

BOARD of SUPERVISORS



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## 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**

1 [Administrative Code - Language Access Requirements for Departments]

2  
3 **Ordinance amending the Administrative Code to expand the scope of the Language**  
4 **Access Ordinance to apply to all City Departments that provide information or services**  
5 **directly to the public or interacts with the public, revise compliant procedures; and**  
6 **enhance the annual 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 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 91.14, revising existing Sections 91.1-91.18, and renumbering those  
17 Sections so that the Chapter consists of Sections 91.1-91.20, to read as follows:

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

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

20 (b) Findings.

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

1 (2) The Board finds that despite a long history of commitment to language  
2 access as embodied in federal, state and local law, beginning with the landmark Civil Rights  
3 Act of 1964, there is 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 the total state population and to  
8 hire a sufficient number of bilingual staff.

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

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

16 (6) *Eight years later, The Board enacted a number of significant changes to the*  
17 *Ordinance in 2009 and renamed it to 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, however, the Board finds 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 ~~the~~ The United States*  
25 *Census Bureau's 2008-2012 American Community Survey found reveals that 4536% 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, 06% are Tagalog  
7 speakers, .05% are Russian speakers and .038% are Vietnamese speakers. 4% speak Tagalog.  
8

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

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

12 (a) "Annual Compliance Plan" is set forth in Section 91.~~1110~~ of this Chapter.

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

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

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

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

20 ~~The Office of Civic Engagement and Immigrant Affairs~~ OCEIA shall determine annually whether 5  
21 percent or more of the population of any District in which a Covered Department Facility is  
22 located are Limited English Speaking Persons who speak a shared language other than  
23 English. ~~The Office of Civic Engagement and Immigrant Affairs~~ OCEIA shall make this  
24 determination by referring to the best available data from the United States Census Bureau or  
25 other reliable source and shall certify its determination to all City Departments and the

1 Commission no later than December 1 of each year. Each Department shall determine  
2 annually whether 5 percent or more of those persons who use the Department's services at a  
3 Covered Department Facility are Limited English Speaking Persons who speak a shared  
4 language other than English ~~using either of the following methods specified in Section 91.2(k) of this~~  
5 ~~Chapter and report that determination in the Department's Annual Compliance Plan. Departments~~  
6 shall make this determination using one of the following methods:

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

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

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

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

23 (g) "Department(s)" ~~shall mean both Tier 1 Departments and Tier 2 Departments.~~ shall mean  
24 any City Department, agency or office with a service or program that provides information or services  
25

1 directly to the public, or interacts with the public and which has not obtained an exemption from this  
2 Chapter pursuant to Section 91.3(b).

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

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

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

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

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

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

22 (k) “Substantial Number of Limited English Speaking Persons” shall mean *either*  
23 *10,000 City residents, or 5 percent of those persons* who use the Department’s services. *The*  
24 *Office of Civic Engagement and Immigrant Affairs* OCEIA shall determine annually whether at  
25 least 10,000 limited English speaking City residents speak a shared language other than

1 English. ~~OCEIA The Office of Civic Engagement and Immigrant Affairs~~ shall make this  
2 determination by referring to the best available data from the United States Census Bureau or  
3 other reliable source and shall certify its determination to Departments and the Commission  
4 no later than December 1 of each year. ~~Each Department shall determine annually whether 5~~  
5 ~~percent or more of those Limited English Speaking Persons who use the Department's services~~  
6 ~~Citywide speak a shared language other than English. Prior to certifying any new language as set~~  
7 ~~forth in this subsection, OCEIA shall comply with the provisions in Chapter 91.16(e). Departments~~  
8 ~~shall make this determination using one of the following methods:~~

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

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

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

22 ~~(l) "Tier 1 Departments" shall mean the following City departments: Adult Probation~~  
23 ~~Department, Department of Elections, Department of Human Services, Department of Public Health,~~  
24 ~~District Attorney's Office, Department of Emergency Management, Fire Department, Human Services~~  
25 ~~Agency, Juvenile Probation Department, Municipal Transportation Agency, Police Department, Public~~

1 ~~Defender's Office, Residential Rent Stabilization and Arbitration Board, Sheriff's Office. Beginning~~  
2 ~~July 1, 2010, the following departments shall be added to the list of Tier 1 Departments: San Francisco~~  
3 ~~International Airport, Office of the Assessor Recorder, City Hall Building Management, Department of~~  
4 ~~Building Inspection, Department of the Environment, San Francisco Public Library, Mayor's Office of~~  
5 ~~Economic and Workforce Development, Planning Department, Department of Public Works, Public~~  
6 ~~Utilities Commission, Recreation and Park Department, Office of the Treasurer and Tax Collector, and~~  
7 ~~the San Francisco Zoo.~~

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

10  
11 **SEC. 91.3. SCOPE.**

12 (a) Except as stated in subsection (b), this Chapter 91 shall apply to any Department, agency,  
13 or office program or service that provides information, or direct services to the public, or interacts with  
14 the public.

15 (b) Exemption. A Department may request an exemption or partial exemption from the  
16 requirements of this Chapter 91 by filing a written request with OCEIA setting forth a detailed  
17 explanation with supporting documentation. OCEIA shall only grant an exemption if the Department's  
18 programs or services do not meet the definition of "Department service or program" contained in  
19 Section 91.2. OCEIA shall consider the request and determine whether an exemption is appropriate  
20 and, if so, affix a time duration for the exemption. If OCEIA determines that an exemption is  
21 appropriate, it shall forward the request and its recommendation to the Commission, which shall  
22 consider the request and OCEIA's recommendation and either approve, deny, modify, or remand the  
23 request to OCEIA with instructions for further consideration. The exemption shall expire three years  
24 from the date of issuance or the date on which the OCEIA-affixed duration for the exemption ends.

1 **SEC. 91.43. ACCESS ~~TO~~ LANGUAGE SERVICES-EMPLOYEES.**

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

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

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

15  
16 **SEC. 91.54. TRANSLATION OF MATERIALS, WEBSITE, AND SIGNAGE.**

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

1 publicly-posted documents, explaining a Department's services or programs; complaint forms; or  
2 any other written documents that have the potential for important consequences for the  
3 community or an individual seeking services from or participating in a program of a City  
4 Department.

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

10 (b) Departments shall translate their websites in the languages prescribed elsewhere in this  
11 Chapter 91;

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

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

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

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

24 ~~(ge)~~ Each Department shall designate a staff member ~~with responsibility~~ responsible for  
25 ensuring that all translations of the Department's written materials meet the accuracy and

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

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

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

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

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

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

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

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

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

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

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

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

23 //

24 //

25 //

1 **SEC. 91.10.9 COMPLAINT PROCEDURE.**

2 (a) Complaint Process. OCEIA shall be responsible for accepting, investigating, and resolving  
3 complaints from persons alleging violations of this Chapter 91. Departments shall allow persons to  
4 make complaints alleging violation of this Chapter to the Department in each language spoken by a  
5 Substantial Number of Limited English Speaking Persons. The Complaints may be made by telephone  
6 or by completing a complaint form.

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

11 A person alleging that a Department violated a provision of this Chapter may submit a complaint to  
12 OCEIA by either: (1) completing and submitting a complaint form to OCEIA; or (2) calling OCEIA or  
13 311 and speaking with an employee who will write down the complaint. Complaints may be made in  
14 any language spoken by a Substantial Number of Limited English Speaking Persons. Within 30 days  
15 of receiving the complaint, OCEIA shall notify the Department and commence an investigation.  
16 OCEIA shall resolve all complaints within six months of their receipt unless OCEIA finds good cause to  
17 extend the time resolving the complaint. OCEIA shall make a record of the resolution of the complaint  
18 and what action, if any, was undertaken by the Department in response to the complaint to ensure the  
19 Department's compliance with this Chapter 91.

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

23 (c) Quarterly Reports. On a quarterly basis, OCEIA shall submit a report to the Commission  
24 containing the following information: (1) the number of complaints filed during that quarter; (2) the  
25 number of complaints filed for the year-to-date; (3) a comparison of those numbers with the filings for

1 the previous year; (4) a brief description of the nature of each complaint filed, including the  
2 Department named in the complaint, the violation alleged, whether the complaint was resolved or  
3 remains open, and what, if any, measures were implemented by the Department in response to the  
4 complaint.

5  
6 **SEC. 91.1110 ANNUAL COMPLIANCE PLAN.**

7 Using information collected during the preceding fiscal year beginning July 1 and ending June  
8 30, ~~e~~Each Tier 1 Department shall draft an Annual Compliance Plan ~~containing~~ including all of  
9 the following information, as well as any additional information OCEIA requires:

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

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

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

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

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

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

23 (~~d~~e) The number A roster of Bbilingual Employees in Public Contact Positions, their titles,  
24 certifications of bilingual capacity, office locations, the language(s) other than English that the  
25 persons speak;

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

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

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

13 (hi) Ongoing employee development and training strategy to maintain well trained  
14 bilingual employees and general staff. Employee development and training strategy should  
15 include a description of quality control protocols for bilingual employees; and description of  
16 language service protocols for Limited English Speaking Persons individuals in crisis situations  
17 as outlined in Section 91.98;

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

20 (ik) ~~If the Department determines that additional bilingual employees are needed assessments~~  
21 ~~indicate a need for additional Bilingual Employees in Public Contact Positions~~ to meet the  
22 requirements of Section 91.43 of this Chapter, the Department must provide a description of ~~the~~  
23 ~~Tier I Department's~~ its plan for meeting those requirements the positions, including the number of  
24 estimated vacancies in Public Contact Positions;

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

4           (k~~m~~) A list of the Tier 1 Department's written materials ~~required to be~~ that have been  
5 translated under this Chapter 91, the language(s) into which they have been translated, and  
6 the persons who have reviewed the translated material for accuracy and appropriateness;

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

9           (l~~o~~) A copy of the written policies on providing services to Limited English Speaking  
10 Persons, which Departments are annually obligated to review and to provide an updated copy to  
11 OCEIA;

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

14           (n~~q~~) ~~Annual budget allocation and strategy, including the total a~~ Annual expenditures for  
15 services that are related to language access:

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

18                   (2) Telephonic translation services provided by City vendors;

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

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

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

23           (o~~r~~) A s s ummary z e o f changes between the Department's previous Annual Compliance  
24 Plan submittal and the current submittal, including but not limited to: (1) an explanation of  
25 strategies and procedures that have improved the Department's language services from the

1 previous year; and (2) an explanation of strategies and procedures that did not improve the  
2 Department's language services and proposed solutions to achieve the overall goal of this  
3 Language Access Ordinance; and

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

6  
7 **SEC. 91.12H COMPLIANCE PLANS SUBMITTALS, LANGUAGE ACCESS ORDINANCE**  
8 **SUMMARY REPORT, AND RECOMMENDATIONS REGARDING EMERGING LANGUAGE**  
9 **POPULATIONS.**

10 (a) Compliance Plans Submittals. *By October 1 each year, t*The Director of each *Tier 1*  
11 Department shall approve and *electronically file an annually file electronic copies of the Annual*  
12 Compliance Plan *with OCEIA. by December 31st with the Mayor's Office, the Commission, and the*  
13 *Office of Civic Engagement and Immigrant Affairs. If this is a new requirement for the Department, its*  
14 *initial Compliance Plan is not due until October 1, 2016.*

15 (b) Language Access Ordinance Summary Report. Inclusion of Emerging Language  
16 Populations in a written report to the Board. By Beginning on February 1, 2015, and annually  
17 thereafter, March 1st of each year, the Office of Civic Engagement and Immigrant Affairs OCEIA shall  
18 submit to the Commission and the Clerk of the Board of Supervisors a Language Access Ordinance  
19 Summary Report which compiles and summarizes in a written report to the Clerk of the Board of  
20 Supervisors all departmental Annual Compliance Plans. OCEIA shall also include in the Language  
21 Access Ordinance Summary Report a current determination of: (1) the total number of Limited English  
22 Speaking Persons in the City; (2) the number of Limited English Speaking Persons in the City  
23 delineated according to language spoken; and (3) the number Limited English Speaking Persons for  
24 each District delineated according to language spoken.

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

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

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

12  
13 **SEC. 91.1312 RECRUITMENT.**

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

17  
18 **SEC. 91.14 DEPARTMENT RESPONSIBILITIES.**

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

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

21           (b) Designate a language access coordinator; and

22           (c) Cooperate with OCEIA in the investigation of all alleged violations of this Chapter.

23 //

24 //

25 //

1 **SEC. 91.15~~13~~ COMMISSION RESPONSIBILITIES.**

2 The Commission ~~is shall be~~ responsible for evaluating the requirements set forth in this  
3 Chapter 91 and determining whether OCEIA and Departments are effectively promoting language  
4 access to Limited English Speaking Persons. The Commission's duties ~~monitoring and facilitating~~  
5 compliance with this Chapter. Its duties shall include: (a) reviewing all OCEIA reports; (b) reviewing  
6 complaints and OCEIA's resolution of them; (c) recommending policy changes, including revisions to  
7 this Chapter or to the Rules and Regulations; (d) identifying new trends that may present new  
8 challenges for language access; and (e) identifying new practices that further the objectives of this  
9 Chapter. ~~conducting outreach to Limited English Speaking Persons about their rights under this~~  
10 Chapter; reviewing complaints about alleged violations of this Chapter forwarded from Departments;  
11 working with Departments to resolve complaints; maintaining copies of complaints and their resolution  
12 for not less than 8 years, organized by Department; coordinating a language bank for Departments  
13 that choose to have translation done outside the Department and need assistance in obtaining  
14 translators; and reviewing Annual Compliance Plans.

15  
16 **SEC. 91.16~~14~~ OFFICE OF CIVIC ENGAGEMENT AND IMMIGRANT AFFAIRS'**  
17 **RESPONSIBILITIES.**

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

- 23 (a) Provide technical assistance for language services for all Departments;
- 24 (b) Coordinate language services across Departments, including but not limited to
- 25 maintaining a directory of qualified language service providers for ~~the~~ City Departments to

1 utilize to carry out their responsibilities under this Chapter, maintaining language services, translation,  
2 and interpretations contracts for all City Departments to utilize, maintaining an inventory of  
3 translation equipment, providing assistance to Departments, Board of Supervisors, and the  
4 Mayor's Office in identifying bilingual staff;

5 (c) ~~Compile~~ing and ~~maintain~~ing a central repository for all Departments translated  
6 documents;

7 (d) ~~Provide~~ing Departments with model Annual Compliance Plans; ~~and~~

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

16 (f) Maintain a complaint form on OCEIA's website;

17 (g) Investigate potential violations of this Chapter;

18 (h) Investigate ~~Reviewing~~ complaints of alleged Departmental violations of this Chapter,  
19 working with Departments to resolve such complaints, and notifying complainants of the resolution;

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

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

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

24 //

25 //

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

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

4  
5 **SEC. 91.~~18~~16. ENFORCEMENT.**

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

14  
15 **SEC. 91.~~17~~19. SEVERABILITY.**

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

21  
22 **SEC. 91.~~18~~20. DISCLAIMERS.**

23 (a) By providing the public with equal access to language services, the City and  
24 County of San Francisco is assuming an undertaking only to promote the general welfare. It is  
25 not assuming, nor is it imposing on its officers and employees, an obligation for breach of

1 which it is liable in money damages to any person who claims that such breach proximately  
2 caused injury.

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

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

9  
10 Section 2. Effective Date. This ordinance shall become effective 30 days after  
11 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
12 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
13 of Supervisors overrides the Mayor's veto of the ordinance.

14  
15 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
16 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
17 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
18 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
19 additions, and Board amendment deletions in accordance with the "Note" that appears under  
20 the official title of the ordinance.

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

23 By:

  
24 ALICIA CABRERA  
25 Deputy City Attorney

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