

1 [Administrative Code - Language Access Requirements for Departments]

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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 ~~*italics Times New Roman font*~~.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~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 91.134, revising existing Sections 91.1-91.18, and renumbering those
17 Sections so that the Chapter consists of Sections 91.1-91.189, 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.

25

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 a 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 of 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 of 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 affect~~s~~ 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, 5057% 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

8

9 **SEC. 91.2. DEFINITIONS.**

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

12 “Advisory Body” shall mean a body other than a City Board or City Commission that is
13 created by ordinance for the purpose of providing policy advice to the Board of Supervisors,
14 the Mayor, or City Departments.

15 (a) “Annual Compliance Plan” is set forth in Section 91.1140 of this Chapter.

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

25 (c) “City” shall mean the City and County of San Francisco.

1 “City Boards” shall mean all boards listed in Campaign and Governmental Conduct
2 Code section 3.1-103(a)(1).

3 “City Commissions” shall mean all commissions listed in Campaign and Governmental
4 Conduct Code section 3.1-103(a)(1).

5 ~~(d)~~ “Commission” shall mean the Immigrant Rights Commission.

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

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

23 (2) Analyzing information collected during the Department’s intake process for
24 all clients, including walk-ins and scheduled appointments. The information gathered using either
25 method shall also be broken down by Covered Department Facility to determine whether 5% percent

1 or more of those persons who use the Department's services at a Covered Department Facility are
2 Limited English Speaking Persons who speak a shared language other than English; or

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

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

10 (g) "Department(s)" ~~shall mean both Tier 1 Departments and Tier 2 Departments.~~ shall mean
11 any City Department, agency or office with a service or program that provides information or services
12 directly to the public, or interacts with the public.

13 (h) "Department's Service or Program" shall mean anything a City Department, agency, or
14 office provides that involves direct services to the public as part of ongoing operations and those direct
15 services directly administered by the Department, agency, or office for program beneficiaries and
16 participants. Activities include, but are not limited to, information provided to or communication with
17 the public, spaces or department facilities used by the public, and programs that provide direct services
18 to the public.

19 "Direct Services to the Public" shall mean any service that requires City employees to provide
20 responses to inquiries about official documents, licenses, financial matters, and benefits that are
21 related to the public's health, safety, and general welfare.

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

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

4 “Language Access Services” shall mean translation and interpretation services for both verbal
5 and written communication.

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

9 (h) “OCEIA” shall mean the Office of Civic Engagement & Immigrant Affairs or any
10 successor agency.

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

14 (k) “Substantial Number of Limited English Speaking Persons” shall mean *either*
15 *10,000 ~~limited English Speaking~~ City residents, who speak a shared language other than English,*
16 *or 5 percent of those persons who use the Department’s services. ~~The Office of Civic Engagement and~~*
17 *Immigrant Affairs-OCEIA shall determine annually whether at least 10,000 ~~limited English~~*
18 *speaking City residents speak a shared language other than English. ~~OCEIA The Office of~~*
19 *Civic Engagement and Immigrant Affairs shall make this determination by referring to the best*
20 *available data from the United States Census Bureau or other reliable source and shall certify*
21 *its determination to Departments and the Commission no later than ~~December 1~~ January 31st of*
22 *each year. ~~Each Department shall determine annually whether 5 percent or more of those Limited~~*
23 *English Speaking Persons who use the Department’s services Citywide speak a shared language other*
24 *than English. Prior to certifying any new language as set forth in this subsection, OCEIA shall comply*
25

1 ~~with the provisions in Chapter 91.461516(e). Departments shall make this determination using one of~~
2 ~~the following methods:~~

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

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

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

16 ~~(l) “Tier 1 Departments” shall mean the following City departments: Adult Probation~~
17 ~~Department, Department of Elections, Department of Human Services, Department of Public Health,~~
18 ~~District Attorney’s Office, Department of Emergency Management, Fire Department, Human Services~~
19 ~~Agency, Juvenile Probation Department, Municipal Transportation Agency, Police Department, Public~~
20 ~~Defender’s Office, Residential Rent Stabilization and Arbitration Board, Sheriff’s Office. Beginning~~
21 ~~July 1, 2010, the following departments shall be added to the list of Tier 1 Departments: San Francisco~~
22 ~~International Airport, Office of the Assessor Recorder, City Hall Building Management, Department of~~
23 ~~Building Inspection, Department of the Environment, San Francisco Public Library, Mayor’s Office of~~
24 ~~Economic and Workforce Development, Planning Department, Department of Public Works, Public~~

1 ~~Utilities Commission, Recreation and Park Department, Office of the Treasurer and Tax Collector, and~~
2 ~~the San Francisco Zoo.~~

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

5
6 **SEC. 91.3. SCOPE.**

7 ~~This Chapter 91 ordinance shall apply to any Department, agency, or office program or~~
8 ~~service that provides direct services to the public.~~

9
10 **SEC. 91.43. ACCESS TO LANGUAGE SERVICES. UTILIZATION OF BILINGUAL**
11 **EMPLOYEES.**

12 (a) Utilizing sufficient Bilingual Employees in ~~P~~ublic ~~C~~ontact ~~P~~ositions, ~~Tier 1~~
13 Departments shall provide information and services to the public in each language spoken by
14 a Substantial Number of Limited English Speaking Persons or to the public served by a
15 Covered Department Facility in each language spoken by a Concentrated Number of Limited
16 English Speaking Persons. ~~Tier 1~~ Departments comply with their obligations under this
17 Section 91.4 if they provide the same level of service to Limited English Speaking Persons as
18 they provide English speakers.

19 (b) ~~Tier 1~~ Departments need only may consider implement the hiring Bilingual
20 Employees for public contact positions made available through retirement or normal
21 attrition requirements in the Language Access Ordinance by filling public contact positions
22 made vacant by retirement or normal attrition. Nothing herein shall be construed to authorize
23 the dismissal of any City employee in order to carry out the Language Access Ordinance.

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

1 (c) Prior to July 1, 2016, this Section 91.4 shall not apply to Departments that are
2 required under Section 91.12(a) to submit their initial Compliance Plans on October 1, 2016.
3 Thereafter, this Section shall apply to all City Departments.
4

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

6 (a) ~~Tier 1~~ Except as provided in subsection 91.5(g), Departments shall translate the
7 following written materials that provide vital information to the public about the Department's
8 services or programs into the language(s) spoken by a Substantial Number of Limited English
9 Speaking Persons: applications or forms to participate in a Department's program or activity
10 or to receive its benefits or services; written notices of rights to, determination of eligibility
11 ~~foref~~, award of, denial of, loss of, or decreases in benefits or services, including the right to
12 appeal any Department's decision; written tests that do not assess English language
13 competency, but test competency for a particular license or skill for which knowledge of
14 written English is not required; notices advising Limited English Speaking Persons of free
15 language assistance; materials, *including publicly-posted documents*, explaining a Department's
16 services or programs; complaint forms; ~~or any other written documents~~ *related to direct services*
17 *to the public that could impact that have the potential for important consequences for the community or*
18 *an individual seeking services from or participating in a program of a City Department.*
19 Notwithstanding the requirements of this subsection 91.5(a), translation of public hearing
20 notices, agendas, and minutes shall be governed by Section 91.7 of this Chapter.

21 ~~(b) Tier 2 Departments shall translate all publicly-posted documents that provide information~~
22 ~~(1) regarding Department services or programs, or (2) affecting a person's rights to, determination of~~
23 ~~eligibility of, award of, denial of, loss of, or decreases in benefits or services into the language(s)~~
24 ~~spoken by a Substantial Number of Limited English Speaking Persons.~~
25

1 *(be) Departments that post signage that provides information to the public with respect to the*
2 *Department's Service or Program shall make good faith efforts to translate those materials in the*
3 *languages as prescribed by a Substantial Number of Limited English Speaking Persons;*
4 *elsewhere in this Chapter 91;*

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

8 *(de) ~~Departments required to translate materials under the provisions of this Section~~*
9 *~~91.5 shall post notices in the public areas of their facilities in the relevant language(s)~~*
10 *indicating that written materials in the language(s) and staff who speak the language(s) are*
11 *available. The notices shall be posted prominently and shall be readily visible to the public.*

12 *(ed) ~~Departments required to translate materials under the provisions of this Section~~*
13 *~~91.5 shall ensure that their translations are accurate and appropriate for the target audience.~~*
14 *Translations should match literacy levels of the target audience.*

15 *(fe) Each Department shall designate a staff member ~~with responsibility~~ responsible for*
16 *ensuring that all translations of the Department's written materials meet the accuracy and*
17 *appropriateness standard set in ~~§~~ subsection ~~(ef)~~ of this Section 91.5. Departments are*
18 *encouraged to have their staff check the quality of written translations, but where a*
19 *Department lacks biliterate personnel, the responsible staff member shall obtain quality*
20 *checks from external translators. Departments may contact OCEIA for assistance in locating a*
21 *qualified translator or translation equipment. Departments are also encouraged to solicit*
22 *feedback on the accuracy and appropriateness of translations from bilingual staff at*
23 *community groups whose clients receive services from the Department.*

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

1 (g) Prior to July 1, 2016, subsection 91.5(a) shall not apply to Departments that are
2 required under Section 91.12(a) to submit their initial Compliance Plans on October 1, 2016.
3 Thereafter, Section 91.5(a) shall apply to all City Departments. But prior to July 1, 2016, any
4 Department not subject to subsection 91.5(a) shall translate into the language(s) spoken by a
5 Substantial Number of Limited English Speaking Persons all publicly-posted documents that
6 provide information (1) regarding the Department's services or programs, or (2) affecting a
7 person's rights to, determination of eligibility of, award of, denial of, loss of, or decreases in
8 benefits or services.

9
10 **SEC. 91.65. DISSEMINATION OF TRANSLATED MATERIALS FROM THE STATE AND**
11 **FEDERAL GOVERNMENT.**

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

16
17 **SEC. 91.76. PUBLIC MEETINGS AND HEARINGS.**

18 (a) City Boards, City Commissions, *advisory bodies* and City Departments shall ~~not~~
19 ~~automatically~~ translate meeting notices, agendas, ~~or~~and minutes upon written request. When a,
20 City Boards, City Commissions, and advisory bodies receives a written request for translated
21 meeting minutes, the body shall translate the meeting minutes only after the body adopts them and
22 within a reasonable time thereafter.

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

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

4
5 **SEC. 91.78. RECORDED TELEPHONIC MESSAGES.**

6 All Departments with recorded telephonic messages about the Department's operation
7 or services shall maintain such messages in each language spoken by a Substantial Number
8 of Limited English Speaking Persons, or where applicable, a Concentrated Number of Limited
9 English Speaking Persons. Such Departments are encouraged to include in the telephonic
10 messages information about business hours, office location(s), services offered and the
11 means of accessing such services, and the availability of language assistance. ~~If the~~
12 ~~Department is governed by a Commission, the messages shall include the time, date, and~~
13 ~~place of the Commission's meetings.~~ The requirements of this Section 91.8 shall apply only
14 to recordings prepared by a Department to provide general information to the public about the
15 Department's operations and services, and shall not apply to voicemail recordings on City
16 employees' telephone lines.

17
18 **SEC. 91.89. 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, all Departments involved shall prioritize
24 Language Access Services and to the extent feasible ensure bilingual staff are present and available to
25 assist 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
4 **SEC. 91.910. COMPLAINT PROCEDURE.**

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

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

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

21 (b) Department's and City Board, City Commission, and Advisory Body's eComplaint
22 Procedure. If a Department or a City Board, a City Commission or a Advisory Body receives a
23 complaint from an individual, it shall immediately forward a copy of the complaint to OCEIA. The
24 Department In addition, it shall cooperate in good faith with OCEIA in resolving the complaint within
25 the applicable time frame.

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

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

12
13 **SEC. 91.1011. ANNUAL COMPLIANCE PLAN.**

14 Using information collected during the preceding fiscal year beginning July 1 and ending June
15 30, ~~e~~Each Tier-1 Department shall draft an Annual Compliance Plan ~~containing~~ including all of
16 the following information, as well as any additional information OCEIA requires:

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

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

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

24 (b) ~~The number and percentage of limited English speaking residents of each District in which~~
25 ~~a Covered Department Facility is located and persons who use the services provided by a Covered~~

1 ~~Department Facility, listed by language other than English, using either method in Section 91.2(k) of~~
2 ~~this Chapter;~~

3 ~~(c) A demographic profile of the Tier I Department's clients;~~

4 ~~(d) The number of Public Contact Positions in the Tier I Department;~~

5 ~~(de) The number A roster of Bilingual Employees in Public Contact Positions, their titles,~~
6 ~~certifications of bilingual capacity, office locations, the language(s) other than English that the~~
7 ~~persons speak; excluding those bilingual employees who are self-designated as competent in a~~
8 ~~second language other than English;~~

9 ~~(ef) The name and contact information of the Tier I Department's language access~~
10 ~~coordinator liaison;~~

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

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

21 ~~(hi) Ongoing employee development and training strategy to maintain well trained~~
22 ~~bilingual employees and general staff. Employee development and training strategy should~~
23 ~~include a description of quality control protocols for bilingual employees; and a description of~~
24 ~~language service protocols for Limited English Speaking Persons individuals in crisis situations~~
25 ~~as outlined in Section 91.98;~~

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

3 (i) ~~If the Department determines that additional bilingual employees are needed assessments~~
4 ~~indicate a need for additional Bilingual Employees in Public Contact Positions~~ to meet the
5 requirements of Section 91.4~~3~~ of this Chapter, ~~the Department must provide~~ a description of ~~the~~
6 ~~Tier I Department's~~ ~~its~~ plan for ~~meeting those requirements~~ ~~the positions, including the number of~~
7 ~~estimated vacancies in Public Contact Positions;~~

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

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

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

16 (m) ~~A copy of the The Department's~~ written policies on providing services to Limited
17 English Speaking Persons, ~~which Departments are annually obligated to review and to~~
18 ~~provide an updated copy to OCEIA;~~

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

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

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

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

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

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

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

13

14 **SEC. 91.112. COMPLIANCE PLANS SUBMITTALS, LANGUAGE ACCESS ORDINANCE**
15 **SUMMARY REPORT, AND RECOMMENDATIONS FOR EMERGING LANGUAGE**
16 **POPULATIONS.**

17 (a) Compliance Plans Submittals. *The Director of each Tier 1 Department shall approve*
18 *and electronically file an annually file electronic copies of the Annual Compliance Plan by December*
19 *31st with the Mayor's Office, the Commission, and the Office of Civic Engagement and Immigrant*
20 *Affairs. All of the following entities shall submit their 2014-2015 Annual Compliance Plan on*
21 October 1, 2015, and thereafter October 1st of each year: Adult Probation Department, City Hall
22 Building Management, Department of Building Inspection, Department of Elections, Department of the
23 Environment, Department of Emergency Management, Department of Human Services, Department of
24 Public Health, Department of Public Works, District Attorney's Office, Fire Department, Human
25 Services Agency, Juvenile Probation Department, Mayor's Office of Economic and Workforce

1 Development, Municipal Transportation Agency, Office of the Assessor Recorder, Office of the
2 Treasurer and Tax Collector, Planning Department, Police Department, Public Defender's Office,
3 Public Utilities Commission, Recreation and Park Department, Residential Rent Stabilization and
4 Arbitration Board, San Francisco International Airport, San Francisco Public Library, San Francisco
5 Zoo, and Sheriff's Office shall submit their 2014-2015 Annual Compliance Plan on October 1,
6 2015, and thereafter October 1st of each year. All other Departments shall file their initial
7 Compliance Plan on October 1, 2016, and thereafter October 1st of each year. The Director of each
8 Department or his or her designee shall approve and electronically file submit an Annual Compliance
9 Plan that includes the required data and budget information with OCEIA.

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

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

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

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

7
8 **SEC. 91.1213. RECRUITMENT.**

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

12
13 **SEC. 91.14. DEPARTMENT RESPONSIBILITIES.**

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

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

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

19 (c) Designate a language access coordinator; and

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

22 (de) Use good faith efforts to comply with the provisions of this Chapter 91 Ordinance.
23 Departments shall prioritize Language Access Services and comply with the provisions of this Chapter
24 91 Ordinance that are readily achievable. Over time, Departments shall fully comply with the
25 provisions of this Chapter 91 Ordinance.

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SEC. 91.1315. COMMISSION RESPONSIBILITIES.

The Commission ~~is shall be~~ responsible for ~~evaluating the requirements set forth in this Chapter 91. The Commission's duties~~ monitoring and facilitating compliance with this Chapter. ~~Its duties~~ shall include: (a) reviewing all OCEIA reports; (b) reviewing complaints and OCEIA's resolution of them; (c) recommending policy changes, including revisions to this Chapter or to the Rules and Regulations adopted under Section 91.16 of this Chapter; (d) identifying new trends that may present new challenges for language access; (e) identifying new practices that further the objectives of this Chapter; and (f) conducting public hearings related to items (a) through (e). ~~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.~~

SEC. 91.1416. OFFICE OF CIVIC ENGAGEMENT AND IMMIGRANT AFFAIRS' RESPONSIBILITIES.

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

- (a) Provide technical assistance for language services for all Departments, including yearly trainings for department staff;

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

7 (c) ~~Compiling and maintaining~~ a central repository for all Departments' translated
8 documents;

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

10 (e) If OCEIA determines that at least 10,000 City residents who are Limited English Speaking
11 Persons share a language other than English and makes its determination pursuant to Section 91.2, it
12 shall notify all affected Departments and post that determination on its website for 120 days prior to
13 certifying the new language. During that time period, OCEIA may conduct a study to confirm that at
14 least 10,000 City residents who are Limited English Speaking Persons share a language other than
15 English. If OCEIA conducts such a study, the 120 days shall commence the day the study is published.
16 The certification of a ~~No~~ new language as a language spoken by a Substantial Number of
17 Limited English Speaking Persons shall take effect ~~until~~ after the conclusion of the process
18 described in this subsection(e).

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

21 (g) Investigate potential violations of this Chapter.;

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

25 ~~—— (i) Maintain copies of complaints and their resolution for 5 years;~~

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

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

5 *///*

6 *///*

7 **SEC. 91.1517. RULES AND REGULATIONS.**

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

11 **SEC. 91.1618. ENFORCEMENT.**

12 *OCEIA shall be responsible for enforcement of this Chapter. OCEIA may investigate potential*
13 *violations of this Chapter. OCEIA may attempt to resolve noncompliance with this Chapter by any*
14 *Department through informal processes, including mediation and conference and conciliation.* If after
15 an investigation and attempt to resolve an incidence of Department non-compliance, *OCEIA*
16 *the Commission* is unable to resolve the matter, it shall transmit a written finding of non-
17 compliance, specifying the nature of the non-compliance *and the recommended corrective*
18 *measures*, to the Department, the Department of Human Resources, *the Commission*, the
19 Mayor, and the Board of Supervisors.

21 **SEC. 91.1719. SEVERABILITY.**

22 ——— If any of the provisions of this Chapter 91 or the application thereof to any person or
23 circumstance is held invalid, the remainder of this Chapter, including the application of such
24 part or provisions to persons or circumstances other than those to which it is held invalid, shall
25

1 ~~not be affected thereby and shall continue in full force and effect. To this end, the provisions~~
2 ~~of this Chapter are severable.~~

3
4 **SEC. 91.182019. DISCLAIMERS.**

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

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

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

16
17 Section 2. Effective Date. This ordinance shall become effective 30 days after
18 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
19 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
20 of Supervisors overrides the Mayor's veto of the ordinance.

21
22 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
23 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
24 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
25 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

3 APPROVED AS TO FORM:
4 DENNIS J. HERRERA, City Attorney

5 By: _____
6 ALICIA CABRERA
7 Deputy City Attorney

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