

**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 (Round II)

Date: February 9, 2015

Summary of Requested Action

Your office requested that the Budget and Legislative Analyst conduct continued analysis of language access services in San Francisco, including (1) gathering the same data of Tier 2 departments as requested of Tier 1 departments under the City's Language Access Ordinance; (2) analyzing the City's workforce and resource expenditures for language access services; and (3) identifying possible operational efficiencies in the City's provision of language access services, and evaluating an expanded role for the Office of Civic Engagement and Immigrant Affairs.

Executive Summary

The Budget and Legislative Analyst conducted two rounds of surveys with City Tier 1 and Tier 2 departments in order to analyze the City's language access expenditures and identify possible efficiencies in the provision of language access services. There were some limitations with this data and analysis, including (1) all expenditure and service data was self-reported by departments, and therefore should be not be regarded as exhaustive or conclusive; (2) there are no standardized budgeting or performance tracking standards for language access expenditures in the City; and (3) the employee information received from the Department of Human Resources (DHR) does not identify whether bilingual positions are vacant or filled.

Nonetheless, the information gathered through these surveys enabled some general conclusions.

The City's language access expenditures are concentrated in a few departments.

In FY 2013-14, departments reported \$7,605,000 in actual expenditures for language access, including bilingual premium pay, telephonic interpretation, document translation, on-site translation, and other services, as shown in the Table below. Of this amount, Tier 2 departments accounted for 2% of actual expenditures, or \$137,699.

Total Language Access Expenditures by Tier for FY 2012-13 and FY 2013-14

	<u>FY 2012-13</u>		<u>FY 2013-14</u>	
	Expenditures	% of Total	Expenditures	% of Total
Tier 1	\$6,744,530	98%	\$7,467,301	98%
Tier 2	\$131,754	2%	\$137,699	2%
Total	\$6,876,285	100%	\$7,605,000	100%

Source: Budget and Legislative Analyst’s Survey of City Departments

The City’s certified bilingual employees are concentrated in a few departments.

The City has two primary bilingual categorizations: employees who have been certified as **eligible** for bilingual pay, and **designated bilingual positions**, which are positions with specific language requirements that must be met by employees.

According to DHR 2,058 City employees have been certified as eligible to receive bilingual pay, or 7.2% of the City’s workforce of 28,497, of which 842 are designated bilingual positions. Over 94% of bilingual pay expenditures were concentrated in six departments.

The majority of the City’s certified bilingual employees are in direct service positions, and primarily provide oral interpretation services and secondarily translation services, including review of work performed by contractors.

The City’s 2,058 eligible bilingual pay employees are distributed across 196 distinct classifications. The 16 most frequent eligible classifications account for 1,156 positions, or nearly 55% of all eligible bilingual pay positions. The eight most common designated classifications account for a total of 442 positions, or 52.5% of all designated bilingual positions.

The City’s eligible bilingual employees and designated bilingual positions are concentrated in public health, social services, and law enforcement positions. The majority of these are direct service positions, where employees will most likely utilize their language skills over the course of performing their job duties.

There are limitations in using certified bilingual employees to meet Language Access Ordinance needs, and the City supplements the work of certified bilingual employees in several ways – including contracts with outside vendors.

Several departments reported that bilingual employees are not always utilized to the fullest extent, because bilingual speakers may be assigned to a location or shift that does not have frequent contact with Limited English Proficient speakers, or their primary job responsibilities can render them too busy to assist members of the public.

The City often draws upon the skills of non-certified employees

Departments reported that City staff sometimes informally provide interpretation and translation services for clients over the course of performing their job duties, without having received bilingual certification. Departments explained that staff do not pursue certification for several reasons: increased demands on workload

after certification, a lengthy and cumbersome certification process, and insufficient compensation.

Different City departments are obtaining services from various third-party contractors for similar services

In FY 2013-14, City departments reported 33 different contracts for language services with total contract amounts of \$949,064. In FY 2014-15, City departments reported 20 different contracts for language services with contract amount of \$601,660.¹

Consolidating language services contracts into master contracts would standardize rates and improve quality.

Although many contracts provide similar services, departments utilize a number of different vendors to provide these services. There is opportunity for consolidation, both administratively and in terms of verified service providers.

Furthermore, the work performed by these vendors is not always up to the standards desirable for public documents and public agencies. Several departments also reported that obtaining services from third-parties can be expensive.

Language services contracts should be consolidated into a master contract administered by OCEIA

The City Administrator should work with the Mayor's Office of Public Policy and Finance to consolidate existing language services contracts into one or more master contracts administered by OCEIA. Consolidating these contracts would standardize rates and services, allow OCEIA to monitor the quality and accuracy of interpretation and translation services, and achieve cost savings through more efficient contracting processes.

A master contract would also create more equitable access for all departments to meet the requirements of the City's Language Access Ordinance, reducing use of informal interpretation such as use of non-certified staff and family members while ensuring that the Limited English Proficient public is receiving professional quality bilingual services. A master contract for document translation, similar to the Language Line contract for telephonic interpretation, would be cost-effective. OCEIA has been able to negotiate lower rates on Language Line as a master contract, and this cost saving would be possible for document translation services. Currently, the cost of administering the Language Line contract by an 1822 Administrative Analyst is estimated to be \$7,831.

¹ FY 2013-14 and FY 2014-15 figures exclude the Citywide master contract with Language Line for telephonic interpretation.

Departments have indicated a need for additional language access resources for interpretation and translation services.

Departments stated they could use additional assistance with Spanish and Chinese interpretation and translation activities. Several departments who do not have daily public contact or existing bilingual staff also expressed an interest in additional translation and interpretation assistance for occasional community events.

The City Administrator should work with the Department of Human Resources to evaluate if existing City classifications could provide interpretation and translation services or if new City classifications would need to be created. Any new positions created in the OCEIA budget to provide interpretation and translations services could be funded in whole or in part by savings in contractual services.

There may be an increased efficiency in allowing existing certified bilingual employees to focus on interpretation services while creating more centralized resources for translation and occasional interpretation assistance. OCEIA could expand its role in assisting City departments in interpretation and translation as a supplement to City departments' certified bilingual employees or contractor services.

For example, the annual salary, bilingual pay, and benefit costs for an 1820 Junior Administrative Assistant are \$100,049. Comparable services provided by a contractor are an estimated \$97,614. Benefits would include in-house availability, avoidance of 2-hour minimum charges, and OCEIA oversight of interpretation and translation quality.

Budget and Legislative Analyst Recommendations

The Budget and Legislative Analyst recommends the following:

- 1) The City Administrator should work with the Mayor's Office of Public Policy and Finance to consolidate existing language services contracts into one or more master contracts administered by OCEIA.
- 2) The City Administrator should work with the Department of Human Resources to evaluate if existing City classifications could provide interpretation and translation services or if new City classifications would need to be created. Any new positions created in the OCEIA budget to provide interpretation and translations services could be funded in whole or in part by savings in contractual services; and would be subject to Board of Supervisors' appropriation approval.
- 3) OCEIA and the Controller's Office should work with City departments to ensure that contracts for translation and interpreting services are coded correctly in the City's purchasing system so that expenditures against these contracts can be accurately tracked.
- 4) OCEIA should work with City departments to more aggressively promote the certification of bilingual employees.

Background

On June 24, 2014 the Budget and Legislative Analyst's Office submitted a report to the Board of Supervisors regarding language access services in San Francisco. The report included (1) a detailed review of the City's Language Access Ordinance; (2) a review and comparison of data submitted by Tier 1 departments for the Language Access Ordinance's Annual Compliance Summary Reports; (3) interviews with Office of Civic Engagement and Immigrant Affairs (OCEIA) and other City staff regarding the needs of and services provided to Limited English Proficient persons in San Francisco; and (4) an identification of service gaps.

The report made several recommendations to improve language access services in San Francisco and the City's Language Access Ordinance:

1. Full language access should be mandated across all City departments;
2. Greater clarity is needed on the languages to be covered by the Language Access Ordinance; and
3. The Language Access Ordinance's reporting requirements should be streamlined to prioritize key information and create consistent standards for comparison.

The report also recommended that the Board of Supervisors take action to ensure that all City websites provide a minimum level of language translation and that OCEIA enhance its website and provide key translated documents.

Methodology

In order to analyze the City's language access expenditures and identify possible efficiencies in the provision of language access services, the Budget and Legislative Analyst conducted two rounds of surveys with City Tier 1 and Tier 2 departments.

Round 1 Survey

The Round 1 Survey requested that department's provide information on the following:

- Actual expenditures for bilingual pay, interpretation services, and translation services in FY 2012-13 and FY 2013-14;
- The number of Full Time Equivalent (FTE) positions receiving bilingual pay in the department and their respective classifications² ;
- Language access services obtained via contracts with third-parties ; and
- Departments' utilization of OCEIA services in FY 2013-14.

During the Round 1 phase we also requested information from the Department of Human Resources (DHR) on the City's certified bilingual employees, including (1) a

² Some departments provided this information but the information was not complete; a City-wide list was provided by DHR.

list of all FTEs by department who have been certified as eligible to receive a bilingual pay premium; and (2) a list of all designated bilingual positions, which are FTE positions that have specific language requirements attached to them.

Out of 53 Tier 1 and Tier 2 departments identified for the survey, 45 departments or 85% of departments provided responses to the Round 1 survey. See Appendix A for list of Tier 1 respondents and Appendix B for Tier 2 respondents.

Round 2 Survey

The Round 2 survey took a closer look at departments' assessments of the language access services they provide as well as perceived needs and possible efficiencies, including (1) the departments' overall level of public contact; (2) the departments' level of contact with limited English speakers; (3) the primary services performed by bilingual staff; and (4) the need for additional services.

The Round 2 phase also included a deeper investigation of City contracts for language access services.

Out of the 53 Tier 1 and Tier 2 departments identified for the survey, 27 departments or 51% of departments provided responses to the Round 2 survey. See Appendix A for list of Tier 1 respondents and Appendix B for Tier 2 respondents.

Limitations

Although the information gathered for this report will allow some general conclusions and comparisons, there are several limitations in the data and analysis.

- All expenditure and service data was self-reported by departments, and therefore should not be regarded as exhaustive or conclusive. Additionally, although we received an excellent response to the first-round survey, we received many fewer responses to the second-round survey, particularly from Tier 2 departments.
- There are no standardized budgeting or performance tracking standards for language access expenditures in the City. There is therefore a large amount of variation and little consistency in how departments provide, identify, and pay for language access services, and in the level of detail they are able to provide about expenditures.
- The FTE information received from DHR does not identify whether bilingual positions were vacant or filled, nor can bilingual position information be linked to bilingual expenditure data.

Findings

The City's language access expenditures are concentrated in a few departments.

In FY 2013-14, departments reported \$7,605,000 in actual expenditures for language access, including bilingual premium pay, telephonic interpretation primarily through use of OCEIA's Language Line contract, document and on-site translation provided by outside contractors, and other services, as shown in Tables 1 and 2 below. Of this amount, Tier 2 departments accounted for 2% of actual expenditures, or \$137,699.

Table 1: Total Language Access Expenditures by Tier for FY 2012-13 and FY 2013-14

	<u>FY 2012-13</u>		<u>FY 2013-14</u>	
	Expenditures	% of Total	Expenditures	% of Total
Tier 1	\$6,744,530	98%	\$7,467,301	98%
Tier 2	\$131,754	2%	\$137,699	2%
Total	\$6,876,285	100%	\$7,605,000	100%

Source: Budget and Legislative Analyst's Survey of City Departments

Table 2: City Departments' FY 2013-14 Expenditures by Type

	Bilingual Pay	On-site and	Document	Total
		Telephonic Interpretation (Includes Language Line)	Translation and Other Miscellaneous	
Tier 1	\$2,222,824	\$2,789,382	\$2,455,095	\$7,467,301
Tier 2	\$39,019	\$97,075	\$1,605	\$137,699
Total	\$2,261,843	\$2,886,457	\$2,456,700	\$7,605,000

Source: Budget and Legislative Analyst's Survey of City Departments

Five departments accounted for 93.1% of total Tier 1 actual expenditures in FY 2013-14, or \$6,954,788 of \$7,467,301, including the Department of Public Health, the Human Services Agency, the Department of Elections, the Police Department, and the Rent Arbitration Board.

The remaining 20 Tier 1 departments accounted for spending totaling \$512,513 of \$7,467,301, or 6.9% of total Tier 1 expenditures.

Within Tier 2 departments, 80% of total language access expenditures, or \$110,159 of \$137,699, were within the City Administrator's Office³.

³ This figure excludes the Department of Public Works, Department of Technology, and overall OCEIA budget, but includes the following public-facing divisions: 311, Animal Care & Control, City Hall Management, Convention Facilities, County Clerk, Earthquake Safety and Implementation, Medical Examiner, Mayor's Office on Disability, and Treasure Island Authority. The data therefore encompasses one Tier 1 Department, and eight Tier 2 Department / Divisions.

The City's certified bilingual employees are concentrated in a few departments.

One of the mandates of the Language Access Ordinance is provision of information and services to the Limited English Proficient public through certified bilingual employees.⁴

The City has two primary bilingual categorizations: employees who have been certified as **eligible** for bilingual pay, and **designated bilingual positions**, which are positions with specific language requirements that must be met by employees. Departments are responsible for nominating eligible employees and designating bilingual positions; DHR manages testing and certification.

As shown in Table 3 below, according to DHR 2,058 City employees have been certified as eligible to receive bilingual pay, or 7.2% of the City's workforce of 28,497, of which 842 positions are designated bilingual positions.

As with overall language access expenditures, eligible employees and designated bilingual positions are concentrated in a few Tier 1 departments.

Table 3: Eligible Bilingual Employees and Designated Bilingual Positions by Tier

	Eligible Employees	% of Total	Designated Positions	% of Total
Tier 1	1,997	97%	819	97%
Tier 2	54	3%	22	3%
Other	7	0%	1	0%
Total	2,058	100%	842	100%

Source: Department of Human Resources

91.7% of the 2,058 eligible bilingual pay employees are concentrated in seven departments and 95% of all designated bilingual positions are concentrated in five departments. Over 88% of all designated bilingual positions are either some form of Chinese or Spanish. See Appendix C and Appendix D for additional detail.

As shown in Table 4 below, in FY 2013-14 Tier 1 and Tier 2 departments reported \$2,261,843 in expenditures for bilingual pay, or 30% of overall language access expenditures identified in Table 1. Over 94% of bilingual pay expenditures were concentrated in six departments.

⁴ Ordinance No. 202-09 Section 91.3(a) Line 21

Table 4: FY 2013-14 Expenditures for Bilingual Pay by Department

Department	Tier 1 or 2	Bilingual Pay	
		Actuals	% of Total
Public Health	Tier 1	\$1,063,857	47.0%
HSA	Tier 1	665,330	29.4%
Police	Tier 1	247,523	10.9%
Library	Tier 1	84,220	3.7%
Emergency Management	Tier 1	39,020	1.7%
City Administrator	Tier 2	33,403	1.5%
All others	-	128,490	5.7%
All Departments	-	\$2,261,843	100%

Source: Budget and Legislative Analyst's Survey of City Departments

Of the remaining departments, five departments reported bilingual pay expenditures between \$10,001 and \$22,000; 13 departments reported bilingual pay expenditures between \$1 and \$10,000; and 11 departments reported no expenditures for bilingual pay.

The exact amount of bilingual pay an eligible employee receives depends upon the number of hours within a pay period that the employee utilizes the certified language, as well as the specific provisions of their governing employee contract. According to DHR, there are currently 22 separate employee contracts that contain language concerning bilingual premium pay. For example, there are six contracts that pay \$60/biweekly for over 40 hours of language use, and \$40/biweekly for less than 40 hours, and five contracts that pay \$35/biweekly.

The majority of the City's certified bilingual employees are in direct service positions, and primarily provide oral interpretation services and secondarily translation services, including review of work performed by contractors.

The City's 2,058 eligible bilingual pay employees are distributed across 196 distinct classifications. Table 5 below details the 16 most frequent eligible classifications, accounting for 1,156 positions, or nearly 55% of all eligible bilingual pay positions.

Table 5: Eligible Bilingual Positions by Classification

Classification	No. of Eligible Positions	% of Total
Eligibility Worker	156	7.6%
Police Officer 3	121	5.9%
Senior Eligibility Worker	115	5.6%
Registered Nurse	92	4.5%
Medical Evaluations Assistant	86	4.2%
Health Worker 2	81	3.9%
Deputy Sheriff	80	3.9%
Health Worker 3	48	2.3%
Psychiatric Social Worker	48	2.3%
Senior Social Worker	47	2.3%
Protective Services Worker	44	2.1%
Senior Clerk	44	2.1%
Sergeant 3	43	2.1%
Hospital Eligibility Worker	42	2.0%
Medical Social Worker	38	1.8%
Police Officer 2	38	1.8%
All other FTE Classes (n=180)	935	45.4%
Total	2,058	100%

Source: Budget and Legislative Analyst, based on data provided by DHR

As shown in Table 6 below, the City's 842 designated bilingual positions are spread across 86 classifications. The eight most common designated classifications account for a total of 442 positions, or 52.5% of all designated bilingual positions.

Table 6: Designated Bilingual Positions by Classification

Classification	No. of Designated Positions	% of Total
Senior Eligibility Worker	100	11.9%
Eligibility Worker	93	11.0%
Health Worker 2	60	7.1%
Registered Nurse	42	5.0%
Senior Social Worker	40	4.8%
Protective Services Worker	38	4.5%
Psychiatric Social Worker	38	4.5%
Health Worker 3	31	3.7%
All other Classes (n=78)	400	47.5%
Total	842	100%

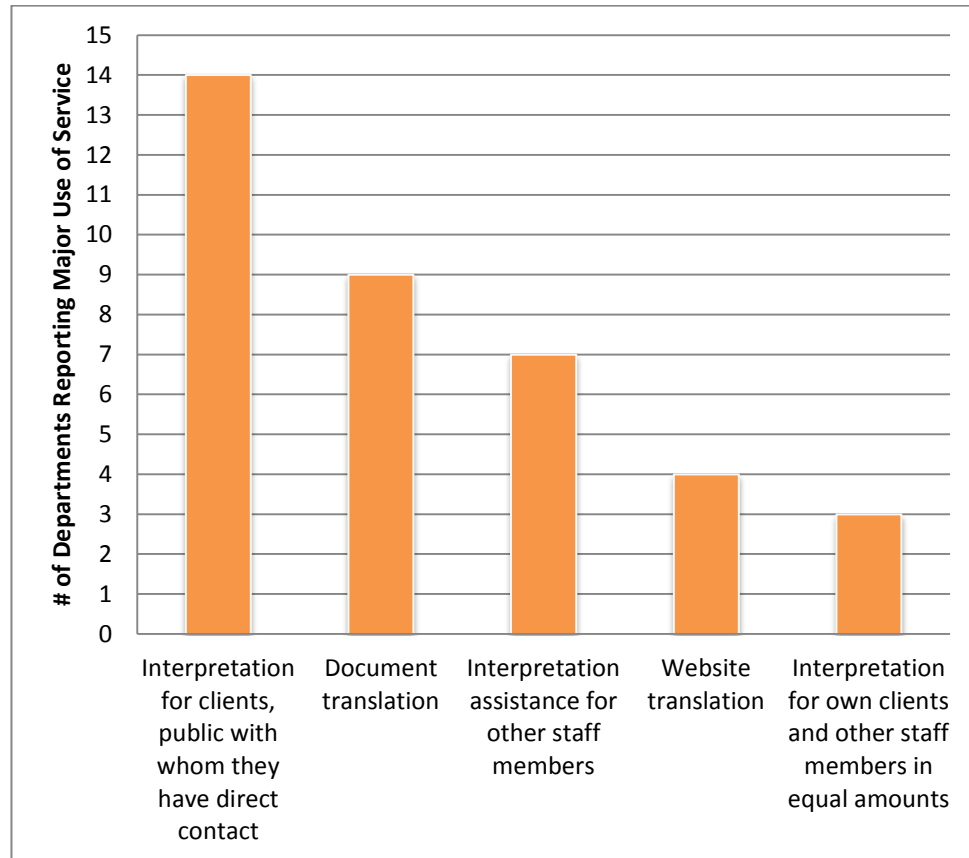
Source: Budget and Legislative Analyst, based on data provided by DHR

As shown in Tables 5 and 6 above, the City's eligible bilingual employees and designated bilingual positions are concentrated in public health, social services, and law enforcement positions. The majority of these are direct service positions, where employees will be expected to utilize their language skills over the course of performing their job duties with, or on behalf of, clients and City residents.

Follow-up surveys with departments confirmed the expected nature of language skill use by City employees. As can be seen below in Chart 1 below, interpretation

activities for the general public and for other staff members constitute the majority of use of certified bilingual employees. Departments also reported high use of City employees for document translation and website translation.

Chart 1: Services Provided by Certified Bilingual Employees



Source: Budget and Legislative Analyst Survey of City Departments

Departments also stated that certified bilingual employees are sometimes asked to review translations done by contractors to correct errors and ensure accuracy.

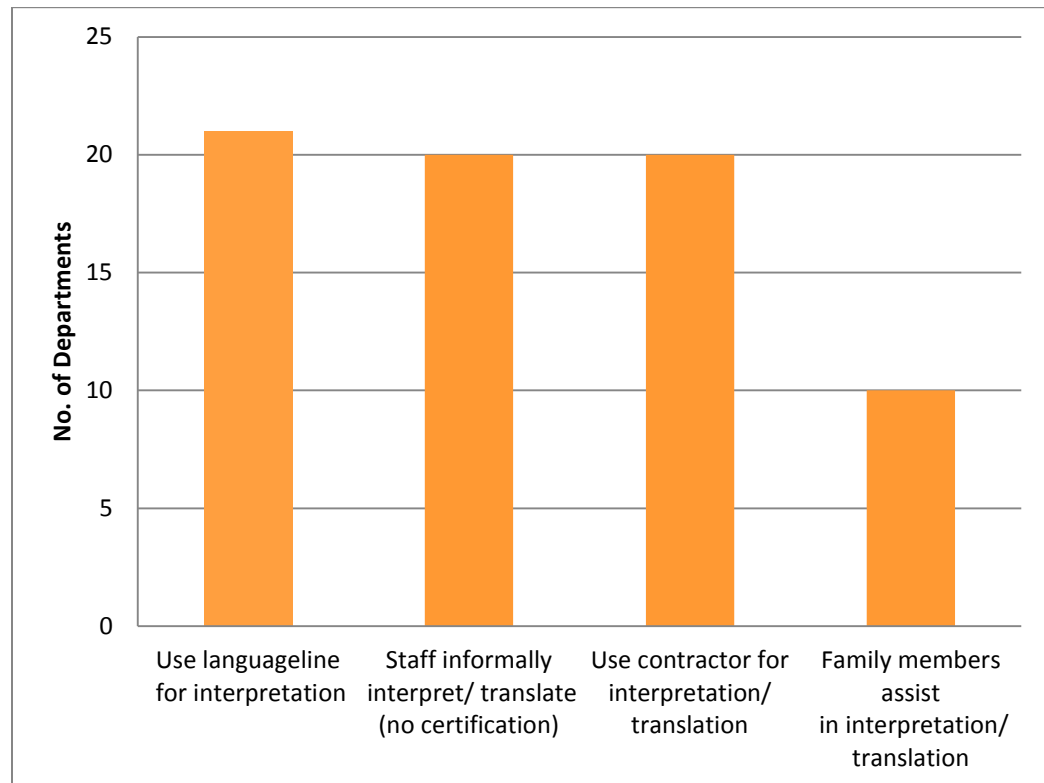
There are limitations in using certified bilingual employees to meet Language Access Ordinance needs, and the City supplements the work of certified bilingual employees in several ways – including contracts with outside vendors.

Several departments also reported that bilingual employees are not always utilized to the fullest extent, particularly because bilingual speakers may be assigned to a location or shift that does not have frequent contact with Limited English Proficient members of the public, or their primary job responsibilities can render them too busy to assist the department in meeting the needs of Limited English Proficient members of the public. See Appendix E for full Department responses regarding low utilization of certified bilingual employees' language skills.

Departments were also surveyed regarding the other ways the needs of the Limited English Proficient public are met, in addition to the use of certified

bilingual employees. As shown in Chart 2 below, 21 departments utilize Language Line, 20 departments reported drawing upon the language skills of existing uncertified staff, 20 use contractors for interpretation and translation services, and 10 reported requesting family members to assist in translation and interpretation. Departments reported a strong preference against this final option in interviews.

Chart 2: Other Ways that Departments Meet needs of the Limited English Proficient Public



Source: Budget and Legislative Analyst Survey of City Departments

The City often draws upon the skills of non-certified employees

As shown above in Chart 2, departments reported that City staff sometimes informally provide interpretation and translation services for clients over the course of performing their job duties, without having received bilingual certification. Departments explained that staff do not pursue certification for several reasons: increased demands on workload after certification, a lengthy and cumbersome certification process, and insufficient compensation.⁵

⁵ Premium pay, including bilingual pay, is negotiated as part of the total compensation package in the City's collective bargaining agreements with employee unions. The Department of Human Resources generally evaluates premium pay prior to negotiations by soliciting input from departments and conducting surveys to determine the comparability of pay to similar agencies.

Different City departments are obtaining services from various third-party contractors for similar services

In FY 2013-14, City departments reported 33 different contracts for language services with total contract amounts of \$949,064.⁶

Table 7: Language Access Contract Amounts by Service for FY 2013-14

Service	# of Contracts	Contract Amount
Document translation	26	\$527,238
Medical translation/transcription	4	\$371,826
Oral Interpretation	1	\$30,000
Cultural competency training	2	\$20,000
Total	33	\$949,064

Source: Budget and Legislative Analyst Survey of City Departments

The vendors for the 33 contracts are listed in Table 8 below.

Table 8: Language Access Contracts by Vendor for FY 2013-14

Vendor	# of Contracts	Contract Amount
Misc - Interpreters VMI	1	\$308,000
International Effectiveness	7	\$275,502
InterEthnica	1	\$174,146
The Staywell Co/Krames Communications	1	\$49,473
Bullseye Translation LLC	1	\$30,000
Trustforte Language Services	1	\$30,000
Avanpage Inc.	1	\$28,984
Chandasi Pandya Patel	1	\$10,000
Cross-Cultural Communications LLC	1	\$10,000
Pacific Medical Transcription	1	\$7,183
MoreDirect (Systems Consulting)	1	\$7,170
Intergraphics	7	\$5,009
Accent on Languages	2	\$4,616
Capellic Inc: Scripta International (Sub)	1	\$3,407
Auerbach International Inc.	1	\$2,738
Kramer Translation	1	\$1,250
Branded Translations	1	\$1,112
Prevent Child Abuse California	1	\$350
Rosa Pascual	2	\$125
Total	33	\$949,064

Source: Budget and Legislative Analyst Survey of City Departments

The contracts by department are listed in Table 9 below.

⁶ This excludes contracts made for American Sign Language, Braille, and other related services, and the OCEIA contract with Language Line. See Appendix G for full list.

Table 9: Language Access Contracts by Department for FY 2013-14

Department	# of Contracts	Contract Amount
DPH	6	\$438,633
HSA	3	\$240,000
Department of Elections	1	\$174,146
MTA	1	\$50,000
Immigrant and Language Services	2	\$20,000
Medical Examiner	1	\$7,183
OEWD	2	\$4,590
SF Environ	1	\$3,407
DBI	1	\$3,195
Treasurer/Tax Collector	4	\$2,857
Treasure Island	1	\$2,738
DCYF	8	\$1,198
MCO/HCA Living Wage/Living Health	1	\$658
Assessor Recorder	1	\$460
Total	33	\$949,064

Source: Budget and Legislative Analyst Survey of City Departments

Copies of 16 vendor contracts in FY 2013-14 were provided by four departments. Eight of these contracts covered Language Access Ordinance-mandated languages (Spanish, Chinese and Tagalog) as well as many others. One contract offered only Spanish, Chinese, and Tagalog. Two offered only Spanish and Chinese. Two offered only ASL⁷, and three did not identify any languages in the contract.

In FY 2013-14, City departments reported 20 different contracts for language services with total contract amounts of \$601,660.⁸

Table 10: Language Access Contracts by Service for FY 2014-15

Service	# of Contracts	Contract Amount
Document translation	13	\$452,703
Oral Interpretation	3	\$71,200
Medical translation/transcription	3	\$64,203
Cultural competency training	1	\$13,554
Total	20	\$601,660

Source: Budget and Legislative Analyst Survey of City Departments

The vendors for the 20 contracts are listed in Table 11 below.

⁷ ASL contracts are not included in Tables 6 through 11 because ASL is not covered by the Language Access Ordinance.

⁸ This excludes contracts made for American Sign Language, Braille, and other related services, and the OCEIA contract with Language Line. See Appendix G for full list.

Table 11: Language Access Contracts by Vendor for FY 2014-15

Vendor	# of Contracts	Contract Amount
International Effectiveness	4	\$241,157
InterEthnica	1	\$155,911
The Staywell Co/Krames Communications	1	\$45,000
Disability Access Office	1	\$41,000
Bullseye Translation LLC	2	\$30,200
Trustforte Language Services	1	\$30,000
Cross-Cultural Communications LLC	1	\$13,554
Landesk touchpaper - VMI software	1	\$10,000
Accent on Languages	2	\$9,500
Pacific Medical Transcription	1	\$9,203
Auerbach International Inc.	2	\$6,431
Spanish Concepts	1	\$5,000
Capellic Inc: Scripta International (Sub)	1	\$3,407
Corey, Canapary, & Galanis	1	\$1,297
Total	20	\$601,660

Source: Budget and Legislative Analyst Survey of City Departments

The contracts by department are listed below.

Table 12: Language Access Contracts by Department for FY 2014-15

Department	# of Contracts	Contract Amount
HSA	3	\$240,000
Department of Elections	1	\$155,911
DPH	3	\$65,000
MTA	1	\$50,000
GSA	1	\$41,000
SFPUC	3	\$15,500
Immigrant and Language Services	2	\$13,754
Medical Examiner	1	\$9,203
SF Environ	1	\$3,407
DBI	1	\$3,000
Treasure Island	1	\$2,431
SFO	1	\$1,297
MCO/HCA Living Wage/Living Health	1	\$1,157
Total	20	\$601,660

Source: Budget and Legislative Analyst Survey of City Departments

Consolidating language services contracts into master contracts would standardize rates and improve quality.

Although many contracts provide similar services, departments utilize a number of different vendors to provide these services. There is opportunity for consolidation, both administratively and in terms of verified service providers.

Furthermore, the work performed by these vendors is not always up to the standards desirable for public documents and public agencies. As noted above,

departments reported that bilingual staff are often tasked with correcting errors in translations done by outside vendors. The Language Access Ordinance encourages department staff to review the work of contracts for accuracy, but departments should have confidence that contractors are producing quality translations.

Several departments also reported that obtaining services from third-parties can be expensive. For cost reasons and administrative ease departments have appealed to Proposition Q in contracting bilingual services rather than competitive solicitation.⁹

Contract rates for similar services vary by vendor and department. For example, HSA's rates for three different contracts range from \$45 per hour to \$55 per hour for Spanish, Cantonese and Mandarin interpretation, while the Department of the Environment's rate for one contract is \$140 per hour for verbal translation. Several contracts require a two-hour minimum even if the interpretation services are less than two hours.

A consolidation into a master contract administered by OCEIA would be similar to the arrangement the City currently has with the vendor Language Line for telephonic interpretation. The City had a master contract with Language Line Services in the amount not-to-exceed \$4,000,000 effective January 1, 2010 through June 30, 2014, to purchase continuous, unscheduled, 24-hour, 365 days per year telephonic language interpretation services to serve Limited English Proficient members of the public. During this time period 24 different departments reported use of the Language Line contract, including seven Tier 2 departments. This contract is administered by OCEIA and was recently renewed in the amount not-to-exceed \$5,000,000 effective July 1, 2014, through June 30, 2018.

Language services contracts should be consolidated into a master contract administered by OCEIA

The City Administrator should work with the Mayor's Office of Public Policy and Finance to consolidate existing language services contracts into one or more master contracts administered by OCEIA. Consolidating these contracts would standardize rates and services, allow OCEIA to monitor the quality and accuracy of interpretation and translation services, and achieve cost savings through more efficient contracting processes. OCEIA can work with departments to develop the criteria and scope of services for interpretation and translation services to administer the Request for Proposal (RFP) process. OCEIA would manage the selection process and administer the master contracts, decreasing administrative costs for departments while increasing control on quality of vendors with whom the City contracts. Furthermore, vendors charge a range of rates, and a master

⁹ Proposition Q allows departments to contract with vendors for amounts under \$10,000 without advertising or soliciting requests for qualifications or proposals (Administrative Code Section 21.5(a)).

contract would allow for cost savings in a standard rate charged across City departments.

A master contract would also create more equitable access for all departments to meet the requirements of the City's Language Access Ordinance, reducing use of informal interpretation such as use of non-certified staff and family members while ensuring that the Limited English Proficient public is receiving professional quality bilingual services.

A master contract for document translation, similar to the Language Line contract for telephonic interpretation, would be cost-effective. In FY 2013-14, 78% of the City's contracts for language services were for document translation. These contracts were with 12 different vendors for 7 departments. OCEIA has been able to negotiate lower rates on Language Line as a master contract, and this cost saving would also be possible for document translation services. Currently, the cost of administering the Language Line contract by an 1822 Administrative Analyst is estimated to be \$7,831. See Appendix I for calculations. Thus, the estimated cost to OCEIA to administer a master contract for language services is not high.

Departments would continue to have the option to enter into department-specific contracts in accordance with Administrative Code provisions.

Departments have indicated a need for additional language access resources for interpretation and translation services.

As shown in Table 13 below, of the 27 departments who responded to our Round 2 survey, 24 departments reported to have contact with the public every day.

Table 13: Level of Contact with Public

<u>Level of Contact</u>	<u>Count of Department</u>	<u>% of Total</u>
Every day	24	89%
Several Times a Month	1	4%
Occasional	1	4%
No services to public	1	4%
Total	27	100%

Source: Budget and Legislative Analyst Survey of City Departments

As shown in Table 14 below, of the 24 departments who reported to have to contact with the public on a daily basis, 18 departments or 75% reported to have daily contact with Limited English Proficient individuals. Four departments, or 17%, reported to have contact with Limited English Proficient individuals several times a month. Two departments, or 8%, reported to have contact with Limited English Proficient individuals occasionally.

Table 14: Level of Contact with Limited English Proficient Individuals

<u>Level of Contact</u>	<u>Count of Department</u>	<u>% of Total</u>
Every day	18	75%
Several Times a Month	4	17%
Occasional	2	8%
No services to public	0	0%
Total	24	100%

Source: Budget and Legislative Analyst Survey of City Departments

However, as has been noted above, resources to address language access needs are not evenly allocated throughout the City. Furthermore, while not common, some departments have reported having to turn members of the Limited English Proficient public away or are not adequately tracking the data to report the frequency of turning Limited English Proficient public away. See Appendix H.

As Spanish and Chinese are the two most frequently used Language Access Ordinance-mandated languages, departments were surveyed on their perceived need for additional support from OCEIA in meeting Limited English Proficient public needs in these two languages. Departments stated in particular that they could use additional assistance with Spanish and Chinese interpretation and translation activities, either to supplement existing staff or because department have no staff to perform these duties. In fact, no departments reported having sufficient staff available to perform the needed document translation activities. Several departments who do not have daily public contact or existing bilingual staff also expressed an interest in additional assistance for translation and interpretation services for occasional community events. See Appendix F for full department response to need for OCEIA services in Spanish and Chinese.

At present, existing OCEIA staff are not frequently utilized by City departments. In Round 1 of our survey, only 9 departments indicated that they had received assistance from OCEIA, primarily for document translation and or oral interpretation. According to the Director of OCEIA, OCEIA has the expertise but not the “bandwidth” to handle the range of services requested by departments. Currently, OCEIA has nine administrative positions, responsible for OCEIA’s grant, language services, immigrant affairs and civic engagement functions. OCEIA’s role in overseeing the Language Access Ordinance is primarily to ensure compliance with the ordinance, although OCEIA also provides some interpretation or translation services as needed.

As described above and in Appendix F, departments expressed highest interest in receiving OCEIA assistance in translation services. Furthermore, as shown in Chart 1 above, departments primarily use certified bilingual employees for interpretation services and secondarily for translation services. There may be an increased efficiency in allowing existing certified bilingual employees to focus on interpretation services while creating more centralized resources for translation, and additional complementary resources for occasional interpretation assistance.

OCEIA could expand its role in assisting City departments in interpretation and translation as a supplement to City departments’ certified bilingual employees or

contractor services. The City Administrator and OCEIA should evaluate creation of permanent civil service positions to provide interpretation and translation services. These positions could be funded, in whole or in part, through reductions in contractual services.

For example, the annual salary, bilingual pay, and benefit costs for an 1820 Junior Administrative Assistant are \$100,049. Comparable services provided by a contractor are an estimated \$97,614¹⁰. Benefits would include in-house availability, avoidance of 2-hour minimum charges required by contractors, and OCEIA oversight of interpretation/translation quality.

Conclusion

City departments meet the requirements of the Language Access Ordinance in two ways: use of in-house staff primarily for interpretation and some translation, and use of contracts largely to translate documents. The diversity of the City's workforce provides a large number of employees who are bilingual and can provide interpretation as needed. However, departments report that certified bilingual employees are not always available to provide services.

City departments also use contractors to provide language services. Contractor services can be expensive and of unreliable quality. Consolidating language services contracts into master contracts administered by OCEIA would standardize rates and improve quality.

There is also a need to create standardized tracking and reporting of expenditures across the City to better gauge needs and service levels. Neither bilingual pay nor contracts for translation and interpretation services are detailed in the City's budget. City departments track employees' hours to correctly pay the bilingual pay premium, but contract expenditures for translation and interpretation services are less closely tracked. OCEIA and the Controller's Office should work with City departments to ensure that contracts for translation and interpreting services are coded correctly in the City's purchasing system so that expenditures against these contracts can be accurately tracked.

Finally, departments should seek certification for more of its employees that are already doing bilingual work. Maintaining a list of interpreters in-house is prudent, especially staff who are familiar with the nature of the work, immediately available, and already doing work for which they can receive premium pay.

¹⁰ The Budget and Legislative Analyst estimates of comparable contractual services and costs are based on 1,775 hours of service (85% a full time position's 2,088 hours) times \$55 per hour of service.

Recommendations

- The City Administrator should work with the Mayor's Office of Public Policy and Finance to consolidate existing language services contracts into one or more master contracts administered by OCEIA.
- The City Administrator should work with the Department of Human Resources to evaluate if existing City classifications could provide interpretation and translation services or if new City classifications would need to be created. Any new positions created in the OCEIA budget to provide interpretation and translations services could be funded in whole or in part by savings in contractual services; and would be subject to Board of Supervisors' appropriation approval.
- OCEIA and the Controller's Office should work with City departments to ensure that contracts for translation and interpreting services are coded correctly in the City's purchasing system so that expenditures against these contracts can be accurately tracked.
- OCEIA should work with City departments to more aggressively promote the certification of bilingual employees.

Appendix A: Tier 1 Departments Surveyed

<u>Tier 1 Departments</u>		
Department	Responded to Round I Survey	Responded to Round II Survey
Adult Probation Department	✓	✓
Airport (San Francisco International)	✓	✗
Assessor Recorder (Office of the)	✓	✓
Building Inspection (Dept. of)	✓	✗
Building Management (City Hall)	✓	✗
District Attorney's Office	✓	✓
Economic and Workforce Development (Mayor's Office of)	✓	✓
Elections	✓	✓
Emergency Management (Dept. of)	✓	✓
Environment (Dept. of)	✓	✓
Fire Department	✓	✓
Human Services Agency	✓	✗*
Juvenile Probation Department	✓	✓
Municipal Transportation Agency	✓	✓
Planning Department	✓	✓
Police Department	✓	✓
Public Defender's Office	✓	✓
Public Health (Dept. of)	✓	✗*
Public Library	✓	✓
Public Utilities Commission	✗	✓
Public Works (Dept. of)	✓	✓
Recreation and Park Department	✓	✗
Residential Rent Stabilization and Arbitration Board	✓	✓
Sheriff's Office	✓	✗
Treasurer and Tax Collector (Office of the)	✓	✓
Zoo	✓	✓

**BLA did not follow up with these departments as the nature of their interaction with Limited English Proficient members of the public did not require clarification.*

Source: Budget and Legislative Analyst Survey of City Departments

Appendix B: Tier 2 Departments Surveyed

<u>Tier 2 Departments</u>			
Department	Responded to Round I Survey	Responded to Round II Survey	
311 (Customer Service)	✓	✗	
Animal Care and Control	✗	✗	
Child Support Services	✗	✗*	
Children, Youth and Their Families	✓	✓	
Citizen Complaints (Office of)	✗	✗	
City Administrator	✓	✓	
City Attorney (Office of the)	✓	✓	
Clerk of the Board of Supervisors	✓	✓	
Controller's Office	✓	✗*	
County Clerk	✓	✗	
General Services Agency	✓	✓	
Human Resources (Dept. of)	✓	✗*	
Human Rights Commission	✓	✗	
Mayor's Office	✓	✗	
Mayor's Office of Criminal Justice	✗	✗	
Mayor's Office of Disability	✓	✗	
Mayor's Office of Housing and Community Development	✓	✗	
Mayor's Office of Neighborhood Services	✓	✓	
Medical Examiner	✓	✗	
Office of Contract Administration	✗	✗	
Office of Labor Standards Enforcement (GSA)	✓	✗	
Office of Public Finance	✗	✗	
Port Of San Francisco	✓	✓	
Purchasing	✗	✗	
Small Business (Office of)	✓	✗	
Status of Women, Department on	✓	✓	
Technology (Dept. of)	✓	✗*	

**BLA did not follow up with these departments as the nature of their interaction with Limited English Proficient members of the public did not require clarification.*

Source: Budget and Legislative Analyst Survey of City Departments

Appendix C: Bilingual Positions by Language

Table 1: Designated Bilingual Positions by Language

<u>Language</u>	<u>Designated Bilingual Positions</u>	<u>% of Total</u>
Korean	1	0.1%
Laotian	1	0.1%
Chinese (other)	2	0.2%
Japanese	3	0.4%
American Sign Language	4	0.5%
Khmer (Cambodian)	5	0.6%
Tagalog (Philippines)	14	1.7%
Russian	33	3.9%
Vietnamese	38	4.5%
Chinese (Mandarin)	75	8.9%
Chinese (Cantonese)	327	38.8%
Spanish	339	40.3%
Total	842	100%

Source: Budget and Legislative Analyst, based on data provided by DHR

Appendix D: Designated Bilingual Positions and Eligible Bilingual Employees by Department

Table 1: Designated Bilingual Positions by Department

<u>Department</u>	<u>Tier 1 or 2</u>	<u>Designated Bilingual Positions</u>	<u>% of Total</u>
Public Health	Tier 1	379	45.0%
HSA	Tier 1	337	40.0%
Library	Tier 1	58	6.9%
Child Support Services	Tier 2	16	1.9%
MTA	Tier 1	10	1.2%
All others	-	24	5.0%
All Departments	-	842	100%

Source: Budget and Legislative Analyst, based on data provided by DHR

Table 2: Eligible Bilingual Employees by Department

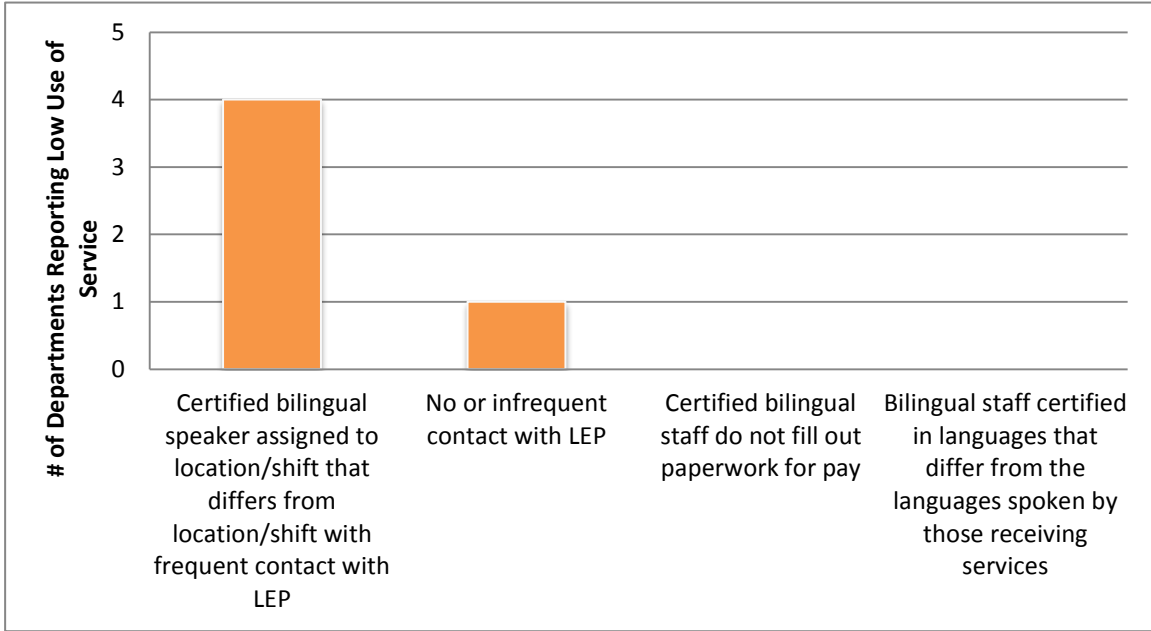
<u>Department</u>	<u>Tier 1 or 2</u>	<u>Eligible Bilingual FTE</u>	<u>% of Total</u>
Public Health	Tier 1	872	42.4%
HSA	Tier 1	461	22.4%
Police	Tier 1	304	14.8%
Sherriff	Tier 1	126	6.1%
Library	Tier 1	63	3.1%
City Administrator	Tier 2	33	1.6%
Economic Development	Tier 1	28	1.4%
All others	-	171	8.3%
All Departments	-	2058	100%

Source: Budget and Legislative Analyst, based on data provided by DHR

Appendix E: Low Use of Certified Bilingual Employees

Five departments provided responses to a Round 2 survey question regarding low use of Certified Bilingual Employees.

Reason for low use of Certified Bilingual Employees

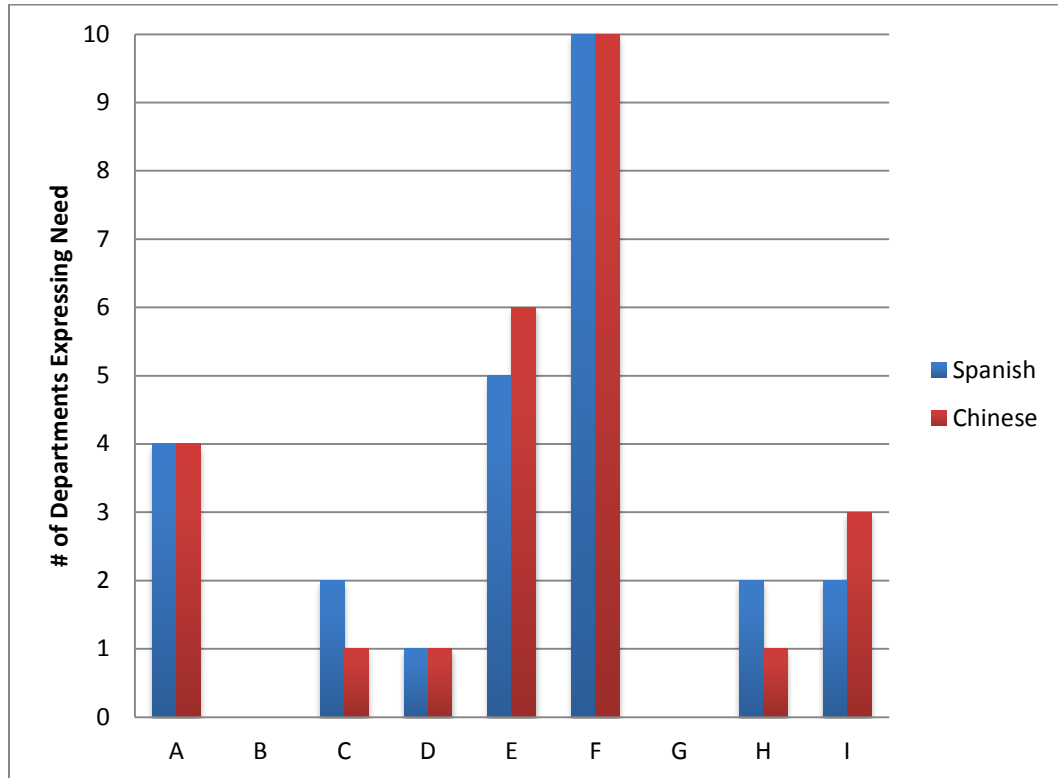


Source: Budget and Legislative Analyst Survey of City Departments

Appendix F: Department Need for OCEIA Services in Spanish and Chinese

Departments were surveyed for self-assessment of staffing and need for OCEIA’s services, and the survey options and department responses are shown in the Table below.

Need for OCEIA services in Spanish and Chinese



Source: Budget and Legislative Analyst Survey of City Departments

- A Interpretation, Sufficient department staff
- B Translation, Sufficient department staff
- C Interpretation & Translation, Sufficient department staff
- D Interpretation, Could use OCEIA help in addition to department staff
- E Translation, Could use OCEIA help in addition to department staff
- F Interpretation & Translation, Could use OCEIA help in addition to department staff
- G Interpretation, Could use OCEIA help, have no department staff
- H Translation, Could use OCEIA help in addition to department staff, have no department staff
- I Interpretation & Translation, Could use OCEIA help in addition to department staff, have no department staff

Ten departments reported to need OCEIA help with both interpretation and translation services in addition to their own staff. While some variation exists between the demand for the other survey options for services in Chinese and Spanish, departments expressed second highest need for translation services.

Appendix G: Contracts including American Sign Language, Braille, and other related services

Language Access Contracts by Service, including American Sign Language, for FY 2013-14

<u>Service</u>	<u># of Contracts</u>	<u>Amount of Contracts</u>
Document translation	26	\$527,238
Medical translation/transcription	4	\$371,826
American Sign Language, Braille, related	16	\$177,934
Oral Interpretation	1	\$30,000
Cultural competency training	2	\$20,000
Grand Total	49	\$1,126,998

Language Access Contracts by Service, including American Sign Language, for FY 2014-15

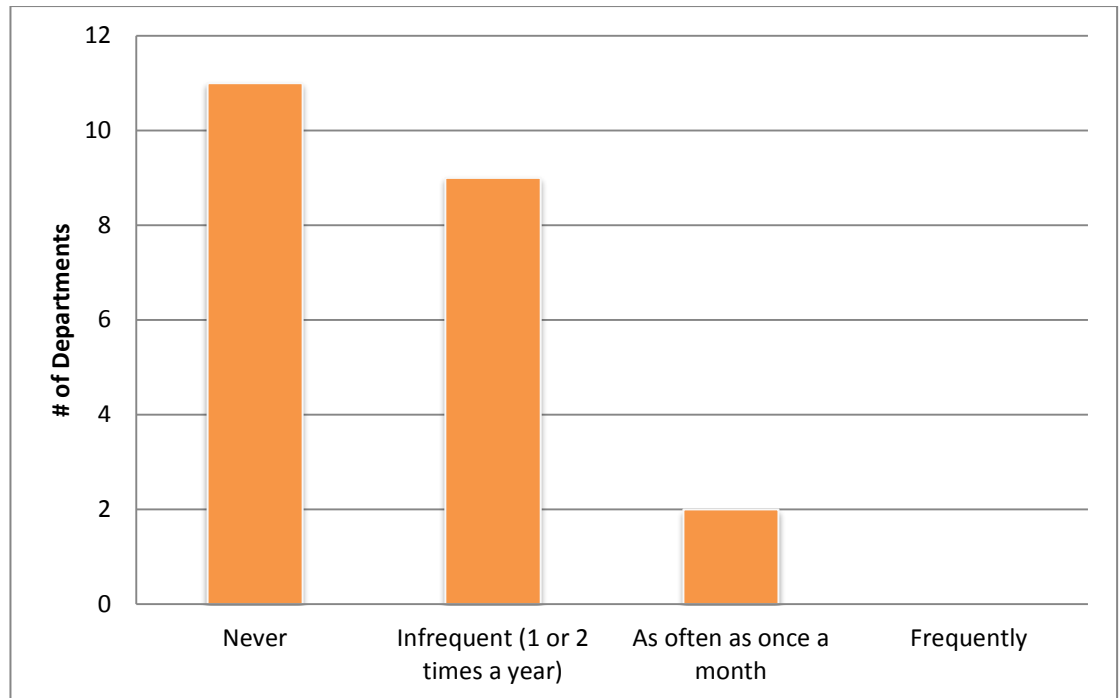
<u>Service</u>	<u># of Contracts</u>	<u>Amount of Contracts</u>
Document translation	13	\$452,703
Oral Interpretation	3	\$71,200
American Sign Language, Braille, related	13	\$69,434
Medical translation/transcription	3	\$64,203
Cultural competency training	1	\$13,554
Grand Total	33	\$671,094

Source: Budget and Legislative Analyst Survey of City Departments

Appendix H: Frequency of turning away Limited English Proficient members of the public

Departments were also surveyed on the frequency at which Limited English Proficient members of the public were not able to receive services in their languages, and the responses are shown in the Table below.

How often are Limited English Speaking public not able to receive services in their language



Source: Budget and Legislative Analyst Survey of City Departments

Interviews with departments revealed that departments are not adequately tracking these instances, and some reported that Language Line has not been able to cover a rare language or dialect.

Appendix I: Cost to administer the Language Line contract

	<u>Hours per year (estimated)</u>
RFQ process	50
Monthly Monitoring (5-10 per month)	90
TOTAL hours per year	140
TOTAL labor hours per year	2000
Portion of time spent on Language Line Contract	7%
	<u>Cost per year</u>
Estimated Pay for Class 1822 (FY 2014-15)	\$78,854
Estimated Benefits for Class 1822 (FY 2014-15)	\$33,018
Estimated Total for Class 1822 (FY 2014-15)	\$111,872
	<u>Cost per year</u>
Estimated Total for Class 1822 (FY 2014-15)	\$111,872
Portion of time spent on Language Line Contract	7%
Cost of Language Line Administration	\$7,831

Source: OCEIA staff and Adopted Budget and Appropriation Ordinance Fiscal Years 2014-2015