File No. <u>141149</u>

Committee Item No. \_\_\_\_\_15 Board Item No.

## **COMMITTEE/BOARD OF SUPERVISORS**

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Committee: Rules Committee

Date February 12, 2015

**Board of Supervisors Meeting** 

Date \_\_\_\_\_

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FILE NO. 141149

SUBSTITUTED 1/7/2015

ORLINANCE NO.

[Administrative Code - Language Access Requirements for Departments] Ordinance amending the Administrative Code to expand the scope of the Language Access Ordinance to apply to all City Departments that provide information or services directly to the public, revise complaint procedures, and enhance the annual departmental compliance plan requirement. NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. Deletions to Codes are in strikethrough italics Times New Roman font. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in strikethrough Arial font. Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables. Be it ordained by the People of the City and County of San Francisco: Section 1. Chapter 91 of the Administrative Code is hereby amended by adding new Sections 91.3 and 91.14, revising existing Sections 91.1-91.18, and renumbering those Sections so that the Chapter consists of Sections 91.1-91.20, to read as follows: SEC. 91.1 PURPOSE AND FINDINGS. (a) Title. This Chapter 91 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 a 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 enacted a number of significant changes to the Ordinance in 2009 and renamed it the Language Access Ordinance. Since the Language Access Ordinance was amended in 2009, City Departments have made significant progress in providing improved access to services. Tthe Board finds, however, that differential access to City services still exists due to significant gaps remain in language access consistency, quality, budgeting and implementation across Departments. 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 <u>the lack of gaps in</u> language <u>services access can</u> seriously affects San Francisco's ability to serve all of its residents. <u>A 2006 survey by t</u><u>T</u>he United States Census Bureau<u>'s 2008-2012 American Community Survey found reveals</u> that <u>4536</u>% of San

Franciscans are foreign-born and <u>45.2% over the age of five speak a language other than English at</u> <u>home. City residents speak more than 28 different languages. More than 112 languages are spoken in</u> <u>the San Francisco Bay Area, with at least 28 different languages spoken in the City alone. Three</u> <u>languages currently have at least 10,000 or more Limited English Persons: Chinese, Spanish and</u> <u>Tagalog.</u> Among the <u>2421</u>% of the total <u>City</u> population who self-identify as limited-English speakers, <u>5057</u>% are Chinese speakers, 23<u>.7</u>% are Spanish speakers, <u>6% are Tagalog</u> <u>speakers, 5</u>% are Russian speakers, and <u>3.8% are Vietnamese speakers. 4% speak Tagalog</u>.

SEC. 91.2. DEFINITIONS.

As used in this Chapter <u>91</u>, the following capitalized terms shall have the following meanings:

(a) "Annual Compliance Plan" is set forth in Section 91.1110 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. who is fluent in both English and a second language and who is able to conduct the department's business in both languages. A bilingual employee shall include a City employee who (i) is in a classification that provides information or direct services to the public requiring language proficiency in English and a second language; or (ii) is either a certified interpreter or translator by the Department of Human Resources or accredited training or academic institution; or (iii) receives premium pay and regularly and continuously uses the second language in his or her city employment; or (iv) is self-designated as competent in a second 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 OCEIA* 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 OCEIA* 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 January 31st 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(h) 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:* 

(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 91.11 of this Chapter; or

(2) Analyzing information collected during the Department's intake process for all clients, including walk-ins and scheduled appointments. 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; 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 based on the Department's telephonic translation services monthly bills, official telephone logs, or any other reasonable method used for data collection.

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

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

<u>"Direct Services to the Public" shall mean any service that requires City employees to provide</u> responses to inquires about official documents, licenses, financial matters that are related to the public's health, safety, and general welfare.

"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.

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

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

(*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.

(1) "OCEIA" shall mean the Office of Civic Engagement & Immigrant Affairs.

(*i*) "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.

(#) "Substantial Number of Limited English Speaking Persons" shall mean *either* 10,000 *limited English Speaking* City residents, who speak a shared language other than English., or 5 percent of those persons who use the Department's services. The Office of Civic Engagement and *Immigrant Affairs OCEIA* shall determine annually whether at least 10,000 limited English speaking City residents speak a shared language other than English. OCEIA 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 January 31st 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. Prior to certifying any new language as set forth in this subsection, OCEIA shall comply with the provisions in Chapter 91.16(e). 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 91.1110 of this Chapter; or

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(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.

(!) "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.

#### SEC. 91.3. SCOPE.

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

# SEC. 91.<u>4</u>3. ACCESS TO LANGUAGE SERVICES. UTILIZATION OF BILINGUAL EMPLOYEES.

(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 <u>91.4</u> 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 Ddepartments.

#### SEC. 91.54. TRANSLATION OF MATERIALS AND SIGNAGE.

(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, *including publicly-posted documents*, explaining a Department's services or programs; complaint forms; or any other written documents <u>related to direct services to the public that could impact that have the</u> *potential for important consequences for the community or* an individual seeking services from or participating in a program of a <u>Ceity D</u>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.

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

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

(*<u>de</u>*) Departments required to translate materials under *the provisions of* this Section <u>91.5</u> 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.

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

(*fe*) Each Department shall designate a staff member *with responsibility responsible* for ensuring that all translations of the Department's written materials meet the accuracy and appropriateness standard set in *Ssubsection* (*fa*) of this Section <u>91.5</u>. 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 may contact OCEIA for assistance in locating a qualified translator or translation equipment.* 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.

# SEC. 91.65. 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.

## SEC. 91.76. PUBLIC MEETINGS AND HEARINGS.

(a) City Boards, City Commissions, <u>advisory bodies</u> and City Departments shall <del>not</del> automatically translate meeting notices, agendas, or<u>and</u> minutes <u>upon written request</u>. <u>City</u> <u>Boards, City Commissions, and advisory bodies shall translate meeting minutes only after the body</u> <u>adopts them and within a reasonable time thereafter. City Departments shall translate meeting minutes</u> only after the Department has completed them and within a reasonable time thereafter.

(b) City Boards, City Commissions, *advisory bodies*, and City Departments shall provide oral interpretation *or translation services in the language the member of the public requests at 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.

#### SEC. 91.87. 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  $C_c$  ommission, the messages shall include the time, date, and place of the  $C_c$  ommission's meetings.

#### SEC. 91.9.8 CRISIS SITUATIONS.

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

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

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

SEC. 91.10.9 COMPLAINT PROCEDURE.

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

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.

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

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

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

#### SEC. 91.114 ANNUAL COMPLIANCE PLAN.

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

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

(b) The language services offered by the Department;

(<u>ca</u>) The number and percentage of <u>people who are</u> Limited English Speaking Persons who <u>actually</u> use the <u>Tier 1</u> Department's services Citywide, listed by language other than English, using <u>either</u> <u>one</u> method <u>described in the definition of Concentrated Number of Limited</u> <u>English Speaking Persons</u> in <u>Ss</u>ection 91.2(<del>k)</del> of this Chapter. <u>Departments must include a</u> <u>description of the methodology or data collection system used to make this determination;</u>

(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;

(<u>de</u>) <u>The number</u> <u>A roster</u> of <u>Bb</u>ilingual <u>Ee</u>mployees <u>in Public Contact Positions</u>, their titles, certifications of bilingual capacity, office locations, the language(s) other than English that the persons speak; <u>excluding those bilingual employees who are self-designated as competent in a</u> <u>second language other than English.</u>

(*ef*) The name and contact information of the *Tier 1*-Department's language access <u>coordinator liaison</u>;

(*fg*) A description of any use of telephone-based interpretation services, including the number of times <u>telephone\_based interpretation such</u> services were used, <u>and</u> the language(s) for which they were used, <u>and the number of times bilingual employees provided in-person</u> <u>interpretation services</u>;

(gh) A<u>n marrative explanatory</u> assessment of the procedures used to facilitate communication with Limited English Speaking Persons, which shall include, <u>but is not limited</u> <u>to</u>, an <u>evaluation assessment of the adequacy</u> of the <u>following procedures (1) the content of recorded</u> <u>telephonic messages provided to the public and the language of the message; (2) telephone requests for</u> <u>translation or interpretation services; (3) in-person requests for translation or interpretation services;</u> <u>and (4) public notices of the availability of translation or interpretation services upon request;</u>

(<u>h</u>*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 <u>Persons</u> individuals in crisis situations as outlined in Section 91.<u>98</u>;

(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;

(*i*\*) If *the Department determines that additional bilingual employees are needed* assessments *indicate a need for additional Bilingual Employees in Public Contact Positions* to meet the

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

(*i*!) 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 <u>91</u>;

(*km*) A list of the *Tier 1*-Department's written materials *required to be that have been* translated under this Chapter <u>91</u>, 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;

(*<u>l</u>θ*) A copy of the written policies on providing services to Limited English Speaking Persons, which Departments are annually obligated to review and to provide an updated copy to OCEIA;

(*mp*) 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;

(<u>nq</u>) <u>Annual budget allocation and strategy, including the total a</u>Annual expenditures <u>from</u> <u>the previous fiscal year</u> 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 interpretation* 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;

(*or*) <u>A</u> <u>Soummaryize of</u> 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

(*ps*) Any other information *requested by the Commission* <u>OCEIA deems appropriate</u> *necessary* for the implementation of this Chapter <u>91</u>.

# SEC. 91.<u>12</u>11 COMPLIANCE PLANS SUBMITTALS, <u>LANGUAGE ACCESS ORDINANCE</u> <u>SUMMARY REPORT</u>, AND <u>RECOMMENDATIONS FOR</u> EMERGING LANGUAGE POPULATIONS.

(a) Compliance Plans Submittals. The Director of each Tier 1 Department shall approve and electronically file an 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. All of the following entities: Adult Probation Department, City Hall Building Management, Department of Building Inspection, Department of Elections, Department of the Environment, Department of Emergency Management, Department of Human Services, Department of Public Health, Department of Public Works, District Attorney's Office, Fire Department, Human Services Agency, Juvenile Probation Department, Mayor's Office of Economic and Workforce Development, Municipal Transportation Agency, Office of the Assessor Recorder, Office of the Treasurer and Tax Collector, Planning Department, Police Department, Public Defender's Office, Public Utilities Commission, Recreation and Park Department, Residential Rent Stabilization and Arbitration Board, San Francisco International Airport, San Francisco Public Library, San Francisco Zoo, and Sheriff's Office shall submit their 2014-2015 Annual Compliance Plan on October 1, 2015, and thereafter October 1st of

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

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

(c) OCEIA may include in the Summary Report In the written report of the Clerk of the Board, the Office of Civic Engagement and Immigrant Affairs may recommended appropriate changes to all departmental Annual Compliance Plans in order to meet the needs of <u>E</u>emerging <u>L</u>language <u>P</u>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.

(<u>de</u>) By June 30*th* of each year, <u>OCEIA</u>*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.

## SEC. 91.1312- 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.

## SEC. 91.14 DEPARTMENT RESPONSIBILITIES.

In addition to the duties and responsibilities provided elsewhere in this Chapter 91, Departments shall: (a) Inform Limited English Speaking Persons who seek services, in their native tongue, of their right to request translation services;

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

(c) Designate a language access coordinator;

(d) Cooperate with OCEIA in the investigation of all alleged violations of this Chapter; and
 (e) Use good faith efforts to comply with the provisions of this Ordinance. Departments

shall prioritize Language Access Services and comply with the provisions of this Ordinance that are readily achievable. Over time, Departments shall fully comply with the provisions of this Ordinance.

## SEC. 91.1513 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; (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.\_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.<u>16</u>44 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 The Office of Civic Engagement shall: 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 Departments *to utilize and carry out their responsibilities under this Chapter 91, maintaining Language Access* <u>Services, translations, and interpretations contracts for all City Departments.</u> maintaining an inventory of translation equipment, *and* providing assistance to Departments, Board of Supervisors, and the Mayor's Office in identifying bilingual staff;

(c) Compil<u>eing</u>-and maintaining a central repository for all Departments' translated documents;

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

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

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

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

(g) Investigate potential violations of this Chapter;

(he) Investigate Reviewing complaints of alleged <u>Departmental</u> violations <u>of this Chapter</u>, with quartely reports to the Commission working with Departments to resolve such complaints, and notifying complainants of the resolution;

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

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

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

## SEC. 91.4517. RULES AND REGULATIONS.

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

## SEC. 91.18.46 ENFORCEMENT.

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

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

#### SEC. 91.1719. SEVERABILITY.

If any of the provisions of this Chapter <u>91</u> 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.

#### SEC. 91.1820. 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.

By:

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

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

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

> ALICIA CABRERA Deputy City Attorney

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#### **REVISED LEGISLATIVE DIGEST**

(Substituted 01/07/2015)

#### [Administrative Code - Language Access Requirements for Departments]

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

#### Existing Law

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

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

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

#### Amendments to Current Law

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

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

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

#### FILE NO. 141149

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

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

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

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

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#### 1415-RBM-12

Youth Commission City Hall ~ Room 345 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102~4532



(415) 554~6446 (415) 554~6140 FAX www.sfgov.org/youth\_commission

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## YOUTH COMMISSION

#### MEMORANDUM

TO: Alisa Somera, Clerk, Rules Committee

**FROM:** Youth Commission

**DATE:** Wednesday, February 4, 2015

RE: Referral response to BOS File No. 141149-2

At our regular meeting of **Monday, February 2, 2015** the Youth Commission voted unanimously to support the following motion:

To support BOS File No. 141149-2, Ordinance amending the Administrative Code to expand the scope of the Language Access Ordinance to apply to all City Departments that provide information or services directly to the public or interacts with the public, revise compliant procedures; and enhance the annual departmental compliance plan requirement.

The Youth Commission's support for the legislation is based on its respect for the City's commitment to providing excellent and equal services to all residents.

During discussion on this item, youth commissioners proposed and approved the following comments and recommendations regarding this legislation:

The Youth Commission recommends that the Board request that the annual report concerning translation requests prepared by the Office of Civic Engagement and Immigrant Affairs include information on requests made by youth-serving providers or for youth receiving services.

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If you have any questions about these recommendations, please don't hesitate to contact our office at (415) 554-6446, or your Youth Commissioner.

Chair, Michel Li Adopted on February 2, 2015 2014-2015 San Francisco Youth Commission

#### 1415-RBM-09

Youth Commission City Hall ~ Room 345 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4532



(415) 554~6446 (415) 554~6140 FAX www.sfgov.org/youth\_commission

## YOUTH COMMISSION

#### MEMORANDUM

TO: Alisa Somera, Clerk, Rules Committee

**FROM:** Youth Commission

DATE: Tuesday January 6, 2015

RE: Referral response to BOS File No. 141149

At our regular meeting of **Monday, January 5, 2015** the Youth Commission voted unanimously to support the following motion:

To support BOS File No. 141149, Ordinance amending the Administrative Code to expand the scope of the Language Access Ordinance to apply to all City Departments that provide information or services directly to the public or interacts with the public, revise compliant procedures; and enhance the annual departmental compliance plan requirement.

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The Youth Commission's support for the legislation is based on its respect for the City's commitment to providing excellent and equal services to all residents.

During discussion on this item, youth commissioners proposed and approved the following comments and recommendations regarding this legislation:

The Youth Commission recommends that the Board request that the annual report concerning translation requests prepared by the Office of Civic Engagement and Immigrant Affairs include information on requests made by youth-serving providers or for youth receiving services.

If you have any questions about these recommendations, please don't hesitate to contact our office at (415) 554-6446, or your Youth Commissioner.

Chair, Michel Li Adopted on January 5, 2015 2014-2015 San Francisco Youth Commission



City Hall Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. 554-5184 Fax No. 554-5163 TDD/TTY No. 554-5227

# MEMORANDUM

TO: Youth Commission

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

DATE: January 13, 2015

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS Rules Committee

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

#### File No. 141149-2

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

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

#### **RESPONSE FROM YOUTH COMMISSION** Date:

No Comment

Recommendation Attached

Chairperson, Youth Commission



City Hall Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. 554-5184 Fax No. 554-5163 TDD/TTY No. 554-5227

# MEMORANDUM

TO: Naomi Kelly, City Administrator Carmen Chu, Assessor/Recorder Adrienne Pon, Director, Office of Civic Engagement & Immigrant Affairs Micki Callahan, Director, Department of Human Resources Ross Mirkarimi, Sheriff George Gascon, District Attorney Jeff Adachi, Public Defender Jose Cisneros, Treasurer/Tax Collector Ben Rosenfield, City Controller Richard Carranza, Superintendent, SF Unified School District

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

DATE: January 13, 2015

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee has received the following **substitute** legislation, introduced by Supervisor Tang on January 7, 2015. This matter is being referred to you for informational purposes since it affects your department.

#### File No. 141149-2

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

If you wish to submit any reports or documentation to be considered with the legislation, please send those to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Edward McCaffrey, Office of the Assessor/Recorder Katherine Gorwood, Sheriff's Department Sharon Woo, Office of the District Attorney Greg Kato, Office of the Treasurer/Tax Collector Chris Armentrout, SF Unified School District Jamila Brooks, SF Unified School District



City Hall Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. 554-5184 Fax No. 554-5163 TDD/TTY No. 554-5227

# MEMORANDUM

TO: Youth Commission

- FROM: Alisa Somera, Clerk, Rules Committee Board of Supervisors
- DATE: December 30, 2014
- SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS Rules Committee

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

#### File No. 141149

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

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

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#### RESPONSE FROM YOUTH COMMISSION

Date: \_

No Comment

Recommendation Attached

Chairperson, Youth Commission



City Hall Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. 554-5184 Fax No. 554-5163 TDD/TTY No. 554-5227

# MEMORANDUM

TO: Naomi Kelly, City Administrator
 Carmen Chu, Assessor/Recorder
 Adrienne Pon, Director, Office of Civic Engagement & Immigrant Affairs
 Micki Callahan, Director, Department of Human Resources
 Ross Mirkarimi, Sheriff
 George Gascon, District Attorney
 Jeff Adachi, Public Defender
 Jose Cisneros, Treasurer/Tax Collector
 Ben Rosenfield, City Controller
 Richard Carranza, Superintendent, SF Unified School District

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

DATE: November 10, 2014

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Tang on November 4, 2014. This matter is being referred to you for informational purposes since it affects your department.

#### File No. 141149

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

If you wish to submit any reports or documentation to be considered with the legislation, please send those to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Edward McCaffrey, Office of the Assessor/Recorder Katherine Gorwood, Sheriff's Department Sharon Woo, Office of the District Attorney Greg Kato, Office of the Treasurer/Tax Collector Chris Armentrout, SF Unified School District Jamila Brooks, SF Unified School District

Print Form					
<b>Introduction Form</b>					
By a Member of the Board of Supervisors or the Mayor					
I hereby submit the following item for introduction (select only one):	Time stamp or meeting date				
1. For reference to Committee.					
<ul> <li>An ordinance, resolution, motion, or charter amendment.</li> <li>2. Request for next printed agenda without reference to Committee.</li> </ul>					
3. Request for hearing on a subject matter at Committee.					
4. Request for letter beginning "Supervisor	] inquires"				
5. City Attorney request.					
6. Call File No. from Committee.					
7. Budget Analyst request (attach written motion).					
8. Substitute Legislation File No. 141149					
9. Request for Closed Session (attach written motion).					
10. Board to Sit as A Committee of the Whole.					
11. Question(s) submitted for Mayoral Appearance before the BOS on					
Please check the appropriate boxes. The proposed legislation should be forwarded to the following:					
Planning Commission Building Inspection Commission	n				
Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative					
Sponsor(s):					
Tang, Yee					
Subject:					
Administrative Code - Language Access Requirements for Departments					
The text is listed below or attached:					
Signature of Sponsoring Supervisor:					
For Clerk's Use Only:					

Print Form	
<b>Introduction Form</b>	
By a Member of the Board of Supervisors or the Mayor	•
I hereby submit the following item for introduction (select only one):	Time stamp or meeting date
1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendme	nt)
2. Request for next printed agenda Without Reference to Committee.	
<ul><li>3. Request for hearing on a subject matter at Committee.</li></ul>	. <i>.</i>
4. Request for letter beginning "Supervisor	inquires"
5. City Attorney request.	
6. Call File No. from Committee.	
7. Budget Analyst request (attach written motion).	
8. Substitute Legislation File No.	
9. Reactivate File No.	
10. Question(s) submitted for Mayoral Appearance before the BOS on	
Please check the appropriate boxes. The proposed legislation should be forwarded to the following Small Business Commission I Youth Commission Ethics Comm	ission
Planning Commission Building Inspection Commission Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative	
Sponsor(s):	• •
Supervisor Katy Tang, David Chiu	
Subject:	
Administrative Code - Language Access Requirements for Departments	
The text is listed below or attached:	
Signature of Sponsoring Supervisor:	
For Clerk's Use Only:	

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