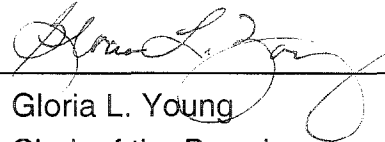


ERRATA

- 1 To correct the code citation numbers by changing "89, Sections 81.1, 81.2 and 89.4
- 2 through 89.14" to "91, Sections 91.1, 91.2, 91.4 through 91.14" wherever it appears in
- 3 the legislation as follows:
- 4 To correct Page 1, line 3;
- 5 To correct Page 2, lines 2, 4 through 13, and line 15;
- 6 To correct Page 5, line 10;
- 7 To correct Page 6, line 24;
- 8 To correct Page 7, lines 4, 10 and 19;
- 9 To correct Page 8, line 3;
- 10 To correct Page 9, lines 21 and 24;
- 11 To correct Page 10, lines 9, 11 and 16.



Gloria L. Young
Clerk of the Board
May 1, 2002

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[Equal Access to City Services For Limited English Speakers]

**Ordinance Amending The San Francisco Administrative Code By Adding Chapter
91 91.1, 91.2 91.4 91.14
~~89, Sections 89.1, 89.2 and 89.4 through 89.14, To Require City Departments To
Offer Materials If A Substantial Or Concentrated Portion Of The Public Utilizing
Their Services Does Not Speak English Effectively Because It Is Not Their
Primary Language.~~**

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

Section 1. Findings and Purpose. The Board of Supervisors hereby finds and declares that substantial numbers of persons who live, work, and pay taxes in San Francisco are unable to communicate effectively with city departments because their primary language is not English. The Board further finds and declares that city employees are frequently unable to communicate with persons requiring their services because of this language barrier. Consequently, substantial numbers of San Franciscans may be denied rights, benefits, and services to which they are entitled.

This Ordinance makes it the policy of the City and County of San Francisco to provide equal access to city services to all San Franciscans, including those with limited proficiency in English. This Ordinance also implements and supplements California's Dymally-Alatorre Bilingual Services Act, Government Code §7290 et seq., which requires state and local public agencies serving a substantial number of limited English-speaking people to provide services and materials in the language(s) spoken by those persons. It is the policy of the City and County of San Francisco to support English proficiency even as the Board of Supervisors supports equal access to services for limited English speaking persons.

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1 Section 2. The San Francisco Administrative Code is hereby amended by adding
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2 Chapter ~~89~~, to read as follows:

3 **CHAPTER 89**

4 **EQUAL ACCESS TO SERVICES**

5	91.1	Sec. 89.1	Title
6	91.2	Sec. 89.2	Definitions
7	91.3	Sec. 89.3	Equal Access to Services
8	91.4	Sec. 89.4	Translation of Materials
9	91.5	Sec. 89.5	Dissemination of Translated Materials from the State and Federal Government
10	91.6	Sec. 89.6	Public Meetings and Hearings
11	91.7	Sec. 89.7	Recorded Telephonic Messages
12	91.8	Sec. 89.8	Complaint Procedure
13	91.9	Sec. 89.9	Compliance Plans
14	91.10	Sec. 89.10	Recruitment
15	91.11	Sec. 89.11	Commission Responsibilities
16	91.12	Sec. 89.12	Rules and Regulations
17	91.13	Sec. 89.13	Enforcement
18	91.14	Sec. 89.14	Severability

19 91.1
20 **SEC. ~~89.1~~. TITLE.** This chapter shall be known as the "Equal Access to
21 Services Ordinance."

22 91.2
23 **SEC. ~~89.2~~. DEFINITIONS.** As used in this Chapter, the following capitalized
24 terms shall have the following meanings:

- 25 (a) "Bilingual Employee" shall mean a City employee who is proficient in the English language and a language other than English.
- (b) "City" shall mean the City and County of San Francisco.
- (c) "Commission" shall mean the Immigrant Rights Commission.
- (d) "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 Planning Department shall determine annually whether 5 percent or more of the population of any District in which a Covered Department

1 Facility is located are limited English speaking persons who speak a shared language
2 other than English. The Planning Department shall make this determination by
3 referring to the best available data from the United States Census Bureau or another
4 reliable source and shall certify its determination to all City Departments and the
5 Commission no later than December 1 of each year. Each Department shall determine
6 annually whether 5 percent or more of those persons who use the Department's
7 services at a Covered Department Facility are limited English speaking persons who
8 speak a shared language other than English using either of the following methods
9 specified in Section 89.2(j) of this Article.

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

13 (f) "Departments" shall mean both Tier 1 Departments and Tier 2 Departments.

14 (g) "Districts" shall refer to the 11 geographical districts by which the people of
15 the City elect the members of the City's Board of Supervisors. If the City should
16 abandon the district election system, the Commission shall have the authority to draw
17 district boundaries for the purposes of this Article that are approximately equal in
18 population.

19 (h) "Limited English Speaking Person" shall mean an individual who does not
20 speak English well or is otherwise unable to communicate effectively in English
21 because English is not the individual's primary language.

22 (i) "Public Contact Position" shall mean a position in which a primary job
23 responsibility consists of meeting, contacting, and dealing with the public in the
24 performance of the duties of that position.
25

1 (j) "Substantial Number of Limited English Speaking Persons" shall mean either
2 10,000 City residents, or 5 percent of those persons who use the Department's
3 services. The Planning Department shall determine annually whether at least 10,000
4 limited English speaking City residents speak a shared language other than English.
5 The Planning Department shall make this determination by referring to the best
6 available data from the United States Census Bureau or another reliable source and
7 shall certify its determination to Departments and the Commission no later than
8 December 1 of each year. Each Department shall determine annually whether 5
9 percent or more of those limited English speaking persons who use the Department's
10 services citywide speak a shared language other than English. Departments shall
11 make this determination using either of the following methods:

12 (1) conducting an annual survey of all contacts with the public made by the Department
13 during a period of at least two weeks, at a time of year in which the Department's public
14 contacts are to the extent possible typical or representative of its contacts during the
15 rest of the year, but before developing its annual compliance plan required by Section
16 89.9 of this Article; or

17 (2) analyzing information collected during the Department's intake process.

18 The information gathered using either method shall also be broken down by Covered
19 Department Facility to determine whether 5 percent or more of those persons who use
20 the Department's services at a Covered Department Facility are limited English
21 speaking persons who speak a shared language other than English for purposes of
22 Section 89.2(d) of this Article. Departments may not use any other method unless
23 approved prior to its use by the Commission.

24 (k) "Tier 1 Departments" shall mean the following City departments: Adult
25 Probation Department, Department of Consumer Assurance; Department of Elections,

1 Department of Human Services, Department of Parking and Traffic, Department of
2 Public Health, Department of Public Transportation, District Attorney's Office,
3 Emergency Communications Department, Fire Department, Juvenile Probation
4 Department, Police Department, Public Defender's Office, Department of Aging and
5 Adult Services, Rent Stabilization and Arbitration Board, and Sheriff's Office.

6 (l) "Tier 2 Departments" shall mean all City departments not specified as Tier 1
7 Departments that furnish information or provide services directly to the public and
8 consist of at least 30 full-time City employees.

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10 **SEC. 91.4. Translation of Materials.**

11 Tier 1 Departments shall translate the following written materials that provide vital
12 information to the public about the Department's services or programs into the
13 language(s) spoken by a Substantial Number of Limited English Speaking Persons;
14 applications or forms to participate in a Department's program or activity or to receive
15 its benefits or services; written notices of rights to, determination of eligibility of, award
16 of, denial of, loss of, or decreases in benefits or services, including the right to appeal
17 any Department's decision; written tests that do not assess English language
18 competency, but test competency for a particular license or skill for which knowledge of
19 written English is not required; notices advising limited English-proficient persons of
20 free language assistance; materials explaining a Department's services or programs;
21 complaint forms; or any other written documents that have the potential for important
22 consequences for an individual seeking services from or participating in a program of a
23 city department.
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1 (b) Tier 2 Departments shall translate all publicly-posted documents that provide
2 information (1) regarding Department services or programs, or (2) affecting a person's
3 rights to, determination of eligibility of, award of, denial of, loss of, or decreases in
4 benefits or services into the language(s) spoken by a Substantial Number of Limited
5 English Speaking Persons.

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

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

14 (e) Each Department shall designate a staff member with responsibility for
15 ensuring that all translations of the Department's written materials meet the accuracy
16 and appropriateness standard set in Subsection (d) of this Section. Departments are
17 encouraged to have their staff check the quality of written translations, but where a
18 Department lacks biliterate personnel, the responsible staff member shall obtain quality
19 checks from external translators. Departments are also encouraged to solicit feedback
20 on the accuracy and appropriateness of translations from bilingual staff at community
21 groups whose clients receive services from the Department.

22 (f) Departments shall comply with the requirements of this Section within one
23 year of the enactment of this Article.

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SEC. ~~99.5~~ Dissemination of Translated Materials from the State and

25 **Federal Government.** If the State or federal government or any agency thereof makes

1 available to a Department written materials in a language other than English, the
2 Department shall maintain an adequate stock of the translated materials and shall
3 make them readily available to persons who use the Department's services.

91.6

SEC. 89.6. Public Meetings and Hearings

5 (a) City Boards, Commissions and Departments shall not be required to
6 translate meeting notices, agendas, or minutes.

7 (b) Oral interpretation of any public meeting or hearing held by a City Board,
8 Commission or Department shall be provided if requested at least 48 hours in advance
9 of the meeting or hearing in question.

91.7

SEC. 89.7. Recorded Telephonic Messages. All Departments with recorded

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

91.8

SEC. 89.8. Complaint Procedure. (a) Departments shall allow persons to

18 make complaints alleging violation of this Article to the Department in each language
19 spoken by a Substantial Number of Limited English Speaking Persons. The complaints
20 may be made by telephone or by completing a complaint form.

21 (b) Departments shall document actions taken to resolve each complaint and
22 maintain copies of complaints and documentation of their resolution for a period of not
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1 less than 5 years. A copy of each complaint shall be forwarded to the Commission
2 within 30 days of its receipt.

3 **SEC. 89.9. Compliance Plans.** (a) Each Department shall draft and file with
4 the Commission an annual compliance plan. Each Department shall file its first plan
5 within 90 days of the enactment of this Article to assess what actions the Department
6 needs to take to come into compliance. Thereafter, each Department shall file a plan
7 by February 1 of each year.

8 (b) Each plan filed by a Department shall contain the following information:

9 (1) The number and percentage of limited English speaking persons who actually use
10 the Department's services citywide, listed by language other than English, using either
11 method in Section 89.2(j) of this Article;

12 (2) The number and percentage of limited English speaking residents of each District in
13 which a Covered Department Facility is located and persons who use the services
14 provided by a Covered Department Facility, listed by language other than English,
15 using either method in Section 89.2(j) of this Article;

16 (3) The number of Public Contact Positions in the Department;

17 (4) The number of Bilingual Employees in Public Contact Positions, their titles, office
18 locations, the language(s) other than English that the persons speak,

19 (5) A description of any use of telephone-based interpretation services, including the
20 number of times such services were used and the language(s) for which they were
21 used;

22 (6) A narrative assessment of the procedures used to facilitate communication with
23 Limited English Speaking Persons, which shall include an assessment of the adequacy
24 of the procedures;

- 1 (7) A numerical assessment of the additional Bilingual Employees in Public Contact
- 2 Positions needed to meet the requirements of Section 89.3 of this Article;
- 3 (8) If assessments indicate a need for additional Bilingual Employees in Public Contact
- 4 Positions to meet the requirements of Section 89.3 of this Article, a description of the
- 5 Department's plan for filling the positions, including the number of estimated vacancies
- 6 in Public Contact Positions;
- 7 (9) The name, title, and language(s) other than English spoken (if any) by the staff
- 8 member designated with responsibility for ensuring the accuracy and appropriateness
- 9 of translations for each language in which services must be provided under this Article;
- 10 (10) A list of the Department's written materials required to be translated under this
- 11 Article, the language(s) into which they have been translated, and the persons who
- 12 have reviewed the translated material for accuracy and appropriateness;
- 13 (11) A description of the Department's procedures for accepting and resolving
- 14 complaints of an alleged violation of this Article;
- 15 (12) A copy of the written policies on providing services to Limited English Speaking
- 16 Persons;
- 17 (13) A list of goals for the upcoming year and, for all plans except the first, an
- 18 assessment of the Department's success at meeting last year's goals; and
- 19 (14) Any other information requested by the Commission necessary for the
- 20 implementation of this Article.

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91.10

SEC. 89.10. 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.

91.11

SEC. 89.11. Commission Responsibilities. The Commission shall be responsible for monitoring and facilitating compliance with this Article. Its duties shall

1 include: conducting outreach to Limited English Speaking Persons about their rights
2 under this Article, establishing and implementing a procedure to accept and investigate
3 complaints alleging a violation of this Article; reviewing complaints about alleged
4 violations of this Article forwarded from Departments; working with Departments to
5 resolve complaints; maintaining copies of complaints and their resolution for not less
6 than 8 years, organized by department; coordinating a language bank for Departments
7 that choose to have translation done outside the Department and need assistance in
8 obtaining translators; and reviewing compliance plans.

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^{91.12}
SEC. 89.12. Rules and Regulations. In order to effectuate the terms of this
Article, the Commission may adopt rules and regulations consistent with this Article.

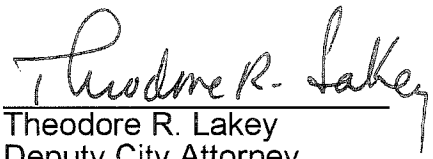
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SEC. 89.13. Enforcement. If after an investigation and attempt to resolve an
12 incidence of Department non-compliance, the Commission is unable to resolve the
13 matter, it shall transmit a written finding of non-compliance, specifying the nature of the
14 non-compliance, to the Department, the Department of Human Resources, the Mayor,
15 and the Board of Supervisors.

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SEC. 89.14. Severability. If any of the provisions of this Article or the
application thereof to any person or circumstance is held invalid, the remainder of this
Article, 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 Article are
severable.

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APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: 
Theodore R. Lakey
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 010409

Date Passed:

Ordinance amending San Francisco Administrative Code by adding Chapter 89, Sections 89.1, 89.2 and 89.4 through 89.14, to require City departments to offer materials if a substantial or concentrated portion of the public utilizing their services does not speak English effectively because it is not their primary language.

May 29, 2001 Board of Supervisors — DIVIDED

May 29, 2001 Board of Supervisors — AMENDED

Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee

Noes: 1 - Hall

Absent: 1 - McGoldrick

May 29, 2001 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee

Absent: 1 - McGoldrick


June 4, 2001 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee

Absent: 1 - McGoldrick

File No. 010409

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on June 4, 2001 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

JUN 15 2001

Date Approved



Mayor Willie L. Brown Jr.