

EQUAL ACCESS TO SERVICES ORDINANCE

The goal of the Equal Access to Services ordinance is to improve access to city services for one of the fastest growing populations in San Francisco: recent immigrants who are learning to speak and read English.¹

SUMMARY

The ordinance requires city departments to provide services in non-English languages when 10,000 city residents, 5 percent or more of the clients served by the department, or 5 percent of the residents of the supervisorial district in which the departments' offices are located, are LEP and share a primary language. The ordinance requires departments to develop an annual compliance plan with the following elements:

- Employ sufficient numbers of bilingual staff in public contact positions (made vacant by retirement or attrition – no existing employee would be dismissed to implement this ordinance).
- Require departments that provide extensive public services to translate vital documents, e.g., forms, applications and materials that affect a person's rights. Other departments will be required to only translate publicly-posted documents.
- Establish complaint procedures for limited-English-speaking individuals who are denied government services due to language or have other complaints about the department.

The EAS Ordinance applies to all city departments that provide services to the public and have at least 30 full-time employees. The EAS delineates a range of obligations including, but not limited to: conducting annual language needs assessments, utilizing written and oral language services to ensure individuals have equal access to services regardless of language ability.

The Immigrant Rights Commission is responsible for monitoring implementation of the ordinance, including investigating complaints and transmitting findings of non-compliance to the Mayor and the Board of Supervisors.

REQUIREMENTS UNDER THE EQUAL ACCESS TO SERVICES ORDINANCE

Written Translation

The Ordinance requires City departments that provide extensive public services (enumerated in the

¹ Federal and state law (*Title VI of the 1964 Civil Rights Act* and the *Dymally-Alatorre Bilingual Services Act*, respectively) require public agencies serving a substantial number of limited-English-speaking people to provide services in languages other than English. Guidances issued by the U.S. Departments of Justice, Health and Human Services, and Labor, among others, set forth guidelines for complying with Title VI that are, in many respects, stronger than current city practices. But these laws do not apply to all city departments, and, in many cases, have historically suffered from lack of enforcement. The ordinance sets standards that are consistent with the basic requirements of state law and develops practices that allow San Francisco's new residents to access government services at city department.

Ordinance as “Tier 1” departments),² to translate vital governmental documents into the languages spoken by at least 10,000 LEP residents or 5 percent of the clients served by the department. [Section 91.4.] At this time, the languages that fall under the broad, citywide 10,000 persons category are Spanish and Chinese. The seven categories of “vital” documents designated for translation by Tier 1 departments include:

- (1) applications or forms to participate in a Department’s program or activity or to receive its benefits or services;
- (2) written notices of rights to, determination of eligibility of, award of, denial of, loss of, or decreases in benefits or services, including the right to appeal any Department’s decision;
- (3) written tests that do not assess English language competency, but test competency for a particular license or skill for which knowledge of written English is not required;
- (4) notices advising limited English-proficient persons of free language assistance;
- (5) materials explaining a Department’s services or programs;
- (6) complaint forms; and
- (7) any other written documents that have the potential for important consequences for an individual seeking services from or participating in a program of a city department.

Oral Interpretation Services

The ordinance requires each City department with at least 30 full-time employees to provide information and services to the public not only in English, but also in the languages spoken by at least 10,000 LEP residents or 5 percent of the clients served by the department. [Section 91.3.] Again, the languages that fall under the citywide threshold are Spanish and Chinese (specifically Cantonese).

Also, a local office of a City department that provides direct services to the public and serves as the workplace for 5 or more full-time City employees must additionally provide information and services to the public in the languages spoken by at least 5 percent of the population of the supervisorial district in which the facility is located or at least 5 percent of the clients served by the local office, when either of those constituencies is LEP and shares a primary language other than English. [Section 91.3.]

In order to comply with the spoken language component of the Ordinance, departments must utilize sufficient numbers of bilingual staff in public contact positions (made vacant by retirement or attrition – no existing employee would be dismissed to implement this ordinance). A public contact position is defined in the ordinance as “a position in which a primary job responsibility consists of meeting, contacting, and dealing with the public in the performance of the duties of that position.” [Section 91.2(i).] The standard for determining whether departments are in compliance with this requirement of the Ordinance is whether they “provide the same level of service to Limited English Speaking Persons as they provide English speakers.” [Section 91.3(a).] The Ordinance may require the use of other means (such as language translation telephone lines) to communicate with the public in non-English languages in order to supplement bilingual staffing.

² "Tier 1 Departments" include the following: Adult Probation Department, Department of Consumer Assurance, Department of Elections, Department of Human Services, Department of Parking and Traffic, Department of Public Health, Department of Public Transportation, District Attorney's Office, Emergency Communications Department, Fire Department, Juvenile Probation Department, Police Department, Public Defender's Office, Department of Aging and Adult Services, Rent Stabilization and Arbitration Board, and Sheriff's Office.

Monitoring

Individual departments and the city's Immigrant Rights Commission are charged with monitoring compliance with the EAS. Departments must submit annual compliance plans by February 1st.

Amongst other items, the plans must include³:

- The number and percentage of LEP individuals who actually use the Department's services citywide, listed by language.
- The number and percentage of LEP residents of each district in which a covered departmental facility is located and persons who use the services provided by such facility.
- The number of public contact positions in the Department.
- The number of bilingual employees in public contact positions, their titles, office locations, the languages other than English that the person speaks.
- A description of any telephone based interpretation services offered, including the number of times such services were used and that languages for which they were used.
- A narrative assessment of the procedures used to facilitate communications with LEP individuals.
- A numerical assessment of the number of bilingual employees in public contact positions needed to meet the requirements of the EAS.
- A list of the Department's written materials required to be translated under the EAS.
- A description of procedures for accepting and resolving complaints of an alleged violation of the EAS.
- A copy of the written policies on providing services to LEP individuals.

³ For a complete listing of items required in annual compliance plans, see Chapter 9, Sec. 91.1