

**CITY AND COUNTY OF SAN FRANCISCO
BOARD OF SUPERVISORS
BUDGET AND LEGISLATIVE ANALYST**

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Policy Analysis Report

To: Supervisor Tang
From: Budget and Legislative Analyst's Office 
Re: Analysis of Language Access Services in San Francisco
Date: June 24, 2014

Summary of Requested Action

Your office requested that the Budget and Legislative Analyst conduct an analysis of Language Access in the City, including (1) a detailed review of the City's Language Access Ordinance; (2) a review and comparison of the data submitted by Tier 1 departments for the Annual Compliance Summary Reports prepared by the Office of Civic Engagement and Immigrant Affairs (OCEIA); (3) interviewing OCEIA staff and various Tier 1 and Tier 2 City departments regarding existing needs and services provided to Limited English Proficient (LEP) persons in San Francisco; and (4) identifying any gaps in services and strategies to improve language access to City services, including making recommendations for improvement.

Executive Summary

- On August 18, 2009, the Board of Supervisors amended provisions of the initial Equal Access to Services Ordinance to approve a Language Access Ordinance to provide equal language access to all City public services. The Language Access Ordinance specifies requirements for the Immigrant Rights Commission, the Office of Civic Engagement and Immigrant Affairs (OCEIA), all City departments and 26 Tier 1 departments that have additional data collection and reporting responsibilities.
- In accordance with the Language Access Ordinance, all 26 Tier 1 departments must submit an Annual Compliance Plan to OCEIA in December, containing extensive amounts of data about languages spoken and demographic information about department clients, number of interactions with limited English speakers, number of bilingual employees and their skills, and more. In spite of the collection of this extensive data, which OCEIA compiles into an Annual Compliance Summary Report issued in March of each year, the detailed reporting currently required by the Language Access Ordinance cannot be summarized in a way that allows (a) policy makers to readily evaluate City departments' effectiveness in providing language access, or (b) comparisons of how effective different City departments are in providing language access.
- Many Tier 1 departments have difficulty collecting and compiling the extensive data required by the Language Access Ordinance. Another problem is that the definitions of data to be collected are confusing and ambiguous. One of the major difficulties in evaluating the Annual Compliance Summary reported data for accuracy is that Tier 1

departments are submitting future fiscal year budget data, rather than actual verifiable expenditure data, that can be compared to the other prior fiscal year Tier 1 department data that would provide a better measure of actual program results.

- While it is difficult to assess the total amount of funds currently expended on language access services, in FY 2012-13, approximately \$2.1 million was expended Citywide for bilingual premium pay and \$460,000 was expended for telephonic interpretation services. In addition, approximately \$969,200 or 27% of OCEIA's total \$3.6 million budget in FY 2013-14 is specifically for language access services, including (a) \$265,000 for 3.0 FTE Language Specialists, (b) \$135,000 for other support staff and (c) \$569,200 for Language Access Community Grants to nonprofit organizations.
- Interviews with OCEIA, four Tier 1 departments and three Tier 2 departments provided insights, and identified ambiguities and difficulties regarding implementing the Language Access Ordinance in the City. For example, several departments requested that OCEIA provide examples of guidelines and best practices used by other City departments that could be applicable City-wide. In addition, while all of the departments interviewed try to provide language services in whatever language is required by the public, all Tier 1 departments reported expending significant staff time and costs to collect and compile data for the annual language compliance reports and the Tier 2 departments expressed concerns about whether they would have to collect and compile additional data, given their limited operating budgets.
- To receive better information on City departments' effectiveness in providing services to limited English speakers, while streamlining City departments' reporting requirements, the Board of Supervisors should consider the following revisions to the Language Access Ordinance:
 1. To improve language access City-wide, all City departments should be required to provide full language access services. Currently, only the 26 Tier 1 departments are so required.
 2. The definition of which languages are covered by the Language Access Ordinance should be clarified. Currently, the Language Access Ordinance variously defines the covered languages as either a language spoken by: 5% of the population of a Supervisorial District, 5% of persons receiving services from a department, or 10,000 residents Citywide. The definition should be limited to one threshold of 10,000 City residents, as is currently used by OCEIA.
 3. Some of the more tedious, costly, and less useful requirements in the Language Access Ordinance that are not currently being implemented should be deleted, such as requiring OCEIA to compile and maintain a central depository of all City departments' translated documents. Given that the number of translated City department documents currently number in the thousands and are constantly being

updated and changed, this requirement for OCEIA to maintain this central depository seems unnecessarily onerous.

4. City departments' requirements to compile and report information to OCEIA on language access should be simplified to prioritize the most important activities performed by City departments in serving limited English speaking residents while providing easier collection of relevant data. Financial information should be consistent to reflect prior fiscal year actual expenditures, which will also provide more accurate and effective comparative results. Based on consultations with members of the Board of Supervisors and City departments, OCEIA should recommend more limited yet comparable data needed for annual reporting.
- The Board of Supervisors should also consider taking action to ensure that:
 5. City websites provide standard language translation that at a minimum includes a web-based translator with a disclaimer regarding potential translation problems (i.e., Board of Supervisors website disclaimer).
 6. OCEIA as the City department responsible for providing a centralized infrastructure for language services, assessing the adequacy of the City's ability to provide the public with language access services, and compiling language service complaints, has some materials translated into different languages and should immediately enhance its own website to provide additional translated materials and templates.

I. Background

San Francisco has an estimated total population of 825,863, of which 35.7% or 294,833 are immigrants, and 45.2% or 373,290 speak a language other than English at home¹. The most common non-English languages currently spoken in San Francisco are Chinese, Spanish, Tagalog and Russian.

¹ U.S. Census Bureau: State and County Quick Facts for San Francisco, California. Data derived from Population Estimates, American Community Survey, Census of Population and Housing, last revised March 27, 2014.

III. The City's Language Access Ordinance

In 2001, the Board of Supervisors approved the City's initial Equal Access to Services Ordinance (File 01-0409; Ordinance 126-01) to amend the City's Administrative Code, to provide equal language access to all City public services. On August 18, 2009, the Board of Supervisors amended these provisions of the Administrative Code (File 09-0461; Ordinance 202-09) to rename the ordinance, the Language Access Ordinance (LAO), to provide the following:

- **Requirements of the Immigrant Rights Commission (IRC)**²: (a) monitor and facilitate compliance with the LAO, (b) conduct outreach to the limited English speaking persons about their rights, (c) review complaints and work with departments to resolve complaints, (d) coordinate a language bank for departments, and (e) review Annual Compliance Plans.
- **Requirements of Office of Civic Engagement and Immigrant Affairs (OCEIA)**: (a) annually determine whether at least 10,000 City residents by language are limited English speaking persons³ by using the best available data from the U.S. Census Bureau or other reliable source and to certify this determination to City departments and the Commission by December 1 of each year⁴; (b) maintain complaint logs for 5 years, with quarterly reporting to the Immigrant Rights Commission; (c) by March 1, compile and summarize all departmental Annual Compliance Plans into a written report for the Board of Supervisors, with recommendations to meet the needs of emerging language populations⁵; (d) by June 30, OCEIA may request a joint public hearing with the Board of Supervisors and the Immigrant Rights Commission to assess the adequacy of the City's ability to provide the public with language access services; and (e) provide a centralized infrastructure for the City's language services, including (i) technical language services, (ii) a directory of qualified language service providers, (iii) an inventory of translation equipment, (iv) assistance in identifying bilingual staff, (v) a central repository for all departments' translated documents, and (vi) providing model

² The Immigrant Rights Commission (IRC), comprised of 15 members, was created by the Board of Supervisors in 1997 (Ordinance No. 211-97) and codified in Section 5.201 of the City's Administrative Code to advise the Mayor and the Board of Supervisors on issues and policies related to immigrants who live or work in San Francisco. OCEIA provides staff to the IRC.

³ Limited English Speaking person is defined as 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. In accordance with the LAO, departments must provide services in each language spoken by either a "Concentrated or Substantial Number of Limited English Speaking Persons" which is defined as either 5% of the population of the district or who use the City facility or 10,000 City residents.

⁴ OCEIA works with the City's Planning Department, which provides the latest data from the US Census Bureau, to determine the 10,000 language threshold of Limited English Proficient (LEP) persons. When the Language Access Ordinance was approved in 2001, the Board of Supervisors determined that Chinese and Spanish met the threshold for LEP persons. On April 2, 2014, OCEIA informed the Mayor and Board of Supervisors that based on the most recent Census Bureau data, Filipino (Tagalog) met the certification threshold.

⁵ Emerging language populations are defined as at least 2.5% of the population who use the department's services or 5,000 City residents who speak a shared language other than English.

Annual Compliance Plans. Table 1 below provides a summary of all the required elements for the Annual Compliance Plans.

Table 1: Annual Compliance Plans Required Elements

- Number and percent of limited English speaking persons who use the department's services, by language;
- Number and percent of limited English speaking residents in each Supervisor's District who use the department's services, by language;
- Demographic profile of department clients;
- Number of public contact positions;
- Number of bilingual employees in public contact positions, by title, bilingual certification, office location, and languages;
- Name and contact information for department's language access liaison;
- Description of telephone-based interpretation services, including languages and number of times used;
- Description of procedures used to communicate with limited English speaking persons, including assessment of adequacy of procedures;
- Description of ongoing employee development and training, including quality control protocols for bilingual employees and language service protocols for limited English speaking individuals in disaster-related and crisis situations;
- Assessment of additional bilingual employees in public contact positions needed to meet the ordinance's requirements and description of plan to fill positions, including estimated public contact position vacancies;
- Name, title and languages spoken by staff designated with ordinance's responsibilities;
- List of department's written materials required to be translated, translated languages, and persons who have reviewed for accuracy and appropriateness;
- Description of department procedures for accepting and resolving complaints;
- Written policies on providing services to limited English speaking persons;
- Goals for upcoming year, and assessment of success in meeting last year's goals;
- Annual budget and total annual expenditures for language access services, including (a) compensatory pay for bilingual employees, (b) contracted telephonic translation services, (c) contracted document translation services, (d) contracted on-site language interpretation services, and (e) total projected budget to support implementation of department's language service plan.
- Summarize changes between Department's previous and current Annual Compliance Plans.
- Any other information requested by the IRC for implementation of the ordinance.

Source: Administrative Code Section 91.10

- **Requirements of All City Departments:** (a) inform limited English speaking persons in their native tongue, of their right to request translation services; (b) translate all publicly-posted documents that provide information regarding (1) the department's services or programs, or (2) affecting a person's eligibility or denial of benefits or services into languages spoken by a substantial number of limited English speaking persons; (c) designate a staff person to ensure all translations of written materials are accurate and appropriate, including obtaining quality checks from external translators, if necessary; (d) provide oral interpretation of any public meeting or hearing if requested at least 48 hours in advance, (e) translate adopted meeting minutes if requested, within a reasonable time period; (f) allow for complaints by telephone or in written form, document actions taken to resolve each complaint, and forward copies of complaints to IRC and OCEIA.

Require each City department to (a) annually determine whether 5% or more of the people who use the Department's services at a Covered Department Facility⁶ are limited English speaking by (a) conducting an annual survey of all departmental public contacts during a two-week period, (b) analyzing information collected during the department's intake process, or (c) analyzing and calculating the total annual number of requests for telephonic language translation services by language from contracted telephonic translation services vendors.

- **Requirements of Tier 1 City Departments:** Table 2 below identifies the 26 City departments identified in the LAO as Tier 1⁷. In addition to the requirements specified above, Tier 1 departments must also (a) translate written materials, including applications or forms to receive benefits or services, rights to appeal department decisions, written tests for which English is not required, notices of language assistance, complaint forms, materials explaining department services or programs, or any other important documents, that provide vital information to the public about the department's services or programs, and (b) submit an Annual Compliance Plan by December 31 to the IRC, OCEIA, and the Mayor's Office containing the information summarized in Table 1 above.

⁶ Covered Department Facility means any department building, office or location that provides direct services to the public and serves as a workplace for five or more full-time City employees.

⁷ All City departments that furnish information or provide services directly to the public not identified as Tier 1 are Tier 2 departments, as specified in the ordinance.

Table 2: Tier 1 City Departments

- Adult Probation Department
- San Francisco International Airport
- Office of the Assessor Recorder
- City Hall Building Management
- Department of Building Inspection
- District Attorney's Office
- Department of Elections
- Department of Emergency Management
- Department of the Environment
- Fire Department
- Human Services Agency
- Juvenile Probation Department
- Office of Economic and Workforce Development
- Municipal Transportation Agency
- Planning Department
- Police Department
- Public Defender's Office
- Department of Public Health
- Public Library
- Department of Public Works
- Public Utilities Commission
- Recreation and Park Department
- Residential Rent Stabilization and Arbitration Board
- Sheriff's Department
- Treasurer and Tax Collector
- San Francisco Zoo

Source: Administrative Code Section 91.2.

In accordance with Section 91.2 of the Language Access Ordinance, Tier 2 departments are defined as all City departments that furnish information or provide services directly to the public and that are not specified as Tier 1.

IV. Annual Compliance Summary Reports

The Budget and Legislative Analyst reviewed the last three years' Annual Compliance Summary Reports⁸, which are compiled and prepared by OCEIA based on self-reported detailed information submitted by each Tier 1 City department. Each year, standardized reporting forms are distributed by OCEIA to the Tier 1 City departments, with the results due in December of each year based primarily on information collected from the prior fiscal year. The information collected is based on the requirements specified in the Language Access Ordinance as summarized above in Table 1. For the March 2014 Annual Report, OCEIA collected, compiled and analyzed over 10,000 pieces of data reported by the City's 26 Tier 1 departments on language access.

Major highlights from these three annual reports are as follows:

- For the three FYs, all 26 Tier 1 departments submitted annual compliance plans, most within the deadlines specified.
- Regarding OCEIA's mandatory training for Tier 1 departments in September of each year, 96% attended in 2011, 100% attended in 2012 and 88% attended in 2013.
- While the public's overall use of City services, as reported as Tier 1 department client interactions⁹, increased over the past three fiscal years, the total number of Limited English Proficient (LEP) client interactions has fluctuated, resulting in a relatively fewer percentage of LEP client interactions in FY 2012-13, as shown in Table 3 below.

Table 3: Total City and LEP Client Interactions for Tier 1 Department Services

Fiscal Years	Total City Client Interactions	Total and % LEP Client Interactions
FY 2010-11	3,332,145	231,085 6.9%
FY 2011-2	4,166,295	168,873 4.1%
FY 2012-13	5,198,579	192,242 3.7%

- As shown in Table 4 below, Cantonese remains the most common language spoken by Tier 1 department LEP clients, followed by Spanish, Russian and Tagalog.

⁸ Office of Civic Engagement & Immigrant Affairs, Advancing Language Access in San Francisco, Language Access Ordinance: Annual Compliance Summary Report issued in March 2012 which reflects reported data from FY 2010-11, Advancing Language Access in San Francisco, Language Access Ordinance: Annual Compliance Summary Report issued in March 2013 which reflects reported data from FY 2011-12 and Advancing Language Access in San Francisco, Language Access Ordinance: Annual Compliance Summary Report issued in March 2014 which reflects reported data from FY 2012-13.

⁹ Due to use of general ridership, traveler and census estimates reported by the San Francisco Municipal Transportation Authority (SFMTA), Airport, Public Library and the Public Utilities Commission (PUC), these data does not include these Tier 1 City departments.

Table 4: Limited English Speaking (LEP) Clients Accessing Tier 1 Department Services

Fiscal Years	Cantonese	Spanish	Russian	Tagalog
FY 2010-11	34%	33%	4%	3%
FY 2011-12	45%	36%	5%	2%
FY 2012-13	45%	39%	3%	2%

- Bilingual public contact staff in Tier 1 departments totaled 3,091 in FY 2010-11, 3,247 in FY 2011-12 and 3,191 in FY 2012-13, with Spanish, Cantonese and Tagalog being the most commonly spoken bilingual languages by such City staff.
- While there has been a general improvement in Tier 1 departments collecting and reporting language access data based on the requirements of the Language Access Ordinance rather than using Census data estimates, most Tier 1 departments still do not report language access data by Board of Supervisors district.
- In compliance with the Language Access Ordinance, language access complaints are required to be forwarded to OCEIA and reported to the Immigrant Rights Commission. While two-thirds of Tier 1 departments reported having written complaint procedures in various languages, which are publically posted, and five departments reported receiving a total of 31 complaints, in FY 2012-13, OCEIA did not receive any complaints from City departments. Similarly, in FY 2010-11 and FY 2011-12, Tier 1 departments reported receiving 18 complaints each year, but none were forwarded to OCEIA.
- Regarding expenditures, Tier 1 departments report their upcoming fiscal year budgets, such that for FY 2014-15 a total of almost \$9 million is projected to be expended, as shown in Table 5 below. The total projected budgets for FY 2014-15 is 7% greater than reported by Tier 1 departments for FY 2013-14 and 40% greater than reported for FY 2012-13.

Table 5: Projected FY 2014-15 Language Services Budgets for Tier 1 Departments

Budget Element	FY 2014-15 Budget
Bilingual Premium Pay	\$2,522,117
Telephonic Interpretations	888,216
Document Translations	417,505
On-Site Interpretations	3,910,673
Other	1,175,500
Total	\$8,990,917

- Of the total almost \$9 million projected to be expended in FY 2014-15, the Department of Public Health reports expending \$5.6 million (62%), Department of Elections reports \$1.1 million (12%), Human Services Agency reports \$700,000 (7%) and the other 23 departments share the remaining \$1.6 million (19%) expenditures.

V. Comparison of Reported Tier 1 Department Costs to Actual Costs

As a basis for comparison to the Annual Compliance Summary budget data reported by Tier 1 departments, the Budget and Legislative Analyst compiled actual bilingual premium pay expenditure data from the Controller's Office over the past three fiscal years for all City departments. The City compensates individual employees per pay period based on bilingual capabilities, as certified by the Department of Human Resources, which varies depending on the employee's individual collective bargaining agreement. As shown in Table 6 below, actual total bilingual premium pay decreased slightly from \$2.3 million in FY 2010-11 to \$2.1 million in FY 2012-13. However, as shown in Table 5 above, the 26 Tier 1 departments reported projected budgeted FY 2014-15 premium pay expenditures of over \$2.5 million, which reflects a significant increase in expenditures.

Table 6: Actual Premium Pay Expended FYs 2010-11 through FY 2012-13

Fiscal Years	Language Premium Pay
FY 2010-11	\$2,318,756
FY 2011-12	\$2,402,557
FY 2012-13	\$2,112,022

In addition, the Budget and Legislative Analyst compared the telephonic interpretation budget data reported by Tier 1 departments in the Annual Compliance Summary reports to the actual charges incurred through the City's contract with Language Line over the past three fiscal years for all City departments. Language Line currently provides telephonic interpreting services 24 hours a day, seven days a week in over 200 languages to various City departments (currently 47 different department accounts), under an existing Citywide contract that expires on June 30, 2014¹⁰. As shown in Table 7 below, the actual annual charges for Language Line increased from approximately an annualized \$200,000 (\$98,272 x 2) in FY 2010-11 to \$460,337 in FY 2012-13. However, when compared to budgeted telephonic interpretation expenditures shown in Table 5 above, actual FY 2012-13 expenditures of \$460,337 were significantly below the \$888,216 budgeted for FY 2014-15 for Tier 1 departments, reflecting a 93% increase over the FY 2012-13 actual expenditures. Increases such as these should be explained in the annual reports to determine if they represent improved or expanded services and that the level of increase is justified by changes in workload.

Table 7: Actual Telephonic Interpretation Charges FYs 2010-11 through FY 2012-13

Fiscal Years	Language Line Charges to all City departments
FY 2010-11 (6 months)	\$98,272
FY 2011-12	\$272,185
FY 2012-13	\$460,337

¹⁰ To obtain ongoing contract services for City departments as of July 1, 2014, OCEIA recently issued a Request for Qualifications (RFQ) for telephonic interpretation, in-person interpretation, translation, American Sign Language, video interpreting and community interpreter training services. Telephonic interpreter services are intended to be used if existing bilingual employees are not available.

These two premium pay and telephonic interpretation charge comparisons reflect the difficulty of assessing the accuracy and significance of the reported data from the Tier 1 Annual Compliance Reports. One of the major difficulties in evaluating the Annual Compliance Summary reported data for accuracy is that the Tier 1 departments are submitting future fiscal year budgeted information, which has not yet been submitted to the Mayor’s Office and the Board of Supervisors for approval rather than actual verifiable expenditure data. Given that the rest of the Annual Compliance Report requests actual data on the prior fiscal year, the Language Access Ordinance should be amended as well as the annual survey of City departments to collect actual prior fiscal year expenditure data to provide more verifiable information that can be compared to the other prior fiscal year department data to allow more effective comparative measure of program results.

VI. Language Access Services provided by the Office of Civic Engagement and Immigrant Affairs (OCEIA)

The Office of Civic Engagement and Immigrant Affairs (OCEIA), under the City Administrator’s Office, was created in 2010 to improve the lives of San Francisco residents, particularly immigrants, newcomers, underserved and vulnerable populations to ensure that these residents have equal access to City services. Since OCEIA was created, the Mayor and the Board of Supervisors have mandated various additional programs and responsibilities to OCEIA, including a Citywide 2010 Census outreach campaign, a language access community grants program, creation of language specialist positions, a day laborers program, a naturalization program, deferred action for childhood arrival program, and a community ambassador program. As a result, as shown in Table 8 below, over the last four fiscal years, the total expenditures for OCEIA has increased by \$2,565,578 or 237% from \$1,081,661 in FY 2010-11 to \$3,647,239 in FY 2013-14.

Table 8: OCEIA Actual and Budgeted* Expenditures from FY 2010-11 through FY 2013-14

	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	Increase
Personnel Expenses	\$870,239	\$1,035,551	\$1,380,173	\$1,745,950	\$875,711
Non-personnel Expenses	211,422	239,019	904,925	1,901,279	1,689,857
Total Expenditures	\$1,081,661	\$1,274,570	\$2,285,098	\$3,647,239	\$2,565,578

*Reflects actual expenditures for FY 2010-11, FY 2011-12 and FY 2012-13 and budgeted expenditures for FY 2013-14.

Of OCEIA’s total \$3.6 million budget in FY 2013-14 shown in Table 8 above, approximately \$969,200 or 27% is specifically for language access services, including:

- Approximately \$265,000 for personnel expenses (salary and fringe benefits) for 3.0 full-time equivalent 1840 Junior Management Assistants who are Language Specialists, that are used to provide emergency and public safety translation and interpretation services in three languages (Chinese (Cantonese and Mandarin), Spanish and Filipino (Tagalog)). In addition, as time permits, these Language

Specialists provide complex translation services for the Mayor’s Office, the Board of Supervisors and other City departments.

- Approximately \$135,000 for 75% of one public policy analyst position to compile and prepare the Annual Compliance Summary Report and provide overall language access services, 20% of the Executive Director’s position to oversee and manage the language access programs in the Office and approximately 10% of one other administrative staff person’s expenses.
- \$569,200 for Language Access Community Grants, awarded to the nonprofit organizations shown in Table 9 below, to increase community and City capacity to meet the language access needs of Limited English Proficient (LEP) persons in San Francisco. The specific goals of these grants are to (a) build community-based language access leadership and capacity, and conduct outreach and advocacy; (b) assess and evaluate language access needs in the community; (c) assist City departments to more effectively communicate and deliver services to residents who speak languages other than English; and (d) plan for language access needs during emergency and public safety situations. All of these grants expire on December 31, 2014 and OCEIA plans to issue a new RFQ in the fall of 2014 to continue to provide these services.

Table 9: Language Access Community Grants Program

Nonprofit Organization Grant Recipients	CY2014
Southeast Asian Community Center	\$25,000
Self Help for the Elderly	77,500
Asociacion Mayab	20,000
Language Access Network ¹¹	419,200
Total	\$569,200

VII. Tier 1 and Tier 2 Department Interviews and Comments

The Budget and Legislative Analyst interviewed OCEIA as well as four Tier 1 departments and three Tier 2 departments shown in the chart below regarding the City’s Language Access Ordinance and language access services.

¹¹ The Language Access Network will provide up to \$800,000 of grant funds over two years (2013 and 2014) to Chinese for Affirmative Action (\$520,000), which currently has Memorandum of Understanding (MOUs) with seven subgrantees: African Advocacy Network (\$40,000), Arab Resource and Organizing Center (\$40,000), Bernal Heights Neighborhood Center (\$40,000), Central American Resource Center (\$40,000), Filipino Community Center (\$40,000), Mujeres Unidas y Activas (\$40,000), and People Organizing to Demand Environmental & Economic Rights (\$40,000).

Departments Interviewed by the Budget and Legislative Analyst for this Analysis

<u>Tier 1 Departments</u>	<u>Tier 2 Departments</u>
Department of Public Health	Animal Care and Control
Police Department	Board of Supervisors, Clerk of the Board
Department of Elections	311
Rent Arbitration and Control Board	

Based on these interviews, City departments identified the following:

- All City departments have to work with the public on a daily basis, including communicating with persons with limited English capabilities. All of the Tier 2 departments interviewed reported having significant daily public interactions with persons with limited English language capabilities.
- All of the City departments interviewed reported trying to provide language services in whatever language is required by the public, not just the three certified languages, with existing available bilingual staff or through contracted telephone language services, such as Language Line¹². Based on the results from 34 Tier 2 departments that responded to a 2014 survey conducted by OCEIA, 62% of Tier 2 departments currently provide in-person interpretations, 59% provide telephonic interpretations, and 44% provide translated materials.
- Given that Filipino (Tagalog) had just been certified as the third-required language for City departments, several departments noted that while they have existing Tagalog-speaking staff, most of their Tagalog-speaking clients also spoke and could read English¹³.
- The existing Language Access Ordinance is ambiguous, particularly on how City departments, including OCEIA, are to obtain demographic data and make determinations regarding limited English speaking persons. In addition, departments have difficulty reporting data by Board of Supervisors districts, as most departments do not have multiple locations in the City or collect or have access to such specific information.
- Departments expressed concerns about the cost of providing expanded language services to the public and the cost of hourly minimums for contracted interpreter services which must be paid, regardless of the length of interpreter services actually required. Several departments expressed interest in using OCEIA available language-based staff to provide interpreter services. Two departments discussed potential web-based, video and technological strategies for training City staff and

¹² Language Line is the City's existing vendor, which provides over-the-phone interpreting services 24 hours a day, seven days a week in more than 200 languages. Currently, City departments have 47 accounts with Language Line, with San Francisco General Hospital, 311 and the Police Department, the top-three City department users.

¹³ OCEIA advises that the US Census Bureau's American Community Survey 5-Year Report identifies over 10,000 of the 24,128 Tagalog speakers in San Francisco as limited English-proficient, such that they cannot understand English well enough to navigate City services and participate in a meaningful way.

providing translations and interpreter services for the public that might be less expensive and not require hourly minimums.

- Several departments used web-based translation services, such as Google Translate, which they noted provide quick, free and easy translation services on their websites, although they noted that the translations were not always entirely accurate, particularly for character-based languages (i.e., Chinese, Japanese, Korean, etc.). Several departments noted they did not use web-based translation services, but instead paid for professional translations of their documents, although they noted that such translations were expensive. One department (Board of Supervisors) provides Google Translate on their website, with a disclaimer that cautions users regarding the accuracy of the translations.
- All of the Tier 1 departments reported expending significant staff time and costs to collect and compile data for the annual language compliance reports (estimates ranged from two weeks to several months), which was data that these Tier 1 City departments did not otherwise need or use. Two Tier 1 departments (Department of Public Health and Elections) have separate data systems for identifying language needs for their internal requirements or operations. Given their limited operating budgets, Tier 2 departments expressed concerns about becoming Tier 1 departments, not because they would have to provide language access services for the public, but because they would have to collect and compile a significant amount of additional data for the annual compliance reports.
- Of the four Tier 1 departments interviewed, three were concerned that OCEIA was responsible for overseeing the requirements for language access services in the City, although OCEIA was a Tier 2 department, and not subject to the higher-level Tier 1 department data collection requirements. One City department pointed out that OCEIA did not provide any translation on its website such that non-English or limited English speaking persons could not directly access OCEIA or the Immigrant Rights Commission services electronically nor submit complaints electronically regarding language access issues in the City¹⁴.
- Several departments that were interviewed requested that OCEIA provide examples of guidelines and best practices used by other City departments that could be applicable City-wide. In addition, one department requested that OCEIA provide analysis of the data for City departments to use to better provide services for the public. However, OCEIA reported and the Budget and Legislative Analyst confirmed that much of the data currently required to be collected is difficult to compile in a useful form for analysis to develop shared results.
- Departments expressed various concerns with the Department of Human Resources procedures for certifying bilingual City staff, including significant delays

¹⁴ OCEIA advises that they have some vital documents translated on their website and are currently enhancing their website to provide additional translated materials. OCEIA also notes they have always translated the Immigrant Rights Commission meeting notices and provide interpreters and translated documents for the Immigrant Rights Commission meetings in several languages.

in testing, inadequate testing of oral skills, and testing not being relevant to the language requirements needed.

- Several of the departments interviewed noted that nonprofit organizations that specifically work with immigrant non-English and/or limited English speaking communities could assist with additional support services for their clients.

VIII. Barriers to Implementation of Language Access in San Francisco

Based on (a) a detailed review of the City's Language Access Ordinance, (b) the Annual Compliance Summary Reports prepared by OCEIA over the past three years, and (c) interviews with OCEIA and selected Tier 1 and Tier 2 City departments, the Budget and Legislative Analyst identified the following concerns with the major provisions in the City's Language Access Ordinance.

Table 10: Key Features and Concerns with the City’s Language Access Ordinance

	Language Access Ordinance	Concerns
<p>Concentrated Number of Limited English Speaking Persons (Section 91.2(e))</p>	<ul style="list-style-type: none"> Defined as either 5% of population in each Board of Supervisors District in which a qualified City office¹⁵ is located or 5% of persons who use the services provided by the individual qualified City office. OCEIA shall annually determine whether 5% or more of population of Supervisors’ Districts are Limited English Speaking Persons based on Census or other data and will certify this determination by December 1 of each year. Each City department shall also determine annually whether 5% or more of population who use Department’s services at each facility are Limited English Speaking Persons. 	<ul style="list-style-type: none"> Confusing that the definition is either 5% of population in District or 5% of person who use the services, where the qualified office is located. OCEIA reports data as provided by the Planning Department. Although all City departments are required to make these determinations annually, based on the survey responses, few Tier 1 departments are complying due to significant difficulties in collecting and compiling such data by individual Board of Supervisors District relative to individual qualified City department office locations. It is not known if any Tier 2 departments comply with this provision, because such reporting is not required.
<p>Substantial Number of Limited English Speaking Persons (Section 91.2(k))</p>	<ul style="list-style-type: none"> Defined as either 10,000 City residents or 5% of those persons who use each department’s services. OCEIA shall annually determine whether at least 10,000 limited English speaking residents speak a shared language other than English based on Census or other reliable data by December 1 of each year. Each City department shall also determine annually whether 5% or more of Limited English Speaking Persons who use Department’s services Citywide speak a shared language other than English, using one of three identified methods. 	<ul style="list-style-type: none"> Confusing that the definition is either 10,000 City residents or 5% of those persons who use the Department’s services. When the Language Access Ordinance was approved in 2001, Chinese and Spanish met the 10,000 City-wide threshold for Limited English Speaking Persons. Tagalog is the first language that OCEIA has officially certified since the inception of the Language Access Ordinance. Although all City departments are required to make these determinations, based on the Tier 1 survey responses, the methods used and the reported results vary. It is not known if any Tier 2 departments comply with this provision, because such reporting is not required.

¹⁵ Qualified City office is defined in the LAO as a “Covered Department Facility” as any Department building, office or location that provides direct services to the public and serves as the workplace for 5 or more full-time City employees.

	Language Access Ordinance	Concerns
<p>Tier 1 and Tier 2 Departments (Sections 91.2(l & m))</p>	<ul style="list-style-type: none"> • Specifies 26 Tier 1 departments, as shown in Table 2 above and defines Tier 2 departments as all City departments not specified as Tier 1. 	<ul style="list-style-type: none"> • Currently, OCEIA is a Tier 2 department, with responsibility for assessing the City's adequacy of language access services. In addition, such City departments as 311 and Animal Care and Control are Tier 2 departments, though both have significant public contact with non-English speaking clients. Given that the LAO is intended to provide equal language access to all City public services, all City departments should be required to equally comply with the LAO.
<p>Annual Compliance Plans (Section 91.10)</p>	<ul style="list-style-type: none"> • Specifies each of the data elements required from Tier 1 City departments, as shown in Table 1 above. 	<ul style="list-style-type: none"> • Tier 1 City departments expend significant time compiling, collecting and reporting each of the data elements specified in the LAO, which is difficult to compare across City departments, as reflected in the Annual Compliance Summary Reports. Much of the information would be better contained in each department's Language Access Plan, with more limited data reported across all City departments for comparison purposes.
<p>Immigrant Rights Commission (IRC) Responsibilities and Enforcement (Section 91.13 and 91.16)</p>	<ul style="list-style-type: none"> • The Commission is responsible for monitoring and facilitating compliance with the LAO, including <ul style="list-style-type: none"> • conduct outreach to Limited English Speaking persons about their rights; • review complaints forwarded by departments, work to resolve complaints, and maintain complaints and resolutions for 8 years; • coordinate a language bank for outside department translations; and • review Annual Compliance Plans. 	<ul style="list-style-type: none"> • OCEIA as staff to the IRC provides outreach through the Language Access Community grants to nonprofit agencies. • City departments forward very few, if any complaints to the Commission each year. • Commission has not coordinated a language bank for outside translations. • Reviews Annual Compliance Plans and makes policy recommendations to the Mayor and the Board of Supervisors.
<p>Office of Civic Engagement and Immigrant Affairs' (OCEIA) Responsibilities (Section 91.14)</p>	<ul style="list-style-type: none"> • OCEIA is responsible for providing a centralized infrastructure for the City's language services, including <ul style="list-style-type: none"> • Provide technical assistance to all City departments; • Maintain directory of qualified language service providers, maintain inventory of translation equipment, and provide assistance to departments, the Board of Supervisors and the Mayor's Office in identifying bilingual staff; • Compile and maintain central depository for all departments' translated documents; • Provide model Annual Compliance Plans; and • Review complaints with reports to Immigrant Rights Commission. 	<ul style="list-style-type: none"> • OCEIA provides annual required training and assistance for all City departments. • OCEIA maintains list of qualified language service providers. OCEIA has inventory of Board of Supervisors and OCEIA's translation equipment but not Citywide. OCEIA can identify bilingual staff as reported by Tier 1 departments. • OCEIA does not maintain a central depository of departments' translated documents. • OCEIA provides model Annual Compliance Plans for Tier 1 departments. • OCEIA reviews the limited number of complaints submitted by City departments.

IX. POLICY OPTIONS AND RECOMMENDATIONS

The 2009 Language Access Ordinance is intended to ensure that the City's residents with limited English have the same access to City programs and services as English-speaking residents. In order for the Board of Supervisors to receive better information on City departments' effectiveness in providing services to limited English speakers, while streamlining City departments' reporting requirements, the Board of Supervisors should consider the following revisions to the Language Access Ordinance:

1. To improve language access City-wide, all City departments should be required to provide full language access services. Currently, only the 26 Tier 1 departments are so required.
2. The definition of which languages are covered by the Language Access Ordinance should be clarified. Currently, the Language Access Ordinance variously defines the covered languages as either a language spoken by: 5% of the population of a Supervisorial District, 5% of persons receiving services from a department, or 10,000 residents Citywide. The definition should be limited to one threshold of 10,000 City residents, as is currently used by OCEIA.
3. Some of the more tedious, costly, and less useful requirements in the Language Access Ordinance that are not currently being implemented should be deleted, such as requiring OCEIA to compile and maintain a central depository of all City departments' translated documents. Given that the number of translated City department documents currently number in the thousands and are constantly being updated and changed, this requirement for OCEIA to maintain this central depository seems unnecessarily onerous.
4. City departments' requirements to compile and report information to OCEIA on language access should be simplified to prioritize the most important activities performed by City departments in serving limited English speaking residents while providing easier collection of relevant data. Financial information should be consistent to reflect prior fiscal year actual expenditures, which will also provide more accurate and effective comparative results. Based on consultations with members of the Board of Supervisors and City departments, OCEIA should recommend more limited yet comparable data needed for annual reporting.

The Board of Supervisors should also consider taking action to ensure that:

5. City websites provide standard language translation that at a minimum includes a web-based translator with a disclaimer regarding potential translation problems (i.e., Board of Supervisors website disclaimer).
6. OCEIA as the City department responsible for providing a centralized infrastructure for language services, assessing the adequacy of the City's ability to provide the public with language access services, and compiling language service complaints, should immediately enhance its own website to provide additional translated written and web-based documents and templates in the City's three required languages.