efforts to comply with the LAO
2 but continue to face significant challenges to full compliance; and

3 WHEREAS, Both reports find that common obstacles include budgetary limitations, the
4 lack of priority placed on language access given other demands, the lack of dedicated LAO
5 compliance personnel to ensure quality control, absence of written protocols for serving LEP
6 clients, limited LEP client data collection, insufficient expectations and standards for bilingual
7 staff, inadequate complaint procedures, and few or no translated documents; and

8 WHEREAS, Both reports find that while the percentage of reported LEP client
9 interactions in Cantonese increased from 47 to 49 percent between FY09-10 and FY10-11,
10 the reported bilingual public contact staff that speak Cantonese only increased from 27 to 28
11 percent; and

12 WHEREAS, The 2011 report finds that 58 percent of departments reported that they
13 offer training for bilingual staff, while others rely on significantly varied training mechanisms;
14 and

15 WHEREAS, The 2012 report finds that the mandatory citywide trainings that were
16 developed by OCEIA had a 96% attendance rate by departments; and

17 WHEREAS, Both reports find that while numerous departments have processes and
18 protocols to ensure accurate and appropriate translations during emergency situations, those
19 mechanisms vary significantly among departments, and 13 of 26 Tier 1 departments reported
20 having no written protocols for serving LEP clients in emergency situations in FY10-11, down
21 from 62 percent in FY09-10; and

22 WHEREAS, Both reports find that departments did not forward any LAO violations to
23 OCEIA in FY09-10 and forwarded only one of 18 reported complaints to OCEIA in FY10-11
24 as required by the LAO, and 50 percent of departments did not publicly post procedures for
25

1 accepting and resolving complaints of alleged violations of the LAO in FY10-11, down from 62
2 percent in FY09-10; and

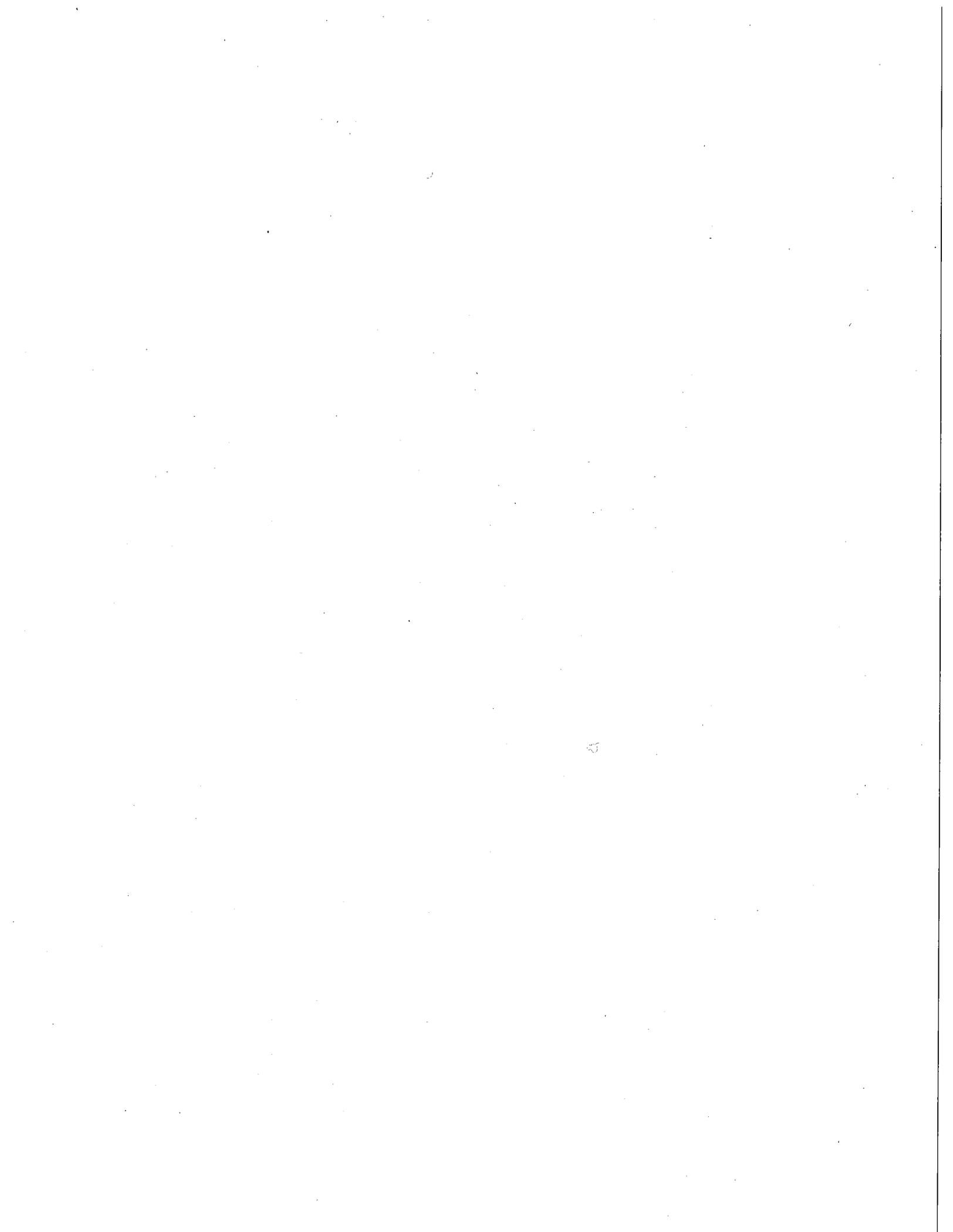
3 WHEREAS, Both reports find that there is a lack of consistency in how departments
4 collect and report LAO data, and a decrease in reported client LEP interactions in FY09-10 is
5 likely due to changes in departments' methodologies for tracking client interactions, staff
6 turnover, and lack of training, rather than lower demand or fewer LEP clients; and

7 WHEREAS, While both reports focus on Tier 1 Department compliance many Tier 2
8 departments do not comply with the basic requirements of the LAO because they are
9 unaware of its applications, lack training, or lack capacity due to small department size; and

10 WHEREAS, On July 11, 2011, the San Francisco Immigrant Rights Commission voted
11 unanimously to adopt the findings in the 2011 language access compliance report, and on
12 March 1, 2012 the San Francisco Immigrant Rights Commission has reviewed compliance
13 data and will be voting at its next regularly scheduled meeting of April 16, 2012 to adopt the
14 findings in the 2012 language access compliance report; now, therefore, be it

15 RESOLVED, That the San Francisco Board of Supervisors recognizes and endorses
16 the findings in "Language Matters: Language Access Ordinance Annual Compliance
17 Summary Report, July 2011" and "Language Access Ordinance Annual Compliance
18 Summary Report, March 2012;" and, be it

19 FURTHER RESOLVED, That the San Francisco Board of Supervisors is concerned
20 with the reports' findings, remains committed to improving and increasing the City's capacity
21 to meet the needs of language diverse residents, and encourages all City agencies to provide
22 information to the public to increase their language access efforts.



**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.

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)

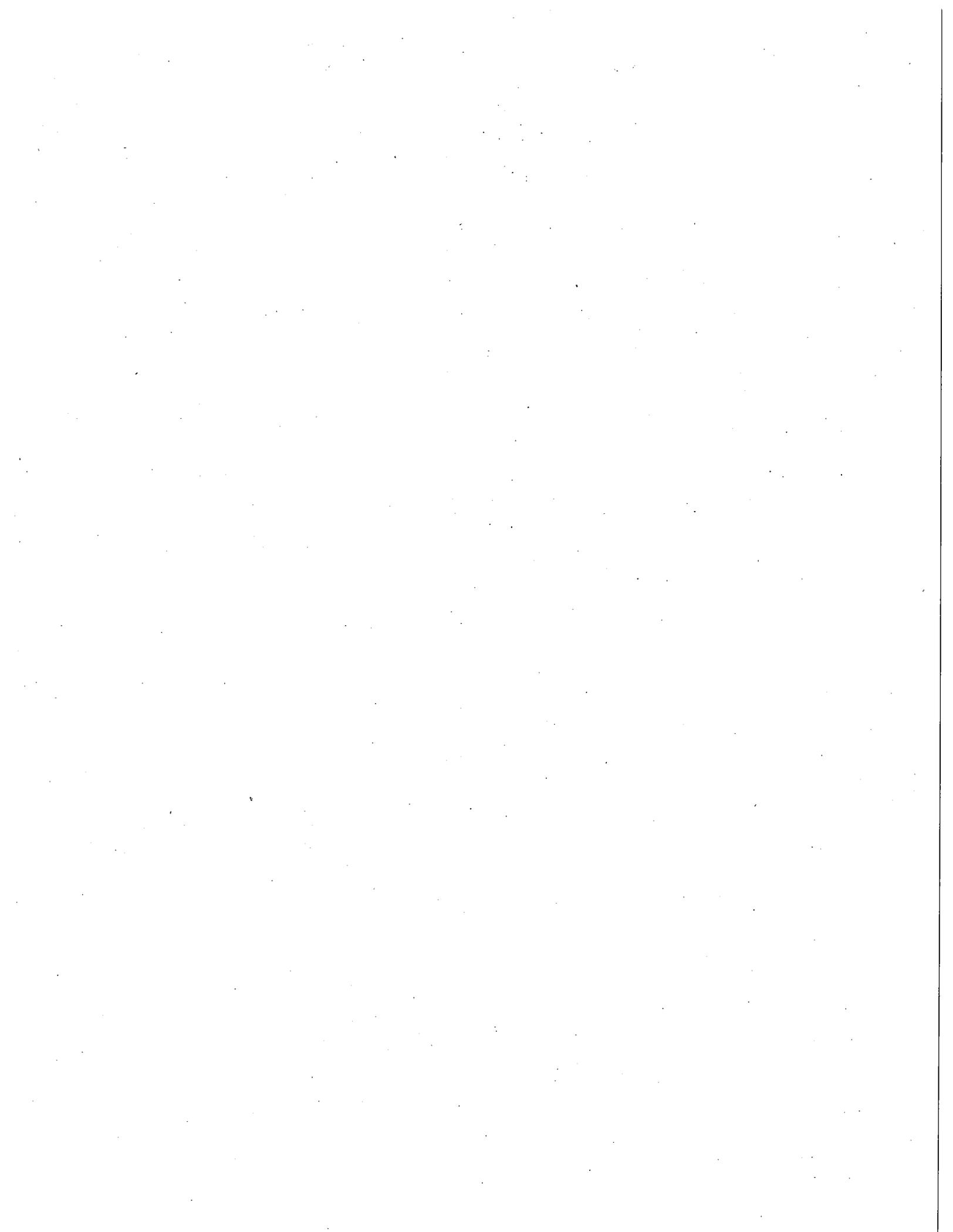
SEC. 91.18 - DISCLAIMERS.

(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)



120368
5/24/12 - Distributed
in Committee



**CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF CIVIC ENGAGEMENT & IMMIGRANT AFFAIRS**

**LANGUAGE MATTERS:
LANGUAGE ACCESS ORDINANCE
ANNUAL COMPLIANCE SUMMARY REPORT
JULY 2011**

Executive Summary

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The Office of Civic Engagement & Immigrant Affairs is a division of the City Administrator/General Services Agency.
OCEIA is pleased to share this report with all interested parties. To request permission to excerpt from this publication,
either in print or electronic format, please contact civic.engagement@sfgov.org.

OVERVIEW

Why don't they just learn how to speak English?

—Employee in a training class on language access laws, October 2010

Attitudes toward bilingualism can be a mask for complicated fears that are hard to talk about: the impact of new immigrants, and global competition, to name two hot button issues. But in our diverse country, in our increasingly international world, is knowing English enough?¹

—Marcia Jarmel and Ken Schneider, Producers/Directors, *Speaking in Tongues*

At a time when language and technology fluency determine global economic success and competitive advantage, the United States is one of the few countries in the world where speaking a second language is not a priority nor viewed as a national asset.

The nation is becoming more diverse, dispersed and global. According to language diversity data released by the U.S. Census Bureau in 2010, 20 percent of the nation's population aged five and over (55.4 million in 2007) speak a language other than English at home. This represents an increase of 140 percent over the past 30 years, four times greater than the national population growth rate.²

As the American population shifts, the rate of hate crimes, harassment, language discrimination, and anti-immigrant sentiment have increased. These incidents in the workplace, community, health care, education, courts, and government are not only due to cultural and linguistic differences, but also negative attitudes and stereotypes about people who speak little or no English, appear "foreign" or are from certain immigrant groups. Anti-immigrant backlash in recent years has unleashed a new round of highly restrictive enforcement legislation targeting immigrants, including in some cases, provisions that allow for racial profiling and "English Only" or "English as an Official Language" requirements.³

For many immigrant and newcomer communities, language access is a core civil right and one of the essential keys to full and meaningful participation in a democracy. Limited English Proficient (LEP) and Non-English Proficient (NEP) persons face significant challenges in accessing timely and relevant information in languages other than English. Despite multiple laws at every level of government that ensure linguistic rights, the compliance and provisioning of services in a diversity of languages remain challenging. It begs the question: is anyone out there taking language access seriously and are the requirements of existing language access laws achievable?

¹Jarmel, Marcia and Schneider, Ken (Producers/Directors). (2009). *Speaking in Tongues* [Documentary]. United States: PatchWorks Productions. Retrieved from <http://speakingintonguesfilm.info>.

²United States Census Bureau. (2010). *Language Use in the United States: 2007* (ACS 12, April 2010). Washington, D.C.: U.S. Department of Commerce, Economics and Statistics Administration. Retrieved from <http://www.census.gov/hhes/socdemo/language>.

³Several states have attempted to pass legislation similar to the Arizona SB1070 *Support Our Law Enforcement and Safe Neighborhoods Act*. The governor of Indiana recently signed SB590 into law— an early version of the bill included English Only requirements which were not included in the final version. Civil rights groups recently successfully challenged provisions of Georgia's copycat law which would have 1) empowered police to check the immigration status of any person who looks or sounds "foreign," and 2) made it a state crime to "transport" or "harbor" an undocumented immigrant in the course of committing another crime, even for a minor offense.

Language Access Laws

Linguistic rights have been affirmed at every level of government and there are currently over 1,000 laws requiring language access in the United States. *Lau v. Nichols* (1974), the landmark ruling by the U.S. Supreme Court established language access as a civil right, ruling that discrimination on the basis of a person's inability to read, write or speak English was a form of discrimination against national origin and thus, a violation of the Civil Rights Act of 1964. Presidential Executive Order 13166 affirmed that right and 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. In California, the 1974 Dymally-Alatorre Bilingual Services Act,⁴ one of the first and strongest in the nation, requires state and local agencies serving a "substantial number of non-English speaking people," to employ a "sufficient number of qualified bilingual staff in public contact positions" and to translate documents explaining available services into their clients' languages.

But recent audits at the federal and state levels have revealed gaps in implementation and compliance monitoring. At the local level, several early adopters of language access laws (including Oakland, New York and Washington, D.C.) have been challenged in the courts or by community advocates for inadequate implementation and enforcement of their language access laws. Clearly, government agencies at every level are struggling with how to effectively implement and enforce well-intended language access laws. Unlike the private sector, the standard set by law for federal, state and local entities to provide language access is significantly high and must meet the needs of all residents, not just some. In the San Francisco Bay Area, where over 112 different languages are spoken, translating and interpreting a large volume of complex information accurately can be extremely difficult and costly. Cash-strapped public agencies face significant challenges in meeting the full extent of language access laws, particularly in the following areas:

- ✓ Ensuring compliance and monitoring oversight with limited resources.
- ✓ Collecting relevant data.
- ✓ Evaluating language access program effectiveness.
- ✓ Conducting effective outreach to inform LEP residents of their rights.
- ✓ Ensuring high quality oral interpretation and written translation services.
- ✓ Limited penalties for noncompliance.
- ✓ Increased liability to local government.
- ✓ Lack of adequate funding for data tracking, translations and interpretations.
- ✓ Responding in a timely manner to emerging needs.
- ✓ Developing coordinated, cost effective processes for translating and distributing written materials in a timely manner.

Language Access in San Francisco

Marking the 10th anniversary of San Francisco's Language Access Ordinance (LAO), the purpose of this report is to evaluate citywide progress and summarize to what degree departments are currently complying with LAO provisions. The 2011 report addresses four main issues: 1) the impact of new requirements contained in a 2009 amendment, including the addition of 13 new Tier 1 departments filing compliance plans for the first time; 2) the extent to which departments are currently meeting the spirit, intent and legal requirements of the LAO, 3) barriers to compliance, and 4) recommendations to

⁴California State Personnel Board, Dymally-Alatorre Bilingual Services Act, California Codes - Government Code - Section 7290-7299.8. Retrieved from: <http://www.spb.ca.gov/bilingual/dymallyact.htm>.

further strengthen the efficacy of the LAO, ensure ongoing compliance, and better serve and inform LEP residents.

According to the 2008 American Community Survey, San Francisco ranks seventh of 71 large cities⁵ in the nation with the highest percentage of foreign-born residents. Approximately 34 percent of San Francisco's 805,235 residents⁶ are immigrants. Of all San Franciscans over the age of five, 44 percent speak a language other than English at home, with the largest language groups being Chinese, Spanish, Tagalog and Russian. Thirteen percent of San Francisco households are "linguistically isolated" with no one over the age of 14 indicating that they speak English "well" or "very well."⁷ Recent emergency and safety situations affecting LEP and monolingual residents high-light the continued need to make language access a priority in San Francisco: two fires in Chinatown six months apart that displaced over 130 LEP and monolingual low- income seniors and families, leaving them without critical information for hours; misunderstandings and fear of federal immigration enforcement raids ("ICE" raids) resulting from routine MUNI fare enforcement activities in the Mission and notices provided only in English; an officer-involved shooting in the Bayview, and racial tensions and violence in the southeast neighborhoods due to cultural and linguistic differences. While the city is better prepared today to respond to such incidents, continuous training and recruitment of culturally competent and bilingual staff are needed to improve the response level and timeliness. Increased outreach, education, and notification in languages in addition to English will help to ensure that residents are prepared and informed in a timely manner.

Practicing Good Government

Since 2001, San Francisco has strived to improve and increase its capacity to meet the needs of language diverse residents. Departments have increased their efforts to comply with requirements of the LAO and more important, to recognize the value of communicating effectively with all residents, particularly those who are monolingual, LEP and/or vulnerable. Significant progress has been made since all language service functions were incorporated into the Office of Civic Engagement & Immigrant Affairs (OCEIA) in 2008 and the LAO was amended in 2009. Compliance with the LAO is now linked to the annual budget process and increased efforts have been made to assist departments with meeting their LAO obligations. Improvements made since 2009 include:

- ✓ A 24/7 Translation and Interpretation Services (TIS) Unit for crisis, emergency and safety situations.
- ✓ Bridges to Freedom Domestic Violence Language Training in Spanish and Chinese for city employees working with DV victims.
- ✓ Community Ambassadors Community Safety Program to bridge cultural and linguistic differences.
- ✓ Glossary of Common Terms.
- ✓ Increased Language Services Support
- ✓ Mandatory citywide compliance training.
- ✓ Standardized compliance reporting.
- ✓ Technical Assistance to city departments.
- ✓ Tools and Resources Sharing.
- ✓ Victims Services Website Translation.

⁵Large cities are defined by the U.S. Census Bureau as having populations of 250,000 or more.

⁶U.S. Census Bureau. (2010). *State and County QuickFacts*. Data derived from Population Estimates, Census of Population and Housing, Small Area Income and Poverty Estimates, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits, Consolidated Federal Funds Report. Washington, D.C. Retrieved from: <http://quickfacts.census.gov/qfd/states/06/06075.html>.

⁷A "linguistically isolated household" is defined by the U.S. Census Bureau as one in which no member 14 years old and over (1) speaks only English or (2) speaks a non-English language and speaks English "very well." In other words, all members 14 years old and over have at least some difficulty with English.

ANNUAL COMPLIANCE PLAN QUESTIONS

In 2009, OCEIA created a standardized compliance plan form to simplify the reporting process and facilitate analysis across diverse Tier 1 departments. The mandatory form, which is based on Chapter 91 of the Administrative Code, is divided into three sections and includes 15 question areas that require specific information on bilingual employees, development and training, and interpretation and translation services. Tier 1 departments must complete the form and provide relevant attachments to supplement the information requested, including written policies, assessments, goals, and protocols for emergency situations.

1. What is the number and percentage of Limited English Proficient (LEP) persons who used the department's services citywide? By supervisorial district?
2. What is the breakdown of LEP interactions by language?
3. What is the total number of public contact positions in the department? List the total number of bilingual staff in public contact positions and identify each by language(s) spoken.
4. Comparison of LEP client and bilingual public contact staff ratios.
5. Describe any telephone-based interpretation services used, including tracking LEP clients by call volume and language.
6. Assess the procedures used to facilitate communication with LEP clients and indicate whether such procedures are adequate.
- 7: Does the department offer employee development and training to maintain well-trained bilingual employees and general staff? Does the training include a description of quality control protocols for bilingual staff?
8. Are there designated bilingual employees responsible for ensuring the accuracy of translated materials? If yes, list by language.
9. Has the department translated all written materials required under the LAO and has the department provided a list of all translated materials by language?
10. Describe the department's procedures for accepting and resolving complaints of alleged violations of the ordinance.
11. What are the changes between the Department's previous annual reporting form and the current submission? Indicate how the Department's current strategies, procedures, and proposed solutions to achieve LAO goals improved language services from the previous year.
12. Did the department submit a plan listing annual goals for the upcoming year and was an assessment of the department's success at meeting last year's goals included?
13. How does the department track and identify clients?
14. How much does the department allocate for language services?
15. Does the department serve LEP persons in crisis or emergency situations? If so, is there a protocol?

SUMMARY OF KEY FINDINGS

All Tier 1 departments are required by the LAO to file annual compliance plans with the Office of Civic Engagement & Immigrant Affairs (OCEIA) by December 31 of each year. For this report period, the deadline was extended to January 7, 2011 to allow additional time for the 13 new Tier 1 departments filing plans for the first time.

- ✓ Overall compliance- In general, Tier 1 departments are making good faith efforts to comply with the LAO and most recognize the importance of better serving LEP residents. All 26 Tier 1 departments filed complete compliance plans for this report period, although 30 percent filed after the extended deadline with repeated reminders from OCEIA staff. Nearly all Tier 1 departments participated in the mandatory training sessions held in October 2010 and several consulted regularly with OCEIA staff throughout the year.
- ✓ Challenges to full compliance- Tier 1 departments continue to face significant challenges to fully complying with the LAO. While many departments reported plans to improve annual goals, budgets and strategies to meet ongoing language services needs, common obstacles remain for others. These include: budgetary limitations and/or the lack of priority placed on language access given other critical demands; lack of dedicated LAO compliance officers or personnel to ensure quality control; absence of written protocols for serving LEP clients; limited LEP client data collection; insufficient expectations and standards for bilingual staff; inadequate complaint procedures; few or no translated documents; and the failure to contract with a telephonic interpretation vendor. New Tier 1 departments faced greater difficulty than existing Tier 1 departments due to unfamiliarity with LAO requirements.
- ✓ Capacity to meet demand in Chinese- Among all reported client interactions, interaction with Cantonese speakers was the highest (47%). Eighty percent of Tier 1 departments reported having sufficient bilingual staff to meet LAO requirements. However, while 44 percent of reported LEP client interactions were in Cantonese, only 27 percent of reported bilingual public contact staff speak Cantonese. Many departments currently outsource services or rely on Language Line (an authorized third party provider of telephonic interpretation services) to meet the translation and interpretation needs of LEP clients.
- ✓ Consistency of bilingual staff training- Fifty-eight percent of departments reported that they do not offer training for bilingual staff, while others rely on significantly varied training mechanisms. Content, breadth and depth of training offered to employees differ significantly among departments, from courses that teach terms specific to a department (APD), to customer service training in a multiethnic society (SFPL), to basic language courses (DEM).
- ✓ Written protocols and quality control in crisis situations- Sixty-two percent of Tier 1 departments reported not having written protocols for serving LEP clients in emergency situations. Processes and protocols to ensure accurate and appropriate translations during crisis situations vary significantly among city departments. Fifty-eight percent of Tier 1 departments reported having quality controls for bilingual staff. Most departments rely on the certification testing administered by the Department of Human Resources, which only tests for basic language ability. Some departments, such as HSA, have a separate examination process.
- ✓ Public notification of language access rights and complaint procedures- Sixty-two percent of departments indicated that they do not publically post procedures for accepting and resolving

complaints of alleged violations of the LAO. Educating both city departments and the LEP client population remains vitally important. While departments reported only 19 LAO complaints in the past year, no notification was provided to OCEIA as required by the LAO. Community-based organizations, however, report numerous anecdotal cases of insufficient language access, lack of in-language complaint information and slow response to requests for language assistance. Factors that may influence the low number of reported LAO complaints include: limited public awareness of language access rights and complaint procedures, unavailability of translated language rights and complaint information, lack of access to the Internet, and inability to navigate and access information on English-based websites. Feedback from community-based organizations also suggests that some LEP residents may not be comfortable with available current methods of communicating with city departments.

- ✓ **Consistency in data collection processes and reporting relevant data-** Departments are required under the LAO to use one of three methods to determine the number of LEP clients: 1) surveys, 2) at the point of service, and/or 3) records from Language Line or other telephonic language translation vendors contracted by the department. There is a lack of consistency in how departments collect and report LAO data. Many new and some existing Tier 1 departments do not currently have mechanisms for tracking LEP clients citywide or by supervisorial district. In practice, departments face challenges capturing required information on their LEP clients. Many rely on sources such as annual estimates from the U.S. Census Bureau or simply track phone calls received by the department.
- ✓ **Tracking LEP client information-** Existing Tier 1 departments reported serving fewer LEP clients in 2011 (6.5 percent of total client interactions) compared to 9 percent in 2008 and 11 percent in 2009. This appears to be inconsistent with U.S. Census data. The decrease in reported LEP client interactions is likely due to changes in departments' methodologies for tracking client interactions, staff turnover, and/or lack of training, rather than lower demand or fewer LEP clients. Thirty-one percent of departments do not currently track client demographic information and did not state plans to track them in the future.
- ✓ **Adequacy of Internal Processes-** Seventy-three percent of Tier 1 departments reported that their current processes to facilitate communication with LEP persons are adequate. On the other hand, several departments reported ongoing barriers to providing language services, including: translation accuracy and speed, providing adequate and effective language services, and budgetary constraints.
- ✓ **Continuous improvement-** Most new Tier 1 departments did not report improvements since this was the first year they were required to file plans. Five original Tier 1 departments with heavy public contact, including Elections, Emergency Management, Public Health, Public Library, and Sheriff, did not report changes from the previous year's Annual Compliance Plan nor did they report plans to improve services in FY2011-12.
- ✓ **Tier 2 departments-** Many Tier 2 departments do not comply with the basic requirements of the LAO because they are unaware of its application, lack training, or lack the capacity and resources due to small department size. Tier 2 departments were invited to LAO training workshops which were mandatory only for Tier 1 departments. In 2012, training will be mandatory for all city departments.

SAMPLE CHARTS

Figure 4-1. Ratio of bilingual staff and LEP client interactions

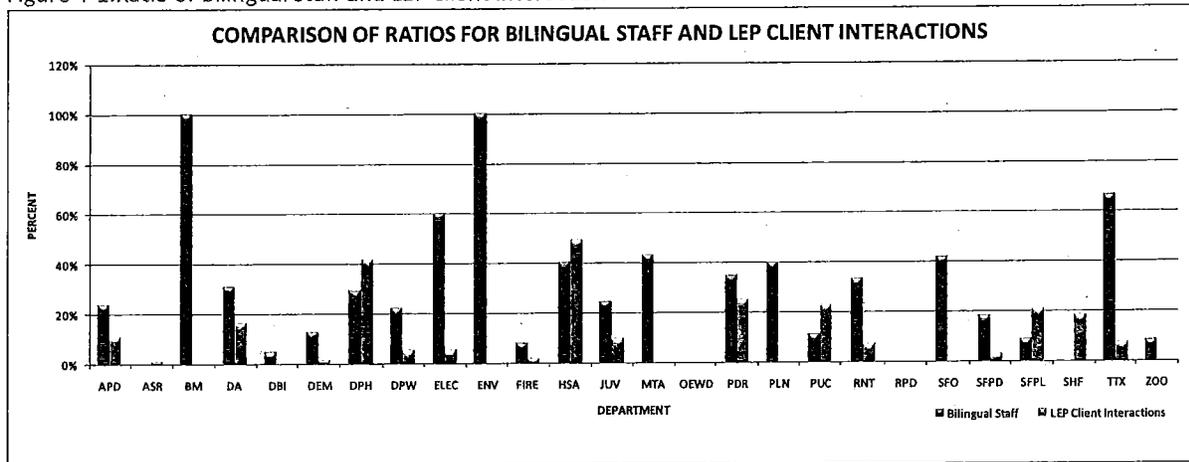


Figure 4-1 compares the percent of all LEP client interactions to the percent of all staff in public contact positions that are bilingual. Bilingual staff represent 24% of all public contact staff while LEP clients represent 8% of all client interactions for Tier 1 departments.

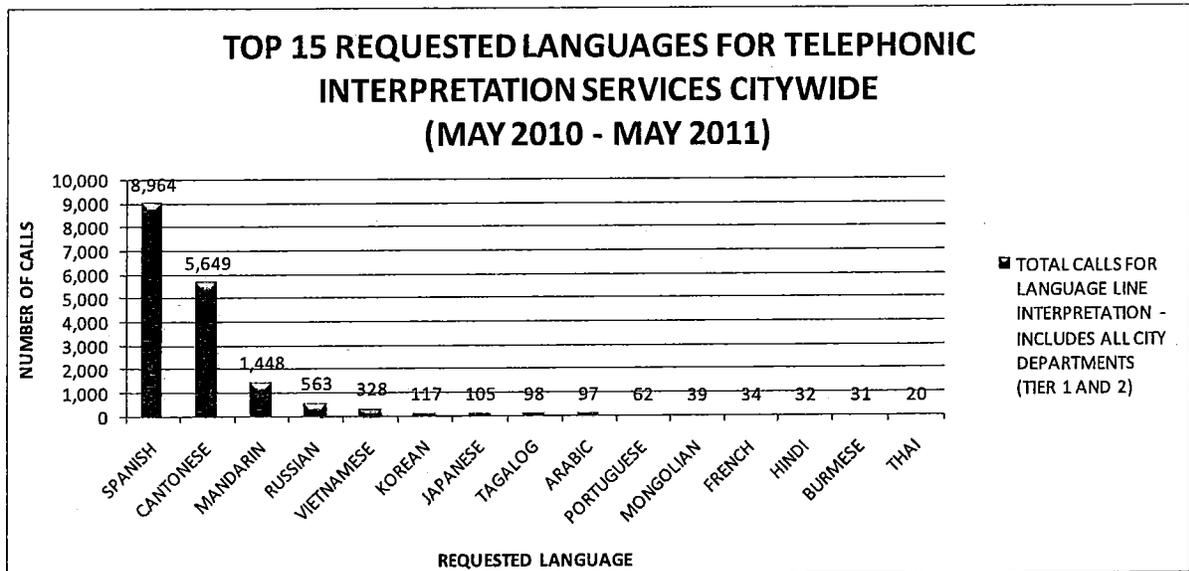
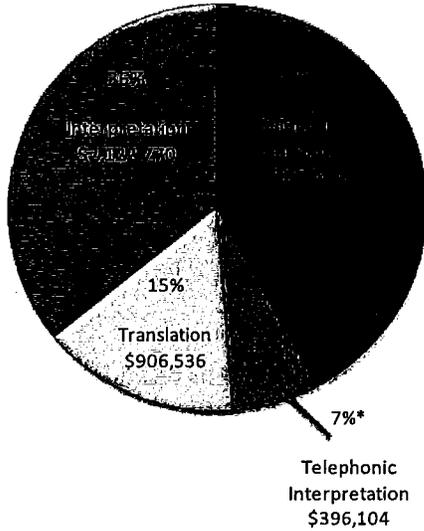


Figure 5-1 summarizes the volume of telephonic interpretation services by department and language for departments that track telephonic interpretation requests.

PROPOSED BUDGET FY 11-12

Tier I Departments

Total Budget: \$5,970,809



- Compensatory pay for bilingual employees, excluding regular annual salary
- ▣ Telephonic interpretation services provided by City vendors
- Document translation services provided by City vendors
- On-site language interpretation services provided by City vendors

Figure 14-1 shows that Tier 1 departments reported a total proposed budget of nearly \$6 million for language services for the next fiscal year. Nearly one-half (42%) of the projected FY2011-12 Tier I department budgets for language services go to bilingual employee compensation while 36% is for on-site language interpretation through city vendors. Fifty-six percent of the citywide projected budget for language services is accounted for by DPH (\$3.4 million); 13% by HSA (\$765,000); 9% by Elections (\$525,000); and the remaining 22% by the other 23 Tier 1 departments (\$1.3 million).

* This does not include 311's budget for telephonic interpretation through Language Line. 311 is the highest user of Language Line citywide, spending approximately \$100,000 per fiscal year, however, it is not currently designated as a Tier 1 Department.

RECOMMENDATIONS

The following actions should be considered to strengthen the efficacy of the LAO and improve compliance:

- ✓ Language access should continue to be a priority for the city and especially departments that directly serve the public. This should be reflected in all aspects of normal operations and planning, including building signs and public notices.
- ✓ Consequences for non-compliance with the LAO must be clearly defined. Administrative guidelines for implementation and ongoing compliance should be developed.
- ✓ The importance of complying with language access laws needs to be regularly stated by the top levels of city leadership, from the Mayor to the Board of Supervisors, elected officials and department heads.
- ✓ The Immigrant Rights Commission recommends that the following departments be added to the Tier 1 list: 311, Department of Children, Youth & Their Families, Citizen Complaints (Office of), Clerk of the Board of Supervisors, Contract Administration (Office of), County Clerk, General Services Agency, Department of Human Resources, Human Rights Commission, Office of Labor Standards Enforcement, Mayor's Office of Housing, Mayor's Office of Neighborhood Services, Department on the Status of Women.
- ✓ Department Heads, senior staffs, and designated LAO liaisons should review LAO requirements annually with their staffs and incorporate LAO compliance elements in future plans and budgets.
- ✓ A centralized team of highly qualified translators and interpreters from the community and from the city should be identified to coordinate with OCEIA in providing 24/7 year-round assistance to city departments during crisis situations, emergencies and disasters. This team can also be available to assist departments with translating website information, public documents and other essential information for LEP residents.
- ✓ Increase quality assurance and develop standardized language fluency testing that goes beyond the minimal testing level for bilingual pay differential administered by DHR. These tests should be developed with language experts, academic institutions, and community-based organizations with a focus on the accuracy and appropriateness of translations and interpretation services provided by bilingual public contact employees, especially in crisis, emergency and public safety situations.
- ✓ Departments should stop relying on on-line translation tools for website and technical translations since these are highly unreliable for providing high quality and accurate translations. It is critical to provide accurate translations when disseminating crisis, emergency or public safety information. Online translation tools do not accurately translate complicated vocabulary, grammar, context and language nuances.
- ✓ Citywide cultural and linguistic competency standards should be developed, incorporating best practices and based on National Standards on Culturally and Linguistically Appropriate Services (CLAS). Although these standards are primarily directed at health care organizations, they can be leveraged to ensure that city services are more culturally and linguistically accessible to LEP

residents. Cultural Competency Training must move beyond ineffective slide presentations and incorporate honest and frank conversations about attitudes and approaches towards cultural and linguistic differences.

- ✓ Improve tracking, evaluation and data collection mechanisms and tools. Create metrics and a “report-card” or dashboard tool to better assess progress.
- ✓ Bilingual ability should be an additional factor in recruiting qualified candidates for future job openings.
- ✓ Collaborate with community-based organizations and academic experts to conduct a citywide language access needs assessment. A 2008 survey on language access needs conducted by CAA found that 93% of the 301 survey respondents indicated they wanted interpretation services and translated documents in their primary language when seeking public services; 77% indicated they needed services in their primary language to conduct a job search; 71% for job training, 74% in order to communicate with their children’s public school officials; and 74% to communicate with the SFPD.⁸
- ✓ The partnership with community-based organizations and advocates should continue and be enhanced by forming a language access advisory committee to the Immigrant Rights Commission and OCEIA. This committee can engage in an ongoing discussion about language access needs and recommend improvements and innovations to better serve the needs of LEP and monolingual residents.
- ✓ The Immigrant Rights Commission and the Office of Civic Engagement & Immigrant Affairs (OCEIA) should be adequately funded and staffed to assist departments with implementing expanded language services responsibilities, particularly all activities associated with compliance, data documentation and analysis, translations and interpretations, outreach and education, and training.

⁸Chinese for Affirmative Action. (2009). *Access Deferred: Progress, Challenges and Opportunities: A Report on Language Access and the San Francisco Unified School District, Police Department and One-Stop/Career Link Centers*. San Francisco, California. Retrieved from: http://www.caasf.org/wp-content/uploads/PDFs/CAA_Access_Deferred_July_2009.pdf.

CONCLUSION

To continue thriving as a nation, the United States must be intentional about weaving newcomers into the fabric of society. How well we integrate immigrants and provide opportunities for all members has far-reaching implications for—and is inextricable from—our current and future vitality.

—Grantmakers Concerned with Immigrants and Refugees

In its 2006 Toolkit for Funders, Grantmakers Concerned with Immigrants and Refugees (GCIR) outlined strategies for immigrant integration and defined this as “a dynamic, two-way process in which newcomers and the receiving society work together to build secure, vibrant, and cohesive communities.” GCIR noted that eliminating language barriers, promoting English proficiency, and providing education opportunities are key to successful integration.⁹

It is critical that the public sector provide equal access to services in the languages that residents understand and speak. Residents who speak a language other than English or who lack access to the internet are further disadvantaged when the same information that is provided to other residents is not readily available to them in a timely manner. The benefits from the city’s investment in ensuring that all residents understand their respective roles, can communicate effectively with government without fear, and are able to participate meaningfully in a civil society, far exceed the expense of lawsuits and other costs to the greater community.

Language access should be a normal part of doing business every day. Year after year, some departments report that they have adequately met the requirements of San Francisco’s language access laws and have no plans to improve. City agencies often cite a lack of resources as the main barrier to fully complying with the full extent of LAO requirements or making additional efforts. However, this is a barrier that can be overcome if city departments and officials continue to take the law seriously, redistribute resources, and see the value of language diversity as a competitive advantage.

The LAO is about more than compliance or just doing enough. Because in this global economy, doing enough is not good enough. A city that can innovate and creatively solve problems by leveraging its community assets — a population with cultural and language diversity, a wide array of skills and talents, and the ability to engage and contribute to overall success— is a world class city.

⁹Grantmakers Concerned with Immigrants and Refugees, (2006). *Investing in Our Communities: Strategies for Immigrant Integration*. Sebastopol, CA. Retrieved from: <http://www.gcir.org/publications/toolkit>.



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF CIVIC ENGAGEMENT & IMMIGRANT AFFAIRS

OCEIA promotes civic participation and inclusive policies that improve the lives of San Francisco's residents, particularly immigrants, newcomers, underserved and vulnerable communities. OCEIA seeks to bridge linguistic and cultural barriers to ensure that San Francisco's diverse residents have equal access to city services and opportunities to participate and contribute in meaningful ways to the success of the community and to the city.

Program Areas:

Language Access & Services | Immigrant Rights & Integration | Community Ambassadors Safety Program |
Census Analysis & Education | Community outreach & education | Day Laborers Program

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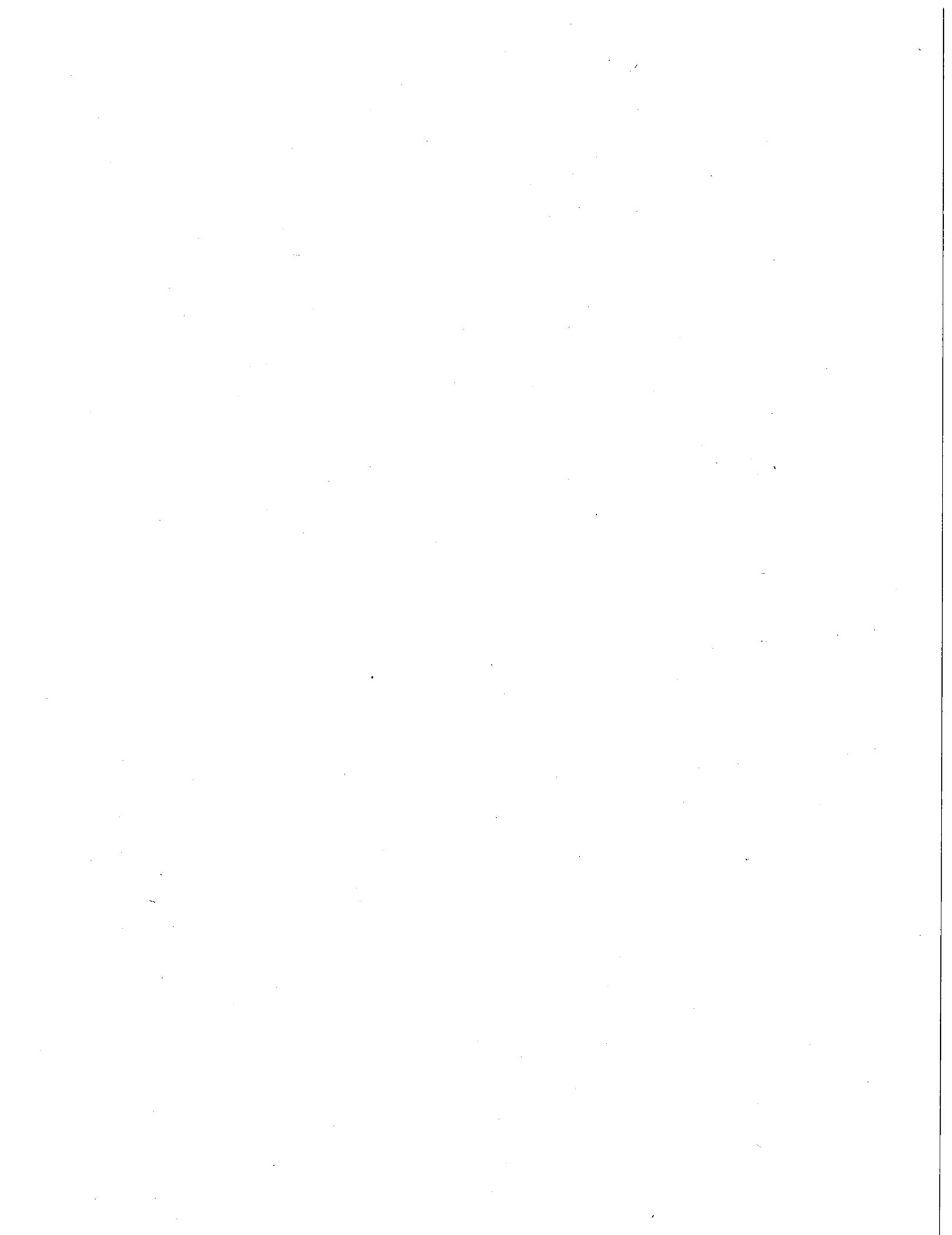
Chinese for Affirmative Action, Omega Boys Club, Self-Help for the Elderly, La Raza Central Legal, San Francisco Immigrant Legal and Education Network (SFILEN), Catholic Charities, Lawyers' Committee for Civil Rights, American Immigration Lawyers Association of Northern California (AILA), Immigrant Legal Resource Center (ILRC), Bar Association of San Francisco's Volunteer Legal Services Program, The American Bar Association - Lawyer Referral and Information Service, Asian Law Caucus, Acción Latina, African Advocacy Network, Arab Resource and Organizing Center (AROC), AYADI, CYO, Community Housing Partnership, Southeast Asian Community Center (SEACC), Vietnamese Community Center, Visitation Valley Community Center, Central American Resource Center, Bernal Heights Neighborhood Center, Chinatown Community Development Center, Chinese Progressive Association, Coleman Advocates for Children and Youth, Dolores Street Community Services, Filipino Community Center, People Organized to Demand Environmental and Economic Rights, People Organized to Win Employment Rights, South of Market Community Action Network, St. Peter's Housing Committee, and Tenderloin Neighborhood Development Corporation.

Special thanks to Chair Angus McCarthy and the Immigrant Rights Commission, Mayor Edwin M. Lee, President David Chiu, Supervisors Chu, Cohen and Campos, the Board of Supervisors, Ann Chung, Vincent Pan, Dr. Joseph E. Marshall, Tessa Rouverol Callejo, Ted Wang and Jenny Lam for their leadership on language access and cultural competency. Also to 311, the SFPD, MTA, Department on the Status of Women, Aris Cisneros of the SFUSD, and the Office of Citizen Complaints for their partnership and collaboration.

This report is dedicated to Eric Quezada and Lorena Melgarejo for their tireless efforts on behalf of underserved and vulnerable communities.

Su valor nos inspira para seguir en la lucha!

Executive Summary Credits: Adrienne Pon, Author; Guianna Henriquez, LAO Policy and Data Analysis; Whitney Chiao, Data Coordination, Charts and Graphs; Loble Lau, Production



120368
5/24/12 - Distributed
in Committee



**CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF CIVIC ENGAGEMENT & IMMIGRANT AFFAIRS**

**LANGUAGE MATTERS:
LANGUAGE ACCESS ORDINANCE
ANNUAL COMPLIANCE SUMMARY REPORT
JULY 2011**



CITY AND COUNTY OF SAN FRANCISCO IMMIGRANT RIGHTS COMMISSION

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Melba Maldonado
Sonya Molodetskaya
Toye Moses
Sam Ng
Arthur Tom

June 2011

San Francisco remains one of the most culturally and linguistically diverse cities in the nation with nearly half the population speaking a language other than English at home.

The San Francisco Language Access Ordinance (LAO), one of the most far reaching in the nation, was enacted in 2001 to ensure equal access to city services for all San Franciscans, including those with limited proficiency in English. The LAO requires the Office of Civic Engagement & Immigrant Affairs (OCEIA) to ensure citywide compliance with language access laws and to provide a summary report each year to the Immigrant Rights Commission (IRC), Board of Supervisors and Mayor indicating which Tier 1 departments have filed their annual language access plans as required by the law.

Executive Director
Adrienne Pon

As early advocates for language rights, the IRC thanks Mayor Edwin M. Lee, President David Chiu and the Board of Supervisors for their leadership, vision and continued commitment to meeting the language needs of all San Francisco residents. The Commission thanks Commissioner Vera Haile for her advice and guidance, and commends the OCEIA staff, under the leadership of Executive Director Adrienne Pon, for preparing this summary report and for its partnership in improving the lives of San Francisco's most vulnerable residents.

We hope that our city leaders and departments continue to dedicate sufficient resources to ensure that all San Francisco residents, particularly monolingual and limited-English proficient individuals, have equal access to city services, programs and timely information. Our lives depend on it.

A handwritten signature in cursive script that reads "Angus McCarthy".

Angus McCarthy, Chair

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**CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF CIVIC ENGAGEMENT & IMMIGRANT AFFAIRS**

**LANGUAGE ACCESS ORDINANCE
ANNUAL COMPLIANCE SUMMARY REPORT
MARCH 2012**



CITY AND COUNTY OF SAN FRANCISCO IMMIGRANT RIGHTS COMMISSION

Edwin M. Lee, Mayor

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Melba Maldonado
Sonya Molodetskaya
Toye Moses
Sam Ng
Mario Paz
Arthur Tom

March 1, 2012

For nearly 15 years, the San Francisco Immigrant Rights Commission (IRC) has been a champion for the inclusion and integration of San Francisco's immigrant residents and workers. The IRC has fought for fair and humane policies at the local, state and federal levels.

The San Francisco Language Access Ordinance (LAO), one of the most far reaching in the nation, was enacted in 2001 to ensure equal access to city services for all San Franciscans, including those with limited proficiency in English. The LAO requires the Office of Civic Engagement & Immigrant Affairs (OCEIA) to ensure citywide compliance with language access laws and to provide a summary report each year to the Immigrant Rights Commission (IRC), Board of Supervisors and Mayor indicating which Tier 1 departments have filed their annual language access plans as required by the law.

Executive Director Adrienne
Pon

The IRC is committed to ensuring that monolingual and limited-English proficient individuals have equal access to city services, programs and timely information in languages besides English. As early advocates for language rights, we applaud Mayor Edwin M. Lee, President David Chiu and the Board of Supervisors for their leadership, vision and continued commitment to meeting the language needs of all San Francisco residents.

The Commission commends the OCEIA staff, under the leadership of Executive Director Adrienne Pon, for preparing this annual report and for its partnership in improving the lives of San Francisco's most vulnerable residents.

A handwritten signature in cursive script, reading "Angus McCarthy".

Angus McCarthy, Chair